



[Français](#)

City of Toronto Act, 2006

S.O. 2006, CHAPTER 11 SCHEDULE A

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Preamble

The Assembly recognizes that the City of Toronto, as Ontario's capital city, is an economic engine of Ontario and of Canada. The Assembly recognizes that the City plays an important role in creating and supporting economic prosperity and a high quality of life for the people of Ontario.

The Assembly recognizes that the success of the City requires the active participation of governments working together in a partnership based on respect, consultation and co-operation.

The Assembly recognizes the importance of providing the City with a legislative framework within which the City can build a strong, vibrant and sustainable city that is capable of thriving in the global economy. The Assembly recognizes that the City is a government that is capable of exercising its powers in a responsible and accountable fashion.

The Assembly recognizes that it is in the interests of the Province that the City be given these powers.

PART I INTERPRETATION

Governing principles

1. (1) The City of Toronto exists for the purpose of providing good government with respect to matters within its jurisdiction, and the city council is a democratically elected government which is responsible and accountable. 2006, c. 11, Sched. A, s. 1 (1).

Relationship with the Province

(2) The Province of Ontario endorses the principle that it is in the best interests of the Province and the City to work together in a relationship based on mutual respect, consultation and co-operation. 2006, c. 11, Sched. A, s. 1 (2).

Consultation

(3) For the purposes of maintaining such a relationship, it is in the best interests of the Province and the City to engage in ongoing consultations with each other about matters of mutual interest and to do so in accordance with an agreement between the Province and the City. 2006, c. 11, Sched. A, s. 1 (3).

Agreements with the federal government

(4) The Province acknowledges that the City has the authority to enter into agreements with the Crown in right of Canada with respect to matters within the City's jurisdiction. 2006, c. 11, Sched. A, s. 1 (4).

Purposes of this Act

2. The purpose of this Act is to create a framework of broad powers for the City which balances the interests of the Province and the City and which recognizes that the City must be able to do the following things in order to provide good government:

1. Determine what is in the public interest for the City.
2. Respond to the needs of the City.
3. Determine the appropriate structure for governing the City.
4. Ensure that the City is accountable to the public and that the process for making

decisions is transparent.

5. Determine the appropriate mechanisms for delivering municipal services in the City.
6. Determine the appropriate levels of municipal spending and municipal taxation for the City.
7. Use fiscal tools to support the activities of the City. 2006, c. 11, Sched. A, s. 2.

Interpretation

Definitions

3. (1) In this Act,

“animal” means any member of the animal kingdom, other than a human; (“animal”)

“assessment corporation” means the Municipal Property Assessment Corporation; (“société d’évaluation foncière”)

“city board” means a city board established or deemed to be established by the City under this Act, but does not include a corporation incorporated by the City in accordance with section 148 or an appeal body established under section 115 for local land use planning matters; (“commission municipale”)

“group home” means a residence licensed or funded under a federal or provincial statute for the accommodation of three to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being; (“foyer de groupe”)

“First Nation” means a band as defined in the *Indian Act* (Canada); (“Première Nation”)

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway; (“voie publique”)

“land” includes buildings; (“bien-fonds”)

“licence”, in relation to a licence issued under this Act, includes a permit, an approval, a registration and any other type of permission, and “licensing” has a corresponding meaning; (“permis”)

“local board” means a city board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority; (“conseil local”)

“local municipality” means a single-tier municipality or a lower-tier municipality; (“municipalité locale”)

“lower-tier municipality” means a municipality that forms part of an upper-tier municipality

for municipal purposes; (“municipalité de palier inférieur”)

“municipality” means a geographic area whose inhabitants are incorporated;
 (“municipalité”)

“old *Municipal Act*” means the *Municipal Act*, being chapter M.45 of the Revised Statutes of Ontario, 1990, as it read on December 31, 2002; (“ancienne *Loi sur les municipalités*”)

“person” includes a municipality unless the context otherwise requires; (“personne”)

“power”, in relation to the authority of the City or other body, includes capacity, rights, powers and privileges; (“pouvoir”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“public utility” means,

(a) a system that is used to provide any of the following services or things for the public:

- (i) water,
- (ii) sewage,
- (iii) fuel, including natural and artificial gas,
- (iv) energy, excluding electricity,
- (v) heating and cooling, and
- (vi) telephone, and

(b) the service or thing that is provided; (“service public”)

“rateable property” means land that is subject to taxation under Part XI (Traditional Municipal Taxes) for municipal and school purposes; (“bien imposable”)

“record” means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs and films; (“document”)

“regional municipality” means an upper-tier municipality that was a regional or district municipality or the County of Oxford on December 31, 2002; (“municipalité régionale”)

“regular election” means the regular election referred to in subsection 4 (1) of the *Municipal Elections Act, 1996*; (“élections ordinaires”)

“sewage” includes,

- (a) storm water and other drainage from land, and
- (b) commercial wastes and industrial wastes that are disposed of in a sewage system;

(“eaux d’égout”)

“single-tier municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes; (“municipalité à palier unique”)

“spouse” means a person,

(a) to whom the person is married, or

(b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*; (“conjoint”)

“system” means one or more programs or facilities (including real and personal property) of a person used to provide services and things to the person or to any other person and includes administration related to the programs, facilities, services and things; (“réseau”, “système”)

“trailer” means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed; (“roulotte”)

“transportation system” includes harbours, ports and transportation terminals; (“réseau de transport”)

“TTC” means the Toronto Transit Commission; (“CTT”)

“unorganized territory” means a geographic area without municipal organization; (“territoire non érigé en municipalité”)

“upper-tier municipality” means a municipality of which two or more lower-tier municipalities form part for municipal purposes. (“municipalité de palier supérieur”) 2006, c. 11, Sched. A, s. 3 (1); 2006, c. 32, Sched. B, s. 1.

Municipality

(2) In this Act, a reference to a municipality is a reference to its geographical area or to the municipal corporation, as the context requires. 2006, c. 11, Sched. A, s. 3 (2). 2006, c. 11, Sched. A, s. 3 (2).

Local board of the City

(3) In this Act, a reference to a local board of the City includes a local board which is a local board of the City and one or more other municipalities. 2006, c. 11, Sched. A, s. 3 (3). 2006, c. 11, Sched. A, s. 3 (3).

Application to other Acts

[\(4\)](#) This section applies to all other Acts or provisions of Acts affecting or relating to matters of the City and its local boards unless the context otherwise requires. 2006, c. 11, Sched. A, s. 3 (4).

Amount added to tax roll

[\(5\)](#) If, under this or any other Act, an amount payable to the City is given priority lien status, the City may add the amount to the tax roll for the City against the property in respect of which the amount was imposed or against any other property in respect of which the amount was authorized to be added by this or any other Act. 2006, c. 11, Sched. A, s. 3 (5).

Amounts imposed by local board, etc.

[\(6\)](#) The city treasurer shall, upon the request of a local board or school board whose area of jurisdiction includes any part of the City, add to the tax roll for the City under subsection (5) any amounts imposed by the local board or school board, respectively. 2006, c. 11, Sched. A, s. 3 (6).

Priority lien status

[\(7\)](#) If an amount is added to the tax roll in respect of a property under subsection (5) or (6), that amount, including interest,

- (a) may be collected in the same manner as real property taxes levied on the property under Part XI (Traditional Municipal Taxes);
- (b) may be recovered with costs as a debt due to the City from the assessed owner of the property at the time the fee or charge was added to the tax roll and from any subsequent owner of the property or any part of it;
- (c) is a special lien on the property in the same manner as are real property taxes under subsection 314 (3); and
- (d) may be included in the cancellation price under Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)) in the same manner as are real property taxes. 2006, c. 11, Sched. A, s. 3 (7).

Taxes of the City

[\(8\)](#) In this Act, except in Part X (Power to Impose Taxes), a reference to a tax of the City or any other expression meaning a tax of the City does not include a tax imposed under Part X, unless the context requires otherwise. 2006, c. 11, Sched. A, s. 3 (8).

Special Acts

[4. \(1\)](#) In this section,

“special Act” means an Act, other than this Act, relating to the City in particular. 2006, c. 11, Sched. A, s. 4 (1).

Relationship between this Act and special Acts

[\(2\)](#) Except where otherwise expressly or by necessary implication provided,

- (a) this Act does not limit or restrict the powers of the City under a special Act; and

(b) a special Act does not limit or restrict the powers of the City under this Act. 2006, c. 11, Sched. A, s. 4 (2).

Override power

(3) Despite subsection (2), the City may exercise its powers with respect to any of the following matters to override a special Act, even if the special Act is more specific and is enacted more recently:

1. Changing the name of the City.
2. Establishing, changing or dissolving wards.
3. Changing the composition of city council.
4. Dissolving or changing local boards.
5. Any other matter dealt with by a provision of an Act which provides, expressly or by necessary implication, that the provision or the exercise of power under the provision prevails over the special Act. 2006, c. 11, Sched. A, s. 4 (3).

Exclusion

(4) Subsection (3) does not apply if the special Act expressly or by necessary implication precludes the exercise of the power. 2006, c. 11, Sched. A, s. 4 (4).

Review of this Act

5. The Minister of Municipal Affairs and Housing shall initiate a review of this Act two years after section 125 comes into force and thereafter within five years after the end of the previous review. 2006, c. 11, Sched. A, s. 5.

PART II GENERAL POWERS OF THE CITY

POWERS

Scope of powers

6. (1) The powers of the City under this or any other Act shall be interpreted broadly so as to confer broad authority on the City to enable the City to govern its affairs as it considers appropriate and to enhance the City's ability to respond to municipal issues. 2006, c. 11, Sched. A, s. 6 (1); 2006, c. 32, Sched. B, s. 2.

Ambiguity

(2) In the event of ambiguity in whether or not the City has the authority under this or any other Act to pass a by-law or to take any other action, the ambiguity shall be resolved so as to include, rather than exclude, powers the City had on the day before this section came into force. 2006, c. 11, Sched. A, s. 6 (2).

Powers of a natural person

7. The City has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c. 11, Sched. A, s. 7.

Broad authority

8. (1) The City may provide any service or thing that the City considers necessary or desirable for the public. 2006, c. 11, Sched. A, s. 8 (1).

City by-laws

(2) The City may pass by-laws respecting the following matters:

1. Governance structure of the City and its local boards (restricted definition).
2. Accountability and transparency of the City and its operations and of its local boards (restricted definition) and their operations.
3. Financial management of the City and its local boards (restricted definition).
4. Public assets of the City acquired for the purpose of exercising its authority under this or any other Act.
5. Economic, social and environmental well-being of the City.
6. Health, safety and well-being of persons.
7. Services and things that the City is authorized to provide under subsection (1).
8. Protection of persons and property, including consumer protection.
9. Animals.
10. Structures, including fences and signs.
11. Business licensing. 2006, c. 11, Sched. A, s. 8 (2); 2006, c. 32, Sched. B, s. 3 (1, 2).

Scope of by-law making power

(3) Without limiting the generality of section 6, a by-law under this section respecting a matter may,

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter. 2006, c. 11, Sched. A, s. 8 (3).

One power not affecting another

(4) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2). 2006, c. 11, Sched. A, s. 8 (4).

Services or things provided by others

(5) The power to pass a by-law respecting the matter set out in paragraph 7 of subsection (2) does not include the power to pass a by-law respecting services or things provided by a person other than the City or a city board. 2006, c. 11, Sched. A, s. 8 (5).

Exception

(5.1) Nothing in subsection (5) prevents the City passing a by-law with respect to

services or things provided by any person to the extent necessary,

- (a) to ensure that the physical operation of a system of the City or of a city board is not impaired; or
- (b) to ensure that the City, a city board or a system of the City or city board meets any provincial standards or regulations that apply to it. 2006, c. 32, Sched. B, s. 3 (3).

Definition

(6) In this section,

“local board (restricted definition)” means a local board other than,

- (a) a society as defined in subsection 3 (1) of the *Child and Family Services Act*,
- (b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*,
- (c) a committee of management established under the *Long-Term Care Homes Act, 2007*,
- (d) a police services board established under the *Police Services Act*,
- (e) a board as defined in section 1 of the *Public Libraries Act*, or
- (f) a corporation established in accordance with section 148. 2006, c. 11, Sched. A, s. 8 (6); 2007, c. 8, s. 198 (1).

Expropriation

9. (1) The power of the City to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*. 2006, c. 11, Sched. A, s. 9 (1).

Extended power

(2) The City, a local board of the City that has the authority to expropriate land and a school board that has jurisdiction in any part of the City and has the authority to expropriate land may, with the approval of the Ontario Municipal Board, exercise the authority to expropriate land with respect to land or an interest in land owned by another municipality, local board or school board that has the authority to expropriate land. 2006, c. 11, Sched. A, s. 9 (2).

Scope of by-laws generally

10. (1) Without limiting the generality of section 6 and except as otherwise provided, a by-law under this Act may be general or specific in its application and may differentiate in any way and on any basis the City considers appropriate. 2006, c. 11, Sched. A, s. 10 (1).

Exceptions

(2) Subsection (1) does not apply with respect to a by-law made under Part VII (Financial Administration), VIII (Finances), XI (Traditional Municipal Taxes), XII (Limits on Traditional Municipal Taxes), XIII (Collection of Traditional Municipal Taxes) or XIV (Sale of Land for Tax Arrears (Real Property Taxes)). 2006, c. 11, Sched. A, s. 10 (2).

Conflict with legislation, etc.

11. (1) A city by-law is without effect to the extent of any conflict with,
- (a) a provincial or federal Act or a regulation made under such an Act; or
 - (b) an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or a provincial or federal regulation.
- 2006, c. 11, Sched. A, s. 11 (1).

Same

(2) Without restricting the generality of subsection (1), there is a conflict between a city by-law and an Act, regulation or instrument described in that subsection if the by-law frustrates the purpose of the Act, regulation or instrument. 2006, c. 11, Sched. A, s. 11 (2).

GENERAL RESTRICTIONS**Specific power, by-laws under general powers**

12. (1) If the City has the power to pass a by-law under section 7 or 8 and also under a specific provision of this or any other Act, the power conferred by section 7 or 8 is subject to any procedural requirements, including conditions, approvals and appeals, that apply to the power and any limits on the power contained in the specific provision. 2006, c. 11, Sched. A, s. 12 (1).

Interpretation

(1.1) For the purpose of subsection (1) and, unless the context otherwise requires, the fact that a specific provision is silent on whether or not the City has a particular power shall not be interpreted as a limit on the power contained in the specific provision. 2006, c. 32, Sched. B, s. 4 (1).

Application to new and existing provisions

- (2) Subsection (1) applies whether the specific provision was enacted before or after,
- (a) the day this section comes into force; or
 - (b) the day a by-law passed under section 7 or 8 comes into force. 2006, c. 11, Sched. A, s. 12 (2).

No retroactive effect

(3) Nothing in this section invalidates a by-law which was passed in accordance with the procedural requirements in force at the time the by-law was passed. 2006, c. 11, Sched. A, s. 12 (3).

Limitation

(4) Subsection (1) applies to limit the powers of the City despite the inclusion of the words “without limiting sections 7 and 8” or any similar form of words in the specific provision. 2006, c. 32, Sched. B, s. 4 (2).

Non-application of section

- (5) This section does not apply to a by-law under section 7 or 8,

- (a) respecting fences and signs;
- (b) requiring persons to clear away and remove snow and ice from land;
- (c) requiring persons to remove debris from land they own or occupy or from other private or public land;
- (d) requiring persons to cut and remove long grass and weeds, as defined in the by-law, from land they own or occupy or from highways abutting the land;
- (e) prescribing standards to protect against entry into vacant buildings, as defined in the *Building Code Act, 1992*, or to detect and signal the presence of a person in a vacant building;
- (f) authorizing front yard parking;
- (g) requiring owners or persons in charge of any premises to remove decayed, damaged or dangerous trees or branches that pose a danger to persons or property;
- (h) providing for any project or undertaking designed to provide housing accommodation in the City, including any public space or recreational, institutional, commercial or industrial facilities or buildings that, in the opinion of the City, may be reasonably necessary for that purpose; or
- (i) respecting such other matters as may be prescribed by the Minister of Municipal Affairs and Housing. 2006, c. 32, Sched. B, s. 4 (2).

Exception

(6) Clause (5) (h) does not apply so as to exempt the by-law described in that clause from the application of the *Planning Act*. 2006, c. 32, Sched. B, s. 4 (2).

Restrictions, corporate and financial matters

13. Sections 7 and 8 do not authorize the City to do any of the following:

1. Impose any type of tax, including taxes under any Part of this Act.
2. Make a grant or loan.
3. Become a bankrupt under the *Bankruptcy and Insolvency Act* (Canada).
4. As an insolvent person, make an assignment for the general benefit of creditors under section 49 of the *Bankruptcy and Insolvency Act* (Canada) or make a proposal under section 50 of that Act. 2006, c. 11, Sched. A, s. 13.

Restriction re monopolies

14. The City shall not confer on any person the exclusive right to carry on any business, trade or occupation unless the City is specifically authorized to do so under this or any other Act. 2006, c. 11, Sched. A, s. 14.

Restriction re geography

15. (1) City by-laws and resolutions apply only within the boundaries of the City, except as otherwise provided in subsection (2) or in any other provisions of this or any other

Act. 2006, c. 11, Sched. A, s. 15 (1).

Exception, services

(2) The City may exercise its powers to provide a municipal system for the provision of a service or thing in an area in another municipality or in unorganized territory if one of the purposes for so acting is for its own purposes and if one of the following conditions applies:

1. The service or thing is provided only to inhabitants of the City.
2. The other municipality is a single-tier municipality and the service or thing is provided with its consent.
3. The other municipality is a lower-tier municipality and the service or thing is provided with the consent of,
 - i. the lower-tier municipality, if it has jurisdiction to provide the service or thing in the area,
 - ii. its upper-tier municipality, if it has that jurisdiction, or
 - iii. both the lower-tier municipality and its upper-tier municipality, if they both have that jurisdiction.
4. The service or thing is provided in unorganized territory,
 - i. with the consent of a local body that has jurisdiction to provide the service or thing in the area, or
 - ii. with the consent of the person who receives the service or thing, if no local body has jurisdiction. 2006, c. 11, Sched. A, s. 15 (2).

Same

(3) Despite subsection (2), the City cannot exercise its power to impose taxes under any Part of this Act for a purpose described in that subsection. 2006, c. 11, Sched. A, s. 15 (3).

Terms

(4) A consent under subsection (2) may be given subject to such conditions and limits on the powers to which the consent relates as may be agreed upon. 2006, c. 11, Sched. A, s. 15 (4).

Definition

(5) In subsection (2),

“local body” means an area services board, local services board, local roads board, statute labour board, school board, district social services administration board, board of health and any other board, commission, body or local authority exercising any power with respect to municipal affairs or purposes in unorganized territory. 2006, c. 11, Sched. A, s. 15 (5).

AGREEMENTS

Agreement for joint undertaking

[16. \(1\)](#) The City may enter into an agreement with one or more municipalities or local bodies, as defined in subsection 15 (5), or a combination of both, to jointly provide, for their joint benefit, any matter which all of them have the power to provide within their own boundaries. 2006, c. 11, Sched. A, s. 16 (1).

Extraterritorial effect

[\(2\)](#) The City may provide the matter in accordance with the agreement anywhere that any of the municipalities or local bodies have the power to provide the matter. 2006, c. 11, Sched. A, s. 16 (2).

Agreement with First Nation

[17. \(1\)](#) The City may enter into an agreement with a First Nation to provide a municipal system within the limits of the reserve occupied by the First Nation, whether or not the reserve is within the City. 2006, c. 11, Sched. A, s. 17 (1).

Extraterritorial effect

[\(2\)](#) The City may provide the system outside its boundaries in accordance with the agreement. 2006, c. 11, Sched. A, s. 17 (2).

Agreements with Crown

[18. \(1\)](#) The City may provide a system that it would otherwise not have power to provide within the City, if it does so in accordance with an agreement with the Crown in right of Ontario under a program established and administered by the Crown. 2006, c. 11, Sched. A, s. 18 (1).

Extraterritorial effect

[\(2\)](#) The City may provide the system outside its boundaries in accordance with the agreement. 2006, c. 11, Sched. A, s. 18 (2).

Same

[\(3\)](#) The City may provide a system that it has power to provide within the City outside its boundaries in accordance with an agreement with the Crown in right of Ontario under a program established and administered by the Crown. 2006, c. 11, Sched. A, s. 18 (3).

Agreements re private services

[19.](#) The City may enter into an agreement with any person to construct, maintain and operate a private road or a private water or sewage works, including fire hydrants. 2006, c. 11, Sched. A, s. 19.

DELEGATION OF POWERS AND DUTIES

General power to delegate

[20. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 11, Sched. A, s. 20 (1).

Scope of power

[\(2\)](#) The following rules apply to a by-law delegating any of the City's powers or duties:

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the City's power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
3. A delegation may provide that only the delegate can exercise the delegated power or that both the City and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the City and the delegate.
5. A delegation may be made subject to such conditions and limits as City council considers appropriate.
6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power. 2006, c. 11, Sched. A, s. 20 (2).

Same

[\(3\)](#) The conditions and limits referred to in paragraph 5 of subsection (2) may include such matters as the following:

1. A requirement that the delegate act by by-law, resolution or otherwise, despite subsection 132 (3).
2. Procedures that the delegate is required to follow.
3. The accountability of the delegate and the transparency of the delegate's actions and decisions. 2006, c. 11, Sched. A, s. 20 (3).

Restriction re: delegation of legislative and quasi-judicial powers

[21. \(1\)](#) Sections 7 and 8 do not authorize the City to delegate legislative and quasi-judicial powers under any Act except those listed in subsection (2) and the legislative and quasi-judicial powers under the listed Acts may be delegated only to,

- (a) one or more members of city council or a council committee;
- (b) a body having at least two members of whom at least 50 per cent are,
 - (i) members of city council,
 - (ii) individuals appointed by city council,
 - (iii) a combination of individuals described in subclauses (i) and (ii); or
- (c) an individual who is an officer, employee or agent of the City. 2006, c. 11, Sched. A, s. 21 (1); 2006, c. 32, Sched. B, s. 5 (1).

Listed Acts

[\(2\)](#) For the purpose of subsection (1), the listed Acts are this Act, the *Planning Act*, a private Act relating to the City and such other Acts as may be prescribed. 2006, c. 32,

Sched. B, s. 5 (2).

Restriction re certain corporations

(3) Despite clause (1) (b), no delegation of a legislative or quasi-judicial power shall be made to a corporation incorporated in accordance with section 148. 2006, c. 11, Sched. A, s. 21 (3).

Restriction re officers, employees, etc.

(4) No delegation of a legislative power shall be made to an individual described in clause (1) (c) unless, in the opinion of city council, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, city council, in addition to any other factors council wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power. 2006, c. 11, Sched. A, s. 21 (4).

Same

(5) Without limiting subsection (4), the following are examples of powers considered to be of a minor nature:

1. The power to close a highway temporarily.
2. The power to issue and impose conditions on a licence.
3. The powers of city council that are described in the following provisions of the old *Municipal Act*, as those provisions read on December 31, 2002:
 - i. Paragraphs 107, 108, 109 and 110 of section 210.
 - ii. Paragraph 3 of section 308.
 - iii. Subsection 312 (2) and clauses 312 (4) (a) and (b). 2006, c. 11, Sched. A, s. 21 (5); 2006, c. 32, Sched. B, s. 5 (3).

Powers that cannot be delegated

22. (1) Sections 7 and 8 do not authorize the City to delegate any of the following powers and duties:

1. The power to appoint or remove from office an officer of the City whose appointment is required by this Act.
2. The power to pass a by-law under section 267 and Parts XI, XII and XIII.
3. The power to incorporate corporations in accordance with section 148.
4. The power to adopt an official plan or an amendment to an official plan under the *Planning Act*.
5. The power to pass a zoning by-law under the *Planning Act*.
6. The power to pass a by-law in accordance with subsections 84 (1) and (2) and 252 (3), (6) and (7).
7. The power to adopt a community improvement plan under section 28 of the

Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 333 of this Act.

8. The power to adopt or amend the budget of the City.
9. Any other power or duty that may be prescribed. 2006, c. 11, Sched. A, s. 22; 2006, c. 32, Sched. B, s. 6 (1, 2).

Exception

[\(2\)](#) Nothing in subsection (1) prevents the City from delegating its administrative powers. 2006, c. 32, Sched. B, s. 6 (3).

Effect of delegation to city boards

[23. \(1\)](#) When the City has delegated a power or duty to a city board, the City may provide that any existing by-law or resolution of the City that relates to the delegated power or duty is, to the extent it applies in any part of the City, deemed to be a by-law or resolution of the board. 2006, c. 11, Sched. A, s. 23 (1).

Limitation

[\(2\)](#) If a municipal service or activity is under the control and management of a city board, nothing in this Act or a by-law made under this Act,

- (a) authorizes the city board to provide for the financing of the municipal service or activity otherwise than by fees and charges under Part IX (Fees and Charges) unless the city board has the consent of the City to do so;
- (b) removes from the City its power to finance the capital and operating costs of providing the service or activity as if the City had control and management of the service or activity; or
- (c) removes from the City its power to deal with real and personal property in connection with the service or activity as if the City had control and management of the service or activity. 2006, c. 11, Sched. A, s. 23 (2).

Delegation re hearings

Application

[24. \(1\)](#) This section applies when the City is required by law to hold a hearing or provide an opportunity to be heard before making a decision or taking a step, whether the requirement arises from an Act or from any other source of law. 2006, c. 32, Sched. B, s. 7.

Delegation authorized

[\(2\)](#) Despite subsections 21 (1) and (2), sections 7 and 8 authorize the City to delegate to a person or body described in subsection 21 (1) the power or duty to hold a hearing or provide an opportunity to be heard before the decision is made or the step is taken. 2006, c. 32, Sched. B, s. 7.

Rules re effect of delegation

[\(3\)](#) If the City delegates a power or duty as described in subsection (2) but does not delegate the power to make the decision or take the step, the following rules apply:

1. If the person or body holds the hearing or provides the opportunity to be heard, the City is not required to do so.
2. If the decision or step constitutes the exercise of a statutory power of decision to which the *Statutory Powers Procedure Act* applies, that Act, except sections 17, 17.1, 18 and 19, applies to the person or body and to the hearing conducted by the person or body. 2006, c. 32, Sched. B, s. 7.

REGULATIONS

Regulations re the provincial interest

25. (1) If the Lieutenant Governor in Council considers that it is necessary or desirable in the provincial interest to do so, the Lieutenant Governor in Council may make regulations imposing limits and conditions on the power of the City under sections 7, 8 and 267 or providing that the City cannot exercise the power in prescribed circumstances. 2006, c. 11, Sched. A, s. 25 (1).

Deemed revocation

(2) A regulation made under subsection (1) is deemed to be revoked 18 months after the day on which the regulation comes into force, unless the regulation expires or is revoked before then. 2006, c. 11, Sched. A, s. 25 (2).

Restriction

(3) The Lieutenant Governor in Council does not have the power to renew, or extend in time, a regulation made under subsection (1) or to replace it with a regulation of similar effect. 2006, c. 11, Sched. A, s. 25 (3).

Same

(4) Subsection (3) does not affect any authority to make regulations under any other section of this or any other Act. 2006, c. 11, Sched. A, s. 25 (4).

Effect on by-laws

(5) If a regulation made under subsection (1) imposes limits or conditions on a power of the City or provides that the City cannot exercise a power in prescribed circumstances, any by-law made by the City under the applicable power is inoperative to the extent of the limits, conditions or prohibition. 2006, c. 11, Sched. A, s. 25 (5).

Regulations to continue powers

26. (1) The Lieutenant Governor in Council may make regulations authorizing the City to exercise a power that it had on the day before this section comes into force. 2006, c. 11, Sched. A, s. 26 (1).

Retroactive

(2) A regulation under subsection (1) may be retroactive to a day not earlier than the day on which this section comes into force. 2006, c. 11, Sched. A, s. 26 (2).

Same, powers on December 31, 2002

(3) The Lieutenant Governor in Council may make regulations authorizing the City to

exercise a power that it had on December 31, 2002. 2006, c. 11, Sched. A, s. 26 (3).

Retroactive

[\(4\)](#) A regulation under subsection (3) may be retroactive to a day not earlier than January 1, 2003. 2006, c. 11, Sched. A, s. 26 (4).

Regulations

[\(4.1\)](#) The Lieutenant Governor in Council may make regulations authorizing the City to exercise a power that it had on the day before section 96 of Schedule B to the *Municipal Statute Law Amendment Act, 2006* came into force. 2006, c. 32, Sched. B, s. 8 (1).

Retroactive

[\(4.2\)](#) A regulation under subsection (4.1) may be retroactive to a day not earlier than the day on which section 96 of Schedule B to the *Municipal Statute Law Amendment Act, 2006* came into force. 2006, c. 32, Sched. B, s. 8 (1).

Use of power

[\(5\)](#) A regulation under subsection (1), (3) or (4.1) may provide for any matter that in the opinion of the Lieutenant Governor in Council is necessary or desirable in order to ensure that the exercise by the City of the power before the later of the day the regulation is filed and the day the regulation comes into force has the same effect as if the City had always had the power, including extinguishing any right, obligation or interest acquired or accrued. 2006, c. 11, Sched. A, s. 26 (5); 2006, c. 32, Sched. B, s. 8 (2).

Conflicts

[\(6\)](#) If there is a conflict between a regulation made under this section and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 26 (6).

Regulations re procedural requirements, specific powers

[27.](#) The Minister of Municipal Affairs and Housing may make regulations prescribing matters for the purposes of subsection 12 (4). 2006, c. 11, Sched. A, s. 27.

Regulations re delegation

[28.](#) The Minister of Municipal Affairs and Housing may make regulations,

- (a) restricting or imposing conditions on the power of the City to delegate its powers and duties;
- (b) prescribing Acts for the purposes of subsection 21 (2);
- (c) prescribing powers and duties for the purposes of paragraph 9 of section 22. 2006, c. 11, Sched. A, s. 28.

PART III GENERAL POWERS: LIMITS AND ADDITIONS

HIGHWAYS

Definitions

[29.](#) In sections 30 to 55,

“bridge” means a public bridge forming part of a highway or on, over or across which a highway passes; (“pont”)

“provincial highway” means a highway under the jurisdiction of the Crown in right of Ontario. (“voie publique provinciale”) 2006, c. 11, Sched. A, s. 29.

Provincial highways

[30.](#) Except as otherwise provided in this Act, sections 31 to 55 do not apply to a provincial highway. 2006, c. 11, Sched. A, s. 30.

What constitutes highway

[31.](#) The following are highways unless they have been closed:

1. All highways of the City that existed on the day before this section comes into force.
2. All highways established by city by-law on or after January 1, 2003.
3. All highways transferred to the City under the *Public Transportation and Highway Improvement Act*.
4. All road allowances, highways, streets and lanes shown on a registered plan of subdivision in the City. 2006, c. 11, Sched. A, s. 31.

By-laws

[32. \(1\)](#) Except as otherwise provided in this Act, the City may pass by-laws in respect of only those highways over which it has jurisdiction. 2006, c. 11, Sched. A, s. 32 (1).

Joint jurisdiction

[\(2\)](#) If a highway is under the joint jurisdiction of the City and one or more other municipalities, a by-law in respect of the highway must be passed by all of the municipalities having jurisdiction over the highway. 2006, c. 11, Sched. A, s. 32 (2).

Jurisdiction re highways

[33.](#) Except as otherwise provided in this Act or under section 8 of the *Public Transportation and Highway Improvement Act* or in a by-law passed under this Act, the City has jurisdiction or joint jurisdiction, as the case may be, over the following highways:

1. All highways over which the City had jurisdiction or joint jurisdiction the day before this section comes into force.
2. All highways established by city by-law on or after January 1, 2003.
3. All highways transferred to the City under the *Public Transportation and Highway Improvement Act* or any other Act.
4. All road allowances, highways, streets and lanes shown on a registered plan of subdivision. 2006, c. 11, Sched. A, s. 33.

Boundary lines

[34. \(1\)](#) Subject to section 33 and to a by-law passed under section 52 of the *Municipal*

Act, 2001, if a highway forms the boundary line between the City and another local municipality, the City and the other municipality have joint jurisdiction over the highway. 2006, c. 11, Sched. A, s. 34 (1).

Joint jurisdiction, bridges

[\(2\)](#) Subject to section 33 and to a by-law passed under section 52 of the *Municipal Act, 2001*, if a bridge joins a highway under the jurisdiction of the City to a highway under the jurisdiction of another municipality, the bridge is under the joint jurisdiction of the municipalities. 2006, c. 11, Sched. A, s. 34 (2).

Deviation of boundary lines

[\(3\)](#) If, because of physical difficulties or obstructions, a highway does not follow a boundary line throughout but deviates so that parts of it lie wholly within the City or the other boundary municipality, the highway is deemed to be the boundary line between the City and the other municipality for the purposes of determining jurisdiction over the highway. 2006, c. 11, Sched. A, s. 34 (3).

Agreement re boundary line

[35. \(1\)](#) If the City and another municipality having joint jurisdiction over a boundary line highway enter into an agreement under which each municipality agrees to keep any part of the highway in repair for its whole width and to indemnify the other municipality from any loss or damage arising from the lack of repair for that part, the agreement and a copy of the by-law authorizing the agreement may be registered in the proper land registry office for the area in which the highway is located. 2006, c. 11, Sched. A, s. 35 (1).

Effect

[\(2\)](#) If the City and another municipality enter into an agreement under subsection (1), each municipality has jurisdiction over that part of the highway that it has agreed to keep in repair and is liable for any damages that arise from failure to keep the highway in repair and the municipality which no longer has jurisdiction is relieved from all liability in respect of the repair of that part. 2006, c. 11, Sched. A, s. 35 (2).

Ownership of highway

[36.](#) The City owns a highway over which it has jurisdiction, subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person. 2006, c. 11, Sched. A, s. 36.

Establishing highways

By by-law

[37. \(1\)](#) Land may only become a highway of the City on or after January 1, 2003 by virtue of a by-law establishing the highway and not by the activities of the City or any other person in relation to the land, including the spending of public money. 2006, c. 11, Sched. A, s. 37 (1).

Certain highways not affected

[\(2\)](#) Subsection (1) does not apply to highways described in paragraphs 3 and 4 of

section 33. 2006, c. 11, Sched. A, s. 37 (2).

Exclusion

[\(3\)](#) Section 42 does not apply to the following highways until the City has passed a by-law assuming the highway for public use:

1. An unopened road allowance made by the Crown surveyors.
2. A road allowance, highway, street or lane shown on a registered plan of subdivision. 2006, c. 11, Sched. A, s. 37 (3).

Other exclusions

[\(4\)](#) Section 42 does not apply to a highway laid out or built by any person before January 1, 2003 unless the highway was assumed for public use by the City or it has been established by by-law. 2006, c. 11, Sched. A, s. 37 (4).

Widening highways

[\(5\)](#) If the City acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening. 2006, c. 11, Sched. A, s. 37 (5).

Highway closing procedures

[38. \(1\)](#) A city by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office. 2006, c. 11, Sched. A, s. 38 (1).

Consent

[\(2\)](#) A city by-law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway,

- (a) abuts on land, including land covered by water, owned by the Crown in right of Canada; or
- (b) leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada. 2006, c. 11, Sched. A, s. 38 (2).

Removing and restricting common law right of passage

[39. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to remove or restrict the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway. 2006, c. 11, Sched. A, s. 39 (1).

[\(2\)](#) Repealed: 2006, c. 32, Sched. B, s. 9.

Conveyance of closed highway

[40.](#) If the City permanently closes a highway, the City shall not convey the land forming the highway without the consent of the Ministry of Natural Resources if the land is covered with water. 2006, c. 11, Sched. A, s. 40.

Restriction re toll highways

[41.](#) The City does not have the power to designate, operate and maintain a highway as a toll highway until a regulation is made under section 116 that applies to the proposed toll highway. 2006, c. 11, Sched. A, s. 41.

Maintenance of highways and bridges

[42. \(1\)](#) The City shall keep a highway or bridge over which it has jurisdiction in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge. 2006, c. 11, Sched. A, s. 42 (1).

Liability

[\(2\)](#) If the City defaults in complying with subsection (1), the City is, subject to the *Negligence Act*, liable for all damages any person sustains because of the default. 2006, c. 11, Sched. A, s. 42 (2).

Defence

[\(3\)](#) Despite subsection (2), the City is not liable for failing to keep a highway or bridge in a reasonable state of repair if,

- (a) the City did not know and could not reasonably have been expected to have known about the state of repair of the highway or bridge;
- (b) the City took reasonable steps to prevent the default from arising; or
- (c) at the time the cause of action arose, minimum standards established by a regulation made under section 117 applied to the highway or bridge and to the alleged default and those standards have been met. 2006, c. 11, Sched. A, s. 42 (3).

Untravelled portions of highway

[\(4\)](#) No action shall be brought against the City for damages caused by,

- (a) the presence, absence or insufficiency of any wall, fence, rail or barrier along or on any highway; or
- (b) any construction, obstruction or erection, or any siting or arrangement of any earth, rock, tree or other material or object adjacent to or on any untravelled portion of a highway, whether or not an obstruction is created due to the construction, siting or arrangement. 2006, c. 11, Sched. A, s. 42 (4).

Sidewalks

[\(5\)](#) Except in case of gross negligence, the City is not liable for a personal injury caused by snow or ice on a sidewalk. 2006, c. 11, Sched. A, s. 42 (5).

Notice

[\(6\)](#) No action shall be brought for the recovery of damages under subsection (2) unless, within 10 days after the occurrence of the injury, written notice of the claim and of the injury complained of has been served upon or sent by registered mail to,

- (a) the city clerk; or
- (b) if the claim is against the City and one or more municipalities jointly responsible

for the repair of the highway or bridge, the city clerk and the clerk of each of the other municipalities. 2006, c. 11, Sched. A, s. 42 (6).

Exception

(7) Failure to give notice is not a bar to the action in the case of the death of the injured person as a result of the injury. 2006, c. 11, Sched. A, s. 42 (7).

Same

(8) Failure to give notice or insufficiency of the notice is not a bar to the action if a judge finds that there is reasonable excuse for the want or the insufficiency of the notice and that the City is not prejudiced in its defence. 2006, c. 11, Sched. A, s. 42 (8).

No responsibility for acts of others

(9) Nothing in this section imposes any obligation or liability on the City for an act or omission of a person acting under a power conferred by law over which the City had no control unless,

(a) the City participated in the act or omission; or

(b) the power under which the person acted was a by-law, resolution or licence of the City. 2006, c. 11, Sched. A, s. 42 (9).

No liability

(10) The City is not liable for damages under this section unless the person claiming the damages has suffered a particular loss or damage beyond what is suffered by that person in common with all other persons affected by the lack of repair. 2006, c. 11, Sched. A, s. 42 (10).

Nuisance

43. Subsections 42 (4) to (10) apply to an action brought against the City for damages that result from the presence of any nuisance on a highway. 2006, c. 11, Sched. A, s. 43.

Naming private roads

44. The City may name or change the name of a private road after giving public notice of its intention to pass the by-law. 2006, c. 11, Sched. A, s. 44.

Restriction, motor vehicles

45. (1) The City shall not establish a system of permits for motor vehicles or trailers, as those terms are defined in the *Highway Traffic Act*, similar to the system under Part II of that Act. 2006, c. 11, Sched. A, s. 45.

Power to pass by-laws not affected

(2) Subsection (1) does not limit or prohibit the passing of a by-law under Part X (Power to Impose Taxes); however, such a by-law cannot prohibit or regulate the driving of a vehicle on a highway and, for greater certainty, it cannot establish a requirement that must be met before a vehicle can be driven on a highway. 2009, c. 33, Sched. 21, s. 4 (1).

Same

(3) A by-law under Part X (Power to Impose Taxes) is deemed not to contravene subsection (2) by reason only of the Province taking any action on behalf of the City with

respect to the administration, enforcement or collection of the tax imposed by the by-law. 2009, c. 33, Sched. 21, s. 4 (1).

Restriction, farming vehicles

[46. \(1\)](#) Subject to subsection (2), the City does not have the power to pass a by-law to require that a licence or permit be obtained in respect of a wheeled vehicle used for farming purposes before the vehicle may be used upon any highway of the City. 2006, c. 11, Sched. A, s. 46 (1).

Limitation

[\(2\)](#) Subsection (1) applies to a vehicle used for farm purposes only when travelling from farm to farm for farm purposes or when travelling to or from places for the maintenance or repair of the vehicle. 2006, c. 11, Sched. A, s. 46 (2).

Entry on land, snow fences

[47.](#) Despite section 15, the City may, at any reasonable time, enter upon any land within the City or within an adjoining municipality and lying along any highway under its jurisdiction, including land owned by Her Majesty in right of Ontario, for the purpose of erecting and maintaining a snow fence. 2006, c. 11, Sched. A, s. 47.

Entry on land, naming highways

[48. \(1\)](#) The City may, at any reasonable time, enter upon land lying along a highway to install and maintain a sign setting out the name of a highway. 2006, c. 11, Sched. A, s. 48 (1).

Private roads

[\(2\)](#) If the City has passed a by-law under section 44 to name or change the name of a private road, the City may, at any reasonable time, enter upon land lying along the private road to install and maintain a sign setting out the name of the road. 2006, c. 11, Sched. A, s. 48 (2).

Entry on land, tree trimming

[49. \(1\)](#) The City may, at any reasonable time, enter upon land lying along any of its highways,

- (a) to inspect trees and conduct tests on trees; and
- (b) to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the City, the trees or branches pose a danger to the health or safety of any person using the highway. 2006, c. 11, Sched. A, s. 49 (1).

Immediate danger

[\(2\)](#) An employee or an agent of the City may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located if, in the opinion of the employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway. 2006, c. 11, Sched. A, s. 49 (2).

Application to court

50. (1) The City may apply to a judge of the Superior Court of Justice for an order requiring the owner of land lying along a highway to remove or alter any vegetation, building or object on the land that may obstruct the vision of pedestrians or drivers of vehicles on the highway, cause the drifting or accumulation of snow or harm the highway if the City is unable to enter into an agreement with the owner of the land to alter or remove the vegetation, building or object from the land. 2006, c. 11, Sched. A, s. 50 (1).

Order

(2) Upon application by the City under subsection (1), the judge may make an order, subject to the payment of such compensation to the owner or other conditions as the judge may fix,

- (a) requiring the owner of the land to remove or alter the vegetation, building or object in respect of which the application is made; or
- (b) authorizing the City to enter upon the land, upon such notice to the owner as the judge may fix, to remove or alter the vegetation, building or object. 2006, c. 11, Sched. A, s. 50 (2).

Impounding of objects, vehicles on highway

51. (1) If the City passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law. 2006, c. 11, Sched. A, s. 51 (1).

Exception

(2) Subsection (1) does not authorize any action with respect to a motor vehicle on a parking lot on land not owned or occupied by the City. 2006, c. 11, Sched. A, s. 51 (2).

Entry on land

(3) The City may, at any reasonable time, enter upon land near a highway for a purpose described in subsection (1). 2006, c. 11, Sched. A, s. 51 (3).

Sale of impounded object, etc.

(4) Despite subsection (1), if the removed object or vehicle (other than a motor vehicle) is used to sell anything on or near a highway and the object or vehicle is not claimed by the owner within 60 days after its removal, it becomes the property of the City and may be sold and the proceeds shall form part of the general funds of the City. 2006, c. 11, Sched. A, s. 51 (4).

Perishable objects

(5) Despite subsections (1) and (4), any perishable object or refreshment in or on the removed object or vehicle becomes the property of the City upon removal and may be destroyed or given to a charitable institution. 2006, c. 11, Sched. A, s. 51 (5).

Exception

[\(6\)](#) Subsection (5) does not apply to a perishable object or refreshment that comes into the possession of a police force in the circumstances described in section 132 of the *Police Services Act*. 2006, c. 11, Sched. A, s. 51 (6).

Amount added to tax roll

[51.1 \(1\)](#) If the City passes a by-law for leasing the untravelled portion of a highway to the owner or occupant of land abutting the highway, amounts payable pursuant to the lease may be added to the tax roll and collected in the same manner as municipal taxes. 2006, c. 32, Sched. B, s. 10.

Exception

[\(2\)](#) Subsection (1) does not apply to an amount payable if it is a fee or charge to which section 264 applies. 2006, c. 32, Sched. B, s. 10.

Mistakes

[52. \(1\)](#) If, before January 1, 2003, the City by mistake opened a highway not wholly upon the original road allowance, the land occupied by the highway is deemed to have been expropriated by the City and no person on whose land the highway was opened may bring an action in respect of the opening of the highway or to recover possession of the land. 2006, c. 11, Sched. A, s. 52 (1).

Compensation

[\(2\)](#) The person on whose land the highway was opened is entitled to compensation in accordance with the *Expropriations Act* as if the land were expropriated. 2006, c. 11, Sched. A, s. 52 (2).

Highways not opened on original road allowance

[53. \(1\)](#) If, before January 1, 2003, a highway was opened by the City on land in the place of all or part of an original road allowance and compensation was not paid for the land, the owner of the land appropriated for the highway or the successor in title to the owner is entitled to the following:

1. If that person owns the land abutting on the allowance, the owner is entitled to the soil and freehold of the original road allowance and to a conveyance of the original road allowance.
2. If that person does not own the land abutting on the allowance and if the allowance is sold by the City, the owner is entitled to the part of the purchase price that bears the same proportion to the whole purchase price as the value of the part of the land occupied by the highway that belonged to the owner bears to the value of the land occupied by the highway. 2006, c. 11, Sched. A, s. 53 (1).

Multiple owners

[\(2\)](#) If the land abutting on the original road allowance or part of the original road allowance is owned by more than one person, each person is entitled to the soil and freehold of and a conveyance of that part of the allowance abutting their land to the middle line of the allowance. 2006, c. 11, Sched. A, s. 53 (2).

Person in possession

[54. \(1\)](#) If, before January 1, 2003, a person in possession of an original road allowance or a predecessor in title of that person opened a highway in the place of the original road allowance on that person's land without receiving compensation for the land and the person is in possession of all or part of the original road allowance, that person is entitled to the soil and freehold of the allowance or part of it and to a conveyance of the original road allowance or part of it. 2006, c. 11, Sched. A, s. 54 (1).

Multiple persons in possession

[\(2\)](#) If more than one person is in possession of the road allowance, each person is entitled to the soil and freehold of and a conveyance of that part of the allowance abutting their land to the middle line of the allowance. 2006, c. 11, Sched. A, s. 54 (2).

Condition

[\(3\)](#) This section only applies if the highway has been established by city by-law or otherwise assumed for public use by the City and if, in the opinion of city council, the original road allowance is not needed by the City. 2006, c. 11, Sched. A, s. 54 (3).

Enclosed road allowance

[55. \(1\)](#) If, on December 12, 2001, a person was in possession of part of an original road allowance abutting the person's land and that part was enclosed with a lawful fence, that person is deemed, as against every person except the City, to have legal possession of that part of the road allowance until a by-law is passed assuming the road allowance for public use or requiring the person to remove the fence. 2006, c. 11, Sched. A, s. 55 (1).

Limitation

[\(2\)](#) Subsection (1) only applies if the part of the original road allowance has not been assumed for public use because another road is being used in its place or if another road parallel or near to it was established in its place. 2006, c. 11, Sched. A, s. 55 (2).

TRANSPORTATION**Passenger transportation systems**

[56. \(1\)](#) This section applies to passenger transportation systems other than the following:

1. Vehicles used for sightseeing tours.
2. Vehicles exclusively chartered to transport a group of persons for a specific trip within the municipality for a group fee.
3. Buses used to transport pupils, including buses owned and operated by, or operated under a contract with, a school board, and private school.
4. Buses owned and operated by a corporation or organization solely for its own purposes without charging a fee for transportation.
5. Taxicabs.

6. Railway systems of railway companies incorporated under federal or provincial statutes. 2006, c. 11, Sched. A, s. 56 (1).

Same

(2) The City may,

- (a) by by-law provide that no person except the City shall establish, operate and maintain within the City all or any part of a passenger transportation system of a type that the City is authorized to provide; and
- (b) despite section 82 and any by-law under clause (a), enter into an agreement granting a person the exclusive or non-exclusive right to establish, operate or maintain within the City all or any part of a passenger transportation system of a type that the City is authorized to provide, and to do so under such conditions as the City provides, including a condition that the City pay any deficit incurred by the person in establishing, operating or maintaining the system. 2006, c. 11, Sched. A, s. 56 (2).

Deficit

(3) If the City incurs a deficit in establishing, operating or maintaining its own passenger transportation system or if the City enters into an agreement under clause (2) (b) to pay a deficit incurred by another person in establishing, operating or maintaining such a system, the City may levy a special rate on all the rateable property in the area served by its own system or in the area designated in the agreement to recover the deficit. 2006, c. 11, Sched. A, s. 56 (3).

Rights unaffected

(4) Nothing in this section prevents a person from establishing, operating or maintaining a passenger transportation system that is used to convey passengers or passengers and property through an area designated under subsection (2) from a point within the designated area to a point outside the designated area or from a point outside the designated area to a point inside the designated area. 2006, c. 11, Sched. A, s. 56 (4).

Existing rights

(5) Nothing in this section affects any rights existing on the day before the area is designated under subsection (2) of a person with a valid operating licence under the *Public Vehicles Act*. 2006, c. 11, Sched. A, s. 56 (5).

Toronto Islands, ferry service

57. Despite this Act, the City may establish, operate and maintain a ferry service providing access to the Toronto Islands and a bus transportation system on the Toronto Islands. 2006, c. 11, Sched. A, s. 57.

Geographic jurisdiction for passenger transportation systems, etc.

58. The whole of Steeles Avenue where it is the boundary of the City is deemed to be part of the City,

- (a) for the purposes of the City or the TTC exercising powers with respect to a

passenger transportation system; and

- (b) for the purposes of the *Public Vehicles Act* and the *Truck Transportation Act*, and the regulations with respect to registration fees under the *Highway Traffic Act*. 2006, c. 11, Sched. A, s. 58.

Operating outside City

[59.](#) Despite section 15 and subject to the *Public Vehicles Act*, the City may exercise its powers with respect to a bus passenger transportation system and a ferry transportation system in the City and between any point within the City and any point outside the City, including outside Ontario, if the City does so for its own purposes in whole or in part. 2006, c. 11, Sched. A, s. 59; 2006, c. 32, Sched. B, s. 11.

Extra-territorial power

[59.1](#) Despite section 15, the City may, if one of the purposes for so acting is for its own purposes, exercise its powers in relation to airports within the City, in another municipality or in unorganized territory. 2006, c. 32, Sched. B, s. 12.

WASTE MANAGEMENT

Power exercised outside of boundaries

[60.](#) Despite section 15, the City may, if one of the purposes for so acting is for its own purposes, exercise its powers with respect to waste management in the City, in another municipality or in unorganized territory. 2006, c. 11, Sched. A, s. 60.

Entry and inspection

[61. \(1\)](#) For the purpose of obtaining information that the City considers necessary for the City to meet the requirements of or to obtain an approval under any Act relating to the planning, establishment, operation, management, alteration or improvement of a waste disposal site or any other waste management facility, the City may, at reasonable times, enter on and inspect any land, including conducting tests of the land and removing samples or extracts. 2006, c. 11, Sched. A, s. 61 (1).

Restriction

[\(2\)](#) Subsection (1) does not allow the City to enter any building. 2006, c. 11, Sched. A, s. 61 (2).

PUBLIC UTILITIES

Entry on land

[62. \(1\)](#) For the purposes of providing a water public utility, the City may, at any reasonable time, subject to section 15 and despite section 32, enter on highways in or outside of the City to install, construct and maintain pipes and other works for the distribution of water without the consent of the body which owns the highway. 2006, c. 11, Sched. A, s. 62 (1).

Entry on highways

[\(2\)](#) For the purposes of providing a public utility, other than a water public utility, the

City may, at any reasonable time, despite section 32, enter on highways in the City to install, construct and maintain pipes, wires, poles, equipment, machinery and other works without the consent of the body which owns the highway. 2006, c. 11, Sched. A, s. 62 (2).

Powers not restricted

(3) Nothing in this section prevents a body that owns a highway from regulating the activities described in subsections (1) and (2) on its highway in a reasonable manner, including regulating with respect to notice, timing and co-ordination of the activities and the requirement to obtain a permit before engaging in the activities. 2006, c. 11, Sched. A, s. 62 (3).

Entry into buildings, etc.

63. (1) If the City has the consent of an owner or occupant to connect a public utility to a part of a building and other parts of the building belong to different owners or are in the possession of different occupants, the City may, at reasonable times, without consent, enter on their land and install, construct and maintain pipes, wires, equipment, machinery and other works necessary to make the connection. 2006, c. 11, Sched. A, s. 63 (1).

Entry on common passages

(2) If the City has the consent of an owner or occupant to connect a public utility to land and the owner or occupant shares a mutual driveway or other common passage with the owners or occupants of neighbouring land, the City may, at reasonable times, without consent, enter the common passage and install, construct and maintain pipes, wires, equipment, machinery and other works necessary to make the connection. 2006, c. 11, Sched. A, s. 63 (2).

Entry on land served by public utility

64. (1) The City may, at reasonable times, enter on land to which it supplies a public utility,

- (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or
- (b) to inspect, install, repair, replace or alter a public utility meter. 2006, c. 11, Sched. A, s. 64 (1).

Reduced supply

(2) For the purposes of subsection (1), the City may shut off or reduce the supply of the public utility to the land. 2006, c. 11, Sched. A, s. 64 (2).

Entry on land, discontinuance of utility

(3) If a customer discontinues the use of a public utility on land or the City lawfully decides to cease supplying the public utility to land, the City may enter on the land,

- (a) to shut off the supply of the public utility;
- (b) to remove any property of the City; or
- (c) to determine whether the public utility has been or is being unlawfully used. 2006, c. 11, Sched. A, s. 64 (3).

Shut-off of public utility

[65. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to shut off the supply of a public utility by the City to land if fees or charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue. 2006, c. 11, Sched. A, s. 65 (1).

Additional power

[\(2\)](#) In addition to the power under subsection (1), the City may shut off the supply of water to land if fees or charges payable by the owners or occupants of the land in respect of a sewage system are overdue and the fees or charges are based on the fees payable for the supply of water to the land. 2006, c. 11, Sched. A, s. 65 (2).

Notice

[\(3\)](#) Despite subsections (1) and (2), the City shall provide reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. 2006, c. 11, Sched. A, s. 65 (3).

Recovery of fees

[\(4\)](#) The City may recover all fees and charges payable despite shutting off the supply of the public utility. 2006, c. 11, Sched. A, s. 65 (4).

No liability for damages re public utilities

[66. \(1\)](#) The City is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to the City or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given. 2006, c. 11, Sched. A, s. 66 (1).

Allocation

[\(2\)](#) If the supply of a public utility to the City is interrupted or reduced, the City may allocate the available public utility among its customers. 2006, c. 11, Sched. A, s. 66 (2).

Effect

[\(3\)](#) Nothing done under subsection (2) is deemed to be a breach of contract, to entitle any person to rescind a contract or to release a guarantor from the performance of the guarantor's obligation. 2006, c. 11, Sched. A, s. 66 (3).

Security for payment

[67.](#) Without limiting sections 7 and 8, those sections authorize the City, as a condition of supplying or continuing to supply a public utility, to require reasonable security be given for the payment of fees and charges for the supply of the public utility or for extending the public utility to land. 2006, c. 11, Sched. A, s. 67.

Exemption from seizure

[68.](#) Personal property of the City which is used for or in connection with the supply of a public utility to land is exempt from seizure,

(a) against the owner or occupant of the land under the *Execution Act*; and

- (b) against a person with a leasehold interest in the land for overdue rent. 2006, c. 11, Sched. A, s. 68.

Mandatory supply

[69. \(1\)](#) Despite section 15, the City shall supply a building with a water or sewage public utility if,

- (a) the building lies along a supply line of the City for the public utility;
- (b) in the case of a water public utility, there is a sufficient supply of water for the building;
- (c) in the case of a sewage public utility, there is sufficient capacity for handling sewage from the building; and
- (d) the owner, occupant or other person in charge of the building requests the supply in writing. 2006, c. 11, Sched. A, s. 69 (1).

Exception

[\(2\)](#) Subsection (1) does not apply if the supply of the public utility to a building or to the land on which the building is located would contravene an official plan under the *Planning Act* that applies to the building, land or public utility. 2006, c. 11, Sched. A, s. 69 (2).

Entry on land re sewage systems

[70.](#) The City may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the City or into any other sewage system the contents of which ultimately empty into the sewage system of the City and may conduct tests and take samples for this purpose. 2006, c. 11, Sched. A, s. 70.

Exemption from levy

[71. \(1\)](#) Despite section 3 of the *Assessment Act*, land that is exempt from taxation under that Act is not exempt from a special local municipality levy of the City under section 277 for raising costs related to sewage works or water works. 2006, c. 11, Sched. A, s. 71 (1).

Exemption by City

[\(2\)](#) Despite subsection (1), the City may exempt any class of land from all or part of the levy described in that subsection. 2006, c. 11, Sched. A, s. 71 (2).

New parcels of land

[\(3\)](#) Despite any Act, if new parcels of land are created from existing parcels of land in respect of which the City has imposed a tax or fee to raise costs related to sewage works or water works, the City may impose the tax or fee on each new parcel. 2006, c. 11, Sched. A, s. 71 (3).

Easements, public utilities

Definition

[72. \(1\)](#) In this section,

“public utility” includes a street lighting system and a transportation system. 2006, c. 11,

Sched. A, s. 72 (1).

Easement

(2) An easement of a public utility provided by the City does not have to be appurtenant or annexed to or for the benefit of any specific parcel of land to be valid. 2006, c. 11, Sched. A, s. 72 (2).

Restriction

(3) Part III of the *Registry Act* does not apply to a claim of a person in respect of a part of a city public utility constructed on land before June 21, 1990 with the consent or acquiescence of the owner of the land. 2006, c. 11, Sched. A, s. 72 (3).

Interference with utilities

(4) No person shall interfere with a part of the city public utility for which there is no city public utility easement unless,

(a) the City consents; or

(b) the interference is authorized by a court order under this section. 2006, c. 11, Sched. A, s. 72 (4).

Court orders with respect to utilities

(5) A person who has an interest in land where part of a City public utility is located may apply to the Superior Court of Justice for an order authorizing that person to interfere with that part of the City public utility if the use of the land by the person is substantially affected. 2006, c. 11, Sched. A, s. 72 (5).

Notice

(6) A person making an application for an order under subsection (5) shall give the City 90 days notice of the application or such other notice as the court may direct. 2006, c. 11, Sched. A, s. 72 (6).

Other orders

(7) In making an order under subsection (5), the court may make such other orders as it considers necessary, including an order that the applicant provide an easement for an alternative location of the public utility with such compensation as the court may determine. 2006, c. 11, Sched. A, s. 72 (7).

Stay of orders

(8) The court shall stay an order under subsection (5) at the request of the City for such time as the court determines to allow the City to acquire an interest in land to accommodate the part of its public utility that is subject to the order. 2006, c. 11, Sched. A, s. 72 (8).

Right to repair utilities

(9) Subject to any court order under this section, the City may enter upon any land to repair and maintain its public utilities. 2006, c. 11, Sched. A, s. 72 (9).

Utilities located by mistake

(10) If, before June 21, 1990, the City located a part of a city public utility where it had

no right to do so in the mistaken belief that the part was being located on a road allowance of the City or of another municipality, the City is deemed to have an easement in respect of the utility and the owner of the land on which the part is located shall be entitled to compensation for the easement determined in accordance with the *Expropriations Act*, 2006, c. 11, Sched. A, s. 72 (10).

Offence

[\(11\)](#) Every person who knowingly contravenes subsection (4) is guilty of an offence. 2006, c. 11, Sched. A, s. 72 (11).

Non-municipal public utilities

[73. \(1\)](#) Except as otherwise provided, no person shall construct, maintain or operate a water or sewage public utility in the City without first obtaining the consent of the City. 2006, c. 11, Sched. A, s. 73 (1).

Terms

[\(2\)](#) A consent under this section may be given subject to such conditions and limits on the powers to which the consent relates as may be agreed upon. 2006, c. 11, Sched. A, s. 73 (2).

CULTURE, PARKS, RECREATION AND HERITAGE

Power may be exercised outside municipality

[74.](#) Despite section 15, the City may, if one of the purposes for so acting is for its own purposes, exercise its powers with respect to culture, parks, recreation and heritage in the City, in another municipality or in unorganized territory. 2006, c. 11, Sched. A, s. 74.

Removal and impounding of vehicles, etc., in parks

[74.1 \(1\)](#) Subject to subsection (2), this section applies if a by-law of the City has been passed for prohibiting the parking, standing, stopping or placing in a park under the jurisdiction of the City of any object or vehicle that is used to sell or display anything and that obstructs pedestrians, unless,

- (a) the owner of the object or vehicle holds a valid permit issued by the City granting the exclusive use of a designated area within the park; and
- (b) the by-law or another by-law of the City has designated the park or the area of the park as a removal zone. 2006, c. 32, Sched. B, s. 13.

Signs required

[\(2\)](#) A by-law under subsection (1) is not effective in respect of a particular removal zone unless signs are erected to indicate the removal zone. 2006, c. 32, Sched. B, s. 13.

Enforcement

[\(3\)](#) A police officer or municipal by-law enforcement officer or any person authorized by by-law to enforce a by-law under subsection (1) who has reason to believe that any object or vehicle is parked, standing, stopped or placed in a removal zone in contravention of the by-law may, if no valid permit issued under the by-law is produced upon request, cause the

object or vehicle to be moved or taken to and placed or stored in a suitable place. 2006, c. 32, Sched. B, s. 13.

Costs

(4) Subject to subsections (5) and (6), all costs and charges for the removal, care and storage of any object or vehicle under the by-law are a lien upon the object or vehicle which may be enforced by the City under the *Repair and Storage Liens Act*. 2006, c. 32, Sched. B, s. 13.

Proceeds to City

(5) Any object or vehicle, other than a motor vehicle, removed and stored in accordance with subsection (3) and not claimed by the owner within 60 days is the property of the City and may be sold and the proceeds shall form part of the general funds of the City. 2006, c. 32, Sched. B, s. 13.

Perishables

(6) Despite subsection (5), any perishable object or refreshment is the property of the City upon being moved from the removal zone in accordance with subsection (3) and at any time thereafter may be destroyed or given to a charitable institution. 2006, c. 32, Sched. B, s. 13.

Exception

(7) Subsection (6) does not apply to a perishable object or refreshment that comes into the possession of a police force in the circumstances described in section 132 of the *Police Services Act*. 2006, c. 32, Sched. B, s. 13.

DRAINAGE AND FLOOD CONTROL

Drainage and flood control

75. Despite section 15, the City may, for the purpose of preventing damage to property in the City as a result of flooding, exercise its powers with respect to drainage and flood control in the City, in another municipality or in unorganized territory. 2006, c. 11, Sched. A, s. 75.

Entry on land to inspect

76. The City may enter on land, at reasonable times, to inspect the discharge of any matter into a land drainage system of any person and may conduct tests and remove samples for this purpose. 2006, c. 11, Sched. A, s. 76.

PARKING

Impounding vehicles parked

77. (1) If the City passes a by-law for regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law. 2006, c. 11, Sched. A, s. 77 (1).

Entry on land

[\(2\)](#) The City may enter on land, at reasonable times, for the purposes described in subsection (1). 2006, c. 11, Sched. A, s. 77 (2).

Signs

[\(3\)](#) If signs are erected on land specifying conditions on which a motor vehicle may be parked or left on the land or regulating or prohibiting the parking or leaving of a motor vehicle on the land, a motor vehicle parked or left on the land contrary to the conditions or prohibition is deemed to have been parked or left without consent. 2006, c. 11, Sched. A, s. 77 (3).

Parking lots

[78. \(1\)](#) If the City passes a by-law for regulating or prohibiting the parking or leaving of motor vehicles on land not owned or occupied by the City without the consent of the owner of the land or regulating or prohibiting traffic on that land, the City may enforce the by-law on the land but only if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition. 2006, c. 11, Sched. A, s. 78 (1).

Same

[\(2\)](#) This section applies to land used as a parking lot and not to any other land. 2006, c. 11, Sched. A, s. 78 (2).

Evidence re enforcement of parking by-laws

[79. \(1\)](#) If it is alleged in a proceeding that a by-law under section 77 or 78 has been contravened, the oral or written evidence of a police officer, police cadet or municipal law enforcement officer is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it in respect of,

- (a) the ownership or occupancy of the land;
- (b) the absence of the consent of the owner or occupant; and
- (c) whether any person is an occupant or is an owner. 2006, c. 11, Sched. A, s. 79 (1).

No notice

[\(2\)](#) Written evidence under subsection (1) shall be admitted without notice under the *Evidence Act*. 2006, c. 11, Sched. A, s. 79 (2).

Accessible parking permits

[80. \(1\)](#) If the City passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made under it. 2009, c. 33, Sched. 26, s. 1 (1).

Same

[\(2\)](#) If the City passes a by-law requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for motor vehicles displaying an accessible parking permit,

the City,

- (a) shall prescribe the conditions of use of the accessible parking permit and shall prohibit the improper use of the permit; and
- (b) despite section 78, may provide for the removal and impounding of any motor vehicle, at its owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law. 2006, c. 11, Sched. A, s. 80 (2); 2009, c. 33, Sched. 26, s. 1 (2).

Administrative penalties, parking by-laws

81. (1) Without limiting sections 7 and 8, those sections authorize the City to require a person to pay an administrative penalty if the City is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles. 2006, c. 11, Sched. A, s. 81 (1).

Limitation

(2) Despite subsection (1), the City does not have the power to provide that a person is liable to pay an administrative penalty in respect of the failure to comply with by-laws respecting the parking, standing or stopping of vehicles until a regulation is made under section 118. 2006, c. 11, Sched. A, s. 81 (2).

ECONOMIC DEVELOPMENT

Assistance prohibited

82. (1) Despite this or any other Act, the City shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2006, c. 11, Sched. A, s. 82 (1).

Same

- (2) Without limiting subsection (1), the City shall not grant assistance by,
- (a) giving or lending any property of the City, including money;
 - (b) guaranteeing borrowing;
 - (c) leasing or selling any property of the City at below fair market value; or
 - (d) giving a total or partial exemption from any levy, charge or fee. 2006, c. 11, Sched. A, s. 82 (2).

Exception

(3) Subsection (1) does not apply to city council's exercise of its authority under subsection 28 (6) or (7) of the *Planning Act* or under section 333 of this Act. 2006, c. 11, Sched. A, s. 82 (3).

General power to make grants

83. (1) Despite any provision of this or any other Act relating to the giving of grants or aid by the City, subject to section 82, the City may make grants, on such terms as to security

and otherwise as the council considers appropriate, to any person, group or body, including a fund, within or outside the boundaries of the City for any purpose that council considers to be in the interests of the City. 2006, c. 11, Sched. A, s. 83 (1).

Loans, guarantees, etc.

- (2) The power to make a grant includes the power,
- (a) to guarantee a loan and to make a grant by way of loan and to charge interest on the loan;
 - (b) to sell or lease land for nominal consideration or to make a grant of land;
 - (c) to provide for the use by any person of land owned or occupied by the City upon such terms as may be fixed by council;
 - (d) to provide for the use of officers, employees or agents of the City by any person, upon such terms as may be fixed by council;
 - (e) to sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the City or to provide for the use of the personal property on such terms as may be fixed by council; and
 - (f) to make donations of foodstuffs and merchandise purchased by the City for that purpose. 2006, c. 11, Sched. A, s. 83 (2).

Small business counselling

84. (1) Without limiting sections 7 and 8 and despite section 82, sections 7 and 8 authorize the City to provide for the establishment of a counselling service to small businesses operating or proposing to operate in the City. 2006, c. 11, Sched. A, s. 84 (1).

Small business programs

(2) Without limiting sections 7 and 8, those sections authorize the City to do the following things in order to encourage the establishment and initial growth of small businesses or any class of them in the City:

1. To establish and maintain programs for that purpose.
2. To participate in programs administered by the Crown in right of Ontario. 2006, c. 11, Sched. A, s. 84 (2).

Permitted actions

(3) Without limiting sections 7 and 8, those sections authorize the City to do the following for the purposes of a program referred to in subsection (2):

1. To acquire land and erect and improve buildings and structures in order to provide leased premises for eligible small businesses or for a corporation described in paragraph 4.
2. Despite section 82, to make grants to corporations described in paragraph 4.
3. To lease land to small businesses included in a program.

4. To enter into leases of land and other agreements related to the program with a corporation without share capital established by the City in accordance with section 148 for the purposes of encouraging the establishment and initial growth of small businesses or any class of them in the City.
5. To sell, lease or otherwise dispose of any personal property of the City to an eligible small business or to a corporation described in paragraph 4 or provide for the use of such property by the small business or corporation.
6. To provide for the use of the services of any city employee by an eligible small business or by a corporation described in paragraph 4.
7. To establish a city board under this Act to administer a program or to administer the City's participation in a program referred to in subsection (2).
8. To appoint one or more of the directors of a corporation described in paragraph 4. 2006, c. 11, Sched. A, s. 84 (3).

Grant includes loans

(4) The power to make grants under paragraph 2 of subsection (3) includes the power to make loans, to charge interest on the loans and to guarantee loans. 2006, c. 11, Sched. A, s. 84 (4).

Same

(5) A corporation described in paragraph 4 of subsection (3) that leases any building or structure from the City shall use it for the purpose of providing leased premises to small businesses included in a program referred to in subsection (2). 2006, c. 11, Sched. A, s. 84 (5).

Availability of assistance

(6) Despite section 82, a lease of land, the sale, lease or other disposition of personal property or the use of personal property or personal services under subsection (3) may be made or provided at less than fair market value. 2006, c. 11, Sched. A, s. 84 (6).

Limitation

(7) Subsection (6) ceases to apply to an eligible small business on the third anniversary of the day it first occupied premises leased to it under this section. 2006, c. 11, Sched. A, s. 84 (7).

Local board

(8) The power of the City to raise money by the issue of debentures or otherwise for the acquisition of land or construction of buildings shall not be delegated to the city board described in paragraph 7 of subsection (3), despite section 20. 2006, c. 11, Sched. A, s. 84 (8).

Interpretation

(9) A business is an eligible small business if it is included in a program referred to in subsection (2) and it is in occupation of premises leased to it under this section. 2006, c. 11, Sched. A, s. 84 (9).

LICENCES

Definition

85. In sections 86 to 96,

“business” means any business wholly or partly carried on within the City even if the business is being carried on from a location outside the City and includes,

- (a) trades and occupations,
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire. 2006, c. 11, Sched. A, s. 85.

Powers re licences

86. (1) Without limiting sections 7 and 8, those sections authorize the City to provide for a system of licences with respect to a business and,

- (a) to prohibit the carrying on or engaging in the business without a licence;
- (b) to refuse to grant a licence or to revoke or suspend a licence;
- (c) to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) to license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and
- (g) to require, subject to such conditions as the City considers appropriate, a person to pay an administrative penalty if the City is satisfied that the person has failed to comply with any part of a system of licences established by the City. 2006, c. 11, Sched. A, s. 86 (1).

Power to suspend a licence

(2) Without limiting sections 7 and 8, for the purpose of clause (1) (b), if the City is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the City may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a licence subject to the following:

1. Before suspending the licence, the City shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to

them.

2. The suspension shall not exceed 14 days. 2006, c. 11, Sched. A, s. 86 (2).

Same

(3) Despite subsection (2) and without limiting sections 7 and 8, for the purpose of clause (1) (b), the City may, on such conditions as it considers appropriate, without a hearing, suspend a licence authorizing a business to operate on a highway or other property of the City or its local boards, for a period not exceeding 28 days for the following reasons:

1. The holding of a special event.
2. The construction, maintenance or repair of the property.
3. The installation, maintenance or repair of a public utility or service.
4. Pedestrian, vehicular or public safety or public health. 2006, c. 11, Sched. A, s. 86 (3); 2006, c. 32, Sched. B, s. 14 (1).

Exercise of power

(4) The exercise of a power under clause (1) (b), (d), (e) or (g) is in the discretion of the City, and the City shall exercise its discretion,

- (a) upon such grounds as are set out by by-law; or
- (b) in the case of a power under clause (1) (b), (d) or (e), upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity. 2006, c. 11, Sched. A, s. 86 (4).

Application re system of licences

(5) This section applies with necessary modifications to a system of licences with respect to any activity, matter or thing as if it were a system of licences with respect to a business. 2006, c. 32, Sched. B, s. 14 (2).

Conflicts re licensing power

87. If there is a conflict between a provision in this Act and a provision of any other Act authorizing the City to license a business, the section that is less restrictive of the City's power prevails. 2006, c. 11, Sched. A, s. 87.

Other licensing powers

88. Sections 7, 8 and 85 to 94 apply, with necessary modifications, to the City in the exercise of a power to pass by-laws licensing businesses under any other section of this Act or any other Act. 2006, c. 11, Sched. A, s. 88; 2006, c. 32, Sched. B, s. 15.

Restriction re systems of licences

89. (1) The City shall not, under paragraph 11 of subsection 8 (2), provide for a system of licences which makes it illegal for a business listed below to carry on or engage in the business without a licence:

1. A manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail.
2. The sale of goods by wholesale.
3. The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources. 2006, c. 11, Sched. A, s. 89 (1).

Same

[\(2\)](#) Nothing in subsection (1) prevents the City from providing for a system of licences under any authority other than paragraph 11 of subsection 8 (2) for a business. 2006, c. 11, Sched. A, s. 89 (2).

Limitation re location of business

[90. \(1\)](#) Despite sections 7 and 8, the City shall not, except as otherwise provided, refuse to grant a licence for a business under this Act by reason only of the location of the business. 2006, c. 11, Sched. A, s. 90 (1).

Compliance with land use control by-law

[\(2\)](#) Despite subsection (1), a by-law providing for a system of licences for a business may require as a condition of obtaining, continuing to hold or renewing a licence that the business comply with land use control by-laws or requirements under the *Planning Act* or any other Act. 2006, c. 11, Sched. A, s. 90 (2).

Continuation

[\(3\)](#) Despite subsection (2), the City shall not refuse to grant a licence by reason only of the location of the business if the business was being lawfully carried on at that location at the time the by-law requiring the licence came into force so long as it continues to be carried on at that location. 2006, c. 11, Sched. A, s. 90 (3).

Reciprocal licensing arrangement

[91. \(1\)](#) If the City and the police services board of the City agree to enforce a by-law providing for a system of licences with respect to a business on behalf of each other or on behalf of another municipality, another police service board or another body performing a public function prescribed by the Minister, the City or the police services board, as the case may be, may designate one or more persons as officers to enforce the licensing by-laws. 2006, c. 32, Sched. B, s. 16 (1).

Delegation

[\(2\)](#) The City may delegate to another municipality, with the consent of the other municipality, the power to provide for a system of licences with respect to a business specified in the by-law and, for that purpose, sections 7, 8 and 85 to 96 apply with necessary modifications to the other municipality. 2006, c. 11, Sched. A, s. 91 (2); 2006, c. 32, Sched. B, s. 16 (2).

Restrictions re adult entertainment establishments

[92. \(1\)](#) Without limiting sections 7 and 8, a by-law under those sections with respect to adult entertainment establishments may,

- (a) despite section 90, define the area of the City in which adult entertainment establishments may or may not operate and limit the number of adult entertainment establishments in any defined area in which they are permitted;
- (b) prohibit any person carrying on or engaged in an adult entertainment establishment business from permitting any person under the age of 18 years to enter or remain in the adult entertainment establishment or any part of it. 2006, c. 11, Sched. A, s. 92 (1).

Premises

(2) Any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business,

- (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
- (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, but does not include premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario. 2006, c. 11, Sched. A, s. 92 (2).

Power of entry

(3) Despite subsection 376 (1), the City may exercise its administrative power of entry under section 376 at any time of the day or night to enter an adult entertainment establishment. 2006, c. 11, Sched. A, s. 92 (3).

Evidence rule

(4) For the purpose of a prosecution or proceeding under a by-law with respect to adult entertainment establishments, the holding out to the public that the entertainment or services described in subsection (2) are provided in the premises or any part of them is admissible in evidence as proof, in the absence of evidence to the contrary, that the premises or part of them is an adult entertainment establishment. 2006, c. 11, Sched. A, s. 92 (4).

Licensing tow trucks, etc.

93. Without limiting sections 7 and 8, a by-law under those sections with respect to owners and drivers of tow trucks and vehicles, other than motor vehicles, used for hire, may,

- (a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the City or from any point in the City to any point outside the City; and
- (b) provide for the collection of the rates or fares charged for the conveyance. 2006, c. 11, Sched. A, s. 93.

Licensing taxicabs

94. (1) Without limiting sections 7 and 8, a by-law under those sections with respect to the owners and drivers of taxicabs may,

- (a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the City or from any point in the City to any point outside the City;
- (b) provide for the collection of the rates or fares charged for the conveyance; and
- (c) limit the number of taxicabs or any class of them. 2006, c. 11, Sched. A, s. 94 (1).

Restriction

(2) A by-law made under paragraph 11 of subsection 8 (2) with respect to the owners and drivers of taxicabs is void to the extent that it restricts, limits or prevents the owners and drivers of taxicabs from engaging in conveyances that meet both of the following criteria:

1. The purpose of the conveyance is to transport persons with physical, emotional or mental disabilities from any point in the City to any point outside the City.
2. The conveyance is made pursuant to a written contract for the use of a taxicab which can legally operate in the municipality in which the conveyance begins or ends. 2006, c. 11, Sched. A, s. 94 (2); 2006, c. 32, Sched. B, s. 17.

Restrictions re trailers and trailer camps

95. (1) If the City licenses trailers in the City, no licence fee shall be charged in respect of a trailer assessed under the *Assessment Act*. 2006, c. 11, Sched. A, s. 95 (1).

Trailer camps

(2) If the City licenses trailer camps under paragraph 11 of subsection 8 (2) and imposes a licence fee for each lot in the trailer camp to be occupied by one trailer, no licence fee shall be charged in respect of a lot that is to be made available only for a trailer that is assessed under the *Assessment Act*. 2006, c. 11, Sched. A, s. 95 (2).

Definition

(3) In this section,

“trailer camp” means any land on which a trailer is kept. 2006, c. 11, Sched. A, s. 95 (3).

Restrictions re group homes

96. (1) The City shall not pass by-laws under paragraph 11 of subsection 8 (2) providing for a system of licences for group homes unless there is in effect in the City a by-law passed under section 34 of the *Planning Act* that permits the establishment and use of group homes in the City. 2006, c. 11, Sched. A, s. 96 (1).

Same

(2) A by-law under paragraph 11 of subsection 8 (2) providing for a system of licences for group homes may prohibit a person from carrying on the business of a group home without a licence and may provide for the following conditions, but shall not provide for any additional conditions concerning the operation of the group home:

1. The by-law may require the payment of licence fees.
2. The by-law may require a licensee or an applicant for a licence to give the City such information as the City considers appropriate concerning the business name, ownership and method of contacting the licensee or applicant. 2006, c. 11, Sched. A, s. 96 (2).

CLOSING OF BUSINESS ESTABLISHMENTS

Closing of business establishments

[97. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to require business establishments to be closed to the public at any time. 2006, c. 11, Sched. A, s. 97 (1).

Same

[\(2\)](#) Despite subsection (1), a by-law described in that subsection applies to only those premises where goods or services are sold or offered for sale by retail. 2006, c. 11, Sched. A, s. 97 (2).

Exemptions

[\(3\)](#) The by-law does not apply to the sale or offering for sale by retail of,

(a) goods or services in the form of or in connection with prepared meals or living accommodation;

(a.1) liquor under the authority of a licence or permit issued under the *Liquor Licence Act*; and

(b) any other prescribed goods or services. 2006, c. 11, Sched. A, s. 97 (3); 2006, c. 32, Sched. B, s. 18.

HEALTH, SAFETY AND WELL-BEING

Smoking in public places, etc.

[98. \(1\)](#) This section applies to a city by-law to prohibit or regulate the smoking of tobacco in public places and workplaces. 2006, c. 11, Sched. A, s. 98 (1).

Crown bound

[\(2\)](#) The by-law binds the Crown. 2006, c. 11, Sched. A, s. 98 (2).

Restriction

[\(3\)](#) The by-law shall not apply to a highway but may apply to public transportation vehicles and taxicabs on a highway. 2006, c. 11, Sched. A, s. 98 (3).

Scope of by-law

[\(4\)](#) The by-law may,

(a) define “public place” for the purpose of the by-law;

(b) require the owner or occupier of a public place, the employer of a workplace, other than a public transportation vehicle and a taxicab, or the owner or operator of a public transportation vehicle or a taxicab to ensure compliance with the by-law.

2006, c. 11, Sched. A, s. 98 (4).

Conflicts

[\(5\)](#) Despite section 11, if there is a conflict between a provision of any Act or regulation and a provision of the by-law, the provision that is the most restrictive of the smoking of tobacco prevails. 2006, c. 11, Sched. A, s. 98 (5).

Definitions

[\(6\)](#) In this section,

“smoking of tobacco” includes the holding of lighted tobacco; (“usage du tabac”)

“workplace” includes a public transportation vehicle and a taxicab. (“lieu de travail”) 2006, c. 11, Sched. A, s. 98 (6).

Entry on land re emergency communication system

[99](#). For the purposes of establishing, maintaining and operating a centralized communication system for emergency response purposes, the City may at any reasonable time enter upon land to affix numbers to buildings or erect signs setting out numbers on land. 2006, c. 11, Sched. A, s. 99.

Pits and quarries

[100](#). A city by-law prohibiting or regulating the operation of pits and quarries does not apply to a pit or quarry, as those terms are defined in the *Aggregate Resources Act*, located in a part of Ontario designated in a regulation under subsection 5 (2) of that Act. 2006, c. 11, Sched. A, s. 100.

Repairs or alterations, authorized entry

[101. \(1\)](#) The City may authorize the owner or occupant of land to enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant but only to the extent necessary to carry out the repairs or alterations. 2006, c. 11, Sched. A, s. 101 (1).

Conditions

[\(2\)](#) The following apply to a power of entry under a by-law under this section:

1. The power of entry may be exercised by an employee or agent of the owner or occupant of land.
2. A person exercising the power of entry must display or, on request, produce proper identification.
3. Nothing in a by-law under this section authorizes entry into a building.
4. The owner or occupant shall provide reasonable notice of the proposed entry to the occupier of the adjoining land.
5. The owner or occupant of land shall, in so far as is practicable, restore the adjoining land to its original condition and shall provide compensation for any damages caused by the entry or by anything done on the adjoining land. 2006, c. 11,

Sched. A, s. 101 (2).

Fortification of land

102. (1) This section applies to a city by-law,

- (a) regulating in respect of the fortification of and protective elements applied to land in relation to the use of the land; and
- (b) prohibiting the excessive fortification of land or excessive protective elements being applied to land in relation to the use of the land. 2006, c. 11, Sched. A, s. 102 (1).

Definitions

(2) In this section,

“land” means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structure on the land or on or in any structure on the land; (“bien-fonds”)

“protective elements” include surveillance equipment. (“éléments protecteurs”) 2006, c. 11, Sched. A, s. 102 (2).

By-law and building code

(3) A permit shall not be issued under the *Building Code Act, 1992* if the proposed building or construction or use of the building will contravene a by-law to which this section applies. 2006, c. 11, Sched. A, s. 102 (3); 2009, c. 33, Sched. 21, s. 4 (2).

Conflict

(4) Despite section 35 of the *Building Code Act, 1992*, if there is a conflict between the building code under the *Building Code Act, 1992* and a by-law to which this section applies, the building code prevails. 2006, c. 11, Sched. A, s. 102 (4); 2009, c. 33, Sched. 21, s. 4 (3).

Period for compliance for existing fortifications

(5) If the City makes an order to do work under subsection 385 (1) with respect to a contravention of the by-law, the order shall give not less than three months to complete the work if the fortifications or protective elements were present on the land on the day the by-law is passed. 2006, c. 11, Sched. A, s. 102 (5).

Conveyance of prisoners

103. If the attendance of a prisoner in a correctional institution is required at a hearing or proceeding and if the City was responsible for delivering the prisoner to the correctional institution, the City is responsible for conveying the prisoner from the correctional institution to the place of the hearing or proceeding and for the prisoner’s return. 2006, c. 11, Sched. A, s. 103.

NATURAL ENVIRONMENT

Trees

104. (1) This section applies to a city by-law prohibiting or regulating the destruction

or injuring of trees. 2006, c. 11, Sched. A, s. 104 (1).

Same

(2) In passing a by-law prohibiting or regulating the destruction or injuring of trees in woodlands, the City shall have regard to good forestry practices as defined in the *Forestry Act*. 2006, c. 11, Sched. A, s. 104 (2).

Exception from by-law

(3) The by-law does not apply to,

- (a) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*;
- (b) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (c) the injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (c.1) the injuring or destruction of trees imposed under subsection 114 (11) as a condition to the approval of plans or drawings for a site plan control area;
- (d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (e) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (f) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; or
- (g) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*. 2006, c. 11, Sched. A, s. 104 (3); 2006, c. 32, Sched. B, s. 19; 2009, c. 33, Sched. 21, s. 4 (4).

Definition

(4) In this section,

“woodlands” means woodlands as defined in the *Forestry Act* that are one hectare or more in area. 2006, c. 11, Sched. A, s. 104 (4).

Site alteration

105. (1) This section applies to a city by-law with respect to prohibiting or regulating,

- (a) the placing or dumping of fill;
- (b) the removal of topsoil; or
- (c) the alteration of the grade of land. 2006, c. 11, Sched. A, s. 105 (1).

Exemptions

(2) The by-law does not apply to,

- (a) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (a.1) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed under subsection 114 (11) as a condition to the approval of plans or drawings for a site plan control area;
- (b) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;
- (c) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (d) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (e) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (f) the placing or dumping of fill, removal of topsoil or alteration of the grade of land

undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*. 2006, c. 11, Sched. A, s. 105 (2); 2006, c. 32, Sched. B, s. 20.

Exceptions

(3) The by-law respecting the removal of topsoil does not apply to the removal of topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products. 2006, c. 11, Sched. A, s. 105 (3).

Exclusion

(4) The exception described in subsection (3) respecting the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition. 2006, c. 11, Sched. A, s. 105 (4).

By-law ceases to have effect

(5) If a regulation is made under section 28 of the *Conservation Authorities Act* respecting the placing or dumping of fill, removal of topsoil or alteration of the grade of land in any area of the municipality, a by-law passed under this section is of no effect in respect of that area. 2006, c. 11, Sched. A, s. 105 (5).

Definition

(6) In this section,

“topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat. 2006, c. 11, Sched. A, s. 105 (6).

Power of entry re: dangerous trees

105.1 (1) The City may enter on land, without notice to the owner, tenant or occupant of the land, to inspect a tree located on the land that, in the opinion of the City, is in a condition creating an immediate danger to persons or property. 2006, c. 32, Sched. B, s. 21.

Elimination of immediate danger

(2) If, upon inspection under subsection (1) or under subsection 375 (1) in respect of a by-law described in subsection (3), a tree on the land appears, in the opinion of the City, to be in a condition creating an immediate danger to persons or property, the City may enter on the land after making reasonable efforts to notify the owner, tenant or occupant of the land and remove the tree or otherwise eliminate the condition creating the immediate danger. 2006, c. 32, Sched. B, s. 21.

Subject of by-law

(3) A by-law for the purpose of subsection (2) is a by-law requiring owners or persons in charge of any premises to remove decayed, damaged or dangerous trees or branches that pose a danger to persons or property. 2006, c. 32, Sched. B, s. 21.

Lien

(4) Any amount spent by the City in doing what is authorized under subsection (2), together with interest at a rate to be determined by the City, is payable to the City and shall

have priority lien status, and the certificate of the city clerk as to the amount is final. 2006, c. 32, Sched. B. s. 21.

Added to tax roll

(5) The amount payable to the City may be added to the tax roll to be collected in one year or to be collected in instalments over a period of not more than five years. 2006, c. 32, Sched. B. s. 21.

General provision not applicable

(6) Paragraphs 4 and 5 of subsection 375 (1) do not apply to the powers of entry under this section. 2006, c. 32, Sched. B. s. 21.

Registration of agreements respecting ravines

105.2 (1) An agreement described in subsection (2) may be registered against the land to which it applies and the City may enforce its provisions against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 32, Sched. B. s. 21.

Same

(2) Subsection (1) applies to an agreement that the City has entered into with the owner of land, under a City by-law, as a condition of a consent to destroy trees or other natural vegetation on a ravine, to excavate, grade or otherwise alter in elevation or contour any ravine or to provide facilities for and methods of disposal of storm, surface and waste water from any ravine and from any buildings or structures on the ravine and that deals with,

- (a) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the land of the owner or the protection of adjoining lands; or
- (b) grading or alteration in elevation or contour of the land of the owner and the provision of facilities for and methods of disposal of storm, surface and waste water from the land and from any building or structure on the land. 2006, c. 32, Sched. B. s. 21.

ANIMALS

Impounding animals

106. If the City passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law;
- (b) the sale of impounded animals,
 - (i) if they are not claimed within a reasonable time,
 - (ii) if the expenses of the City respecting the impounding of the animals are not paid, or
 - (iii) at such time and in such manner as is provided in the by-law. 2006, c. 11,

Sched. A, s. 106.

Muzzling of dogs

107. (1) If the City requires the muzzling of a dog under any circumstances, city council shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement. 2006, c. 11, Sched. A, s. 107 (1).

Conditions

(2) An exemption may be granted subject to such conditions as council considers appropriate. 2006, c. 11, Sched. A, s. 107 (2).

Request does not stay requirement

(3) A request of the owner of a dog for a hearing under this section does not act as a stay of the muzzling requirement. 2006, c. 11, Sched. A, s. 107 (3).

STRUCTURES, INCLUDING FENCES AND SIGNS

Construction of green roofs or alternative roof surfaces

108. (1) Without limiting sections 7 and 8, those sections authorize the City to pass a by-law requiring and governing the construction of green roofs or of alternative roof surfaces that achieve similar levels of performance to green roofs if the provisions of the by-law do not conflict with the provisions of a regulation made under the *Building Code Act, 1992* respecting public health and safety, fire protection, structural sufficiency, conservation and environmental protection and the requirements respecting barrier-free access. 2006, c. 11, Sched. A, s. 108 (1); 2006, c. 32, Sched. B, s. 22 (1); 2009, c. 33, Sched. 21, s. 4 (5).

Same

(2) A by-law under subsection (1) prevails over a regulation made under the *Building Code Act, 1992*, despite section 35 of that Act. 2006, c. 11, Sched. A, s. 108 (2); 2006, c. 32, Sched. B, s. 22 (2).

Definition

(3) For the purposes of subsection (1),

“green roof” means a roof surface that supports the growth of vegetation over a substantial portion of its area for the purpose of water conservation or energy conservation. 2006, c. 11, Sched. A, s. 108 (3).

Repeal

(4) This section is repealed on a day to be named by proclamation of the Lieutenant Governor. 2006, c. 11, Sched. A, s. 108 (4).

Non-application of *Line Fences Act*

109. (1) The City may provide that the *Line Fences Act* does not apply to all or any part of the City. 2006, c. 11, Sched. A, s. 109 (1).

Exclusion

(2) Despite a by-law passed under subsection (1), section 20 of the *Line Fences Act*

continues to apply throughout the City. 2006, c. 11, Sched. A, s. 109 (2).

Advertising devices

[110. \(1\)](#) A City by-law respecting advertising devices, including signs, does not apply to an advertising device that was lawfully erected or displayed on the day the by-law comes into force if the advertising device is not substantially altered, and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration. 2006, c. 32, Sched. B, s. 23.

Lien for costs and charges

[\(2\)](#) All costs and charges incurred by the City for the removal, care and storage of an advertising device that is erected or displayed in contravention of a City by-law are a lien on the advertising device that may be enforced by the City under the *Repair and Storage Liens Act*. 2006, c. 32, Sched. B, s. 23.

Disposal costs

[\(3\)](#) All costs and charges incurred for disposing of an advertising device described in subsection (2) may be recovered by the City as a debt owed by the owner of the device. 2006, c. 32, Sched. B, s. 23.

LAND USE PLANNING

Demolition and conversion of residential rental properties

[111. \(1\)](#) The City may prohibit and regulate the demolition of residential rental properties and may prohibit and regulate the conversion of residential rental properties to a purpose other than the purpose of a residential rental property. 2006, c. 11, Sched. A, s. 111 (1).

Same

[\(2\)](#) The power to pass a by-law respecting a matter described in subsection (1) includes the power,

- (a) to prohibit the demolition of residential rental properties without a permit;
- (b) to prohibit the conversion of residential rental properties to a purpose other than the purpose of a residential rental property without a permit; and
- (c) to impose conditions as a requirement of obtaining a permit. 2006, c. 11, Sched. A, s. 111 (2).

Restriction

[\(3\)](#) The City cannot prohibit or regulate the demolition or conversion of a residential rental property that contains less than six dwelling units. 2006, c. 11, Sched. A, s. 111 (3).

Effect of building code, etc.

[\(4\)](#) Despite section 35 of the *Building Code Act, 1992*, in the event that the *Building Code Act, 1992* or a regulation made under that Act and a by-law prohibiting or regulating the demolition or conversion of a residential rental property treat the same subject matter in different ways, that Act or the regulation under that Act prevails and the by-law is inoperative

to the extent that the Act or regulation and the by-law treat the same subject matter. 2006, c. 11, Sched. A, s. 111 (4).

Same

[\(5\)](#) If a permit to demolish a residential rental property is issued under this section, no permit is required under section 8 of the *Building Code Act, 1992* to demolish the property. 2006, c. 11, Sched. A, s. 111 (5).

Report

[\(6\)](#) The City shall report statistics and other information concerning the demolition and conversion of residential rental properties to the Minister of Municipal Affairs and Housing and shall do so at the times and in the form and manner specified by the Minister. 2006, c. 11, Sched. A, s. 111 (6).

[112.](#) Repealed: 2006, c. 32, Sched. B, s. 24.

Zoning by-laws re area, density and height

[113. \(1\)](#) The authority to regulate provided in paragraph 4 of subsection 34 (1) of the *Planning Act* includes and, despite the decision of any court, is deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the City or in the area or areas defined in the by-law. 2006, c. 11, Sched. A, s. 113 (1).

Zoning with conditions

[\(2\)](#) If the official plan in effect in the City contains policies relating to zoning with conditions, the City may, in a by-law passed under section 34 of the *Planning Act*, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location. 2006, c. 11, Sched. A, s. 113 (2).

Same

[\(2.1\)](#) The prescribed conditions referred to in subsection (2) may be made subject to such limitations as may be prescribed. 2006, c. 32, Sched. B, s. 25.

Same

[\(3\)](#) When a prescribed condition is imposed under subsection (2),

- (a) the City may require an owner of land to which the by-law applies to enter into an agreement with the City relating to the condition;
- (b) the agreement may be registered against the land to which it applies; and
- (c) the City may enforce the agreement against the owner and any and all subsequent owners of the land. 2006, c. 11, Sched. A, s. 113 (3).

Notice or public meeting not required

[113.1](#) Despite section 34 of the *Planning Act*, the City may amend by-laws passed under that section without giving notice to any person and without holding open houses, public meetings or public hearings if the effect of the amending by-law is only to set out the

municipal addresses to which the original by-law applies. 2006, c. 32, Sched. B, s. 26.

Front yard parking

Definitions

[113.2 \(1\)](#) In this section,

“front yard” means that portion of private property located between the front wall of a residential building on the property and the abutting public highway; (“cour avant”)

“front yard parking” means the parking of a private passenger motor vehicle or motorcycle in a front yard. (“stationnement en cour avant”) 2006, c. 32, Sched. B, s. 26.

Conflict between by-laws

[\(2\)](#) Despite section 71 of the *Planning Act*, in the event of a conflict between a by-law passed under sections 7 and 8 authorizing front yard parking and a by-law passed under the *Planning Act*, or a predecessor of that Act, prohibiting front yard parking, the by-law passed under sections 7 and 8 prevails. 2006, c. 32, Sched. B, s. 26.

Site plan control area

Definition

[114. \(1\)](#) In this section,

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act*. 2006, c. 11, Sched. A, s. 114 (1).

Establishment of site plan control area

[\(2\)](#) Where in an official plan an area is shown or described as a proposed site plan control area, the City may, by by-law, designate the whole or any part of such area as a site plan control area. 2006, c. 11, Sched. A, s. 114 (2).

Designation of site plan control area

[\(3\)](#) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34 of the *Planning Act*. 2006, c. 11, Sched. A, s. 114 (3).

Consultation

[\(4\)](#) The City,

(a) shall permit applicants to consult with the City before submitting plans and drawings for approval under subsection (5); and

(b) may, by by-law, require applicants to consult with the City as described in clause (a). 2006, c. 11, Sched. A, s. 114 (4).

Approval of plans or drawings

(5) No person shall undertake any development in an area designated under subsection (2) unless the City or, where a referral has been made under subsection (15), the Ontario Municipal Board has approved one or both, as the City may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (11) (a).
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than 25 dwelling units, which drawings are sufficient to display,
 - i. the massing and conceptual design of the proposed building,
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access,
 - iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
 - iv. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the City, and
 - v. the sustainable design elements on any adjoining highway under the City's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the City. 2006, c. 11, Sched. A, s. 114 (5).

Exclusions from site plan control

(6) The following matters are not subject to site plan control:

1. The interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 iii of subsection (5).
3. The manner of construction and construction standards. 2006, c. 11, Sched. A, s. 114 (6).

Dispute about scope of site plan control

(7) The owner of land or the City may make a motion for directions to have the Ontario

Municipal Board determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (5) is subject to site plan control. 2006, c. 11, Sched. A, s. 114 (7).

Final determination

(8) The Ontario Municipal Board's determination under subsection (7) is not subject to appeal or review. 2006, c. 11, Sched. A, s. 114 (8).

Drawings for residential buildings

(9) Despite the exception provided in paragraph 2 of subsection (5), city council may require the drawings mentioned in that paragraph for a building to be used for residential purposes containing less than 25 dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area in which such drawings may be required. 2006, c. 11, Sched. A, s. 114 (9).

Proviso

(10) Nothing in this section is deemed to confer on the City power to limit the height or density of buildings to be erected on the land. 2006, c. 11, Sched. A, s. 114 (10).

Conditions to approval of plans

(11) As a condition to the approval of the plans and drawings referred to in subsection (5), the City may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the City any or all of the following:
 - (i) subject to subsection (12), widenings of highways that abut on the land,
 - (ii) facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs,
 - (iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,
 - (iv) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access,
 - (v) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon,
 - (vi) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands,
 - (vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material,
 - (viii) easements conveyed to the City for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the City on the land,
 - (ix) grading or alteration in elevation or contour of the land and provision for the

disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

- (b) maintain to the satisfaction of the City and at the sole risk and expense of the owner any or all of the facilities or works mentioned in subclauses (a) (ii) to (ix), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- (c) enter into one or more agreements with the City dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (e) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (5);
- (d) enter into one or more agreements with the City ensuring that development proceeds in accordance with the plans and drawings approved under subsection (5);
- (e) subject to subsection (13), convey part of the land to the City to the satisfaction of and at no expense to the City for a public transit right of way. 2006, c. 11, Sched. A, s. 114 (11).

Widening must be described in official plan

[\(12\)](#) An owner may not be required to provide a highway widening under subclause (11) (a) (i) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described. 2006, c. 11, Sched. A, s. 114 (12).

Limitation

[\(13\)](#) An owner of land may not be required to convey land under clause (11) (e) unless the public transit right of way to be provided is shown on or described in an official plan. 2006, c. 11, Sched. A, s. 114 (13).

Registration of agreements

[\(14\)](#) Any agreement entered into under clause (11) (c) or (d) may be registered against the land to which it applies and the City is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 11, Sched. A, s. 114 (14).

Appeal to O.M.B.

[\(15\)](#) If the City fails to approve the plans or drawings referred to in subsection (5) within 30 days after they are submitted to the City or if the owner of the land is not satisfied with any requirement made by the City under subsection (11) or with any part thereof, including the terms of any agreement required, the owner may require the plans or drawings or the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the city clerk. 2006, c. 11, Sched. A, s. 114 (15).

Hearing

[\(16\)](#) The Ontario Municipal Board shall hear and determine the matter in issue and

determine the details of the plans or drawings and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final. 2006, c. 11, Sched. A, s. 114 (16).

Classes of development, delegation

(17) Where the City has designated a site plan control area under this section, the City may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (5); and
- (b) delegate to either a committee of city council or to an appointed officer of the City identified in the by-law either by name or position occupied, any of the City's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a). 2006, c. 11, Sched. A, s. 114 (17).

Development permit system

114.1 A regulation made under section 70.2 of the *Planning Act* may,

- (a) vary, supplement or override section 113 or 114 of this Act or any by-law passed under either of those sections as necessary to establish a development permit system;
- (b) authorize or require the City to pass a by-law to vary, supplement or override a by-law passed under section 113 or 114 as necessary to establish a development permit system;
- (c) if the City has adopted or established a development permit system,
 - (i) exempt it from any provision of section 113 or 114 set out in the regulation,
 - (ii) prohibit it from passing a by-law under those provisions of section 113 or 114 that are specified in the regulation. 2006, c. 32, Sched. B, s. 27.

Appeal body for local land use planning matters

115. (1) The City may by by-law constitute and appoint one appeal body for local land use planning matters, composed of such persons as the City considers advisable, subject to subsections (2), (3) and (4). 2006, c. 11, Sched. A, s. 115 (1).

Term and qualifications

(2) A person who is appointed to the appeal body,

- (a) shall serve for the prescribed term, or if no term is prescribed, for the term specified in the by-law; and
- (b) shall have the prescribed qualifications, if any. 2006, c. 11, Sched. A, s. 115 (2).

Eligibility criteria

(3) In appointing persons to the appeal body, the City shall have regard to any prescribed eligibility criteria. 2006, c. 11, Sched. A, s. 115 (3).

Restriction

- (4) The City shall not appoint to the appeal body a person who is,
- (a) a city employee;
 - (b) a member of city council, a land division committee, a committee of adjustment or a planning advisory committee; or
 - (c) a member of a prescribed class. 2006, c. 11, Sched. A, s. 115 (4).

Power to hear appeals

- (5) The City may by by-law empower the appeal body to hear appeals under,
- (a) subsection 45 (12) of the *Planning Act*;
 - (b) subsections 53 (14), (19) and (27) of the *Planning Act*; or
 - (c) the provisions listed in both clauses (a) and (b). 2006, c. 11, Sched. A, s. 115 (5).

Effect of by-law under subs. (5)

- (6) If a by-law has been passed under subsection (5),
- (a) the appeal body has all the powers and duties of the Ontario Municipal Board under this section and the relevant provisions of the *Planning Act*;
 - (b) all references in this section and the *Planning Act* to the Ontario Municipal Board in connection with appeals shall be read as references to the appeal body; and
 - (c) appeals under the relevant provisions shall be made to the appeal body, not to the Ontario Municipal Board. 2006, c. 11, Sched. A, s. 115 (6).

Prescribed requirements

(7) The appeal body shall comply with any prescribed requirements, including, without limitation, requirements for the rules governing the practice and procedure before the appeal body. 2006, c. 11, Sched. A, s. 115 (7).

Fee

(8) An appellant shall pay to the appeal body any fee that the City establishes by by-law. 2006, c. 11, Sched. A, s. 115 (8).

Appeal

(9) An appeal lies from the appeal body to the Divisional Court, with leave of the Divisional Court, on a question of law. 2006, c. 11, Sched. A, s. 115 (9).

Saving

(9.1) For greater certainty, the appeal body does not have the power to make determinations under subsection 53 (4.1) of the *Planning Act*. 2006, c. 32, Sched. B, s. 29 (3).

Exception, related appeals

(10) Despite subsection (6), an appeal under a provision listed in subsection (5) shall be made to the Ontario Municipal Board, not to the appeal body, if a related appeal,

- (a) has previously been made to the Board and has not yet been finally disposed of; or

(b) is made to the Board together with the appeal under a provision listed in subsection (5). 2006, c. 11, Sched. A, s. 115 (10).

Same

(11) For the purpose of subsection (10), an appeal is a related appeal with respect to an appeal under a provision listed in subsection (5) if it is made,

(a) under section 114 of this Act, under section 17, 22, 34, 36, 38, 41 or 51 of the *Planning Act* or under a regulation made under section 70.2 of the *Planning Act*; and

(b) in respect of the same matter as the appeal under a provision listed in subsection (5). 2006, c. 11, Sched. A, s. 115 (11); 2006, c. 32, Sched. B, s. 28 (1).

Dispute about application of subs. (10)

(12) A person may make a motion for directions to have the Ontario Municipal Board determine a dispute about whether subsection (10) applies to an appeal. 2006, c. 11, Sched. A, s. 115 (12).

Final determination

(13) The Ontario Municipal Board's determination under subsection (12) is not subject to appeal or review. 2006, c. 11, Sched. A, s. 115 (13).

O.M.B to assume jurisdiction

(14) If an appeal has been made to the appeal body under a provision listed in subsection (5) but no hearing has begun, and a notice of appeal in respect of the same matter is filed under section 114 of this Act, under section 17, 22, 34, 36, 38, 41 or 51 of the *Planning Act* or under a regulation made under section 70.2 of the *Planning Act*, the Ontario Municipal Board shall assume jurisdiction to hear the first-mentioned appeal. 2006, c. 32, Sched. B, s. 28 (2).

Same

(15) When the Ontario Municipal Board assumes jurisdiction as described in subsection (14), the appeal body,

(a) shall immediately forward to the Board all information and material in its possession that relates to the appeal; and

(b) shall not take any further action with respect to the appeal. 2006, c. 11, Sched. A, s. 115 (15).

Withdrawal of power

(16) The Minister may by order, accompanied by a written explanation for it, withdraw the power given to the appeal body under subsections (5) and (6), and the order may be in respect of the appeals specified in the order, subject to subsection (17), or in respect of any or all appeals made after the order is made. 2006, c. 11, Sched. A, s. 115 (16).

Exception

(17) An order made under subsection (16) does not apply to an appeal if the hearing

before the appeal body has begun on or before the date of the order. 2006, c. 11, Sched. A, s. 115 (17).

Effect of withdrawal

[\(18\)](#) If an order is made under subsection (16),

- (a) the Ontario Municipal Board shall hear all appeals to which the order applies; and
- (b) the appeal body shall forward to the Board all information and material in its possession that relates to any appeal to which the order applies. 2006, c. 11, Sched. A, s. 115 (18).

Revocation of withdrawal

[\(19\)](#) The Minister may by order, accompanied by a written explanation for it, revoke all or part of an order made under subsection (16). 2006, c. 11, Sched. A, s. 115 (19).

Exception

[\(20\)](#) An order made under subsection (19) does not apply to an appeal if the hearing before the Ontario Municipal Board has begun on or before the date of the order. 2006, c. 11, Sched. A, s. 115 (20).

Effect of revocation

[\(21\)](#) If an order is made under subsection (19),

- (a) the appeal body shall hear all appeals to which the order applies; and
- (b) the Ontario Municipal Board shall forward to the appeal body all information and material in its possession that relates to any appeal to which the order applies. 2006, c. 11, Sched. A, s. 115 (21).

Transition

[\(22\)](#) This section does not apply with respect to an appeal that is made before the day a by-law passed under subsection (5) comes into force. 2006, c. 32, Sched. B, s. 28 (3).

REGULATIONS

Regulations re toll highways

[116. \(1\)](#) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of section 41, including,

- (a) requiring the City to obtain the approval of any person or body before designating, operating or maintaining a highway as a toll highway;
- (b) providing for criteria which must be met before the City can designate, operate or maintain a highway as a toll highway;
- (c) imposing conditions and limitations on the powers of the City to designate, operate or maintain a highway as a toll highway;
- (d) granting the City additional powers with respect to the operation and maintenance

of a toll highway, including powers with respect to the collection and enforcement of tolls imposed for the use of a toll highway;

- (e) without limiting clause (d), providing that the provisions of the *Capital Investment Plan Act, 1993* and the regulations under that Act which relate to toll highways apply to the City with such changes as are prescribed;
- (f) establishing process requirements with respect to the designation, operation and maintenance of a highway as a toll highway, including requiring the City to provide notice to the Minister of Municipal Affairs and Housing or any other person or body of its intention to designate a highway as a toll highway;
- (g) providing that the Minister of Municipal Affairs and Housing or any other person or body who receives notice under clause (f) may prohibit the City from making the designation even though the designation is otherwise authorized under the regulation. 2006, c. 11, Sched. A, s. 116 (1).

Conflicts

[\(2\)](#) In the event of a conflict between a regulation made under this section and a provision of any Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 116 (2).

Regulations re highways and bridges

[117. \(1\)](#) The Minister of Transportation may make regulations establishing minimum standards of repair for highways and bridges or any class of them. 2006, c. 11, Sched. A, s. 117 (1).

General or specific

[\(2\)](#) The minimum standards may be general or specific in their application. 2006, c. 11, Sched. A, s. 117 (2).

Adoption by reference

[\(3\)](#) A regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Minister of Transportation considers desirable, any code, standard or guideline, as it reads at the time the regulation is made or as it is amended from time to time, whether before or after the regulation is made. 2006, c. 11, Sched. A, s. 117 (3).

Regulations re administrative penalties, parking by-laws

[118. \(1\)](#) Upon the recommendation of the Attorney General, the Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of section 81, including,

- (a) granting the City powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;
- (b) imposing conditions and limitations on the City's powers with respect to

administrative penalties;

- (c) providing for the refusal by the Registrar of Motor Vehicles to validate vehicle permits issued, or to issue vehicle permits, to a person who had not paid an administrative penalty that is owing to the City. 2006, c. 11, Sched. A, s. 118 (1).

Conflict

[\(2\)](#) In the event of a conflict between a regulation made under this section and a provision of this or any other Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 118 (2).

Regulations re business licences

[119. \(1\)](#) The Minister of Municipal Affairs and Housing may make regulations,

- (a) exempting any business or class of business from all or any part of a by-law providing for a system of licences with respect to a business under any Act, including self-regulated businesses;
- (b) imposing conditions and limitations on the powers of the City under this Act to provide for a system of licences with respect to a business;
- (c) prohibiting the City from imposing on any business, in respect of which a provincial certificate has been issued, a condition on a licence requiring testing on the subject matter of the certification. 2006, c. 11, Sched. A, s. 119 (1).

Scope

[\(2\)](#) A regulation under this section may,

- (a) be retroactive for a period not exceeding one year;
- (b) require the City to return licence fees collected during that period;
- (c) require the City to use the licence fees in the prescribed manner. 2006, c. 11, Sched. A, s. 119 (2).

Definition

[\(3\)](#) In this section,

“business” means business as defined in section 85. 2006, c. 32, Sched. B, s. 30.

Regulations re reciprocal licensing arrangements

[120.](#) For the purpose of subsection 91 (1), the Minister of Municipal Affairs and Housing may prescribe the bodies performing a public function and may impose conditions and limitations on the powers of the City to enter into agreements with those bodies. 2006, c. 11, Sched. A, s. 120.

Regulations re closing of business premises

[121.](#) The Minister of Municipal Affairs and Housing may make regulations prescribing goods and services for the purpose of clause 97 (3) (b). 2006, c. 11, Sched. A, s. 121.

Regulations re zoning by-laws

[122.](#) The Minister of Municipal Affairs and Housing may make regulations prescribing conditions for the purposes of subsection 113 (2). 2006, c. 11, Sched. A, s. 122.

Same

[122.1](#) The Minister of Municipal Affairs and Housing may make regulations prescribing limitations for the purposes of subsection 113 (2.1). 2006, c. 32, Sched. B, s. 31.

Regulations re appeal body for local land use planning matters

- [123.](#) The Minister of Municipal Affairs and Housing may make regulations,
- (a) prescribing a term for the purpose of clause 115 (2) (a) and qualifications for the purpose of clause 115 (2) (b);
 - (b) prescribing eligibility criteria for the purpose of subsection 115 (3);
 - (c) prescribing classes for the purpose of clause 115 (4) (c);
 - (d) prescribing requirements for the purpose of subsection 115 (7);
 - (e) respecting appeals that are affected by orders made under subsections 115 (16), (18), (19) and (21). 2006, c. 11, Sched. A, s. 123.

PART IV THE CITY AND ITS GOVERNANCE

INTERPRETATION

Definitions

[124.](#) In this Part,

“proposal for minor restructuring” means a proposal that provides for one or more restructurings which the Minister of Municipal Affairs and Housing, after reviewing the proposal, is of the opinion is of a minor nature; (“proposition de restructuration mineure”)

“restructuring” means annexing part of the City to another local municipality or annexing part of another local municipality to the City and making any changes to the boundaries of upper-tier municipalities necessary to reflect the annexation. (“restructuration”) 2006, c. 11, Sched. A, s. 124.

THE CITY

City continued

[125. \(1\)](#) The City of Toronto is hereby continued as a body corporate that is composed of the inhabitants of its geographic area. 2006, c. 11, Sched. A, s. 125 (1).

Transition

[\(2\)](#) Without limiting subsection (1), the name and boundaries of the City on the day on which the City is continued are the same as they were immediately before the City was continued. 2006, c. 11, Sched. A, s. 125 (2).

Status

[\(3\)](#) The City is a municipality and has the status of a single-tier municipality for all purposes. 2006, c. 11, Sched. A, s. 125 (3).

Non-application of *Corporations Act*, etc.

[\(4\)](#) The *Corporations Act* and the *Corporations Information Act* do not apply to the City. 2006, c. 11, Sched. A, s. 125 (4).

Change of name

[126. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to change its name. 2006, c. 11, Sched. A, s. 126 (1).

Conflict

[\(2\)](#) In the event of a conflict between a by-law described in subsection (1) and any other provision of this or any other Act or a conflict with a regulation made under any other Act, the by-law prevails. 2006, c. 11, Sched. A, s. 126 (2).

Restriction

[\(3\)](#) The new name cannot be the same as the name of another municipality. 2006, c. 11, Sched. A, s. 126 (3).

Notification

[\(4\)](#) The City shall send a copy of the by-law to the Director of Titles appointed under the *Land Titles Act* and to the Minister of Municipal Affairs and Housing promptly after its passage. 2006, c. 11, Sched. A, s. 126 (4).

Status unchanged

[\(5\)](#) A change of name does not affect the status of the City as a single-tier municipality or the rights or obligations of the City. 2006, c. 11, Sched. A, s. 126 (5).

Wards continued

[127.](#) Without limiting subsection 125 (1), the wards of the City on the day on which the City is continued by that subsection are the same as they were immediately before the City was continued. 2006, c. 11, Sched. A, s. 127.

Changes to wards

[128. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to divide or redivide the City into wards or to dissolve the existing wards. 2006, c. 11, Sched. A, s. 128 (1).

Conflict

[\(2\)](#) In the event of a conflict between a by-law described in subsection (1) and any provision of this Act, other than this section or section 129, a conflict with a provision of any other Act or a conflict with a regulation made under any other Act, the by-law prevails. 2006, c. 11, Sched. A, s. 128 (2).

Notice

[\(3\)](#) Within 15 days after the by-law is passed, the City shall give notice of the passing

of the by-law to the public specifying the last date for filing a notice of appeal under subsection (4). 2006, c. 11, Sched. A, s. 128 (3).

Appeal

(4) Within 45 days after the by-law is passed, the Minister or any other person or agency may appeal to the Ontario Municipal Board by filing a notice of appeal with the City setting out the objections to the by-law and the reasons in support of the objections. 2006, c. 11, Sched. A, s. 128 (4).

Notices forwarded to Board

(5) Within 15 days after the last day for filing a notice of appeal under subsection (4), the City shall forward any notices of appeal to the Ontario Municipal Board. 2006, c. 11, Sched. A, s. 128 (5).

Other material

(6) The City shall provide any other information or material that the Board requires in connection with the appeal. 2006, c. 11, Sched. A, s. 128 (6).

Board decision

(7) The Board shall hear the appeal and may, despite any Act, make an order affirming, amending or repealing the by-law. 2006, c. 11, Sched. A, s. 128 (7).

Coming into force of by-law

(8) The by-law comes into force on the day the new city council is organized following,

- (a) the first regular election after the by-law is passed if the by-law is passed before January 1 in the year of the regular election and,
 - (i) no notices of appeal are filed,
 - (ii) notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or
 - (iii) notices of appeal are filed and the Board issues an order to affirm or amend the by-law before January 1 in the year of the election; or
- (b) the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the Board. 2006, c. 11, Sched. A, s. 128 (8).

Election

(9) Despite subsection (8), where the by-law comes into force on the day the new city council is organized following a regular election, that election shall be conducted as if the by-law was already in force. 2006, c. 11, Sched. A, s. 128 (9).

Notice to assessment corporation

(10) When a by-law described in this section is passed, the clerk of the City shall notify the assessment corporation,

- (a) before January 1 in the year of the first regular election after the by-law is passed, if clause (8) (a) applies;

(b) before January 1 in the year of the second regular election after the by-law is passed, if clause (8) (b) applies. 2009, c. 33, Sched. 21, s. 4 (6).

Petition re wards

[129. \(1\)](#) Electors in the City may present a petition to city council asking the council to pass a by-law dividing or redividing the City into wards or dissolving the existing wards. 2006, c. 11, Sched. A, s. 129 (1).

Number of electors required

[\(2\)](#) The petition requires the signatures of 500 of the electors in the City. 2006, c. 11, Sched. A, s. 129 (2).

Definition

[\(3\)](#) In this section,

“elector” means a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding a petition being presented to council under subsection (1). 2006, c. 11, Sched. A, s. 129 (3).

Failure to act

[\(4\)](#) If city council does not pass a by-law in accordance with the petition within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario Municipal Board to have the City divided or redivided into wards or to have the existing wards dissolved. 2006, c. 11, Sched. A, s. 129 (4); 2006, c. 32, Sched. B, s. 32 (1).

Order

[\(5\)](#) The Board shall hear the application and may, despite any Act, make an order dividing or redividing the City into wards or dissolving the existing wards and subsection 128 (6) applies with necessary modifications in respect to the hearing. 2006, c. 11, Sched. A, s. 129 (5).

Coming into force

[\(6\)](#) An order of the Board under this section comes into force on the day the new city council is organized following,

- (a) the first regular election after the order is made, if the order is made before January 1 in the year of the regular election; or
- (b) the second regular election after the order is made, if the order is made on or after January 1 in the year of a regular election but before voting day. 2006, c. 11, Sched. A, s. 129 (6).

Election

[\(7\)](#) Despite subsection (6), if an order comes into force on the day the new city council is organized following a regular election, that election shall be conducted as if the order was already in force. 2006, c. 11, Sched. A, s. 129 (7).

Deemed by-law

[\(8\)](#) Once an order of the Board is in force, the order is deemed to be a by-law of the

City and may be amended or repealed by the City by by-law described in section 128. 2006, c. 11, Sched. A, s. 129 (8); 2006, c. 32, Sched. B, s. 32 (2).

CITY COUNCIL

City council continued

[130.](#) Without limiting subsection 125 (1), the composition of city council on the day on which the City is continued by that subsection is the same as it was immediately before the City was continued. 2006, c. 11, Sched. A, s. 130.

Role of city council

[131.](#) It is the role of city council,

- (a) to represent the public and to consider the well-being and interests of the City;
- (b) to develop and evaluate the policies and programs of the City;
- (c) to determine which services the City provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (e) to ensure the accountability and transparency of the operations of the City, including the activities of the senior management of the City;
- (f) to maintain the financial integrity of the City; and
- (g) to carry out the duties of council under this or any other Act. 2006, c. 11, Sched. A, s. 131.

Powers of city council

[132. \(1\)](#) The powers of the City shall be exercised by city council. 2006, c. 11, Sched. A, s. 132 (1).

Same

[\(2\)](#) Anything begun by one council may be continued and completed by a succeeding council. 2006, c. 11, Sched. A, s. 132 (2).

By-law

[\(3\)](#) A power of the City, including the City's capacity, rights, powers and privileges under section 7, shall be exercised by by-law unless the City is specifically authorized to do otherwise. 2006, c. 11, Sched. A, s. 132 (3).

Scope

[\(4\)](#) Subsections (1) to (3) apply to all of the City's powers, whether conferred by this Act or otherwise. 2006, c. 11, Sched. A, s. 132 (4).

Role of the mayor as head of council

[133. \(1\)](#) It is the role of the mayor of the City, as the head of council,

- (a) to act as chief executive officer of the City;

- (b) to preside over meetings of council so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to council;
- (d) to represent the City at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act. 2006, c. 11, Sched. A, s. 133 (1).

Same

[\(2\)](#) Without limiting clause (1) (c), the mayor's role includes providing information and making recommendations to council with respect to council's role under clauses 131 (d) and (e). 2006, c. 11, Sched. A, s. 133 (2).

Substitution

[\(3\)](#) The City may, with the consent of the head of council, appoint a member of council to act in the place of the head of council on any body, of which the head of council is a member by virtue of being head of council. 2006, c. 11, Sched. A, s. 133 (3).

Role of the mayor as chief executive officer

[134.](#) As chief executive officer of the City, the mayor shall,

- (a) uphold and promote the purposes of the City;
- (b) promote public involvement in the City's activities;
- (c) act as the representative of the City both within and outside the City, and promote the City locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the City and its residents. 2006, c. 11, Sched. A, s. 134.

Changes to city council

[135. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to change the composition of city council. 2006, c. 11, Sched. A, s. 135 (1).

Conflict

[\(2\)](#) In the event of a conflict between a by-law described in subsection (1) and any provision of this Act, other than this section, a conflict with a provision of any other Act or a conflict with a regulation made under any other Act, the by-law prevails. 2006, c. 11, Sched. A, s. 135 (2).

Requirements

[\(3\)](#) The following rules apply to the composition of city council:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the *Municipal Elections*

Act, 1996.

3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards. 2006, c. 11, Sched. A, s. 135 (3).

Coming into force

[\(4\)](#) A by-law changing the composition of city council does not come into force until the day the new council is organized,

- (a) after the first regular election following the passing of the by-law; or
- (b) if the by-law is passed in the year of a regular election before voting day, after the second regular election following the passing of the by-law. 2006, c. 11, Sched. A, s. 135 (4).

Election

[\(5\)](#) The regular election held immediately before the coming into force of the by-law shall be conducted as if the by-law was already in force. 2006, c. 11, Sched. A, s. 135 (5).

Term unaffected

[\(6\)](#) Nothing in this section authorizes a change in the term of office of a member of council. 2006, c. 11, Sched. A, s. 135 (6).

OFFICERS AND EMPLOYEES OF THE CITY

Role of officers and employees

[136.](#) It is the role of the officers and employees of the City,

- (a) to implement the decisions of city council and to establish administrative practices and procedures to carry out those decisions;
- (b) to undertake research and provide advice to city council on the policies and programs of the City; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the City. 2006, c. 11, Sched. A, s. 136.

City clerk

[137. \(1\)](#) The City shall appoint a clerk whose duty it is,

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of city council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of city council;

- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the City. 2006, c. 11, Sched. A, s. 137 (1).

Deputy clerks

(2) The City may appoint deputy clerks who have all the powers and duties of the clerk under this and any other Act. 2006, c. 11, Sched. A, s. 137 (2).

Status

(3) A clerk or deputy clerk is not required to be a city employee. 2006, c. 11, Sched. A, s. 137 (3).

Delegation

(4) The clerk may delegate in writing to any person, other than a member of council, any of the clerk's powers and duties under this and any other Act. 2006, c. 11, Sched. A, s. 137 (4).

Same

(5) The clerk may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 137 (5).

City treasurer

138. (1) The City shall appoint a treasurer who is responsible for handling all of the financial affairs of the City on behalf of the City and in the manner directed by city council, including,

- (a) collecting money payable to the City and issuing receipts for those payments;
- (b) depositing all money received on behalf of the City in a financial institution designated by the City;
- (c) paying all debts of the City and other expenditures authorized by the City;
- (d) maintaining accurate records and accounts of the financial affairs of the City;
- (e) providing the council with such information with respect to the financial affairs of the City as it requires or requests;
- (f) ensuring investments of the City are made in compliance with the regulations made under Part VIII (Finances). 2006, c. 11, Sched. A, s. 138 (1).

Deputy treasurers

(2) The City may appoint deputy treasurers who shall have all the powers and duties of the treasurer under this or any other Act. 2006, c. 11, Sched. A, s. 138 (2).

Not required to be an employee

(3) A treasurer or deputy treasurer is not required to be a city employee. 2006, c. 11, Sched. A, s. 138 (3).

Liability limited

[\(4\)](#) The treasurer or deputy treasurer is not liable for money paid in accordance with the directions of the council of the City unless the disposition of the money is expressly provided for under any Act. 2006, c. 11, Sched. A, s. 138 (4).

Delegation

[\(5\)](#) The City may delegate to any person all or any of the powers and duties of the treasurer under this or any other Act with respect to the collection of taxes imposed under any Part of this Act. 2006, c. 11, Sched. A, s. 138 (5).

Continuation despite delegation

[\(6\)](#) The treasurer may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 138 (6).

City auditor

[139. \(1\)](#) The City shall appoint an auditor licensed under the *Public Accounting Act, 2004* who is responsible for,

- (a) annually auditing the accounts and transactions of the City and its local boards and expressing an opinion on the financial statements of these bodies based on the audit; and
- (b) performing duties required by the City or local board. 2006, c. 11, Sched. A, s. 139 (1).

Term

[\(2\)](#) A city auditor shall not be appointed for a term exceeding five years. 2006, c. 11, Sched. A, s. 139 (2).

Non-employee

[\(3\)](#) Despite any Act, the city auditor shall not be a city employee or an employee of a local board of the City. 2006, c. 11, Sched. A, s. 139 (3).

Reporting relationship

[\(4\)](#) The auditor reports to city council. 2006, c. 11, Sched. A, s. 139 (4).

Chief administrative officer

[140.](#) The City may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the City for the purpose of ensuring the efficient and effective operation of the City; and
- (b) performing such other duties as are assigned by the City. 2006, c. 11, Sched. A, s. 140.

CITY BOARDS

Power to establish city boards

[141. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to establish a city board and to provide for the following matters:

1. The name, composition, quorum and budgetary process of the board.
2. The eligibility of persons to hold office as board members.
3. The manner of selecting board members, the resignation of members, the determination of when a member's seat becomes vacant and the filling of vacancies.
4. The term of office and remuneration of board members.
5. The number of votes of the board members.
6. The requirement that the board follow rules, procedures and policies established by the City.
7. The relationship between the City and the board, including their financial and reporting relationship. 2006, c. 11, Sched. A, s. 141 (1).

Restriction

[\(2\)](#) A city board must be composed of at least two members. 2006, c. 11, Sched. A, s. 141 (2).

Same, election of members

[\(3\)](#) The City cannot require any member of a city board to be elected to that office under the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 141 (3).

Same, term of office

[\(4\)](#) The term of office of a member of a city board cannot exceed four years but members may be eligible for appointment for more than one term. 2006, c. 11, Sched. A, s. 141 (4); 2006, c. 32, Sched. B, s. 33.

Same

[\(5\)](#) Despite subsection (4), the term of office of a member continues until his or her successor becomes a member of the board. 2006, c. 11, Sched. A, s. 141 (5).

Same

[\(6\)](#) Except as otherwise provided by subsections (2) to (4), the following provisions apply with necessary modifications to a city board and its members as if they were city council and members of city council:

1. Section 193 (Absence of head).
2. Clauses 204 (c) to (h) (Vacant seat).
3. Sections 205 (Resignation as member), 209 (Term of office, vacancy) and 210 (Application to court). 2006, c. 11, Sched. A, s. 141 (6).

Status of city boards

[142. \(1\)](#) A city board is a body corporate unless the City provides otherwise when establishing the board. 2006, c. 11, Sched. A, s. 142 (1).

Agency

[\(2\)](#) A city board is an agent of the City. 2006, c. 11, Sched. A, s. 142 (2).

Local board

[\(3\)](#) A city board is a local board of the City for all purposes. 2006, c. 11, Sched. A, s. 142 (3).

Non-application of *Corporations Act*, etc.

[\(4\)](#) The *Corporations Act* and the *Corporations Information Act* do not apply to a city board that is a body corporate. 2006, c. 11, Sched. A, s. 142 (4).

Functions of city boards

[143. \(1\)](#) The City may give a city board the control and management of such municipal services and activities as the City considers appropriate and shall do so by delegating the powers and duties of the City to the board in accordance with this Act. 2006, c. 11, Sched. A, s. 143 (1).

Powers and duties

[\(2\)](#) The following provisions apply with necessary modifications to a city board, except as otherwise provided by a city by-law:

1. Section 7 (Powers of a natural person).
2. Part XV (Enforcement), except sections 374 (City entitlement to fines), 382 (Enforcement of agreements, etc.) and 388 (Closing premises, public nuisance).
3. Part XVI (Liability of the City). 2006, c. 11, Sched. A, s. 143 (2).

Restriction

[\(3\)](#) A power provided to a city board under subsection (2) is subject to any limits on and duties related to the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power. 2006, c. 32, Sched. B, s. 34.

Joint city boards

[144. \(1\)](#) The City may enter into agreements with one or more other municipalities to establish a joint city board and to provide for those matters which, in the opinion of the participating municipalities, are necessary or desirable to facilitate the establishment and operation of the joint board. 2006, c. 11, Sched. A, s. 144 (1).

Same

[\(2\)](#) The City may give to a joint city board the control and management of different municipal services or activities than those given to the board by the other municipalities and may give to a joint city board the control and management of different aspects of the municipal service or activity than the aspects given to the board by the other municipalities. 2006, c. 11, Sched. A, s. 144 (2).

Powers, etc.

[\(3\)](#) Subject to subsections (4) and (5), the provisions of this Act that apply to city boards also apply with necessary modifications to joint city boards. 2006, c. 11, Sched. A, s. 144 (3).

Consent required

(4) Except where otherwise specifically provided in any Act, an action of the City related to an existing or proposed joint city board is of no effect unless the City obtains the consent of all the other participating municipalities of which the board is a local board or will be a local board as a result of the action. 2006, c. 11, Sched. A, s. 144 (4).

Exception

(5) Despite subsection (4), an agreement under subsection (1) may provide for circumstances where the consent of the other participating municipalities is not required under subsection (4) or where only the consent of the municipalities specified in the agreement is required under subsection (4). 2006, c. 11, Sched. A, s. 144 (5).

Powers and duties of other municipalities

(6) If another municipality enters into an agreement described in subsection (1) with the City, the other municipality is deemed to have the same powers and duties as the City under this Act for the purposes of the establishment and operation of the joint board. 2006, c. 11, Sched. A, s. 144 (6).

Same

(7) Subsection (6) does not authorize the other municipality to give control and management of a municipal service or activity to the joint board if the municipality does not otherwise have the authority to provide the service or undertake the activity. 2006, c. 11, Sched. A, s. 144 (7).

Power to dissolve or change local boards

145. (1) Without limiting sections 7 and 8, those sections authorize the City to dissolve or change a local board. 2006, c. 11, Sched. A, s. 145 (1).

Conflict

(2) In the event of a conflict between a by-law described in subsection (1) and any provision of this or any other Act, excluding sections 141 to 147 of this Act, or in the event of a conflict with a regulation made under any other Act, the by-law prevails. 2006, c. 11, Sched. A, s. 145 (2).

Restriction

(3) Despite subsection (1), the City shall not, in accordance with that subsection, dissolve or change a local board which is,

- (a) a society as defined in subsection 3 (1) of the *Child and Family Services Act*;
- (b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*;
- (c) a committee of management established under the *Long-Term Care Homes Act, 2007*;
- (d) a board as defined in section 1 of the *Public Libraries Act*;
- (e) a police services board established under the *Police Services Act*;

- (f) an appeal body established under section 115;
- (g) a corporation established in accordance with section 148;
- (h) such other local boards as may be prescribed. 2006, c. 11, Sched. A, s. 145 (3); 2006, c. 32, Sched. B, s. 35; 2007, c. 8, s. 198 (2).

Scope of power to change a local board

146. Without limiting sections 7 and 8, the power of the City to change a local board under those sections includes the power to pass by-laws with respect to,

- (a) the matters described in paragraphs 1 to 7 of subsection 141 (1), subject to the restrictions set out in section 141;
- (b) the assumption of a power or duty of the board provided that, if the power or duty was delegated to the board by the City, the City cannot assume the power or duty if it cannot revoke the delegation;
- (c) the delegation of a power or duty to the board to the extent authorized under this Act;
- (d) the restriction or expansion of the mandate of the board. 2006, c. 11, Sched. A, s. 146.

Dissolution, etc., of joint board

147. If the City passes a by-law in accordance with subsection 145 (1) to dissolve or change a local board which is a local board of the City and one or more other municipalities,

- (a) the by-law does not come into force until at least half of the municipalities, excluding the City, have passed a resolution giving their approval to the by-law;
- (b) when the by-law comes into force, the by-law is deemed to be a by-law passed by each of the municipalities of which the board is a local board. 2006, c. 11, Sched. A, s. 147; 2006, c. 32, Sched. B, s. 36.

CORPORATIONS

Power to establish corporations

148. (1) Without limiting sections 7 and 8, those sections authorize the City to do the following things in accordance with such conditions and restrictions as may be prescribed:

1. To establish corporations.
2. To nominate or authorize a person to act as an incorporator, director, officer or member of a corporation.
3. To exercise any power as a member of a corporation.
4. To acquire an interest in or to guarantee such securities issued by a corporation as may be prescribed.
5. To exercise any power as the holder of such securities issued by a corporation as

may be prescribed. 2006, c. 11, Sched. A, s. 148 (1); 2006, c. 32, Sched. B, s. 37.

Duties of corporations, etc.

[\(2\)](#) A corporation established by the City and a secondary corporation and the directors and officers of the corporation shall comply with such requirements as may be prescribed. 2009, c. 33, Sched. 21, s. 4 (7).

Exceptions

[\(3\)](#) This section does not apply with respect to a corporation established under section 142 of the *Electricity Act, 1998*, a corporation established under section 13 of the *Housing Development Act*, a local housing corporation as defined in the *Housing Services Act, 2011* or any other corporation that the City is expressly authorized under any other Act to establish or control. 2006, c. 11, Sched. A, s. 148 (3); 2011, c. 6, Sched. 1, s. 186 (1).

Definition

[\(4\)](#) For the purposes of this section and section 154,

“secondary corporation” means a corporation established by a corporation that was established under subsection (1) and a corporation deemed under the regulations to be a secondary corporation. 2009, c. 33, Sched. 21, s. 4 (8).

Regulations

[\(5\)](#) The Lieutenant Governor in Council may make regulations providing that specified corporations are deemed to be secondary corporations. 2009, c. 33, Sched. 21, s. 4 (8).

MUNICIPAL RESTRUCTURING

Proposal for minor restructuring

[149. \(1\)](#) The City may, subject to subsection (2), make a proposal for minor restructuring of municipalities in a geographic area by submitting to the Minister of Municipal Affairs and Housing a restructuring report containing,

- (a) a description of the proposal in a form and in such detail as the Minister may require; and
- (b) proof in a form satisfactory to the Minister that,
 - (i) the proposal has the prescribed degree of support of the prescribed municipalities in the geographic area,
 - (ii) the support was determined in the prescribed manner,
 - (iii) the municipalities which support the proposal meet the prescribed criteria, and
 - (iv) the City consulted the public in the required manner. 2006, c. 11, Sched. A, s. 149 (1).

Limitation

[\(2\)](#) A proposal for minor restructuring shall not provide for a type of restructuring other

than a prescribed type of restructuring. 2006, c. 11, Sched. A, s. 149 (2).

Consultation

(3) Before the council of the City or of another municipality votes on whether to support or oppose the proposal, the council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:

1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting.
2. Council shall consult with such persons or bodies as the Minister may prescribe.
3. Council may consult with such other persons and bodies as the council considers appropriate. 2006, c. 11, Sched. A, s. 149 (3).

Implementation

(4) The Minister may, by order, implement the proposal in accordance with the regulations if,

- (a) the proposal and report under subsection (1) meet the requirements of this section; and
- (b) in the opinion of the Minister, the proposal and report comply with the restructuring principles and standards established under clause 155 (1) (a). 2006, c. 11, Sched. A, s. 149 (4).

Amendment of proposal

(5) After the following requirements are met and despite subsection (4), the Minister may allow a proposal submitted under subsection (1) or under subsection 173 (1) of the *Municipal Act, 2001* to be amended and, if an order implementing the proposal has already been made, the Minister may make another order to implement the amended proposal:

1. An amended restructuring report setting out the amended proposal must be submitted to the Minister by the City.
2. The amended proposal must have the prescribed degree of support of the prescribed municipalities in the geographic area whose support was required for the original proposal.
3. The amended proposal must have the prescribed degree of support of the prescribed municipalities in the geographic area whose support would be required if the amended proposal were an original proposal.
4. The provisions of any order implementing the original proposal which are to be amended are not in force. 2006, c. 11, Sched. A, s. 149 (5).

Same

(6) An amended proposal and report submitted to the Minister under subsection (5) is deemed to have been submitted to the Minister under subsection (1) for the purposes of this section. 2006, c. 11, Sched. A, s. 149 (6).

Same

[\(7\)](#) If the Minister makes an order under subsection (4) or under subsection 173 (4) of the *Municipal Act, 2001* and then makes another order under subsection (5) implementing an amended proposal, the second order is deemed to have been made under subsection (4) or under subsection 173 (4) of the *Municipal Act, 2001*, as the case may be. 2006, c. 11, Sched. A, s. 149 (7).

Limitation, restructuring principles and standards

[\(8\)](#) If the Minister is not satisfied that the proposal and report meet the requirements of this section and comply with the restructuring principles and standards established under clause 155 (1) (a), the Minister shall not make an order implementing the proposal and he or she may refer the proposal and report back to the City for reconsideration. 2006, c. 11, Sched. A, s. 149 (8).

Effect of order

[\(9\)](#) A proposal and report is deemed to comply with the restructuring principles and standards established under clause 155 (1) (a) once an order implementing the proposal is made under subsection (4). 2006, c. 11, Sched. A, s. 149 (9).

Filing

[\(10\)](#) The Minister shall,

- (a) publish an order under subsection (4) in *The Ontario Gazette*; and
- (b) file a copy of an order under subsection (4) with each municipality to which the order applies. 2006, c. 11, Sched. A, s. 149 (10).

Inspection

[\(11\)](#) Each municipality described in clause (10) (b) shall make the order available for public inspection. 2006, c. 11, Sched. A, s. 149 (11).

Not regulation

[\(12\)](#) An order of the Minister under subsection (4) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 11, Sched. A, s. 149 (12); 2006, c. 11, Sched. B, s. 3 (3).

Conflicts with official plan

[150.](#) A by-law of the City approving a proposal for minor restructuring under section 149 is not invalid on the ground that it conflicts with an official plan. 2006, c. 11, Sched. A, s. 150.

Effect of Minister's order

[151. \(1\)](#) An order of the Minister under section 149,

- (a) is conclusive evidence that all conditions precedent to the making of the order have been complied with and that the municipalities have been restructured in accordance with this Act; and
- (b) prevails over any Act or regulation, other than this section, with which it conflicts

and prevails over a regulation made under section 155, with which it conflicts.
2006, c. 11, Sched. A, s. 151 (1).

Exceptions

(2) Despite clause (1) (b), the City may exercise its powers with respect to any of the following matters before or after an order of the Minister under section 149 or under section 173 of the *Municipal Act, 2001* comes into force, unless the order precludes it expressly or by necessary implication:

1. Changing the name of the City.
2. Dissolving or changing local boards.
3. Changing the composition of city council.
4. Establishing, changing or dissolving wards.
5. Any other matter dealt with by a provision of an Act which provides, expressly or by necessary implication, that the provision or the exercise of power under the provision by the City prevails over an order of the Minister under section 149.
2006, c. 11, Sched. A, s. 151 (2).

Same

(3) Despite clause (1) (b), an order described in subsection (1) does not affect any exemption or partial exemption from taxes or rates or any authority to provide for those exemptions in any Act. 2006, c. 11, Sched. A, s. 151 (3).

Taxes

(4) If, as a result of an order described in subsection (1), an area of the City is subject to taxes or rates which do not apply generally across the City, section 21 of the *Assessment Act* applies with respect to those taxes or rates as if the area were the whole City. 2006, c. 11, Sched. A, s. 151 (4).

REGULATIONS

Regulations re city council, etc.

152. (1) The Lieutenant Governor in Council may make regulations,

- (a) requiring the City to establish an executive committee from among the members of council and prescribing the composition, powers and duties of the committee, including, for example, requiring the committee to provide strategic directions for the City;
- (b) requiring the head of council to appoint the chairs and vice-chairs of specified committees of council and specified local boards;
- (c) requiring the head of council to appoint one or more deputy heads of council from among the members of council and prescribing the duties of the persons appointed;
- (d) requiring the head of council to nominate or to appoint one or more persons who

will have the prescribed responsibilities, powers and duties of a chief administrative officer for the City;

- (e) establishing procedures for the appointment of persons who are nominated under clause (d) by the head of council;
- (f) establishing procedures relating to the dismissal of persons who are nominated or appointed under clause (d);
- (g) prescribing transitional matters relating to the exercise of powers and performance of duties under clauses (d) and (e);
- (h) requiring council to appoint specified committees composed of members of council elected from specified geographic areas of the City and requiring the City to delegate prescribed powers and duties to the committees;
- (i) specifying procedures for the adoption by the City of a budget under section 228 or the adoption or readoption of a budget under section 229;
- (j) specifying the duties of the head of council in respect of the adoption or readoption of such a budget by the City. 2006, c. 11, Sched. A, s. 152 (1).

Conflict

(2) In the event of a conflict between a regulation made under this section and a provision of this or any other Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 152 (2).

Regulations re dissolution, etc., of local boards

153. For the purposes of section 145, the Minister of Municipal Affairs and Housing may make regulations, despite this or any other Act,

- (a) providing that any body performing any public function is a local board;
- (b) providing that a local board is a local board of the City;
- (c) providing that the City does not have the power to dissolve or change a local board specified in the regulation;
- (d) imposing conditions and limitations on the powers of the City;
- (e) providing that, for the purposes specified in the regulation, the City is deemed to be a local board of the type dissolved or changed;
- (f) providing that, for the purposes specified in the regulation, the City shall stand in the place of a local board dissolved or changed;
- (g) providing for matters that, in the opinion of the Minister, are necessary or desirable to allow the City to act as a local board, to exercise the powers of a local board or to stand in the place of a local board for any purpose;
- (h) providing that the provisions of any Act specified in the regulation do not apply to the City acting as a local board, exercising the powers of a local board or standing

in the place of a local board for any purpose;

- (i) providing for the continuation, cessation or amendment of any or all by-laws and resolutions of a local board which is dissolved or changed under this section;
- (j) providing that the City or local board pay money to each other or another municipality or local board;
- (k) providing for transitional matters related to a dissolution of or change to a local board. 2006, c. 11, Sched. A, s. 153.

Regulations re corporations

154. (1) For the purposes of section 148, the Lieutenant Governor in Council may make regulations governing the powers of the City referred to in that section and governing corporations established under subsection 148 (1) and secondary corporations, including regulations,

- (a) prescribing the purposes for which the City may exercise its powers referred to in that section and imposing conditions and restrictions on the use of those powers;
- (b) prescribing the purposes for which a corporation may carry on business or engage in activities;
- (c) prescribing securities for the purposes of paragraphs 4 and 5 of subsection 148 (1);
- (d) imposing conditions and requirements that apply to a corporation and its directors and officers;
- (e) providing that specified corporations are deemed not to be local boards for the purposes of any provision of this Act or for the purposes of the definition of “municipality” in such other Acts as may be specified;
- (f) providing that specified corporations are deemed for the purposes of any Act or specified provisions of an Act not to be operating a public utility in such circumstances as may be prescribed;
- (g) exempting the City from the application of section 82 with respect to specified corporations;
- (h) providing for transitional matters relating to the City’s exercise of its powers under that section or relating to a specified corporation’s exercise of its powers. 2006, c. 11, Sched. A, s. 154 (1); 2009, c. 33, Sched. 21, s. 4 (9).

Conflict

(2) If there is a conflict between a regulation made under this section and a provision of this Act, other than section 148, or of any other Act or a provision of any regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 154 (2).

Additional regulation-making powers re corporations

154.1 (1) For the purposes of section 148, the Lieutenant Governor in Council may make regulations governing the powers of the City referred to in that section and governing

the corporations established under that section, including regulations providing that specified corporations are deemed to be local boards for the purposes of any provision of this Act or for the purposes of the definition of “municipality” in such other Acts as may be specified. 2006, c. 32, Sched. B, s. 38.

Saving

[\(2\)](#) The power conferred by subsection (1) is in addition to the power conferred by section 154. 2006, c. 32, Sched. B, s. 38.

Regulations re minor restructuring

Minister

[155. \(1\)](#) The Minister of Municipal Affairs and Housing may make regulations,

- (a) establishing restructuring principles and standards that relate to proposals for minor restructuring under section 149;
- (b) for the purposes of section 149,
 - (i) establishing types of restructuring,
 - (ii) providing which municipalities may support a proposal for minor restructuring with respect to each type of restructuring,
 - (iii) providing for the degree of support required to support a proposal for minor restructuring with respect to each type of restructuring,
 - (iv) providing for the manner of determining the support, and
 - (v) providing for criteria which must be met by the municipalities supporting a proposal for minor restructuring;
- (c) providing that a municipality in a geographic area for which a proposal for minor restructuring has been submitted under subsection 149 (1),
 - (i) shall not exercise a specified power under any Act,
 - (ii) shall exercise, in the specified manner, a specified power under any Act,
 - (iii) shall obtain the approval of a person or body specified in the regulation before exercising any of its powers under any Act;
- (d) for the purpose of paragraph 2 of subsection 149 (3), prescribing the persons or bodies to be consulted. 2006, c. 11, Sched. A, s. 155 (1).

Lieutenant Governor in Council

[\(2\)](#) Despite any Act, the Lieutenant Governor in Council may make regulations setting out the powers that may be exercised by the Minister of Municipal Affairs and Housing in implementing a proposal for minor restructuring. 2006, c. 11, Sched. A, s. 155 (2).

PART V ACCOUNTABILITY AND TRANSPARENCY

INTERPRETATION

Definitions

156. In this Part,

“city-controlled corporation” means a corporation that has 50 per cent or more of its issued and outstanding shares vested in the City or that has the appointment of a majority of its board of directors made or approved by the City, but does not include a local board; (“société contrôlée par la cité”)

“code of conduct” means a code of conduct established under section 157; (“code de déontologie”)

“grant recipient” means person or entity that receives a grant directly or indirectly from the City, a local board (restricted definition) or a city-controlled corporation; (“bénéficiaire d’une subvention”)

“local board (restricted definition)” means a local board other than,

- (a) a society as defined in subsection 3 (1) of the *Child and Family Services Act*,
- (b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*,
- (c) a committee of management established under the *Long-Term Care Homes Act, 2007*,
- (d) a police services board established under the *Police Services Act*,
- (e) a board as defined in section 1 of the *Public Libraries Act*,
- (f) a corporation established in accordance with section 148,
- (g) such other local boards as may be prescribed; (“conseil local (définition restreinte)”)

“public office holder” means,

- (a) a member of city council and any person on his or her staff,
- (b) an officer or employee of the City,
- (c) a member of a local board (restricted definition) of the City and any person on his or her staff,
- (d) an officer, director or employee of a local board (restricted definition) of the City, and
- (e) such other persons as may be determined by city council who are appointed to any office or body by city council or by a local board (restricted definition) of the City. (“titulaire d’une charge publique”) 2006, c. 11, Sched. A, s. 156; 2007, c. 8, s. 198 (3).

CODE OF CONDUCT

Code of conduct

[157. \(1\)](#) The City shall establish codes of conduct for members of city council and members of local boards (restricted definition). 2006, c. 11, Sched. A, s. 157 (1).

Same

[\(2\)](#) Without limiting sections 7 and 8, those sections authorize the City to establish codes of conduct for members of city council and of local boards (restricted definition) of the City. 2006, c. 11, Sched. A, s. 157 (2).

No offence

[\(3\)](#) A by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence. 2006, c. 11, Sched. A, s. 157 (3).

INTEGRITY COMMISSIONER

Appointment of Commissioner

[158. \(1\)](#) The City shall appoint an Integrity Commissioner. 2006, c. 11, Sched. A, s. 158 (1).

Reporting relationship

[\(2\)](#) The Commissioner reports to city council. 2006, c. 11, Sched. A, s. 158 (2).

Status

[\(3\)](#) The Commissioner is not required to be a city employee. 2006, c. 11, Sched. A, s. 158 (3).

Responsibilities

[159. \(1\)](#) The Commissioner is responsible for performing in an independent manner the functions assigned by city council with respect to the application of the code of conduct for members of city council and the code of conduct for members of local boards (restricted definition) and with respect to the application of any procedures, rules and policies of the City and local boards (restricted definition) governing the ethical behaviour of members of city council and of local boards. 2006, c. 11, Sched. A, s. 159 (1).

Powers and duties

[\(2\)](#) Subject to this Part, in carrying out these responsibilities, the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by city council. 2006, c. 11, Sched. A, s. 159 (2).

Delegation

[\(3\)](#) The Commissioner may delegate in writing to any person, other than a member of city council, any of the Commissioner's powers and duties under this Part. 2006, c. 11, Sched. A, s. 159 (3).

Same

[\(4\)](#) The Commissioner may continue to exercise the delegated powers and duties,

despite the delegation. 2006, c. 11, Sched. A, s. 159 (4).

Inquiry by Commissioner

160. (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by city council, a member of council or a member of the public about whether a member of council or of a local board (restricted definition) has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board (restricted definition) or a member of a local board (restricted definition) about whether a member of the local board (restricted definition) has contravened the code of conduct applicable to the member. 2006, c. 11, Sched. A, s. 160 (1).

Application of *Public Inquiries Act, 2009*

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry in accordance with the election. 2009, c. 33, Sched. 6, s. 46 (1).

Information

(3) The City and its local boards (restricted definition) shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2006, c. 11, Sched. A, s. 160 (3).

Same

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City or a local board (restricted definition) that the Commissioner believes to be necessary for an inquiry. 2006, c. 11, Sched. A, s. 160 (4).

Penalties

(5) City council may impose either of the following penalties on a member of council or of a local board (restricted definition) if the Commissioner reports to council that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006, c. 11, Sched. A, s. 160 (5).

Same

(6) The local board (restricted definition) may impose either of the penalties described in subsection (5) on its member if the Commissioner reports to the board that, in his or her opinion, the member has contravened the code of conduct, and if city council has not imposed a penalty on the member under subsection (5) in respect of the same contravention. 2006, c. 11, Sched. A, s. 160 (6).

Duty of confidentiality

161. (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 11, Sched. A, s. 161 (1).

Confidentiality, information disclosed to Commissioner

(2) Despite subsection (1), information may be disclosed,

(a) in a criminal proceeding, as required by law; or

(b) otherwise in accordance with this Part. 2006, c. 11, Sched. A, s. 161 (2).

Municipal Freedom of Information and Protection of Privacy Act

(3) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*. 2006, c. 11, Sched. A, s. 161 (3).

Report to council, general

162. (1) If the Commissioner provides a periodic report to city council on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned. 2006, c. 11, Sched. A, s. 162 (1).

Report about conduct

(2) If the Commissioner reports to city council or to a local board (restricted definition) his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 11, Sched. A, s. 162 (2).

Publication of reports

(3) City council and each local board (restricted definition) shall ensure that reports received from the Commissioner by council or by the board, as the case may be, are made available to the public. 2006, c. 11, Sched. A, s. 162 (3).

Testimony

163. Neither the Commissioner nor any person acting under the instructions of the Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 11, Sched. A, s. 163.

Reference to appropriate authorities

164. If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code* (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to city council. 2006, c. 11, Sched. A, s. 164.

REGISTRATION RE LOBBYING

Registry

165. (1) The City shall establish and maintain a registry in which shall be kept such returns as may be required by the City that are filed by persons who lobby public office holders. 2006, c. 11, Sched. A, s. 165 (1).

Access to registry

(2) The registry shall be available for public inspection in the manner and during the time that the City may determine. 2006, c. 11, Sched. A, s. 165 (2).

Requirement to file returns, etc.

166. Without limiting sections 7 and 8, those sections authorize the City to provide for the registry described in subsection 165 (1), to provide for a system of registration of persons who lobby public office holders and to do the following things:

1. Define “lobby”.
2. Require persons who lobby public office holders to file returns and give information to the City.
3. Specify the returns to be filed and the information to be given to the City by persons who lobby public office holders and specify the time within which the returns must be filed and the information provided.
4. Exempt persons from the requirement to file returns and provide information.
5. Specify activities with respect to which the requirement to file returns and provide information does not apply.
6. Establish a code of conduct for persons who lobby public office holders.
7. Prohibit former public office holders from lobbying current public office holders for the period of time specified in the by-law.
8. Prohibit a person from lobbying public office holders without being registered.
9. Impose conditions for registration, continued registration or a renewal of registration.
10. Refuse to register a person, and suspend or revoke a registration.
11. Prohibit persons who lobby public office holders from receiving payment that is in whole or in part contingent on the successful outcome of any lobbying activities.
2006, c. 11, Sched. A, s. 166.

Prohibition on contingency fees

167. Without limiting sections 7 and 8, those sections authorize the City to prohibit a person on whose behalf another person undertakes lobbying activities from making payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities. 2006, c. 11, Sched. A, s. 167; 2006, c. 32, Sched. B, s. 39.

Registrar for lobbying matters

168. (1) Without limiting sections 7 and 8, those sections authorize the City to appoint

a registrar who is responsible for performing in an independent manner the functions assigned by city council with respect to the registry described in subsection 165 (1) and the system of registration and other matters described in section 166. 2006, c. 11, Sched. A, s. 168 (1).

Powers and duties

(2) Subject to this Part, in carrying out these responsibilities, the registrar may exercise such powers and shall perform such duties as may be assigned to him or her by city council. 2006, c. 11, Sched. A, s. 168 (2).

Delegation

(3) The registrar may delegate in writing to any person, other than a member of city council, any of the registrar's powers and duties under this Part. 2006, c. 11, Sched. A, s. 168 (3).

Same

(4) The registrar may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 168 (4).

Status

(5) The registrar is not required to be a city employee. 2006, c. 11, Sched. A, s. 168 (5).

Inquiry by registrar

169. (1) This section applies if the registrar conducts an inquiry under this Part in respect of a request made by city council, a member of council or a member of the public about compliance with the system of registration described in section 166 or with a code of conduct established under that section. 2006, c. 11, Sched. A, s. 169 (1).

Application of *Public Inquiries Act, 2009*

(2) The registrar may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry in accordance with the election. 2009, c. 33, Sched. 6, s. 46 (2).

Duty of confidentiality

(3) Section 161 applies, with necessary modifications, with respect to the registrar and every person acting under the instructions of the registrar in the course of conducting an inquiry. 2006, c. 11, Sched. A, s. 169 (3).

Report

(4) If the registrar makes a report to city council in respect of an inquiry, the registrar may disclose in the report such matters as in the registrar's opinion are necessary for the purposes of the report. 2006, c. 11, Sched. A, s. 169 (4).

Publication of reports

(5) City council shall ensure that reports received from the registrar are made available to the public. 2006, c. 11, Sched. A, s. 169 (5).

Testimony

(6) Neither the registrar nor any person acting under the instructions of the registrar is a

competent or compellable witness in a civil proceeding in connection with anything done when conducting an inquiry. 2006, c. 11, Sched. A, s. 169 (6).

Reference to appropriate authorities

(7) If the registrar, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code* (Canada), the registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to city council. 2006, c. 11, Sched. A, s. 169 (7).

OMBUDSMAN

Appointment of Ombudsman

170. (1) The City shall appoint an Ombudsman. 2006, c. 11, Sched. A, s. 170 (1).

Reporting relationship

(2) The Ombudsman reports to city council. 2006, c. 11, Sched. A, s. 170 (2).

Status

(3) The Ombudsman is not required to be a city employee. 2006, c. 11, Sched. A, s. 170 (3).

Function

171. (1) The function of the Ombudsman is to investigate in an independent manner any decision or recommendation made or any act done or omitted in the course of the administration of the City, its local boards (restricted definition) and such city-controlled corporations as city council may specify and affecting any person or body of persons in his, her or its personal capacity. 2006, c. 11, Sched. A, s. 171 (1); 2009, c. 33, Sched. 21, s. 4 (10).

Powers and duties

(2) Subject to this Part, in carrying out this function the Ombudsman may exercise the powers and shall perform the duties assigned to him or her by city council. 2006, c. 11, Sched. A, s. 171 (2).

Powers paramount

(3) The powers conferred on the Ombudsman under this Part may be exercised despite any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question. 2006, c. 11, Sched. A, s. 171 (3).

Decisions not reviewable

(4) Nothing in this Part empowers the Ombudsman to investigate any decision, recommendation, act or omission,

- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or

application has been exercised in the particular case, or until after any time for the exercise of that right has expired; or

- (b) of any person acting as legal adviser to the City, a local board (restricted definition) or a city-controlled corporation or acting as counsel to any of them in relation to any proceedings. 2006, c. 11, Sched. A, s. 171 (4).

Delegation

(5) The Ombudsman may delegate in writing to any person, other than a member of city council, any of the Ombudsman's powers and duties under this Part. 2006, c. 11, Sched. A, s. 171 (5).

Same

(6) The Ombudsman may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 171 (6).

Investigation

172. (1) Every investigation by the Ombudsman shall be conducted in private. 2006, c. 11, Sched. A, s. 172 (1).

Opportunity to make representations

(2) The Ombudsman may hear or obtain information from such persons as he or she thinks fit, and may make such inquiries as he or she thinks fit and it is not necessary for the Ombudsman to hold any hearing and no person is entitled as of right to be heard by the Ombudsman, but, if at any time during the course of an investigation, it appears to the Ombudsman that there may be sufficient grounds for him or her to make any report or recommendation that may adversely affect the City, a local board (restricted definition), a city-controlled corporation or any other person, the Ombudsman shall give him, her or it an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel. 2006, c. 11, Sched. A, s. 172 (2).

Application of *Ombudsman Act*

(3) Section 19 of the *Ombudsman Act* applies to the exercise of powers and the performance of duties by the Ombudsman under this Part. 2006, c. 11, Sched. A, s. 172 (3).

Same

(4) For the purposes of subsection (3), references in section 19 of the *Ombudsman Act* to "any governmental organization", "the *Freedom of Information and Protection of Privacy Act*" and "the *Public Service of Ontario Act, 2006*" are deemed to be references to "the City, a local board (restricted definition) or a city-controlled corporation", "the *Municipal Freedom of Information and Protection of Privacy Act*" and "this Act", respectively. 2006, c. 11, Sched. A, s. 172 (4); 2006, c. 35, Sched. C, s. 15 (1).

Duty of confidentiality

173. (1) Subject to subsection (2), the Ombudsman and every person acting under the instructions of the Ombudsman shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 11, Sched. A,

s. 173 (1).

Disclosure

[\(2\)](#) The Ombudsman may disclose in any report made by him or her under this Part such matters as in the Ombudsman's opinion ought to be disclosed in order to establish grounds for his or her conclusions and recommendations. 2006, c. 11, Sched. A, s. 173 (2).

Municipal Freedom of Information and Protection of Privacy Act

[\(3\)](#) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*. 2006, c. 11, Sched. A, s. 173 (3).

No review, etc.

[174.](#) No proceeding of the Ombudsman under this Part shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court. 2006, c. 11, Sched. A, s. 174.

Testimony

[175. \(1\)](#) The Ombudsman and any person acting under the instructions of the Ombudsman shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his or her knowledge in the exercise of his or her functions under this Part. 2006, c. 11, Sched. A, s. 175 (1).

Same

[\(2\)](#) Anything said or any information supplied or any document or thing produced by any person in the course of any investigation by or proceedings before the Ombudsman under this Part is privileged in the same manner as if the inquiry or proceedings were proceedings in a court. 2006, c. 11, Sched. A, s. 175 (2).

Effect on other rights, etc.

[176.](#) The rights, remedies, powers, duties and procedures established under sections 170 to 175 are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Part limits or affects any such remedy or right of appeal or objection or procedure. 2006, c. 11, Sched. A, s. 176.

AUDITOR GENERAL

Appointment of Auditor General

[177. \(1\)](#) The City shall appoint an Auditor General. 2006, c. 11, Sched. A, s. 177 (1).

Reporting relationship

[\(2\)](#) The Auditor General reports to city council. 2006, c. 11, Sched. A, s. 177 (2).

Status

[\(3\)](#) The Auditor General is not required to be a city employee. 2006, c. 11, Sched. A, s. 177 (3).

Responsibilities

[178. \(1\)](#) The Auditor General is responsible for assisting city council in holding itself and city administrators accountable for the quality of stewardship over public funds and for achievement of value for money in city operations. 2006, c. 11, Sched. A, s. 178 (1).

Independence

[\(1.1\)](#) The Auditor General shall perform his or her responsibilities under this Part in an independent manner. 2009, c. 33, Sched. 21, s. 4 (11).

Exceptions

[\(2\)](#) Despite subsection (1), the responsibilities of the Auditor General do not include the matters described in clauses 139 (1) (a) and (b) for which the city auditor is responsible. 2006, c. 11, Sched. A, s. 178 (2).

Powers and duties

[\(3\)](#) Subject to this Part, in carrying out his or her responsibilities, the Auditor General may exercise the powers and shall perform the duties as may be assigned to him or her by city council in respect of the City, its local boards (restricted definition) and such city-controlled corporations and grant recipients as city council may specify. 2006, c. 11, Sched. A, s. 178 (3).

Grant recipients

[\(4\)](#) The authority of the Auditor General to exercise powers and perform duties under this Part in relation to a grant recipient applies only in respect of grants received by the grant recipient directly or indirectly from the City, a local board (restricted definition) or a city-controlled corporation after the date on which this section comes into force. 2006, c. 11, Sched. A, s. 178 (4).

Delegation

[\(5\)](#) The Auditor General may delegate in writing to any person, other than a member of city council, any of the Auditor General's powers and duties under this Part. 2006, c. 11, Sched. A, s. 178 (5).

Same

[\(6\)](#) The Auditor General may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 178 (6).

Duty to furnish information

[179. \(1\)](#) The City, its local boards (restricted definition) and the city-controlled corporations and grant recipients referred to in subsection 178 (3) shall give the Auditor General such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 11, Sched. A, s. 179 (1).

Access to records

[\(2\)](#) The Auditor General is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City, the local board (restricted definition), the

city-controlled corporation or the grant recipient, as the case may be, that the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 11, Sched. A, s. 179 (2).

No waiver of privilege

(3) A disclosure to the Auditor General under subsection (1) or (2) does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege. 2006, c. 11, Sched. A, s. 179 (3).

Power to examine on oath

180. (1) The Auditor General may examine any person on oath on any matter pertinent to an audit or examination under this Part. 2006, c. 11, Sched. A, s. 180 (1).

Application of *Public Inquiries Act, 2009*

(2) Section 33 of the *Public Inquiries Act, 2009* applies to an examination by the Auditor General. 2009, c. 33, Sched. 6, s. 46 (3).

Duty of confidentiality

181. (1) The Auditor General and every person acting under the instructions of the Auditor General shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 11, Sched. A, s. 181 (1).

Same

(2) Subject to subsection (3), the persons required to preserve secrecy under subsection (1) shall not communicate information to another person in respect of any matter described in subsection (1) except as may be required,

(a) in connection with the administration of this Part, including reports made by the Auditor General, or with any proceedings under this Part; or

(b) under the *Criminal Code* (Canada). 2006, c. 32, Sched. B, s. 40.

Same

(3) A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 179 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege. 2006, c. 11, Sched. A, s. 181 (3).

Municipal Freedom of Information and Protection of Privacy Act

(4) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*. 2006, c. 11, Sched. A, s. 181 (4).

Testimony

182. Neither the Auditor General nor any person acting under the instructions of the Auditor General is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 11, Sched. A, s. 182.

REGULATIONS

Regulations re local board

[183.](#) The Minister of Municipal Affairs and Housing may make regulations prescribing local boards for the purposes of the definition of “local board (restricted definition)” in section 156. 2006, c. 11, Sched. A, s. 183.

PART VI PRACTICES AND PROCEDURES

FIRST MEETING

First council meeting

[184.](#) The first meeting of a new city council after a regular election and after a by-election under section 211 shall be held at the time set out in the City’s procedure by-law but in any case not later than 31 days after its term commences. 2006, c. 11, Sched. A, s. 184.

Deemed organization

[185.](#) A new city council is deemed to be organized after a regular election or after a by-election under section 211 when the declarations of office under section 186 have been made by a sufficient number of members to form a quorum. 2006, c. 11, Sched. A, s. 185.

Declaration of office

[186. \(1\)](#) A person, other than a person appointed under section 193, shall not take a seat on city council until the person takes the declaration of office in the English or French version of the form established by the Minister of Municipal Affairs and Housing for that purpose. 2006, c. 11, Sched. A, s. 186 (1).

Separate declarations

[\(2\)](#) Subsection (1) applies even if the person has already taken a declaration of office for another office on city council. 2006, c. 11, Sched. A, s. 186 (2).

Condition for conducting business

[\(3\)](#) No business shall be conducted at the first meeting of city council until after the declarations of office have been made by all members who present themselves for that purpose. 2006, c. 11, Sched. A, s. 186 (3).

Deemed resignation

[\(4\)](#) A person is deemed to have resigned from an office on city council unless the person,

- (a) in the case of a regular election or a by-election under section 211, takes the declaration of office with respect to that office on or before the day of the first council meeting of the new council; and
- (b) in the case of a by-election or appointment, other than a by-election under section 211, to fill a vacancy on the council, takes the declaration of office with respect to that office on or before the day of the first council meeting after the person is declared to be elected or is appointed. 2006, c. 11, Sched. A, s. 186 (4).

Extension

[\(5\)](#) Despite subsection (4), city council may, before the deadline under subsection (4) has passed, extend the deadline by no more than 30 days. 2006, c. 11, Sched. A, s. 186 (5).

LOCATION OF MEETINGS AND PUBLIC OFFICES

Location

[187. \(1\)](#) City council shall hold its meetings and keep its public offices within the City or an adjacent municipality at a place set out in the City's procedure by-law; however, in the case of an emergency, it may hold its meetings and keep its public offices at any convenient location within or outside the City. 2006, c. 11, Sched. A, s. 187 (1).

Joint meetings

[\(2\)](#) Despite subsection (1), a meeting of the councils of the City and one or more other municipalities for the consideration of matters of common interest may be held within the City or within any of the other municipalities or in a municipality adjacent to any of them. 2006, c. 11, Sched. A, s. 187 (2).

QUORUM

Quorum

[188.](#) A majority of the members of city council is necessary to form a quorum. 2006, c. 11, Sched. A, s. 188.

PROCEDURE BY-LAW

Procedure by-law**Definitions**

[189. \(1\)](#) In this section and in sections 190 to 190.2,

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more municipal councils or local boards other than a police services board or public library board; (“comité”)

“meeting” means any regular, special or other meeting of city council, of the local board or of a committee of either of them. (“réunion”) 2006, c. 11, Sched. A, s. 189 (1); 2006, c. 32, Sched. B, s. 41 (1).

Procedure by-laws respecting meetings

[\(2\)](#) The City and every local board of the City shall pass a procedure by-law for governing the calling, place and proceedings of meetings. 2006, c. 11, Sched. A, s. 189 (2).

Notice

[\(2.1\)](#) The procedure by-law shall provide for public notice of meetings. 2006, c. 32, Sched. B, s. 41 (2).

City

[\(3\)](#) The procedure by-law may provide that meetings be held and public offices be kept

at a place outside the City within an adjacent municipality. 2006, c. 11, Sched. A, s. 189 (3).

Electronic participation

(4) The procedure by-law may provide that a member of city council can participate electronically in a meeting of city council which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. 2006, c. 11, Sched. A, s. 189 (4); 2006, c. 32, Sched. B, s. 41 (3).

Non-application

(5) This section does not apply to a police services board or a public library board. 2006, c. 11, Sched. A, s. 189 (5).

MEETINGS

Meetings open to public

190. (1) Except as provided in this section, all meetings shall be open to the public. 2006, c. 11, Sched. A, s. 190 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the City or local board;
- (b) personal matters about an identifiable individual, including a city employee or a local board employee;
- (c) a proposed or pending acquisition or disposition of land by the City or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
- (g) a matter in respect of which the city council, board, committee or other body may hold a closed meeting under another Act. 2006, c. 11, Sched. A, s. 190 (2).

Other criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the city council, board, commission or other body is the head of an institution for the purposes of that Act. 2006, c. 11, Sched. A, s. 190 (3).

Educational or training sessions

(3.1) A meeting of the City council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. B, s. 42 (1).

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, the City or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2006, c. 11, Sched. A, s. 190 (4); 2006, c. 32, Sched. B, s. 42 (2).

Opening meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2006, c. 11, Sched. A, s. 190 (5).

Exception

- (6) Despite subsection 194 (2), a meeting may be closed to the public during a vote if,
- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City, to officers, employees or agents of a local board or of a committee of either of them or to persons retained by or under a contract with the City or local board. 2006, c. 11, Sched. A, s. 190 (6).

Non-application

(7) This section does not apply to a police services board or a public library board. 2006, c. 11, Sched. A, s. 190 (7).

Record of meeting

(8) The City, a local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. 2006, c. 32, Sched. B, s. 42 (3).

Same

- (9) The record required by subsection (8) shall be made by,
- (a) the clerk, in the case of a meeting of the council; or
 - (b) the appropriate officer, in the case of a meeting of a local board or committee. 2006, c. 32, Sched. B, s. 42 (3).

Record may be disclosed

(10) Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32,

Sched. B, s. 42 (3).

Investigation

[190.1 \(1\)](#) A person may request that an investigation of whether the City or a local board of the City has complied with section 190 or a procedure by-law under subsection 189 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

(a) by an investigator referred to in subsection 190.2 (1); or

(b) by the Ombudsman appointed under the *Ombudsman Act*, if the City has not appointed an investigator referred to in subsection 190.2 (1). 2006, c. 32, Sched. B, s. 43.

Non-application

[\(2\)](#) This section does not apply to a police services board or a public library board. 2006, c. 32, Sched. B, s. 43.

Investigator

[190.2 \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the City or a local board of the City has complied with section 190 or a procedure by-law under subsection 189 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. B, s. 43.

Powers and duties

[\(2\)](#) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the City. 2006, c. 32, Sched. B, s. 43.

Matters to which City is to have regard

[\(3\)](#) In appointing an investigator and in assigning powers and duties to him or her, the City shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. B, s. 43.

Same, investigator

[\(4\)](#) In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. B, s. 43.

Same

[\(5\)](#) The matters referred to in subsections (3) and (4) are,

(a) the investigator's independence and impartiality;

(b) confidentiality with respect to the investigator's activities; and

(c) the credibility of the investigator's investigative process. 2006, c. 32, Sched. B, s. 43.

Delegation

[\(6\)](#) An investigator may delegate in writing to any person, other than a member of council, any of the investigator's powers and duties under this Part. 2006, c. 32, Sched. B, s. 43.

Same

[\(7\)](#) An investigator may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. B, s. 43.

Status

[\(8\)](#) An investigator is not required to be a city employee. 2006, c. 32, Sched. B, s. 43.

Application

[\(9\)](#) Subsection 171 (3) and sections 172 to 176 apply with necessary modifications with respect to the exercise of functions described in this section. 2006, c. 32, Sched. B, s. 43.

Report and recommendations

[\(10\)](#) If, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 190 or to a procedure by-law under subsection 189 (2), the investigator shall report his or her opinion and the reasons for it to the City or local board, as the case may be, and may make such recommendations as he or she thinks fit. 2006, c. 32, Sched. B, s. 43.

Publication of reports

[\(11\)](#) The City or local board shall ensure that reports received under subsection (10) by the City or local board, as the case may be, are made available to the public. 2006, c. 32, Sched. B, s. 43.

Non-application

[\(12\)](#) This section does not apply to a police services board or a public library board. 2006, c. 32, Sched. B, s. 43.

Calling of meetings

[191.](#) Subject to the procedure by-law passed under section 189,

- (a) the head of council may at any time call a special meeting; and
- (b) upon receipt of a petition of the majority of the members of city council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition. 2006, c. 11, Sched. A, s. 191.

Presiding officer

[192. \(1\)](#) The head of council or other presiding officer designated under this section shall preside at all meetings of city council, except where otherwise provided. 2006, c. 11, Sched. A, s. 192 (1).

Same

[\(2\)](#) With the consent of the head of council, city council may designate another member

of council to preside at meetings of the City, and the designation may be made by secret ballot. 2006, c. 11, Sched. A, s. 192 (2).

Power to expel

(3) The head of council or other presiding officer may expel any person for improper conduct at a meeting. 2006, c. 11, Sched. A, s. 192 (3).

Absence of head

193. The City may, by by-law or resolution, appoint a member of city council to act in the place of the head of council or other member of council designated under section 192 to preside at meetings when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be. 2006, c. 11, Sched. A, s. 193.

Voting

194. (1) Despite any Act, every member of city council has only one vote. 2006, c. 11, Sched. A, s. 194 (1).

Open voting

(2) Except as provided by section 192, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. 2006, c. 11, Sched. A, s. 194 (2).

Tie votes

(3) Any question on which there is a tie vote is deemed to be lost, except where otherwise provided by any Act. 2006, c. 11, Sched. A, s. 194 (3).

Recorded vote

(4) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. 2006, c. 11, Sched. A, s. 194 (4).

Failure to vote

(5) A failure to vote under subsection (4) by a member who is present at the meeting at the time of the vote and who is qualified to vote is deemed to be a negative vote. 2006, c. 11, Sched. A, s. 194 (5).

BY-LAWS

Language of by-laws

195. (1) The by-laws and resolutions of the City shall be passed in English or in both English and French. 2006, c. 11, Sched. A, s. 195 (1).

Official plan

(2) An official plan adopted by the City shall be in English or in both English and French. 2006, c. 11, Sched. A, s. 195 (2).

Proceedings

[\(3\)](#) City council and every committee of council may conduct its proceedings in English or French or in both English and French. 2006, c. 11, Sched. A, s. 195 (3).

Minutes

[\(4\)](#) Despite subsection (3), the minutes of the proceedings shall be kept in English or in both English and French. 2006, c. 11, Sched. A, s. 195 (4).

Proviso

[\(5\)](#) Nothing in this section,

- (a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any record in the language or languages specified by or under the Act; or
- (b) affects any requirement at law to give reasonable notice. 2006, c. 11, Sched. A, s. 195 (5).

Translations

[\(6\)](#) If the City submits a record to a provincial ministry in French, the City shall, at the request of the minister of that ministry, supply an English translation of it. 2006, c. 11, Sched. A, s. 195 (6).

Municipal code

[196.](#) If the City passes a comprehensive general by-law that consolidates and includes the provisions of any by-law previously passed by the City,

- (a) the provisions in the comprehensive general by-law are deemed to have come into force on the day the original by-law came into force; and
- (b) any condition or approval required by law to the making of the original by-law is, where such condition was satisfied or approval obtained, deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general by-law. 2006, c. 11, Sched. A, s. 196.

Seal of the City

[197. \(1\)](#) Every by-law of the City,

- (a) shall be under the seal of the City; and
- (b) shall be signed by the city clerk and by the head of council or presiding officer who was at the meeting at which the by-law was passed. 2006, c. 11, Sched. A, s. 197 (1).

Failure to seal

[\(2\)](#) If, by oversight, the seal of the City was not affixed to a by-law, it may be affixed at any time afterwards and when so affixed, the by-law is as valid as if it had been originally sealed. 2006, c. 11, Sched. A, s. 197 (2).

By-laws upon application

[198. \(1\)](#) Where by this or any other Act a by-law may be passed by city council upon the application of a required number of electors or inhabitants of the City or a geographic

area, the by-law shall not be finally passed until the clerk has certified that the application was sufficiently signed. 2006, c. 11, Sched. A, s. 198 (1).

Application of *Public Inquiries Act, 2009*

[\(2\)](#) Section 33 of the *Public Inquiries Act, 2009* applies to an inquiry by the clerk into the sufficiency of the application. 2009, c. 33, Sched. 6, s. 46 (4).

Effect of certificate

[\(3\)](#) The certificate of the clerk is conclusive that the application was sufficiently signed. 2006, c. 11, Sched. A, s. 198 (3).

RECORDS

Inspection of records

[199. \(1\)](#) Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, any person may, at all reasonable times, inspect any of the records under the control of the clerk, including,

- (a) by-laws and resolutions of the City and of its local boards;
- (b) minutes and proceedings of regular, special or committee meetings of the city council or of the city's local boards, whether the minutes and proceedings have been adopted or not;
- (c) records considered at a meeting, except those records considered during that part of a meeting that was closed to the public;
- (d) the records of city council;
- (e) statements of remuneration and expenses prepared under section 223. 2006, c. 11, Sched. A, s. 199 (1).

Certified copies

[\(2\)](#) Upon request, the clerk shall, within a reasonable time, provide a certified copy under seal of the City of any record referred to in subsection (1) to any applicant who pays the fee established by the City. 2006, c. 11, Sched. A, s. 199 (2).

Retention of records

[200. \(1\)](#) The City shall retain and preserve the records of the City and its local boards in a secure and accessible manner and, if a local board is a local board of the City and one or more other municipalities, the City is jointly responsible with the other affected municipalities for complying with this subsection. 2006, c. 11, Sched. A, s. 200 (1).

Same, local boards

[\(2\)](#) Despite subsection (1), a local board of the City that has ownership and control of its records shall retain and preserve the records in a secure and accessible manner. 2006, c. 11, Sched. A, s. 200 (2).

Agreement

[\(3\)](#) If the City or a local board of the City has a duty to retain and preserve records

under this section, the City or local board may enter into an agreement for archival services with respect to the records but a local board shall not enter into such an agreement without the consent of each of the municipalities of which it is a local board and the City shall not enter into such an agreement unless the other municipalities, if any, with whom the City has joint duty to retain and preserve the records also are party to the agreement. 2006, c. 11, Sched. A, s. 200 (3).

Effect of transfer

(4) Records transferred to a person pursuant to an agreement under subsection (3) remain, for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, under the ownership and control of the City or of a local board of the City if the local board falls within the definition of or is designated as an institution under that Act. 2006, c. 11, Sched. A, s. 200 (4).

Duties of archivist

(5) A person to whom records are transferred pursuant to an agreement under subsection (3) shall retain and preserve the records transferred to it in a secure and accessible manner. 2006, c. 11, Sched. A, s. 200 (5).

Role of the City, local board

(6) The City and a local board shall ensure that a person to whom records are transferred pursuant to an agreement under subsection (3) fulfils the obligations under subsection (5). 2006, c. 11, Sched. A, s. 200 (6).

Interpretation

(7) In this section, the requirement to retain and preserve records in an accessible manner means that the records can be retrieved within a reasonable time and that the records are in a format that allows the content of the records to be readily ascertained by a person inspecting the records. 2006, c. 11, Sched. A, s. 200 (7).

Retention periods

201. (1) Except as otherwise provided, a record of the City or a local board of the City may only be destroyed in accordance with this section. 2006, c. 11, Sched. A, s. 201 (1).

Destruction of records

(2) Despite section 200, a record of the City or a local board of the City may be destroyed if a retention period for the record has been established under this section and,

- (a) the retention period has expired; or
- (b) the record is a copy of the original record. 2006, c. 11, Sched. A, s. 201 (2).

Retention periods

(3) The City may, subject to the approval of the City auditor, establish retention periods during which the records of the City and its local boards must be retained and preserved in accordance with section 200. 2006, c. 11, Sched. A, s. 201 (3).

Joint local boards

(4) Despite subsection (3), if a local board is a local board of the City and one or more other municipalities, a majority of the affected municipalities may, subject to the approval of the auditor of the local board, establish retention periods during which the records of the local board must be retained and preserved in accordance with section 200. 2006, c. 11, Sched. A, s. 201 (4).

Records transferred

(5) Subsections (1) to (4) continue to apply to records transferred to a person under section 200. 2006, c. 11, Sched. A, s. 201 (5).

Interpretation

(6) In this section,

“record” does not include a record of the police services board of the City that is directly related to any law enforcement activity with respect to a person or body. 2006, c. 11, Sched. A, s. 201 (6).

ELIGIBILITY

Eligibility for office

202. Every person is qualified to be elected or to hold office as a member of city council,

- (a) who is entitled to be an elector in the City under section 17 of the *Municipal Elections Act, 1996*; and
- (b) who is not disqualified by this or any other Act from holding the office. 2006, c. 11, Sched. A, s. 202.

Ineligibility for office

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

1. Except in accordance with section 30 of the *Municipal Elections Act, 1996*,
 - i. a city employee,
 - ii. a person who is not a city employee but who is the clerk, treasurer, Integrity Commissioner, Auditor General or Ombudsman or registrar referred to in section 168 or an investigator referred to in subsection 190.2 (1) of the City, or
 - iii. a person who is not a city employee but who holds any administrative position of the City.
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. Except in accordance with Part V of the *Public Service of Ontario Act, 2006* and any

regulations made under that Part, a public servant within the meaning of that Act. 2006, c. 11, Sched. A, s. 203 (1); 2006, c. 32, Sched. B, s. 44; 2006, c. 35, Sched. C, s. 15 (2).

Disqualification

[\(2\)](#) A member of city council is disqualified from holding office if, at any time during the term of office of that member, he or she,

- (a) ceases to be a Canadian citizen;
- (b) is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the City; or
- (c) would be prohibited under this or any other Act from voting in an election for the office of member of city council if an election was held at that time. 2006, c. 11, Sched. A, s. 203 (2).

VACANCIES

Vacant seat

[204.](#) The office of a member of city council becomes vacant if the member,

- (a) becomes disqualified from holding the office of a member of council under section 202 or 203;
- (b) fails to make the declaration of office before the deadline in section 186;
- (c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- (d) resigns from his or her office and the resignation is effective under section 205;
- (e) is appointed or elected to fill any vacancy in any other office on the council;
- (f) has his or her office declared vacant in any judicial proceeding;
- (g) forfeits his or her office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the declaration of office required by section 186. 2006, c. 11, Sched. A, s. 204.

Resignation as member

[205. \(1\)](#) A member of city council may resign from office by notice in writing filed with the clerk. 2006, c. 11, Sched. A, s. 205 (1).

Restriction

[\(2\)](#) Despite subsection (1), a resignation is not effective if it would reduce the number of members of city council to less than a quorum. 2006, c. 11, Sched. A, s. 205 (2).

Restriction on holding office

[206. \(1\)](#) Except where otherwise provided, no person may hold more than one office governed by the *Municipal Elections Act, 1996* at the same time anywhere in Ontario. 2006,

c. 11, Sched. A, s. 206 (1).

Election void

[2](#) If a person is nominated for, and his or her name appears on the ballots for, more than one office and he or she is elected to any of those offices, his or her election is void and the office is vacant. 2006, c. 11, Sched. A, s. 206 (2).

Declaration re vacancy

[207](#). If the office of a member of city council becomes vacant under section 204, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings. 2006, c. 11, Sched. A, s. 207.

Filling vacancies

[208](#). [\(1\)](#) If a vacancy occurs in the office of a member of city council, the City shall, subject to this section,

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 208 (1).

Court-ordered election

[2](#) If an order is made in any judicial proceeding requiring a by-election be held to fill a vacancy on city council, the clerk shall hold the by-election in accordance with the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 208 (2).

Rules applying to filling vacancies

[3](#) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 207, the City shall,
 - i. appoint a person to fill the vacancy under subsection (1), or
 - ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).
2. Despite paragraph 1, if a court declares an office to be vacant, the City shall act under subsection (1) within 60 days after the day the court makes its declaration.
3. Despite subsections (1) and (2), if a vacancy occurs within 90 days before voting day of a regular election, the City is not required to fill the vacancy. 2006, c. 11, Sched. A, s. 208 (3).

Term of office, vacancy

[209](#). A person appointed or elected to fill a vacancy under section 208 holds office for the remainder of the term of the person he or she replaced. 2006, c. 11, Sched. A, s. 209.

Application to court

[210.](#) (1) Any elector entitled to vote at the election of members of city council may apply to the Superior Court of Justice for a declaration that the office of a member of city council has become vacant in accordance with this Act. 2006, c. 11, Sched. A, s. 210 (1).

Judicial finding

(2) If the court finds that the office of a member of city council has become vacant, it may order the member removed from office and declare the office vacant. 2006, c. 11, Sched. A, s. 210 (2).

Application of S.O. 1996, c. 32

(3) Subsection 83 (3) and sections 85, 86 and 87 of the *Municipal Elections Act, 1996* apply to the application as if it were an application under section 83 of that Act. 2006, c. 11, Sched. A, s. 210 (3).

Combined application

(4) The application may be combined with an application under section 83 of the *Municipal Elections Act, 1996*, in which case the applications shall be heard and disposed of together. 2006, c. 11, Sched. A, s. 210 (4).

Minister's order re by-election

[211.](#) (1) If city council is unable to hold a meeting for a period of 60 days because of a failure to obtain a quorum, the Minister of Municipal Affairs and Housing may by order declare all the offices of the members of the council to be vacant and a by-election shall be held in accordance with the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 211 (1).

Timing

(2) The 60-day period referred to in subsection (1) commences on the day of the first meeting that could not be held because of a failure to obtain a quorum. 2006, c. 11, Sched. A, s. 211 (2).

Interim order

(3) Where the Minister makes an order under subsection (1), or the offices of a majority of the members of city council are for any reason declared vacant, the Minister may by order exercise or appoint one or more persons to exercise the duties and obligations of the council until such time as a by-election is held in accordance with the *Municipal Elections Act, 1996*, and the members so elected have taken office. 2006, c. 11, Sched. A, s. 211 (3).

POLICIES

Adoption, etc., of policies

City policies

[212.](#) (1) The City shall adopt and maintain policies with respect to the following matters:

1. Its sale and other disposition of land.
2. Its hiring of employees.
3. Its procurement of goods and services.

4. The circumstances in which the City shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.
5. The manner in which the City will try to ensure that it is accountable to the public for its actions, and the manner in which the City will try to ensure that its actions are transparent to the public.
6. Repealed: 2009, c. 33, Sched. 21, s. 4 (12).
7. The delegation of its powers and duties.
8. The financing of capital works, including the limits on the annual costs associated with the financing. 2006, c. 11, Sched. A, s. 212 (1); 2009, c. 33, Sched. 21, s. 4 (12).

Policies of certain local boards

[\(2\)](#) A local board (restricted definition) shall adopt and maintain policies with respect to the following matters:

1. Its sale and other disposition of land.
2. Its hiring of employees.
3. Its procurement of goods and services. 2006, c. 11, Sched. A, s. 212 (2).

Definition

[\(3\)](#) In this section,

“local board (restricted definition)” means,

- (a) a local board other than a police services board and a hospital board,
- (b) a local housing corporation as defined in the *Housing Services Act, 2011*, despite clause 26 (b) of that Act, and
- (c) any other prescribed body performing a public function. 2006, c. 11, Sched. A, s. 212 (3); 2011, c. 6, Sched. 1, s. 186 (2).

QUASHING BY-LAWS

Restriction on quashing by-law

[213.](#) A by-law of the City or a local board of the City passed in good faith under any Act shall not be quashed or open to review in whole or in part by any court because of the unreasonableness or supposed unreasonableness of the by-law. 2006, c. 11, Sched. A, s. 213.

Application to quash by-law, etc.

[214. \(1\)](#) Upon the application of any person, the Superior Court of Justice may quash a by-law, order or resolution of the City or a local board of the City in whole or in part for illegality. 2006, c. 11, Sched. A, s. 214 (1).

Inquiry

[\(2\)](#) If an application to quash alleges a contravention of subsection 90 (3) of the

Municipal Elections Act, 1996, the Superior Court of Justice may direct an inquiry into the alleged contravention to be held before an official examiner or a judge of the court, and the evidence of the witnesses in the inquiry shall be given under oath and shall form part of the evidence in the application to quash. 2006, c. 11, Sched. A, s. 214 (2).

Other cases

(3) The court may direct that nothing shall be done under the by-law, order or resolution until the application is disposed of. 2006, c. 11, Sched. A, s. 214 (3).

Timing

(4) An application to quash a by-law, order or resolution in whole or in part, subject to section 250, shall be made within one year after the passing of the by-law, order or resolution. 2006, c. 11, Sched. A, s. 214 (4).

JUDICIAL INVESTIGATION

Investigation by judge

215. (1) If the City so requests by resolution, a judge of the Superior Court of Justice shall,

- (a) investigate any supposed breach of trust or other misconduct of a member of city council, a city employee or a person having a contract with the City in relation to the duties or obligations of that person to the City;
- (b) inquire into any matter connected with the good government of the City; or
- (c) inquire into the conduct of any part of the public business of the City, including business conducted by a commission appointed by city council or elected by the electors. 2006, c. 11, Sched. A, s. 215 (1).

Application of *Public Inquiries Act, 2009*

(2) Section 33 of the *Public Inquiries Act, 2009* applies to the investigation or inquiry by the judge. 2009, c. 33, Sched. 6, s. 46 (5).

Report

(3) The judge shall report the results of the investigation or inquiry to the City as soon as practicable. 2006, c. 11, Sched. A, s. 215 (3).

Counsel

(4) The City may hire counsel to represent the City and pay fees for witnesses who are summoned to give evidence at the investigation or inquiry. 2006, c. 11, Sched. A, s. 215 (4).

Representation by counsel

(5) Any person whose conduct is called into question in the investigation or inquiry may be represented by counsel. 2006, c. 11, Sched. A, s. 215 (5).

Costs

(6) The judge may engage counsel and other persons to assist in the investigation or inquiry and the costs of engaging those persons and any incidental expenses shall be paid by

the City. 2006, c. 11, Sched. A, s. 215 (6).

RESTRICTED ACTS AFTER NOMINATION DAY

Restricted acts

216. (1) City council shall not take any action described in subsection (3) after the first day during the election for a new council on which it can be determined that one of the following applies to the new council that will take office following the election:

1. If the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council.
2. If the new council will have more members than the outgoing council, the new council will include less than three-quarters of the members of the outgoing council or, if the new council will include at least three-quarters of the members of the outgoing council, three-quarters of the members of the outgoing council will not constitute, at a minimum, a majority of the members of the new council.
3. If the new council will have fewer members than the outgoing council, less than three-quarters of the members of the new council will have been members of the outgoing council or, if at least three-quarters of the members of the new council will have been members of the outgoing council, three-quarters of the members of the new council will not constitute, at a minimum, a majority of the members of the outgoing council. 2006, c. 11, Sched. A, s. 216 (1).

Basis for determination

(2) If a determination under subsection (1) is made,

- (a) after nomination day but before voting day, the determination shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or
- (b) after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation. 2006, c. 11, Sched. A, s. 216 (2).

Restrictions

(3) The actions referred to in subsection (1) are,

- (a) the appointment or removal from office of any city officer;
- (b) the hiring or dismissal of any city employee;
- (c) the disposition of any real or personal property of the City which has a value exceeding \$50,000 at the time of disposal; and
- (d) making any expenditures or incurring any other liability which exceeds \$50,000. 2006, c. 11, Sched. A, s. 216 (3).

Exception

(4) Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by city council before nomination day in the election. 2006, c. 11, Sched. A, s. 216 (4).

Powers unaffected

(5) Nothing in this section prevents the City taking any action in the event of an emergency. 2006, c. 11, Sched. A, s. 216 (5).

Same

(6) Nothing in this section prevents any person or body exercising authority of the City that is delegated to the person or body prior to nomination day for the election for the new council. 2006, c. 11, Sched. A, s. 216 (6).

INSURANCE

Definitions

217. In this section and in sections 218 to 221,

“designated employee” means any salaried officer, or any other person in the employ of the City or of a local board (extended definition) of the City and includes,

- (a) a member of the city police force,
- (b) persons that provide their services on behalf of the City without remuneration, exclusive of reimbursement of expenses or honoraria, if city council has passed a by-law designating such persons or classes of persons as designated employees for the purposes of this section, and
- (c) any other person or class of persons designated as a designated employee by the Minister of Municipal Affairs and Housing; (“employé désigné”)

“designated former employee” means a person who was formerly a designated employee of the City or a local board (extended definition) of the City; (“ancien employé désigné”)

“former member” means a person who was formerly a member of city council or of a local board (extended definition) of the City; (“ancien membre”)

“local board (extended definition)” means a local board as defined in the *Municipal Affairs Act*. (“conseil local (définition élargie)”) 2006, c. 11, Sched. A, s. 217.

Insurance

218. (1) Despite the *Insurance Act*, the City may be or act as an insurer with respect to the following matters:

1. Protection against risks that may involve pecuniary loss or liability on the part of the City or any local board (extended definition) of the City.
2. The protection of its designated employees or designated former employees or those of any local board (extended definition) of the City against risks that may involve

pecuniary loss or liability on the part of those employees.

3. Subject to section 14 of the *Municipal Conflict of Interest Act*, the protection of the members or former members of city council or of any local board (extended definition) of the City or any class of those members against risks that may involve pecuniary loss or liability on the part of the members.
4. Subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any damages or costs awarded against any of its designated employees, members, designated former employees or former members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as designated employees or members, including while acting in the performance of any statutory duty.
5. Subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any sum required in connection with the settlement of an action or other proceeding referred to in paragraph 4 and for assuming the cost of defending the designated employees or members in the action or proceeding. 2006, c. 11, Sched. A, s. 218 (1).

Reciprocal contracts

[\(2\)](#) The City may enter into agreements with other municipalities to exchange reciprocal contracts of indemnity or interinsurance in accordance with Part XIII of the *Insurance Act* with respect to the matters set out in subsection (1) for the City and the other municipalities and the local boards (extended definition) of all of them. 2006, c. 11, Sched. A, s. 218 (2).

Limitation

[\(3\)](#) Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in accordance with regulations made under section 256. 2006, c. 11, Sched. A, s. 218 (3).

Reserve funds

[\(4\)](#) The money raised for a reserve fund of a municipal reciprocal exchange may be spent, pledged or applied to a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. 2006, c. 11, Sched. A, s. 218 (4).

Insurance Act does not apply

[\(5\)](#) The *Insurance Act* does not apply to the City acting as an insurer for the purpose of this section. 2006, c. 11, Sched. A, s. 218 (5).

Powers re local boards (extended definition)

[219. \(1\)](#) The City may contract for insurance for, pay any part of the premiums for or pay for any part of the damages, risks or costs referred to in subsection 218 (1) for any local

board (extended definition) of the City or for any of the members, former members, designated employees or designated former employees of a local board (extended definition) of the City. 2006, c. 11, Sched. A, s. 219 (1).

Local board powers

[\(2\)](#) A local board (extended definition) of the City has the same powers with respect to itself, its members, former members, designated employees and designated former employees to contract for insurance, pay premiums for the insurance, be or act as an insurer, exchange reciprocal contracts of indemnity and to pay damages and costs as are conferred upon the City by this Act. 2006, c. 11, Sched. A, s. 219 (2).

HEALTH BENEFITS

Sick leave credit gratuities

[220. \(1\)](#) Under a plan of sick leave credit gratuities established for designated employees by the City, on the termination of employment, no designated employee is entitled to more than an amount equal to the salary, wages or other remuneration for one-half the number of days standing to his or her credit up to a maximum of one-half year's earnings at the rate received by him or her immediately before termination of employment. 2006, c. 11, Sched. A, s. 220 (1).

Local board

[\(2\)](#) Any local board (extended definition) of the City may establish a plan of sick leave credit gratuities for designated employees or any class of them and this section applies with necessary modifications to the local board. 2006, c. 11, Sched. A, s. 220 (2).

Insurance, health, etc.

[221. \(1\)](#) Subject to the *Health Insurance Act*, the City may provide, but only through contract either with an insurer licensed under the *Insurance Act* or with an association registered under the *Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for members of city council or of any local board (extended definition) of the City, designated employees or designated former employees of the City or of such a local board or any class of them and their spouses and children;
- (b) group accident insurance or group sickness insurance for members of city council or of any local board (extended definition) of the City, designated employees or designated former employees of the City or of such a local board or any class of them and their spouses and children; and
- (c) hospital, medical, surgical, nursing or dental services or payments for those services for members of city council or of any local board (extended definition) of the City, designated employees or designated former employees of the City or of such a local board or any class of them and their spouses and children. 2006, c. 11, Sched. A, s. 221 (1).

Local board

(2) Any local board (extended definition) of the City may provide the insurance, services or payments referred to in subsection (1) and may pay for them in the same manner and for the same classes of persons as city council, and subsection (1) applies with necessary modifications to the local board. 2006, c. 11, Sched. A, s. 221 (2).

REMUNERATION AND EXPENSES

Remuneration and expenses

222. (1) The City may pay any part of the remuneration and expenses of the members of any local board of the City and of the officers and employees of the local board. 2006, c. 11, Sched. A, s. 222 (1).

Limitations

(2) Despite any Act, the City may only pay the expenses of the members of city council or of a local board of the City, of the officers and employees of the City and of the officers and employees of the local board if the expenses are of those persons in their capacity as members, officers or employees and if,

- (a) the expenses are actually incurred; or
- (b) the expenses are, in lieu of the expenses actually incurred, a reasonable estimate, in the opinion of the council or local board, of the actual expenses that would be incurred. 2006, c. 11, Sched. A, s. 222 (2).

Local boards

(3) A local board of the City may pay remuneration to and the expenses incurred by its members, officers and employees to the extent that the City is able to do so under this Act. 2006, c. 11, Sched. A, s. 222 (3).

Limitations

(4) No part of the remuneration of a member of city council or of a local board paid under this section is deemed to be for expenses incidental to his or her duties as a member and the City or local board shall not provide that any part of the remuneration is for such deemed expenses. 2006, c. 11, Sched. A, s. 222 (4).

Statement of remuneration and expenses

223. (1) The treasurer shall in each year on or before March 31 provide to city council an itemized statement on remuneration and expenses paid in the previous year to,

- (a) each member of council in respect of his or her services as a member of the council or any other body, including a local board, to which the member has been appointed by council or on which the member holds office by virtue of being a member of council;
- (b) each member of council in respect of his or her services as an officer or employee of the City or as an officer or employee of another body described in clause (a); and
- (c) each person, other than a member of council, appointed by the City to serve as a

member of any body, including a local board, in respect of his or her services as a member of the body. 2006, c. 11, Sched. A, s. 223 (1).

Mandatory item

(2) The statement shall identify the by-law under which the remuneration or expenses were authorized to be paid. 2006, c. 11, Sched. A, s. 223 (2).

Statement to be provided to City

(3) If, in any year, any body, including a local board, pays remuneration or expenses to one of its members who was appointed by the City, the body shall on or before January 31 in the following year provide to the City an itemized statement of the remuneration and expenses paid for the year. 2006, c. 11, Sched. A, s. 223 (3).

Public records

(4) Despite the *Municipal Freedom of Information and Protection of Privacy Act*, statements provided under subsections (1) and (3) are public records. 2006, c. 11, Sched. A, s. 223 (4).

REVIEW OR APPEAL RE DELEGATED AUTHORITY

Power to authorize review or appeal

224. (1) Without limiting sections 7 and 8, those sections authorize the City to provide for a review or appeal of a decision made by a person or body in the exercise or intended exercise of a power or the performance or intended performance of a duty delegated to him, her or it by the City under this Act. 2006, c. 11, Sched. A, s. 224 (1).

Scope of power

(2) Without limiting sections 7 and 8, the power described in subsection (1) includes the power,

- (a) to designate the person or body, including city council, that will conduct the review or appeal provided that the City cannot designate a person or body without his, her or its consent;
- (b) to provide for the powers the person or body conducting the review or appeal may exercise;
- (c) to establish procedures with respect to the review or appeal;
- (d) to provide for rules for authorizing the person or body conducting the review or appeal to determine when decisions subject to review or appeal come into force, including a retroactive date not earlier than the day on which the by-law was passed. 2006, c. 11, Sched. A, s. 224 (2).

Restriction

(3) The City shall not provide for a review or appeal of such decisions as may be prescribed. 2006, c. 11, Sched. A, s. 224 (3).

Reconsideration of decisions

[\(4\)](#) Nothing in this section affects the authority of the person or body to reconsider his, her or its own decisions. 2006, c. 11, Sched. A, s. 224 (4).

REGULATIONS

Regulations re policies

[225.](#) The Minister of Municipal Affairs and Housing may make regulations prescribing bodies for the purpose of the definition of “local board (restricted definition)” in subsection 212 (3). 2006, c. 11, Sched. A, s. 225.

Regulations re review or appeal

[226.](#) The Minister of Municipal Affairs and Housing may make regulations prescribing decisions for the purposes of subsection 224 (3). 2006, c. 11, Sched. A, s. 226.

PART VII FINANCIAL ADMINISTRATION

FISCAL YEAR

Fiscal year

[227. \(1\)](#) The fiscal year of the City and a local board of the City is January 1 to December 31. 2006, c. 11, Sched. A, s. 227 (1).

Public hospitals

[\(2\)](#) Despite subsection (1), the fiscal year of a public hospital which is a local board of the City is the fiscal year of a public hospital under the *Public Hospitals Act*. 2006, c. 11, Sched. A, s. 227 (2).

BUDGETS

Yearly budget

[228. \(1\)](#) For each year, the City shall in the year or the immediately preceding year prepare and adopt a budget including estimates of all sums required during the year for the purposes of the City, including,

- (a) amounts sufficient to pay all debts of the City falling due within the year;
- (b) amounts required to be raised for sinking funds or retirement funds;
- (c) amounts required for any board, commission or other body. 2006, c. 32, Sched. B, s. 45.

Exception

[\(2\)](#) Despite subsection (1), a budget for a year immediately following a year in which a regular election is held may only be adopted in the year to which the budget applies. 2006, c. 32, Sched. B, s. 45.

Detail and form

[\(3\)](#) The budget shall set out the following amounts:

1. The estimated revenues, including the amount the City intends to raise on all the rateable property in the City by its general local municipality levy and the amount it intends to raise on less than all the rateable property in the City by a special local municipality levy under section 277.
2. The estimated portion of the estimated revenues described in paragraph 1, if any, to be paid into the City's reserve, sinking and retirement funds.
3. The estimated expenses, subject to any regulation made under clause 241 (2) (a).
4. The estimated portion of the estimated expenses described in paragraph 3, if any, to be paid out of the City's reserve, sinking and retirement funds. 2009, c. 18, Sched. 4, s. 1.

Reserve fund adjustment

(4) The total calculated under paragraph 1 shall be at least equal to the total calculated under paragraph 2:

1. The amount described in paragraph 1 of subsection (3), added to the amount described in paragraph 4 of subsection (3).
2. The amount described in paragraph 2 of subsection (3), added to the amount described in paragraph 3 of subsection (3). 2009, c. 18, Sched. 4, s. 1.

Allowance

(5) In preparing the budget for a year, the City,

- (a) shall not include in the estimated revenues described in paragraph 1 of subsection (3) the estimated proceeds of any borrowing during the year;
- (b) shall treat as estimated revenues any surplus of any previous year that resulted because,
 - (i) revenues for that year were greater than the amount described in paragraph 1 of subsection (3) for that year, or
 - (ii) expenses for that year were less than the amount described in paragraph 3 of subsection (3) for that year;
- (c) shall provide for any deficit of any previous year that resulted because,
 - (i) revenues for that year were less than the amount calculated by deducting for that year the amount described in paragraph 2 of subsection (3) from the amount described in paragraph 1 of subsection (3), or
 - (ii) expenses were incurred by the City that were not in the budget for that year and were not paid for that year from a reserve, sinking or retirement fund;
- (d) shall provide for the cost of the collection of taxes and any abatement or discount of taxes;
- (e) shall provide for taxes and other revenues that in the opinion of the treasurer are

uncollectible and for which provision has not been previously made;

- (f) may provide for taxes and other revenues that it is estimated will not be collected during the year; and
- (g) may provide for such reserve funds as the City considers necessary. 2009, c. 18, Sched. 4, s. 1.

Exception, 2009

- (6) In preparing the budget for 2009, the City,
 - (a) shall treat any operating surplus of any previous year as estimated revenues for the purpose of paragraph 1 of subsection (3); and
 - (b) despite clause (5) (c), shall provide for any operating deficit of any previous year. 2009, c. 18, Sched. 4, s. 1.

Yearly budget from boards, etc.

(7) Despite any other Act, for the purpose of preparing and adopting its budget for a year, the City may by by-law require that the year's budget of every board, commission or other body, other than a school board, for which the City is required by law to levy a tax or provide money, be submitted to the City on or before a date specified by the City and that the budget shall be in such detail and form as the by-law provides. 2009, c. 18, Sched. 4, s. 1.

Definitions

(8) In this section,

“reserve fund” includes a reserve; (“fonds de réserve”)

“taxes” means taxes imposed under any Part of this Act. (“impôts”) 2009, c. 18, Sched. 4, s. 1.

Multi-year budget

229. (1) Despite section 228, the City may prepare and adopt a budget covering a period of two to five years in the first year to which the budget applies or in the year immediately preceding the first year to which the budget applies. 2006, c. 32, Sched. B, s. 45.

Exception

(2) Despite subsection (1), if the first year of a multi-year budget immediately follows a year in which a regular election is held, the budget may only be adopted in the first year to which the budget applies. 2006, c. 32, Sched. B, s. 45.

First year

(3) Except as provided in subsection (1), the provisions of the budget for the first year to which the multi-year budget applies shall comply with the requirements of section 228. 2006, c. 32, Sched. B, s. 45.

Other years, mandatory review of annual budget

(4) For the second and each subsequent year to which a multi-year budget applies, the City shall, in the year or the immediately preceding year,

- (a) review the budget for that year;
- (b) make such changes as are required for the purpose of making the provisions of the budget for that year comply with the requirements of section 228, except clause 228 (5) (b); and
- (c) readopt the budget for that year and for subsequent years to which the budget applies. 2006, c. 32, Sched. B, s. 45; 2009, c. 18, Sched. 4, s. 2.

Exception

(5) Despite subsection (4), if a year for which a budget is being reviewed and changed is a year immediately following a year in which a regular election is held, the budget may only be readopted in the year for which the budget is being reviewed and changed. 2006, c. 32, Sched. B, s. 45.

Power and duty not affected

(6) Nothing in this section,

- (a) limits the power of the City to amend or revoke a budget adopted or readopted under this section; or
- (b) removes the obligation of the City to levy taxes in each year. 2006, c. 32, Sched. B, s. 45.

Deemed adoption

(7) The budget for the first year of a multi-year budget adopted under subsection (1) and the budget for the first year of the remaining years in a multi-year budget readopted under subsection (4) is deemed, for the purposes of this and every other Act, to be the budget or estimates adopted for the year under section 228 and, before a budget is adopted or readopted for the year under this section, the City is deemed, for the purposes of this and every other Act, not to have adopted a budget or estimates for that year under section 228. 2006, c. 32, Sched. B, s. 45.

Submission of budgets of boards, etc.

(8) Despite any other Act, for the purpose of adopting a multi-year budget for two or more years or readopting a multi-year budget for one or more remaining years, the City may by by-law require that a budget for the year or years of every board, commission or other body, other than a school board, for which the City is required by law to levy a tax or provide money, be submitted to the City on or before a date specified by the City and that the budget shall be in such detail and form as the by-law provides. 2006, c. 32, Sched. B, s. 45.

RETURNS AND FINANCIAL STATEMENTS

Annual return re financial information

230. The city treasurer shall in each year give the Minister of Municipal Affairs and Housing a return containing information designated by the Minister with respect to the financial affairs of the City, at the times and in the manner and form designated by the Minister. 2006, c. 11, Sched. A, s. 230.

Annual financial statements

231. The City shall, for each fiscal year, prepare annual financial statements for the City in accordance with generally accepted accounting principles for local governments as recommended, from time to time, by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants. 2006, c. 11, Sched. A, s. 231.

Publication of financial statements, etc.

232. (1) Within 60 days after receiving the audited financial statements of the City for the previous year, the city treasurer,

- (a) shall publish in a newspaper having general circulation in the City,
 - (i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for taxes imposed under any Part of this Act for the current and previous year as contained in the financial review, or
 - (ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the City upon request; and
- (b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate. 2006, c. 11, Sched. A, s. 232 (1).

Copy to be provided at no cost

(2) If the request is made under subsection (1), the treasurer shall provide a copy of the information to the taxpayer or resident at no cost. 2006, c. 11, Sched. A, s. 232 (2).

Auditing of financial statements, etc.

233. (1) Each year, the city auditor shall audit the accounts and transactions of the City and its local boards and express an opinion on the financial statements of these bodies, based on the audit. 2006, c. 11, Sched. A, s. 233 (1).

Inspection

(2) The reports of the city auditor provided to city council under subsection (1) are public records and may be inspected by any person at the clerk's office during normal office hours. 2006, c. 11, Sched. A, s. 233 (2).

Copies

(3) A person may make copies of the reports upon payment of the fee established by the city clerk which shall not exceed the lowest rate the clerk charges for copies of other records. 2006, c. 11, Sched. A, s. 233 (3).

Separate opinion not required

(4) The city auditor is not required in any report to city council to provide a separate opinion with respect to each reserve fund except as otherwise provided in any Act. 2006, c. 11, Sched. A, s. 233 (4).

Auditing of local boards

234. (1) Where the city auditor audits a local board, the City shall pay the fees of the auditor and may collect the fees as a debt of the local board payable to the City. 2006, c. 11, Sched. A, s. 234 (1).

Joint boards

(2) If a local board is a local board of more than one municipality, only the auditor of the municipality that is responsible for the largest share of the expenses of the local board in the year is required to audit the local board in that year. 2009, c. 18, Sched. 4, s. 3.

Consolidated statements

(3) Where the financial statements of the City and a local board are consolidated, the City may require the local board to be audited as if it were part of the City, in which case, the auditor of the City is not required to provide a separate opinion with respect to the statements of the local board. 2006, c. 11, Sched. A, s. 234 (3).

Separate auditor not required

(4) Despite any Act, other than Part IX of the *Education Act*, a local board is not required to have its own auditor. 2006, c. 11, Sched. A, s. 234 (4).

Auditor's right of access

235. (1) The city auditor has a right of access at all reasonable hours to all records of the City or any of its local boards. 2006, c. 11, Sched. A, s. 235 (1).

Information

(2) The auditor may require from the current and the former members of the council and local boards and from the current and former officers and employees of the City and its local boards such information and explanation as in his or her opinion is necessary to carry out the duties of the auditor. 2006, c. 11, Sched. A, s. 235 (2).

Evidence on oath

(3) The auditor may require any person to give evidence on oath respecting any of the information and explanation under subsection (2) and for that purpose has the powers under section 33 of the *Public Inquiries Act, 2009*, in which case that section applies to the proceeding. 2009, c. 33, Sched. 6, s. 46 (6).

Auditor may attend meetings

(4) The auditor may attend any meeting of members of council or any local board of the City and is entitled,

- (a) to receive all notices relating to the meeting that any member is entitled to receive; and
- (b) to make representations at that meeting on any matter that concerns him or her as auditor. 2006, c. 11, Sched. A, s. 235 (4).

GENERAL

Default in providing information

236. The Minister of Finance may retain any money payable to the City if the City or

any officer of the City has not provided the Minister of Municipal Affairs and Housing with any information that the City or officer is required to provide under this Part. 2006, c. 11, Sched. A, s. 236.

Information re municipal operations

[237. \(1\)](#) In this section,

“local board (extended definition)” includes a conservation authority and any other body performing a public function designated by the Minister of Municipal Affairs and Housing. 2006, c. 11, Sched. A, s. 237 (1).

Information to be provided

[\(2\)](#) The City and a local board (extended definition) of the City shall provide the Minister of Municipal Affairs and Housing with information designated by the Minister which, in the Minister’s opinion, relate to efficiency and effectiveness of the City’s or local board’s operations, at the times and in the manner and form designated by the Minister. 2006, c. 11, Sched. A, s. 237 (2).

Publication

[\(3\)](#) The City and a local board (extended definition) of the City shall publish all or such portion of the information as may be designated by the Minister at the times designated by the Minister but in the manner and form determined by the City. 2006, c. 11, Sched. A, s. 237 (3).

Scope

[\(4\)](#) A designation by the Minister under this section may be general or specific in its application. 2006, c. 11, Sched. A, s. 237 (4).

Financial assistance

[238. \(1\)](#) In this section,

“local board (extended definition)” includes a school board, a conservation authority and any other body performing a prescribed public function. 2006, c. 11, Sched. A, s. 238 (1).

Grants and loans

[\(2\)](#) The Minister of Municipal Affairs and Housing may, upon such conditions as may be considered advisable, make grants and loans and provide other financial assistance to the City, a local board (extended definition) of the City and a First Nation. 2006, c. 11, Sched. A, s. 238 (2).

Mechanical endorsement of cheques

[239.](#) The City may provide that the signatures on a cheque of the City be mechanically or electronically reproduced. 2006, c. 11, Sched. A, s. 239.

Use of a collection agency

[240.](#) If the City uses a registered collection agency in good standing under the *Collection Agencies Act* to recover a debt payable to the City, including taxes imposed under any Part of this Act, the collection agency may also recover its reasonable costs of collecting

the debt but those costs shall not exceed an amount approved by the City. 2006, c. 11, Sched. A, s. 240.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 240 is amended by striking out “*Collection Agencies Act*” and substituting “*Collection and Debt Settlement Services Act*”. (See: 2013, c. 13, Sched. 1, ss. 11, 19)

REGULATIONS

Regulations re changes in financial reporting requirements

241. (1) If changes in the financial reporting requirements of the City or a local board of the City affect the surplus or deficit of the City or local board, the Minister of Municipal Affairs and Housing may make regulations,

- (a) phasing in or authorizing the City or local board to phase in the changes to its budgets over a period of years;
- (b) governing the phase-in. 2009, c. 18, Sched. 4, s. 4.

Regulations re budgets

(2) The Minister of Municipal Affairs and Housing may make regulations,

- (a) prescribing types of expenses that the City or local board may exclude from the estimated expenses described in paragraph 3 of subsection 228 (3);
- (b) prescribing conditions that must be met before the City or local board may exclude from the estimated expenses the types of expenses prescribed under clause (a);
- (c) prescribing a date for the purposes of subsection (4). 2009, c. 18, Sched. 4, s. 4.

Retroactive

(3) A regulation made under this section may be retroactive to January 1 of the year in which the regulation is made. 2009, c. 18, Sched. 4, s. 4.

Review

(4) The Minister of Municipal Affairs and Housing shall, on or before a prescribed date, initiate a review of any regulation made under clause (2) (a) or (b). 2009, c. 18, Sched. 4, s. 4.

Regulations re reserve fund

242. The Minister of Municipal Affairs and Housing may make regulations,

- (a) requiring the City to establish a reserve fund designated for prescribed liabilities of the City which are incurred but not payable until later years;
- (b) defining “liabilities” of the City which are incurred for the purpose of clause (a);
- (c) requiring the City to make payments into the reserve fund to fund all or part of a prescribed liability at the prescribed times and in the prescribed manner;
- (d) prohibiting the City from changing the purpose for which the reserve fund is designated;

- (e) prescribing the conditions under which and the purposes for which the City may,
- (i) change the designation of all or any part of the reserve fund, and
 - (ii) borrow from the reserve fund. 2006, c. 11, Sched. A, s. 242.

Regulations re financial information

[243.](#) The Minister of Finance may by regulation require the City to provide to the Minister of Finance, at the times and in the manner and form prescribed, copies of by-laws made under Parts XI (Traditional Municipal Taxes) and XII (Limits on Traditional Municipal Taxes) and such other information as may be specified in the regulation. 2006, c. 11, Sched. A, s. 243.

Regulations re financial assistance

[244.](#) The Minister of Municipal Affairs and Housing may make regulations prescribing public functions for the purposes of the definition of “local board (extended definition)” in subsection 238 (1). 2006, c. 11, Sched. A, s. 244.

PART VIII FINANCES

AUTHORIZED FINANCIAL ACTIVITIES

Authorized financial activities

[245.](#) Without limiting sections 7 and 8, those sections authorize the City to undertake the following financial activities in accordance with such conditions and restrictions as may be prescribed:

1. Borrowing or investing money.
2. Selling debt.
3. Incurring debt without borrowing money for the purpose of obtaining long term financing of any capital undertaking.
4. Entering into financial agreements or using financial instruments for the purpose of minimizing costs or financial risk associated with incurring debt or making investments.
5. Engaging in such other financial activities as may be prescribed. 2006, c. 11, Sched. A, s. 245.

Authorized borrowing

[246.](#) The City may borrow money for the purposes of a school board if the school board exercises jurisdiction in all or part of the City and requires permanent improvements as defined in subsection 1 (1) of the *Education Act*. 2006, c. 11, Sched. A, s. 246.

Ranking of debentures, etc.

[247. \(1\)](#) Despite any Act or any differences in date of issue or maturity, every debenture issued by the City ranks concurrently and equally in respect of payment of principal

and interest with all other debentures of the City. 2006, c. 11, Sched. A, s. 247 (1).

Exceptions

[\(2\)](#) Subsection (1) does not apply to money in a sinking or retirement fund for a particular issue of debentures. 2006, c. 11, Sched. A, s. 247 (2).

Definition

[\(3\)](#) In this section,

“debenture” includes any financial instrument for long term borrowing that the City describes as a debenture in a borrowing by-law. 2006, c. 11, Sched. A, s. 247 (3).

Limitation on term

[247.1](#) The term of a debt of the City or any debenture or other financial instrument for long-term borrowing issued for it shall not extend beyond the lifetime of the capital work for which the debt was incurred and shall not exceed 40 years. 2006, c. 32, Sched. B, s. 46; 2009, c. 18, Sched. 4, s. 5.

Use of money received

[248. \(1\)](#) Money received by the City from the sale of debentures or as proceeds of other long-term borrowing, including any premium, and any earnings derived from the investment of that money, shall be applied only,

- (a) for the purposes for which the debentures were issued or the other long-term borrowing was undertaken; or
- (b) to repay outstanding temporary borrowing with respect to the debentures or the other long-term borrowing. 2009, c. 18, Sched. 4, s. 6.

Money not required

[\(2\)](#) If the money received by the City as described in subsection (1) is in excess of or is not required for the purposes for which the debentures were issued or the other long term borrowing was undertaken, it shall be applied,

- (a) to repay the principal or interest of the debentures or other long term borrowing; or
- (b) to repay any other capital expenditure of the City. 2006, c. 11, Sched. A, s. 248 (2).

Restrictions

[248.1 \(1\)](#) After a debt has been contracted under a by-law, the City shall not, until the debt and interest have been paid,

- (a) repeal the by-law or any by-law appropriating money from any source for the payment of the debt or the interest, including the surplus income from any work financed by the debt; or
- (b) alter any by-law referred to in clause (a) so as to diminish the amount to be raised annually. 2006, c. 32, Sched. B, s. 47.

Repeal where only part of amount raised

[\(2\)](#) If a debenture by-law authorizes the City to raise an amount but the amount realized

from the sale or loan of the debentures is less than the amount authorized, the City may repeal the debenture by-law with respect to the unused debentures and with respect to any amount that would have been required to be raised annually to repay the unused debentures. 2006, c. 32, Sched. B, s. 47.

Repeal, surplus from other borrowing

[\(3\)](#) Despite subsection (1), the City may repeal a debenture by-law or other by-law for long-term borrowing to reduce or eliminate the amount that would have been required to be raised annually to repay the debentures or other long-term borrowing, to the extent that an amount applied in accordance with subsection 248 (2) reduces or eliminates the requirements for repayment of principal and interest for the borrowing. 2006, c. 32, Sched. B, s. 47.

Repeal, sinking or retirement fund in surplus

[\(4\)](#) Despite subsection (1), the City may repeal a debenture by-law or other by-law for long-term borrowing with respect to amounts that would have been required to be raised for a sinking or retirement fund, to the extent that the balance of the fund as audited by the city auditor, including any estimated revenue, is or will be sufficient to entirely repay the principal of the debt for which the fund was established on the date or dates the principal becomes due. 2006, c. 32, Sched. B, s. 47.

Use of sinking and retirement funds

[249. \(1\)](#) Except as provided in this section, the City shall apply an amount raised for a sinking or retirement fund of the City, including earnings or proceeds derived from the investment of those funds, only towards repayment of the principal of the fund at maturity. 2009, c. 18, Sched. 4, s. 7 (1).

Exception, surplus

[\(2\)](#) Despite subsection (1), if the balance of a sinking or retirement fund, including any estimated revenue, as audited by the city auditor is or will be sufficient to entirely repay the principal of the debt for which the fund was established on the date or dates the principal becomes due, the City may apply any surplus in the fund to one or both of the following purposes:

1. Repayment of the principal and interest of any other sinking or retirement fund.
2. Payment for any capital expenditure of the City. 2006, c. 32, Sched. B, s. 48.

Same

[\(3\)](#) If there is any amount that remains in the fund after the City makes payments in accordance with subsection (2), the City may use the amount for any of its purposes. 2009, c. 18, Sched. 4, s. 7 (2).

Registration of debenture by-law

[250. \(1\)](#) Within four weeks after the passing of a debenture by-law, the clerk may register a duplicate original or a certified copy of the by-law under seal of the City in the land registry office for the City. 2006, c. 11, Sched. A, s. 250 (1).

Application to quash

[\(2\)](#) Subject to section 62 of the *Ontario Municipal Board Act*, if a by-law is registered under subsection (1) before the sale or other disposition of the debentures issued under it,

- (a) the debentures are valid according to the terms of the by-law; and
- (b) the by-law shall not be quashed unless, within three months after the registration, an application is made to a competent court to quash the by-law and a certified copy of the application under seal of the court is registered in the land registry office within that period. 2006, c. 11, Sched. A, s. 250 (2).

Timing

[\(3\)](#) After the expiration of the period referred to in clause (2) (b), if no application to quash the by-law has been made, the by-law is valid. 2006, c. 11, Sched. A, s. 250 (3).

Quashing part of by-law

[\(4\)](#) If application is made to quash only part of a by-law, the remainder of the by-law is valid after the expiration of the period referred to in clause (2) (b). 2006, c. 11, Sched. A, s. 250 (4).

Dismissal of application

[\(5\)](#) If the application is dismissed in whole or in part, a certificate of the dismissal may be registered and, if the period referred to in clause (2) (b) has expired, the by-law or so much of it as is not quashed is valid. 2006, c. 11, Sched. A, s. 250 (5).

Illegal by-law not validated

[\(6\)](#) Nothing in this section makes valid a by-law that requires but has not received the assent of the electors or a by-law which, on the face of it, does not substantially conform to any requirements that may be prescribed with respect to,

- (a) the term of the debt or any debenture issued for it;
- (b) raising a levy for the amounts of principal and interest payable in a year under a debenture by-law; and
- (c) the instalments of principal and interest payable under a debenture by-law. 2006, c. 11, Sched. A, s. 250 (6).

Failure to register

[\(7\)](#) Failure to register a by-law under this section does not invalidate it. 2006, c. 11, Sched. A, s. 250 (7).

Status of by-law and debenture

[251.](#) If the interest on a debenture issued under a by-law has been paid for one year or more by the City or any part of the principal has been paid, the by-law and the debenture issued under it are valid and binding on the City. 2006, c. 11, Sched. A, s. 251.

FINANCING MUNICIPAL CAPITAL FACILITIES

Agreements for municipal capital facilities

[252. \(1\)](#) This section applies to an agreement entered into by the City for the provision

of municipal capital facilities by any person, including another municipality, if the agreement provides for one or more of the following:

1. Lease payments in foreign currencies as provided for in subsection (2).
2. Assistance as provided for in subsection (3).
3. Tax exemptions as provided for in subsection (6).
4. Development charges exemptions as provided for in subsection (7). 2006, c. 11, Sched. A, s. 252 (1); 2006, c. 32, Sched. B, s. 49 (1).

Contents of agreements

[\(2\)](#) An agreement may allow for the lease, operation or maintenance of the facilities and for the lease payments to be expressed and payable partly or wholly in one or more prescribed foreign currencies. 2006, c. 11, Sched. A, s. 252 (2).

Assistance by the City

[\(3\)](#) Despite section 82, the City may provide financial or other assistance at less than fair market value or at no cost to any person who has entered into an agreement to provide facilities under this section and such assistance may include,

- (a) giving or lending money and charging interest;
- (b) giving, lending, leasing or selling property;
- (c) guaranteeing borrowing; and
- (d) providing the services of employees of the City. 2006, c. 11, Sched. A, s. 252 (3).

Restriction

[\(4\)](#) The assistance shall only be in respect of the provision, lease, operation or maintenance of the facilities that are the subject of the agreement. 2006, c. 11, Sched. A, s. 252 (4).

Notice of agreement by-law

[\(5\)](#) Upon the passing of a by-law permitting the City to enter into an agreement under this section, the city clerk shall give written notice of the by-law to the Minister of Education. 2006, c. 11, Sched. A, s. 252 (5).

Tax exemption

[\(6\)](#) Despite any Act, the City may exempt from all or part of the taxes levied for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located that,

- (a) is the subject of an agreement under subsection (1);
- (b) is owned or leased by a person who has entered an agreement to provide facilities under subsection (1); and
- (c) is entirely occupied and used or intended for use for a service or function that may be provided by the City. 2006, c. 11, Sched. A, s. 252 (6); 2006, c. 32, Sched. B, s.

49 (2).

Development charges exemption

(7) Despite the *Development Charges Act, 1997*, the City may exempt from the payment of all or part of the development charges imposed by the city under that Act land or a portion of it on which municipal capital facilities are or will be located that,

- (a) is the subject of an agreement under subsection (1);
- (b) is owned or leased by a person who has entered an agreement to provide facilities under subsection (1); and
- (c) is entirely occupied and used or intended for use for a service or function that may be provided by the City. 2006, c. 32, Sched. B, s. 49 (3).

Notice of tax exemption by-law

(8) Upon passing a by-law under subsection (6), the city clerk shall give written notice of the contents of the by-law to,

- (a) the assessment corporation; and
- (b) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law. 2006, c. 11, Sched. A, s. 252 (8).

When agreement entered into

(9) If a municipality designated as a service manager under the *Housing Services Act, 2011* has entered into an agreement under section 110 of the *Municipal Act, 2001* with respect to housing capital facilities, if the City has not entered into an agreement under this section with respect to the capital facilities and if the City contains all or part of the land on which the capital facilities are or will be located, the City may exercise the power under subsections (3), (6) and (7) with respect to the land and the capital facilities but,

- (a) a tax exemption under subsection (6) applies to taxation for municipal purposes; and
- (b) clause (8) (b) does not apply. 2006, c. 11, Sched. A, s. 252 (9); 2011, c. 6, Sched. 1, s. 186 (3).

Reserve fund

(10) The City may establish a reserve fund to be used for the exclusive purpose of renovating, repairing or maintaining facilities that are provided under an agreement under this section. 2006, c. 11, Sched. A, s. 252 (10).

Same

(11) An agreement under this section may provide for contributions to the reserve fund by any person. 2006, c. 11, Sched. A, s. 252 (11).

Tax exemption by school board

(12) Despite any Act, a school board that exercises jurisdiction in all or part of the City and that is authorized to enter into agreements for the provision of school capital facilities by

any person may, by resolution, exempt from all or part of the taxes levied for municipal and school purposes land or a portion of the land on which the school capital facilities are or will be located in the City and that,

- (a) is the subject of the agreement;
- (b) is owned or leased by a person who has entered an agreement to provide school capital facilities; and
- (c) is entirely occupied and used or intended for use for a service or function that may be provided by a school board. 2006, c. 11, Sched. A, s. 252 (12); 2006, c. 32, Sched. B, s. 49 (4).

Education development charges exemption

[\(13\)](#) Despite Division E of Part IX of the *Education Act*, a school board that is authorized to enter into agreements for the provision of school capital facilities by any person may exempt from the payment of all or part of the education development charges imposed by the school board under that Part land or a portion of it on which school capital facilities are or will be located that,

- (a) is the subject of the agreement;
- (b) is owned or leased by a person who has entered an agreement to provide school capital facilities; and
- (c) is entirely occupied and used or intended for use for a service or function that may be provided by a school board. 2006, c. 32, Sched. B, s. 49 (5).

Notice of tax exemption by school board

[\(14\)](#) Upon the passing of a resolution under subsection (12), the secretary of the school board shall give written notice of the contents of the resolution to,

- (a) the assessment corporation;
- (b) the city clerk and the city treasurer; and
- (c) the secretary of any other school board if the area of jurisdiction of the board includes the land exempted by the resolution. 2006, c. 11, Sched. A, s. 252 (14).

Restriction on tax exemption

[\(15\)](#) The tax exemption under subsection (6) or (12) shall not be in respect of a special levy under section 277 for sewer and water. 2006, c. 11, Sched. A, s. 252 (15).

Effective date

[\(16\)](#) A by-law passed under subsection (6) or (7) or a resolution passed under subsection (12) or (13) shall specify an effective date which shall be the date of passing of the by-law or resolution or a later date. 2006, c. 32, Sched. B, s. 49 (6).

Tax refund, etc.

[\(17\)](#) Section 323 applies with necessary modifications to allow for a cancellation, reduction or refund of taxes that are no longer payable as a result of a by-law or resolution

passed under this section. 2006, c. 11, Sched. A, s. 252 (17).

Taxes struck from roll

[\(18\)](#) Until the assessment roll has been revised, the city treasurer shall strike taxes from the tax roll that are exempted by reason of a by-law or resolution passed under this section. 2006, c. 11, Sched. A, s. 252 (18).

Deemed exemption

[\(19\)](#) Subject to subsection (15), the tax exemption under subsection (6) or (12) is deemed to be an exemption under section 3 of the *Assessment Act*, but shall not affect a payment required under section 27 of that Act. 2006, c. 11, Sched. A, s. 252 (19).

ENFORCEMENT

Offence re borrowing by-law

[253.](#) Every officer of the City whose duty it is to carry into effect any provision of a by-law for the borrowing of money who neglects or refuses to do so is guilty of an offence, even if the reason the officer neglects or refuses to fulfil his or her duty is the apparent authority to do so under a by-law that is illegally attempting to repeal or amend the borrowing by-law. 2006, c. 11, Sched. A, s. 253.

Prohibition re temporary borrowing

[254. \(1\)](#) If a regulation provides for a maximum amount of temporary borrowing by the City for current expenditures, a member of city council who knowingly votes to authorize the borrowing of any amount larger than that maximum amount is disqualified from holding any municipal office for two years. 2006, c. 11, Sched. A, s. 254 (1).

Exception

[\(2\)](#) Subsection (1) does not apply to a member of council acting under an order or direction issued under Part III of the *Municipal Affairs Act*. 2006, c. 11, Sched. A, s. 254 (2).

Liability of members for diversion of funds

[255. \(1\)](#) If city council applies any money raised for a special purpose or collected for a sinking or retirement fund otherwise than permitted by this Act, each member who votes for the application,

- (a) is personally liable for the amount so applied which may be recovered in a court of competent jurisdiction; and
- (b) is disqualified from holding any municipal office for two years. 2006, c. 11, Sched. A, s. 255 (1); 2009, c. 18, Sched. 4, s. 8.

Action by ratepayer

[\(2\)](#) If city council, on the request in writing of a ratepayer, refuses or neglects for one month to bring a court action under clause (1) (a), the action may be brought by any ratepayer on behalf of all ratepayers. 2006, c. 11, Sched. A, s. 255 (2).

Penalty

[\(3\)](#) If city council neglects in any year to levy the amount required to be raised for a

sinking or retirement fund, each member of the council is disqualified from holding any municipal office for two years, unless the member shows that he or she made reasonable efforts to procure the levying of the amount. 2006, c. 11, Sched. A, s. 255 (3).

Statement of treasurer

(4) If in any year an amount is or will be required by law to be raised for a sinking fund or retirement fund of the City, the city treasurer shall prepare for city council, before the budget for the year is adopted, a statement of the amount. 2006, c. 11, Sched. A, s. 255 (4).

Offence

(5) A treasurer who contravenes subsection (4) is guilty of an offence. 2006, c. 11, Sched. A, s. 255 (5).

REGULATIONS

Regulations re financial activities

256. (1) The Lieutenant Governor in Council may make regulations governing the financial activities of the City described in section 245 and any other financial activities of the City, including regulations,

- (a) prescribing and defining types of investment, borrowing, debt financing and sale of debt, and financial activities;
- (b) prescribing and defining financial agreements and instruments that the City may issue or enter for or in relation to its financial activities;
- (c) prescribing rules, conditions and procedures for or in relation to its financial activities. 2006, c. 11, Sched. A, s. 256 (1).

Same, Minister

(2) The Minister of Municipal Affairs and Housing may make regulations prescribing financial activities for the purposes of paragraph 5 of section 245. 2006, c. 11, Sched. A, s. 256 (2).

Regulations re municipal capital facilities

257. The Lieutenant Governor in Council may make regulations,

- (a) defining municipal capital facilities for the purposes of section 252;
- (b) prescribing eligible municipal capital facilities that may and may not be the subject of agreements under subsection 252 (1);
- (c) prescribing rules, procedures, conditions and prohibitions for the City entering agreements under subsection 252 (1);
- (d) prescribing for the purposes of subsection 252 (2) foreign currencies in which the City may make lease payments under such conditions as may be prescribed;
- (e) prescribing eligible municipal capital facilities for which the City may and may not grant tax exemptions under subsection 252 (6) or development charges exemptions

under subsection 252 (7);

- (f) defining and prescribing eligible school capital facilities for which school boards may and may not grant tax exemptions under subsection 252 (12) or exemptions from education development charges under subsection 252 (13). 2006, c. 11, Sched. A, s. 257; 2006, c. 32, Sched. B, s. 50.

PART IX FEES AND CHARGES

Definitions

258. In this Part,

“by-law” includes a resolution for the purpose of a local board; (“règlement municipal”)

“fee or charge” means, in relation to the City, a fee or charge imposed by the City under sections 7 and 8 and, in relation to a local board (extended definition), means a fee or charge imposed by the local board under subsection 259 (1.1); (“droits ou redevances”)

“local board (extended definition)” includes any prescribed body performing a public function and a school board but, for the purpose of passing by-laws imposing fees or charges under this Part, does not include a school board or hospital board; (“conseil local (définition élargie)”)

“person” includes a municipality, a local board (extended definition) and the Crown. (“personne”) 2006, c. 11, Sched. A, s. 258; 2006, c. 32, Sched. B, s. 51.

By-laws re fees and charges

259. (1) Without limiting sections 7 and 8, those sections authorize the City to pass by-laws imposing fees or charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control. 2006, c. 32, Sched. B, s. 52 (1).

Local board

(1.1) A local board (extended definition) of the City may impose fees or charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any municipality or other local board (extended definition); and
- (c) for the use of its property including property under its control. 2006, c. 32, Sched. B, s. 52 (2).

Same

(2) A fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time. 2006, c. 11, Sched. A, s. 259 (2).

Same

(3) The costs included in a fee or charge may include costs incurred by the City or local board (extended definition) related to administration, enforcement and the establishment, acquisition and replacement of capital assets. 2006, c. 11, Sched. A, s. 259 (3); 2006, c. 32, Sched. B, s. 52 (3).

Fees for mandatory services, etc.

(4) A fee or charge may be imposed whether or not it is mandatory for the City or local board (extended definition) imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property. 2006, c. 11, Sched. A, s. 259 (4); 2006, c. 32, Sched. B, s. 52 (4).

Conflict

(5) In the event of a conflict between a fee or charge by-law and this Act, other than this Part, or any other Act or a regulation made under any other Act, the by-law prevails. 2006, c. 32, Sched. B, s. 52 (5).

Restriction, poll tax

260. No fee or charge by-law shall impose a poll tax or similar fee or charge, including a fee or charge which is imposed on an individual by reason only of his or her presence or residence in the City or part of it. 2006, c. 11, Sched. A, s. 260; 2006, c. 32, Sched. B, s. 53.

Restriction, fees and charges

261. (1) No fee or charge by-law shall impose a fee or charge that is based on, is in respect of or is computed by reference to,

- (a) the income of a person, however it is earned or received, except that the City or local board (extended definition) may exempt, in whole or in part, any class of persons from all or part of a fee or charge on the basis of inability to pay;
- (b) the use, purchase or consumption by a person of property other than property belonging to or under the control of the City or local board (extended definition) that passes the by-law;
- (c) the use, consumption or purchase by a person of a service other than a service provided or performed by or on behalf of or paid for by the City or local board (extended definition) that passes the by-law;
- (d) the benefit received by a person from a service other than a service provided or performed by or on behalf of or paid for by the City or local board (extended definition) that passes the by-law; or
- (e) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources. 2006, c. 11, Sched. A, s. 261 (1); 2006, c. 32,

Sched. B, s. 54.

Basis of fee not limited

[\(2\)](#) Nothing in clause (1) (b) prevents the imposition of a fee or charge that is based on, is in respect of or is computed by reference to the location of the property, the physical characteristics of the property, including buildings and structures on the property, or the zoning of property or other land use classification. 2006, c. 11, Sched. A, s. 261 (2).

Restriction, charges for gas

[262.](#) Nothing in this Act authorizes the City or a local board (extended definition) to impose a fee or charge for supplying natural and artificial gas which exceeds the amount for the supply permitted by the Ontario Energy Board. 2006, c. 11, Sched. A, s. 262; 2006, c. 32, Sched. B, s. 55.

Approval of by-law of local board

[263. \(1\)](#) The City may pass a by-law providing that a by-law of a local board (extended definition) of the City which is not a local board (extended definition) of any other municipality imposing fees or charges under this Part does not come into force until the City passes a resolution approving the by-law of the local board. 2006, c. 11, Sched. A, s. 263 (1).

Exception

[\(2\)](#) A by-law under subsection (1) does not apply with respect to fees or charges that are subject to approval under any federal Act or under a regulation made under section 266. 2006, c. 11, Sched. A, s. 263 (2).

Debt

[264. \(1\)](#) Fees and charges imposed by the City or a local board (extended definition) on a person constitute a debt of the person to the City or local board, respectively. 2006, c. 11, Sched. A, s. 264 (1); 2006, c. 32, Sched. B, s. 56 (1).

Amount owing added to tax roll

[\(2\)](#) The city treasurer may, and upon the request of a local board (extended definition) whose area of jurisdiction includes any part of the City shall, add fees and charges imposed by the City or a local board (extended definition), respectively, to the tax roll for the following property in the City and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public service was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges. 2006, c. 11, Sched. A, s. 264 (2); 2006, c. 32, Sched. B, s. 56 (2).

No application to O.M.B.

[265.](#) If the City or local board (extended definition) of the City has imposed fees or charges under any Act, no application shall be made to the Ontario Municipal Board under clause 71 (c) of the *Ontario Municipal Board Act* on the grounds the fees or charges are unfair or unjust. 2006, c. 11, Sched. A, s. 265.

Regulations re fees and charges

266. The Minister of Municipal Affairs and Housing may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes of this Part, including,

- (a) providing that the City or a local board (extended definition) does not have the power to impose fees or charges for services or activities, for costs payable for services or activities, for use of municipal property or on the persons prescribed in the regulation;
- (b) imposing conditions and limitations on the powers of the City or a local board (extended definition) to impose fees or charges;
- (c) providing that a body is a local board (extended definition) for the purpose of this Part;
- (d) providing that fees or charges in a prescribed class of fees or charges which are added to the tax roll under subsection 264 (2) have priority lien status and designating all or any of those fees or charges to be fees or charges relating to a local improvement;
- (e) providing that fees or charges that have priority lien status under clause (d) are payable with respect to property that is exempt from taxation under section 3 of the *Assessment Act*;
- (f) requiring the City or a local board (extended definition) to give the prescribed notice of its intention to pass a by-law imposing the fees and charges which have priority lien status under clause (d) to the prescribed persons in the manner and form and at the times prescribed;
- (g) providing for a process of appealing a by-law to the extent that it imposes the fees or charges that have priority lien status under clause (d) and providing that the appeal may apply to all or any aspect of the by-law specified in the regulations;
- (h) providing for the powers the person or body hearing the appeal under clause (g) may exercise;
- (i) providing for rules or authorizing the person or body hearing the appeal under clause (g) to determine when by-laws subject to appeal come into force, including a retroactive date not earlier than the day on which the by-law was passed;
- (j) without limiting any of clauses (a) to (i), providing for any matter provided for in the *Local Improvement Act*, as it read immediately before its repeal on January 1, 2003, including delegations of authority. 2006, c. 11, Sched. A, s. 266; 2006, c. 32, Sched. B, s. 57.

PART X POWER TO IMPOSE TAXES

Power to impose taxes

267. (1) The City may, by by-law, impose a tax in the City if the tax is a direct tax, if the by-law satisfies the criteria described in subsection (3) and if such other conditions as may be prescribed are also satisfied. 2006, c. 11, Sched. A, s. 267 (1).

Exclusions, types of tax

(2) The City is not authorized to impose any of the following taxes:

1. A tax imposed on a person in respect of the person's income, revenue, profits, receipts or other similar amounts.
2. A tax imposed on a person in respect of the person's paid up capital, reserves, earned surplus, capital surplus or any other surplus, indebtedness or in respect of similar amounts.
3. A tax imposed on a person in respect of machinery and equipment used in research and development or used in manufacturing and processing and in respect of any assets used to enhance productivity, including computer hardware and software.
4. A tax imposed on a person in respect of remuneration for services, including non-monetary remuneration, that is paid or payable by the person or that is conferred or to be conferred by the person.
5. A sales tax imposed on a person in respect of the acquisition or purchase of any tangible personal property, any service or any intangible property, other than a tax imposed on the person,
 - i. for the purchase of admission to a place of amusement as defined in the *Retail Sales Tax Act*,
 - ii. for the purchase of liquor as defined in section 1 of the *Liquor Licence Act* for use or consumption,
 - iii. for the production by the person of beer or wine, as defined in section 1 of the *Liquor Licence Act*, at a brew on premise facility, as defined in section 1 of that Act, for use or consumption, or
 - iv. for the purchase of tobacco as defined in section 1 of the *Tobacco Tax Act* for use or consumption.
6. A tax imposed on a person in respect of lodging in or the use of the rooms or other facilities of a hotel, motel, hostel, apartment house, lodging house, boarding house, club or other similar type of accommodation, including a tax in respect of services provided by the owner of the accommodation that are related to the lodging or that are related to the use of the rooms or other facilities, but not a tax described in subparagraphs 5 i to iv.
7. A tax imposed on a person in respect of the acquisition of any gas or liquid that may be used for the purpose of generating power by means of internal combustion and

in respect of any special product or any substance that may be added to the gas or liquid.

8. A tax imposed on a person in respect of the person's consumption or use of energy, including electricity.
9. A tax on a person's wealth, including an inheritance tax and a tax in respect of,
 - i. the total value of assets or the total value of two or more classes of assets owned by the person, or
 - ii. any monetary assets or financial instruments owned by the person.
10. A poll tax imposed on an individual by reason only of his or her presence or residence in the City or in part of it.
11. A tax on the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
12. A tax on the supply of natural gas or artificial gas.
13. A tax on the use of a highway (as defined in subsection 1 (1) of the *Highway Traffic Act*) by a person in respect of equipment placed under, on or over the highway for the purpose of supplying a service to the public. 2006, c. 11, Sched. A, s. 267 (2).

Requirements for by-law

[\(3\)](#) A by-law described in subsection (1) must satisfy the following criteria:

1. It must state the subject of the tax to be imposed.
2. It must state the tax rate or the amount of tax payable.
3. It must state the manner in which the tax is to be collected, including the designation of any persons who are authorized to collect the tax as agents for the City. 2006, c. 11, Sched. A, s. 267 (3).

Other contents of by-law

[\(4\)](#) A by-law described in subsection (1) may provide for,

- (a) exemptions from the tax;
- (b) rebates of tax;
- (c) penalties for failing to comply with the by-law;
- (d) interest on outstanding taxes or penalties;
- (e) the assessment of outstanding tax, penalties or interest;
- (f) audit and inspection powers;
- (g) the establishment and use of dispute resolution mechanisms;
- (h) the establishment and use of such enforcement measures as the city council

considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due, including measures such as garnishment, the seizure and sale of property and the creation and registration of liens;

- (i) such other matters as city council considers appropriate. 2006, c. 11, Sched. A, s. 267 (4).

Persons, etc., not subject to tax

268. The City is not authorized to impose taxes under section 267 on any of the following:

1. The Crown, every agency of the Crown in right of Ontario and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council.
2. Every board as defined in subsection 1 (1) of the *Education Act*.
3. Every university in Ontario and every college of applied arts and technology and post-secondary institution in Ontario whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants entitlements from the Crown.
4. Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*.
5. Every long-term care home as defined in subsection 2 (1) of the *Long-Term Care Homes Act, 2007*.
6. Such other persons and entities as may be prescribed. 2006, c. 11, Sched. A, s. 268; 2007, c. 8, s. 198 (4); 2009, c. 33, Sched. 18, s. 4.

Effect re Part XI

269. This Part does not limit the authority of the City under Part XI (Traditional Municipal Taxes). 2006, c. 11, Sched. A, s. 269.

Enforcement measures

270. (1) The use of one or more enforcement measures established by a by-law under section 267 does not prevent the City from using any other remedy available in law to enforce the payment of amounts owing under this Part. 2006, c. 11, Sched. A, s. 270 (1).

Priority of outstanding amounts

(2) A by-law under section 267 cannot provide that outstanding taxes, interest or penalties have priority lien status for the purposes of subsections 3 (5), (6) and (7) and cannot provide that such taxes, interest or penalties have a higher priority than they would otherwise have in law in relation to other claims, liens or encumbrances. 2006, c. 11, Sched. A,

s. 270 (2).

Enforcement by court

[\(3\)](#) If any tax, penalty or interest imposed pursuant to a by-law under this Part remains unpaid after it is due, the City may bring an action for the recovery of those amounts in any court in which a debt or money demand of a similar amount may be collected. 2009, c. 33, Sched. 21, s. 4 (13).

Limitation period

[\(4\)](#) An action under subsection (3) shall not be commenced against any person after the fourth anniversary of the day on which those amounts first became due and payable to the City unless, within that four-year period, the City makes a written demand for payment of those amounts by the person, in which case the action may be commenced at any time before the sixth anniversary of the day on which those amounts first became due and payable to the City. 2009, c. 33, Sched. 21, s. 4 (13).

Agreements re tax collection, etc.

[271.](#) The City may enter into agreements with another person or entity, including the Crown, providing for the collection of taxes imposed under section 267 and the administration and enforcement of the by-law imposing the taxes and the agreement may authorize the person or entity to collect taxes and administer and enforce the by-law on the City's behalf. 2006, c. 11, Sched. A, s. 271.

Regulations re power to impose taxes

[272.](#) On the recommendation of the Minister of Finance, the Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) prescribing conditions that must be satisfied with respect to the imposition of a tax by a by-law made under subsection 267 (1);
- (b) prescribing, for the purposes of paragraph 6 of section 268, persons and entities who are not subject to taxes imposed under section 267;
- (c) defining any word or expression used in this Part;
- (d) prescribing such other matters as the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this Part. 2006, c. 11, Sched. A, s. 272.

PART XI TRADITIONAL MUNICIPAL TAXES

Definitions

[273.](#) In this Part,

“assessment” means the assessment for real property made under the *Assessment Act* according to the last returned assessment roll; (“évaluation”)

“commercial property class” means the commercial property class prescribed under the

Assessment Act; (“catégorie des biens commerciaux”)

“general reassessment” means the updating of assessments in a year in respect of which a new valuation date, as specified under subsection 19.2 (1) of the *Assessment Act*, applies; (“réévaluation générale”)

“payment in lieu of taxes” means an amount referred to in subparagraph 24 ii of subsection 3 (1) of the *Assessment Act*, taxes for municipal and school purposes payable by a designated electricity utility within the meaning of section 19.0.1 of the *Assessment Act* or by a corporation referred to in clause (d) of the definition of “municipal electricity utility” in section 88 of the *Electricity Act, 1998* or an amount that the City receives under,

(a) subsection 27 (3), section 27.1 or 27.2 of the *Assessment Act*,

(b) section 285 and subsection 286 (4) of this Act,

(c) section 4 of the *Municipal Tax Assistance Act*,

(d) section 71 of the *Ontario Water Resources Act*,

(e) section 84 of the *Electricity Act, 1998*,

(f) Repealed: 2006, c. 32, Sched. B, s. 58.

(g) the *Payments in Lieu of Taxes Act* (Canada), or

(h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property, but not including a payment referred to in section 336; (“paiement tenant lieu d’impôts”)

“property class” means a class of real property prescribed under the *Assessment Act*; (“catégorie de biens”)

“residential property class” means the residential property class prescribed under the *Assessment Act*; (“catégorie des biens résidentiels”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*; (“conseil scolaire”)

“tax rate” means the tax rate to be levied against property expressed as a percentage, to six decimal places, of the assessment of the property. (“taux d’imposition”, “taux de l’impôt”) 2006, c. 11, Sched. A, s. 273; 2006, c. 32, Sched. B, s. 58.

Taxes to be levied equally

274. (1) All taxes shall, unless expressly provided otherwise, be levied upon the whole of the assessment for real property or other assessments made under the *Assessment Act* according to the amounts assessed and not upon one or more kinds of property or assessment or in different proportions. 2006, c. 11, Sched. A, s. 274 (1).

Tax ratios

(2) If, in this or any other Act or any by-law passed under any Act, taxes, fees or

charges are expressly or in effect directed or authorized to be levied upon rateable property of the City for municipal purposes, unless expressly provided otherwise,

- (a) such taxes, fees or charges shall be calculated as percentages of the assessment for real property in each property class; and
- (b) the tax rates and the rates to raise the fees or charges shall be in the same proportion to each other as the tax ratios established under section 275 for the property classes are to each other. 2006, c. 11, Sched. A, s. 274 (2).

Deemed imposition

(3) Taxes imposed for a year are deemed to have been imposed and to be due on January 1 of the year unless the by-law imposing the tax provides otherwise. 2006, c. 11, Sched. A, s. 274 (3).

Establishment of tax ratios

Definitions

275. (1) In this section,

“commercial classes” means the commercial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the commercial property class; (“catégories commerciales”)

“industrial classes” means the industrial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the industrial property class; (“catégories industrielles”)

“optional property class” means a property class that city council may opt to have apply within the City under regulations made under the *Assessment Act*. (“catégorie de biens facultative”) 2006, c. 11, Sched. A, s. 275 (1).

Tax ratios

(2) A set of tax ratios for the City shall be established in accordance with this section. 2006, c. 11, Sched. A, s. 275 (2).

What tax ratios are

(3) The tax ratios are the ratios that the tax rate for each property class must be to the tax rate for the residential property class where the residential property class tax ratio is one. 2006, c. 11, Sched. A, s. 275 (3).

By-law authority

(4) The City shall pass a by-law in each year to establish the tax ratios for that year for the City. 2009, c. 33, Sched. 21, s. 4 (14).

Limitations

(5) The City shall not pass a by-law under subsection (4) until transition ratios are established for the property classes that apply within the City, other than the residential

property class, the farm property class and the managed forests property class prescribed under the *Assessment Act*, 2006, c. 11, Sched. A, s. 275 (5).

Ratios within prescribed ranges

(6) The tax ratio for a property class must be within the allowable range prescribed for the property class. 2006, c. 11, Sched. A, s. 275 (6).

Exception

(7) Despite subsection (6), the tax ratio for a property class for the City may be outside the allowable range in the following circumstances:

1. For the first year for which the property class applies with respect to the City, the tax ratio may be,
 - i. above the range if it is less than or equal to the prescribed transition ratio for the property class for the City, or
 - ii. below the range if it is greater than or equal to the prescribed transition ratio for the property class for the City.
2. For a subsequent year the tax ratio may be,
 - i. above the range if it is less than or equal to the tax ratio for the property class for the previous year, or
 - ii. below the range if it is greater than or equal to the tax ratio for the property class for the previous year. 2006, c. 11, Sched. A, s. 275 (7).

Exception, subsequent reassessment

(8) Despite subsections (6) and (7), the Minister of Finance may prescribe a new transition ratio, including the average transition ratio, for a taxation year or any previous taxation year for a property class for the City and,

- (a) for the first year in respect of which the transition ratio is prescribed, the tax ratio may be,
 - (i) above the allowable range if it is less than or equal to the prescribed transition ratio for the property class for the City, or
 - (ii) below the allowable range if it is greater than or equal to the prescribed transition ratio for the property class for the City; and
- (b) for a subsequent year, the tax ratio may be,
 - (i) above the allowable range if it is less than or equal to the tax ratio for the property class for the previous year, or
 - (ii) below the allowable range if it is greater than or equal to the tax ratio for the property class for the previous year. 2006, c. 11, Sched. A, s. 275 (8).

Average transition ratios

(9) For the City, there shall be an average transition ratio for the commercial classes and

an average transition ratio for the industrial classes, determined in accordance with the following:

1. For the first year that an optional property class applies or, subject to subsection (15) or (16), ceases to apply in the City, the average transition ratio shall be the prescribed average transition ratio.
2. For a subsequent year, the average transition ratio shall be the weighted average, for the previous year, of the tax ratios for the property classes to which the average transition ratio relates. 2006, c. 11, Sched. A, s. 275 (9).

Special rule, commercial classes

[\(10\)](#) The tax ratio for a property class that is one of the commercial classes may be greater than what would be allowed under subsection (6), (7) or (8) if the following are satisfied:

1. The tax ratio is less than or equal to the average transition ratio for the commercial classes for the year.
2. The weighted average, for the year, of the tax ratios for the commercial classes does not exceed the average transition ratio for the commercial classes for the year. 2006, c. 11, Sched. A, s. 275 (10).

Special rule, industrial classes

[\(11\)](#) The tax ratio for a property class that is one of the industrial classes may be greater than what would be allowed under subsection (6), (7) or (8) if the following are satisfied:

1. The tax ratio is less than or equal to the average transition ratio for the industrial classes for the year.
2. The weighted average, for the year, of the tax ratios for the industrial classes does not exceed the average transition ratio for the industrial classes for the year. 2006, c. 11, Sched. A, s. 275 (11).

Weighted average

[\(12\)](#) For the purposes of subsections (9) to (11), the weighted average, for a year, of the tax ratios for property classes shall be determined as follows:

1. For each property class, multiply the tax ratio for the property class for the year by the total assessment of the properties in the property class for the year.
2. Add the amounts determined under paragraph 1 for each property class together.
3. Add the total assessments of the properties in the property classes for the year, used in the calculation under paragraph 1, together.
4. The weighted average is the amount determined under paragraph 2 divided by the amount determined under paragraph 3. 2006, c. 11, Sched. A, s. 275 (12).

Optional classes, regulations

[\(13\)](#) The Minister of Finance may make regulations prescribing transition ratios for a

year,

- (a) for the commercial classes if the City opts to have a property class that is one of the commercial classes apply for the year and the property class did not apply within the City for the previous year;
- (b) for the industrial classes if the City opts to have a property class that is one of the industrial classes apply for the year and the property class did not apply within the City for the previous year. 2006, c. 11, Sched. A, s. 275 (13).

Effect of new transition ratios

(14) If new transition ratios are prescribed under subsection (13), paragraph 1 of subsection (7) applies, with necessary modifications, for the year with respect to which they apply. 2006, c. 11, Sched. A, s. 275 (14).

Opting out, commercial classes

(15) If all optional property classes that contain property that would otherwise be in the commercial property class cease to apply for a year in the City, the transition ratio for the commercial property class for the year shall be equal to the average transition ratio for the commercial classes for the previous year under subsection (9), and subsection (7) or (8) applies, with necessary modifications, for the year. 2006, c. 11, Sched. A, s. 275 (15).

Opting out, industrial classes

(16) If all optional property classes that contain property that would otherwise be in the industrial property class cease to apply for a year in the City, the transition ratio for the industrial property class for the year shall be equal to the average transition ratio for the industrial classes for the previous year under subsection (9), and subsection (7) or (8) applies, with necessary modifications, for the year. 2006, c. 11, Sched. A, s. 275 (16).

Regulations

(17) The Minister of Finance may make regulations,

- (a) Repealed: 2009, c. 33, Sched. 21, s. 4 (15).
- (b) governing the determination of the tax ratios by the City for a taxation year;
- (c) prescribing, for the purposes of subsection (6), the allowable ranges for the tax ratios for the property classes;
- (d) prescribing transition ratios for the property classes for the purposes of subsections (7) and (8) or prescribing a method for determining such ratios;
- (e) prescribing average transition ratios for the purposes of subsection (9). 2006, c. 11, Sched. A, s. 275 (17); 2009, c. 33, Sched. 21, s. 4 (15).

Regulations can be retroactive

(18) A regulation under clauses (17) (c) to (e) may be retroactive to a date not earlier than January 1 of the year in which the regulation was made. 2006, c. 11, Sched. A, s. 275 (18).

Regulations

- (19) The Minister of Municipal Affairs and Housing may make regulations,
- (a) requiring the City to provide the Minister with the information prescribed at the times and in the manner prescribed;
 - (b) requiring the City to give notice of the tax ratios to such persons and in such manner as prescribed. 2006, c. 11, Sched. A, s. 275 (19).

Restriction, tax ratios for certain property classes

276. (1) This section applies despite subsections 275 (4), (6), (7) and (8). 2006, c. 11, Sched. A, s. 276 (1).

Managed forests property class

(2) The tax ratio for the managed forests property class prescribed under the *Assessment Act* is 0.25. 2006, c. 11, Sched. A, s. 276 (2).

Farm property class

(3) The tax ratio for the farm property class prescribed under the *Assessment Act* is 0.25 or such lower tax ratio as the City may establish. 2006, c. 11, Sched. A, s. 276 (3).

By-law authority

(4) If the City intends to apply a tax ratio of less than 0.25 to the farm property class for a tax year, the City shall pass a by-law in the year to establish the tax ratio for the farm property class for that year for the City. 2006, c. 11, Sched. A, s. 276 (4); 2009, c. 33, Sched. 21, s. 4 (16).

(5) Repealed: 2009, c. 33, Sched. 21, s. 4 (17).

Local municipality levies

Definitions

277. (1) In this section,

“commercial classes” has the meaning given to that expression by subsection 275 (1); (“catégories commerciales”)

“general local municipality levy” means the amount the City decided to raise in its budget for the year under section 228 on all rateable property in the City; (“impôt général local”)

“industrial classes” has the meaning given to that expression by subsection 275 (1); (“catégories industrielles”)

“optional property class” has the meaning given to that expression by subsection 275 (1); (“catégorie de biens facultative”)

“special local municipality levy” means, where the City is authorized under a provision of any Act, other than this section, or under a regulation under section 287 or any other Act to raise an amount for any purpose on less than all the rateable property in the City, the amount the City decided to raise in its budget for the year under section 228 for that

purpose on less than all the rateable property. (“impôt extraordinaire local”) 2006, c. 11, Sched. A, s. 277 (1).

General local municipality levies

(2) For purposes of raising the general local municipality levy, the City shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the City rateable for municipal purposes. 2006, c. 11, Sched. A, s. 277 (2).

Assessment for general local municipality levy purposes

(3) For the purposes of subsection (2), the assessment in each property class includes any adjustments made under section 32, 33, 34, 39.1 or 40 of the *Assessment Act* to the assessments on the assessment roll as returned for the taxation year if the adjustments are made on the tax roll before the by-law mentioned in subsection (2) is passed for the taxation year. 2006, c. 11, Sched. A, s. 277 (3).

Special local municipality levies

(4) For purposes of raising a special local municipality levy, the City shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on all or part of the assessment, as specified in the by-law, in each property class in the City rateable for municipal purposes. 2006, c. 11, Sched. A, s. 277 (4).

Assessment for special local municipality levy purposes

(5) For the purposes of subsection (4), the assessment in each property class includes any adjustments made under section 32, 33, 34, 39.1 or 40 of the *Assessment Act* to the assessments on the assessment roll as returned for the taxation year if the adjustments are made on the tax roll before the by-law mentioned in subsection (4) is passed for the taxation year. 2006, c. 11, Sched. A, s. 277 (5).

Restrictions on rates

(6) The tax rates to be levied under subsection (2) or (4) are subject to the following restrictions:

1. The rates must be set so that, when they are levied on the applicable assessment rateable for municipal purposes, an amount equal to the general local municipality levy or special local municipality levy, as the case may be, is raised.
2. The rates on the different classes of property must be in the same proportion to each other as the tax ratios established under section 275 for the property classes are to each other. 2006, c. 11, Sched. A, s. 277 (6).

Exception, tax increases

(7) Despite subsection (6), if the tax ratio or average tax ratio for the property class for a year is above the tax ratio for the property class as prescribed under clause (10) (a), tax rates to be levied on property in the property class shall be determined in the manner provided under clause (10) (b). 2006, c. 11, Sched. A, s. 277 (7).

Average tax ratio

(8) For the purpose of subsection (7), the average tax ratio shall be equal to the average

transition ratio for the City determined under subsection 275 (9) for the commercial classes or for the industrial classes. 2006, c. 11, Sched. A, s. 277 (8).

Exception

(9) Despite subsection (8), if the City opts to have an optional property class apply within a taxation year, the City may establish an average tax ratio for the commercial classes or for the industrial classes for that year, whichever includes the optional property class, using the assessment as determined under subsection (3), and the average tax ratio must not exceed the tax ratio prescribed under clause (10) (a). 2006, c. 11, Sched. A, s. 277 (9).

Regulations

- (10) The Minister of Finance may make regulations,
- (a) prescribing a tax ratio for a property class for the purpose of subsection (7), including a single tax ratio for the commercial classes or industrial classes;
 - (b) providing the manner in which the tax rates on property in a property class are to be determined under subsection (7);
 - (c) providing for the determination of changes in taxes for municipal purposes for a property class. 2006, c. 11, Sched. A, s. 277 (10).

Regulations, funding of rebates

(11) The Minister of Finance may make regulations allowing, subject to conditions prescribed in the regulations, the tax rate for a property class to be greater than would be allowed under paragraph 2 of subsection (6) for the purpose of allowing additional taxes to be levied on property in the property class to fund rebates under section 329 on the following property:

1. Property in the property class.
2. If the property class is one of the commercial classes within the meaning of subsection 275 (1), property in those classes.
3. If the property class is one of the industrial classes within the meaning of subsection 275 (1), property in those classes. 2006, c. 11, Sched. A, s. 277 (11).

Funding of rebates, commercial

(12) The tax rates for the commercial classes, within the meaning of subsection 275 (1), shall be set as allowed under the regulations under subsection (11) so that the tax rates are higher than would be allowed under paragraph 2 of subsection (6) to the extent necessary to raise additional taxes to fund the City's share of the cost of rebates under section 329 on property in the commercial classes. 2006, c. 11, Sched. A, s. 277 (12).

Funding of rebates, industrial

(13) The tax rates for the industrial classes, within the meaning of subsection 275 (1), shall be set as allowed under the regulations under subsection (11) so that the tax rates are higher than would be allowed under paragraph 2 of subsection (6) to the extent necessary to raise additional taxes to fund the City's share of the cost of rebates under section 329 on

property in the industrial classes. 2006, c. 11, Sched. A, s. 277 (13).

Special reductions

[\(14\)](#) The City may, with the written approval of the Minister of Finance, set a tax rate for a property class that is lower than would otherwise be allowed under this section. 2006, c. 11, Sched. A, s. 277 (14).

Prescribed subclass tax reductions

[278. \(1\)](#) The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subsection 8 (1) of the *Assessment Act* shall be reduced in accordance with the following rules:

1. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under paragraph 1 of subsection 8 (1) of the *Assessment Act* shall be reduced by the prescribed percentages.
2. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 2 i of subsection 8 (1) of the *Assessment Act* shall be reduced by 30 per cent or by the percentage, if any, under subsection (4).
3. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 2 ii of subsection 8 (1) of the *Assessment Act* shall be reduced by 35 per cent or by the percentage, if any, under subsection (4).
4. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 3 i of subsection 8 (1) of the *Assessment Act* shall be reduced by 30 per cent or by the percentage, if any, under subsection (4).
5. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 3 ii of subsection 8 (1) of the *Assessment Act* shall be reduced by 35 per cent or by the percentage, if any, under subsection (4). 2006, c. 11, Sched. A, s. 278 (1).

Regulations

- [\(2\)](#) The Minister of Finance may make regulations,
- (a) prescribing percentages for the purposes of paragraph 1 of subsection (1);
 - (b) requiring percentage reductions of the tax rates for municipal purposes for any subclasses prescribed under subsection 8 (2) of the *Assessment Act*. 2006, c. 11, Sched. A, s. 278 (2).

Choice of percentage within range

[\(3\)](#) If the regulations made under subsection (2) require tax rates to be reduced by a percentage within a range described in the regulations,

- (a) the percentage shall be specified, by by-law, by the City; and
- (b) if no percentage is specified under clause (a), the percentage shall be the highest percentage in the range. 2006, c. 11, Sched. A, s. 278 (3).

City option for certain paragraphs

[\(4\)](#) The City may pass a by-law providing for a single percentage that is not less than 30 per cent and not more than 35 per cent to apply instead of the percentages set out in paragraphs 2 to 5 of subsection (1). 2006, c. 11, Sched. A, s. 278 (4).

Overlap with graduated tax rates

[\(5\)](#) The Minister of Finance may make regulations governing the application of this section and section 279 and regulations or by-laws made under those sections in situations in which both of those sections, or the regulations or by-laws made under them, apply. 2006, c. 11, Sched. A, s. 278 (5).

Graduated tax rates

[279. \(1\)](#) The City may, by by-law passed in the year to which it relates,

- (a) establish two or three bands of assessment of property for the purposes of facilitating graduated tax rates for any one or more of the property classes included in the commercial classes or the industrial classes; and
- (b) set the ratios that the tax rates for each band must bear to each other. 2006, c. 11, Sched. A, s. 279 (1); 2009, c. 33, Sched. 21, s. 4 (18).

Restrictions on bands

[\(2\)](#) The bands for each property class are subject to the following:

1. The lowest band must be the portion of the assessment of a property that is less than or equal to an amount set out in the by-law.
2. The highest band must be the portion of the assessment of a property that is greater than an amount set out in the by-law.
3. If there is a third band, it must cover the portion of the assessment between the lowest and highest bands.
4. The bands must be established so that they cover all of the assessment of a property and do not overlap.
5. The bands must be the same for all properties in the property class. 2006, c. 11, Sched. A, s. 279 (2).

Setting of rates for bands

[\(3\)](#) Instead of setting a single tax rate under section 277 for a property class for which bands are established, the City shall set a separate tax rate for each band in accordance with the ratios set under clause (1) (b). 2006, c. 11, Sched. A, s. 279 (3).

Regulations

[\(4\)](#) The Minister of Finance may make regulations,

- (a) governing the ratios set under clause (1) (b);
- (b) governing the setting of tax rates in accordance with the ratios set under clause (1) (b);
- (c) varying the application of subsection (5) with respect to a unit or proposed unit within the meaning of the *Condominium Act, 1998*. 2006, c. 11, Sched. A, s. 279 (4).

Determination of taxes

(5) The taxes for municipal purposes on a property shall be determined by applying the tax rate for each band to the portion of the assessment of the property within that band. 2006, c. 11, Sched. A, s. 279 (5).

(6) Repealed: 2009, c. 33, Sched. 21, s. 4 (19).

Definitions

(7) In this section,

“commercial classes” has the meaning given to that expression by subsection 275 (1); (“catégories commerciales”)

“industrial classes” has the meaning given to that expression by subsection 275 (1). (“catégories industrielles”) 2006, c. 11, Sched. A, s. 279 (7).

Taxation of certain railway, power utility lands

280. (1) The City shall impose taxes, in accordance with the regulations, on the following land:

1. The roadway or right-of-way of a railway company, other than the structures, substructures and superstructures, rails, ties, poles and other property on the roadway or right-of-way, not including land leased by the railway company to another person for rent or other valuable consideration.
2. Land owned by a power utility prescribed by the Minister of Finance, other than a public utility defined in subsection 27 (1) of the *Assessment Act*, and used as a transmission or distribution corridor, not including land leased by the power utility to another person for rent or other valuable consideration. 2006, c. 11, Sched. A, s. 280 (1).

Regulations

(2) The Minister of Finance may make regulations,

- (a) prescribing the rate of tax to be imposed by the City on the land described in subsection (1);
- (b) prescribing the rate of tax to be imposed by the City on certain land described in subsection (1) instead of the rate of tax prescribed under clause (a);
- (c) prescribing power utilities for the purposes of paragraph 2 of subsection (1). 2006, c. 11, Sched. A, s. 280 (2).

Scope

(3) A regulation under subsection (2) may provide for land described in paragraph 1 of subsection (1) to be taxed differently from land described in paragraph 2 of subsection (1). 2006, c. 11, Sched. A, s. 280 (3).

Tax roll

(4) The city treasurer shall, for land described in subsection (1), enter on the tax roll the number of acres or other measure showing the extent of the land and the amounts of the taxes under this section. 2006, c. 11, Sched. A, s. 280 (4).

Retroactive

(5) Regulations under this section are, if they so provide, effective with reference to periods before they are filed. 2006, c. 11, Sched. A, s. 280 (5).

Interim levy

281. (1) The City, before the adoption of the estimates for the year under section 228, may pass a by-law levying amounts on the assessment of property in the City rateable for municipal purposes. 2006, c. 11, Sched. A, s. 281 (1).

By-law

(2) A by-law under subsection (1) shall be passed in the year that the amounts are to be levied or may be passed in November or December of the previous year if it provides that it does not come into force until a specified day in the following year. 2006, c. 11, Sched. A, s. 281 (2).

Rules

(3) The amounts to be levied are subject to the following rules:

1. The amount levied on a property shall not exceed the prescribed percentage, or 50 per cent if no percentage is prescribed, of the total amount of taxes for municipal and school purposes levied on the property for the previous year.
2. The percentage under paragraph 1 may be different for different property classes but shall be the same for all properties in a property class.
3. For the purposes of calculating the total amount of taxes for the previous year under paragraph 1, if any taxes for municipal and school purposes were levied on a property for only part of the previous year because assessment was added to the tax roll during the year, an amount shall be added equal to the additional taxes that would have been levied on the property if the taxes for municipal and school purposes had been levied for the entire year. 2006, c. 11, Sched. A, s. 281 (3).

By-law passed before assessment roll returned

(4) If a by-law is passed under subsection (1) before the assessment roll for taxation in the current year is returned, the amounts under subsection (1) shall be levied on the assessment according to,

- (a) the tax roll for taxation in the previous year as most recently revised before the

by-law is passed; or

(b) a preliminary assessment roll provided by the assessment corporation for that purpose. 2006, c. 11, Sched. A, s. 281 (4).

Added assessment

(5) A by-law under subsection (1) may provide for the levying of amounts on assessment added, after the by-law is passed, to the tax roll for the current year that was not on the assessment roll upon which the amounts are levied. 2006, c. 11, Sched. A, s. 281 (5).

Deduction

(6) An amount levied under subsection (1) on a property in a year shall be deducted from other amounts levied on the property for the year that are payable to the City. 2006, c. 11, Sched. A, s. 281 (6).

Refund

(7) If the amount levied under subsection (1) on a property exceeds the other amounts levied on the property that are payable to the City, the city treasurer shall refund that excess amount not later than 21 days after giving a notice of demand of taxes payable for the year. 2006, c. 11, Sched. A, s. 281 (7).

Application after municipal restructuring

(8) If, as a result of a municipal restructuring, parts of the City as it exists on January 1 of a year were, at any time in the preceding year, in different local municipalities, this section applies for the purposes of the current year with respect to each such area as though it were a separate municipality. 2006, c. 11, Sched. A, s. 281 (8).

Adjustments to interim levy

(9) If city council is of the opinion that the taxes levied under subsection (1) on a property are too high or too low in relation to its estimate of the total taxes that will be levied on the property, the council may adjust the taxes on the property under subsection (1) to the extent it considers appropriate. 2006, c. 11, Sched. A, s. 281 (9).

Regulations to vary interim powers

(10) The Minister of Municipal Affairs and Housing may make regulations with respect to a taxation year for which there is a general reassessment prescribing a percentage for the purpose of paragraph 1 of subsection (3). 2006, c. 11, Sched. A, s. 281 (10).

Retroactive

(11) A regulation under this section may be retroactive to a date not earlier than November 1 of the year before the year in which the regulation is made. 2006, c. 11, Sched. A, s. 281 (11).

Phase-in of tax changes resulting from reassessments

282. (1) On or before December 31 of the taxation year, the City may pass a by-law to phase in tax increases or decreases for eligible properties for a taxation year in respect of which there is a general reassessment. 2006, c. 11, Sched. A, s. 282 (1).

Definitions

(2) In this section,

“eligible property” means property classified in any property class prescribed under the *Assessment Act*; (“bien admissible”)

“first taxation year” means a taxation year in respect of which there is a general reassessment; (“première année d’imposition”)

“preceding year” means the taxation year immediately preceding the first taxation year. (“année précédente”) 2006, c. 11, Sched. A, s. 282 (2).

Tax increase to be phased in

(3) If the total taxes for municipal and school purposes for the first taxation year for an eligible property, but for the application of this section, exceed its total taxes for municipal and school purposes for the preceding year, the maximum amount of the tax increase to be phased in is the amount of the difference. 2006, c. 11, Sched. A, s. 282 (3).

Tax decrease to be phased in

(4) If the total taxes for municipal and school purposes for the preceding year for an eligible property exceed its total taxes for municipal and school purposes for the first taxation year, but for the application of this section, the maximum amount of the tax decrease to be phased in is the amount of the difference. 2006, c. 11, Sched. A, s. 282 (4).

Amounts to be phased in

(5) For properties subject to Part XII (Limits on Traditional Municipal Taxes) and for the purposes of subsections (3) and (4), the taxes for municipal and school purposes for that year shall be determined under subsection 291 (2). 2006, c. 11, Sched. A, s. 282 (5).

Same

(6) For properties that are not subject to Part XII (Limits on Traditional Municipal Taxes) and for the purposes of subsections (3) and (4), the taxes for municipal and school purposes for the preceding year shall be determined as follows:

1. Determine the taxes for municipal and school purposes that were levied on the property in the year.
2. If a supplementary assessment or change in classification was made under section 34 of the *Assessment Act* during that year or if an assessment or change in classification could have been made under section 34 of that Act and the appropriate change is made to the assessment roll for taxation in the first taxation year, recalculate the taxes determined under paragraph 1 as if the increase in the assessment or change in classification, as the case may be, had applied to the property for all of the year.
3. If city council cancels, reduces or refunds taxes under section 323 for the year on an application under clause 323 (1) (a), (c), (d) or (f) or under section 325 for the year, recalculate the taxes determined under paragraph 1 as if the event that caused the

cancellation, reduction or refund had occurred on January 1 of that year. 2006, c. 11, Sched. A, s. 282 (6).

By-law requirements

(7) A by-law under subsection (1) is subject to the following:

1. The by-law may apply to the first taxation year and up to the next seven taxation years.
2. The by-law may replace a by-law made under section 318 of the *Municipal Act, 2001* or made under this section so long as the first-mentioned by-law applies for at least the same number of years as remains outstanding under the by-law made under section 318 or this section.
3. The by-law may modify the phase-in on individual properties subject to a phase-in under a by-law made under section 318 of the *Municipal Act, 2001* or made under this section in order to reflect tax increases or decreases determined under subsection (3) or (4).
4. The amount to be phased in in a year, other than in the first taxation year, must be the same or less than the amount phased in in the previous year.
5. The amount phased in in the last year in which a tax increase or decrease is phased in plus the total amounts phased in in the previous years must equal the tax increase or decrease for each property as determined under subsection (3) or (4).
6. The by-law may treat different property classes differently and it may provide for no phase-ins for some classes but, if the by-law applies to property in a property class, it must apply to all properties in the property class.
7. For the purposes of paragraph 6, the residential property class, the farm property class and the managed forests property class shall be treated as a single property class.
8. In the first taxation year, the amounts recovered from all properties in the property class whose tax decreases are being phased in shall not exceed the revenues foregone from all properties in the property class whose tax increases are being phased-in for the City.
9. The by-law may provide for a threshold amount in each taxation year, determined in dollars or as a percentage.
10. For the purposes of paragraph 9, the threshold amount for eligible properties in a property class in the City to which subsection (3) applies may be different from the threshold amount for eligible properties in the property class in the City to which subsection (4) applies.
11. If an assessment is made for a property under subsection 32 (2) or 33 (1) of the *Assessment Act* in or after the first taxation year but the assessment applies to a

year prior to the first taxation year,

- i. the by-law made under subsection (1) shall apply to the property, and
- ii. the taxes for municipal and school purposes on the property shall be recalculated for the first taxation year and for any subsequent taxation year that is subject to the by-law under subsection (1). 2006, c. 11, Sched. A, s. 282 (7).

If change in use, character, classification of property

(8) If there has been a change in the use or character of any eligible property or in its classification under the *Assessment Act* that, in the opinion of city council, makes a phase-in or the continuation of a phase-in in respect of the property inappropriate, the council may, in the by-law under subsection (1) or in another by-law, exclude such property from the application of the phase-in. 2006, c. 11, Sched. A, s. 282 (8).

Improvements replaced after scheme begins

(9) If an improvement to an eligible property is substantially destroyed before a by-law under subsection (1) is passed and, before the end of the last year in which a tax increase or decrease is phased in, the improvement is replaced, city council may amend the by-law under subsection (1) so that the by-law applies to the property as though the improvement had not been substantially destroyed. 2006, c. 11, Sched. A, s. 282 (9).

Exception

(10) Subsection (9) does not apply with respect to an improvement if the destruction of the improvement is by the owner, is permitted by the owner or is done by a person who had a right to destroy the improvement. 2006, c. 11, Sched. A, s. 282 (10).

Information on notice of demand

(11) A notice of demand of taxes payable in respect of which there is a phase-in shall indicate the amount of taxes that would have been payable without the phase-in, the amount of taxes that are payable and the difference. 2006, c. 11, Sched. A, s. 282 (11).

List to be kept

(12) The city treasurer shall maintain a list of the tax increases or decreases for each eligible property to which the by-law under subsection (1) applies. 2006, c. 11, Sched. A, s. 282 (12).

Application to payments in lieu of taxes

(13) This section applies to payments in lieu of taxes, other than an amount referred to in subparagraph 24 ii of subsection 3 (1) of the *Assessment Act* or an amount received under section 285 or subsection 286 (4) of this Act, as though they were taxes, but a by-law under subsection (1) may provide that it does not apply to payments in lieu of taxes. 2006, c. 11, Sched. A, s. 282 (13).

Taxes for school purposes

(14) No phase-in of a tax increase or decrease under this section shall affect the amount the City is required to pay a school board. 2006, c. 11, Sched. A, s. 282 (14).

Certain changes in first taxation year assessments

(15) The following apply if the assessment of an eligible property for the first taxation year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act or an application under section 46 of that Act:

1. The tax increase or decrease for the property shall be redetermined under subsection (3) or (4) using the new assessment for the property.
2. The taxes on the property shall be recalculated using the amount determined under paragraph 1 for each year in which there is a tax increase or decrease.
3. The tax roll shall be amended to reflect the recalculated taxes. 2006, c. 11, Sched. A, s. 282 (15); 2008, c. 7, Sched. C, s. 1.

Certain changes in assessment in preceding year

(16) The following apply if the assessment of an eligible property for the preceding year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act or an application under section 46 of that Act:

1. The tax increase or decrease for the property shall be redetermined under subsection (3) or (4) using the new assessment for the property to determine the taxes for the preceding year.
2. The taxes on the property shall be recalculated using the amount determined under paragraph 1 for each year in which there is a tax increase or decrease.
3. The tax roll shall be amended to reflect the recalculated taxes. 2006, c. 11, Sched. A, s. 282 (16); 2008, c. 7, Sched. C, s. 1.

Mixed use

(17) If portions of an eligible property are classified in different property classes on the assessment roll for the first taxation year, each portion is deemed to be a separate property for the purposes of this section. 2006, c. 11, Sched. A, s. 282 (17).

Regulations

(18) The Minister of Finance may make regulations,

- (a) prescribing a later deadline for the purposes of subsection (1), either before or after the deadline has passed;
- (b) governing by-laws under this section and the calculation of tax increases and decreases to be phased in under such by-laws. 2006, c. 11, Sched. A, s. 282 (18).

Restructuring orders

(19) Despite section 186 of the *Municipal Act, 2001* and section 151 of this Act, a by-law under this section may be made instead of any phase-in authority or requirement set out in an order under section 173 of the *Municipal Act, 2001* or section 149 of this Act, but the by-law under this section must apply for at least the same number of years as remains outstanding under the phase-in authority or requirement. 2006, c. 11, Sched. A, s. 282 (19).

Tax deferrals, relief of financial hardship

[283. \(1\)](#) For the purposes of relieving financial hardship, the City may pass a by-law providing for deferrals or cancellation of, or other relief in respect of, all or part of a tax increase for a year on property in the residential property class for persons assessed as owners who are, or whose spouses are,

- (a) low-income seniors as defined in the by-law; or
- (b) low-income persons with disabilities as defined in the by-law. 2006, c. 11, Sched. A, s. 283 (1).

Tax relief must be given

[\(2\)](#) The City shall pass a by-law under subsection (1). 2006, c. 11, Sched. A, s. 283 (2).

Tax increases

[\(3\)](#) For a tax increase beginning in a taxation year in which a general reassessment occurs, the tax increase is the tax increase determined under subsection 282 (3) reduced, if the tax increase is being phased in under a by-law made under subsection 282 (1), by the amount not yet phased in. 2006, c. 11, Sched. A, s. 283 (3).

Subsequent years

[\(4\)](#) The Minister of Finance may make regulations determining the amount of tax increases beginning in a year subsequent to the taxation year referred to in subsection (3). 2006, c. 11, Sched. A, s. 283 (4).

Amounts transferred by City adjusted

[\(5\)](#) If the City levies a tax rate for school purposes in respect of which there is a deferral or cancellation of tax increases or other relief in respect of tax increases, the amount of taxes the City shall pay the school boards shall be reduced accordingly. 2006, c. 11, Sched. A, s. 283 (5).

Deferred taxes, payments to school boards

[\(6\)](#) If the City levies a tax rate for school purposes in respect of which there is a deferral of tax increases, the City shall pay the school boards their share of any deferred taxes and interest when they are paid. 2006, c. 11, Sched. A, s. 283 (6).

Deferred taxes, etc., shown on tax certificates

[\(7\)](#) If the city treasurer issues a tax certificate in respect of a property for which taxes have been deferred, the certificate shall show the amount of the deferred taxes and any accrued interest. 2006, c. 11, Sched. A, s. 283 (7).

Interest

[\(8\)](#) Interest may be charged on taxes for taxation years before 2001 that are deferred under a city by-law at a rate not exceeding the market rate as determined by the City, but no such interest may be charged for the 2001 or subsequent taxation years. 2006, c. 11, Sched. A, s. 283 (8).

Part payments credited to interest first

[\(9\)](#) An amount received in part payment of deferred taxes and interest shall be credited towards the interest before being credited towards the taxes. 2006, c. 11, Sched. A, s. 283 (9).

By-law may apply to taxes already paid

[\(10\)](#) A by-law may provide for the cancellation or deferral of, or other relief in respect of, taxes that have already been paid. 2006, c. 11, Sched. A, s. 283 (10).

Interest and penalties

[\(11\)](#) If the City passes a by-law under subsection (1), the City,

- (a) may waive interest and penalties on amounts that were not paid when they were due and that, as a result of the deferral, cancellation or other relief, are no longer owed; and
- (b) may pay interest on amounts paid on account of taxes that, as a result of the deferral, cancellation or other relief, exceed the taxes. 2006, c. 11, Sched. A, s. 283 (11).

Different due dates

[\(12\)](#) For the purposes of clause (11) (a), if different parts of the taxes were due at different times, the amounts that are no longer owed are deemed to have been the latest taxes due. 2006, c. 11, Sched. A, s. 283 (12).

Special lien

[\(13\)](#) Subsection 314 (3) applies with necessary modifications with respect to deferred taxes and interest on such taxes. 2006, c. 11, Sched. A, s. 283 (13).

Payments in lieu of taxes, distribution

[284. \(1\)](#) The Minister of Finance may make regulations governing the distribution of payments in lieu of taxes received by the City. 2006, c. 11, Sched. A, s. 284 (1).

Same

- [\(2\)](#) Regulations under this section may,
- (a) govern which school boards payments in lieu of taxes shall be distributed to;
 - (b) govern how much shall be distributed to each school board;
 - (c) govern when the distribution shall be made. 2006, c. 11, Sched. A, s. 284 (2).

Different rules for different payments

[\(3\)](#) Regulations under this section may treat different payments in lieu of taxes differently. 2006, c. 11, Sched. A, s. 284 (3).

Variation of time of distribution

[\(4\)](#) Regulations under clause (2) (c) may provide for the time the distribution shall be made to be varied by all or some of the school boards. 2006, c. 11, Sched. A, s. 284 (4).

Amount to be distributed is a debt

[\(5\)](#) An amount that the City is required to pay under this section is a debt of the City to the school board to which the amount is required to be paid. 2006, c. 11, Sched. A, s. 284 (5).

Overpayments by City

(6) If the City distributes more than is required under this section, the City shall notify the school board to which the overpayment was distributed of the amount of the overpayment and the school board shall promptly pay that amount to the City. 2006, c. 11, Sched. A, s. 284 (6).

Default

(7) If the City fails to make any payment, or portion of it, as required under this section, the City shall pay to the school board to which the amount is required to be paid, interest on the amount in default at the rate of 15 per cent per year, or such lower rate as the school board to which the amount is required to be paid may by by-law determine, from the date payment is due until it is made. 2006, c. 11, Sched. A, s. 284 (7).

Payments credited to general funds

(8) The portion of payments in lieu of taxes received and not distributed by the City shall be credited to its general fund. 2006, c. 11, Sched. A, s. 284 (8).

End of year statement

(9) On or before December 31 in each year, the city treasurer shall give each school board to which the City is required to distribute payments in lieu of taxes a statement setting out sufficient information to enable a school board to which a statement is given to determine the amount that the City is required to distribute to the school board under this section. 2006, c. 11, Sched. A, s. 284 (9).

Conflict

(10) In the event of a conflict between a regulation made under this section and a provision of this or of any other Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 284 (10).

Universities, etc., liable to tax

285. (1) Despite any Act, if there is situate in the City a university designated by the Minister of Training, Colleges and Universities or a college of applied arts and technology, the City may by by-law levy an annual tax payable on or after July 1 upon the university or college, not exceeding the prescribed amount for each full-time student enrolled in the university or college in the year preceding the year of levy, as determined by the Minister of Training, Colleges and Universities. 2006, c. 11, Sched. A, s. 285 (1).

Annual levy on correctional institutions, etc.

(2) Despite any Act, if there is situate in the City a correctional institution that is designated by the Minister of Community Safety and Correctional Services or a training school or a youth custody facility (designated under subsection 85 (2) of the *Youth Criminal Justice Act* (Canada)) that is designated by the Minister of Community and Social Services, the City may by by-law levy an annual amount payable on or after July 1 upon such institution, school or facility, not exceeding the prescribed amount for each resident placed in such institution, school or facility as determined by the Minister of Community Safety and Correctional Services or the Minister of Community and Social Services, as the case may be.

2006, c. 11, Sched. A, s. 285 (2).

Annual levy on public hospitals, etc.

(3) Despite any Act, if there is situate in the City a public hospital or provincial mental health facility designated by the Minister of Health and Long-Term Care, the City may by by-law levy an annual amount payable on or after July 1 upon such hospital or facility, not exceeding the prescribed amount for each provincially rated bed in the hospital or facility as determined by the Minister of Health and Long-Term Care. 2006, c. 11, Sched. A, s. 285 (3).

Annual levy on residences for the developmentally disabled

(4) Despite any Act, if there are situate in the City one or more residences that are supported group living residences or intensive support residences under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* and that are designated by the Minister of Community and Social Services, the City may by by-law levy an annual amount payable on or after July 1 upon those residences, not exceeding the prescribed amount for each provincially rated bed in the residences as determined by the Minister of Community and Social Services. 2009, c. 33, Sched. 8, s. 10 (1).

(4.1) Repealed: 2008, c. 14, s. 49 (2).

Annual levy on provincial education institutions

(5) Despite any Act, if there is situate in the City a provincial education institution designated by the Minister under whose jurisdiction that institution falls, the City may by by-law levy an annual amount payable on or after July 1 upon such institution, not exceeding the prescribed amount for each place in the institution as determined by that Minister. 2006, c. 11, Sched. A, s. 285 (5).

Agreement for municipal services authorized

(6) If an institution designated under subsection (2), (3), (4) or (5) is situate in the City, the institution may enter into an agreement with one or more municipalities for providing municipal service or services to that institution. 2006, c. 11, Sched. A, s. 285 (6).

Minister may direct agreement be entered into

(7) If an institution designated under subsection (2), (3), (4) or (5) is situate in the City, the Minister of Municipal Affairs and Housing may direct the City to enter into an agreement with another municipality to provide any municipal service or services to that institution on such terms as the Minister may stipulate. 2006, c. 11, Sched. A, s. 285 (7).

Application to O.M.B.

(8) If the Minister has directed that an agreement be entered into under subsection (7) and the City and the other municipality fail to reach agreement within 60 days after the Minister's direction, the City, the other municipality or the Minister may apply to the Ontario Municipal Board and the Board shall settle the terms of the agreement. 2006, c. 11, Sched. A, s. 285 (8).

Termination of existing agreements

(9) If a municipality has entered into an agreement under subsection (6) or (7), the Province may terminate any agreement between the Province and that municipality to provide any service or services to institutions designated under subsection (2), (3), (4) or (5). 2006, c. 11, Sched. A, s. 285 (9).

Regulations

(10) The Minister of Finance may make regulations prescribing amounts for the purposes of this section. 2006, c. 11, Sched. A, s. 285 (10).

Non-profit hospital service corporation

Definition

286. (1) In this section,

“non-profit hospital service corporation” means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*. 2006, c. 11, Sched. A, s. 286 (1).

Tax exemption

(2) Real property occupied by a non-profit hospital service corporation and used chiefly by the corporation for providing laundry or food services, or both, is exempt from taxation for municipal and school purposes but, subject to subsection (3), is not exempt from a fee or charge under Part IX (Fees and Charges) in relation to sewage or water. 2006, c. 11, Sched. A, s. 286 (2).

Exemption from sewer, water fees and charges

(3) If the City imposes a fee or charge described in subsection (2), the City may by by-law exempt the property exempted from taxation for municipal and school purposes under subsection (2) from all or part of the fee or charge based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works. 2006, c. 11, Sched. A, s. 286 (3).

Payment in lieu of taxes

(4) In each year, if there is real property in the City exempt from taxation under subsection (2), the Minister of Municipal Affairs and Housing may pay the City an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation. 2006, c. 11, Sched. A, s. 286 (4).

By-laws re special services

287. (1) The City may by by-law,

- (a) identify a special service;
- (b) determine which of the costs, including capital costs, debenture charges, charges for depreciation or a reserve fund, of the City are related to that special service;
- (c) designate the area of the City in which the residents and property owners receive or will receive an additional benefit from the special service that is not received or

will not be received in other areas of the City;

- (d) determine the portion and set out the method of determining the portion of the costs determined in clause (b) which represent the additional costs to the City of providing the additional benefit in the area designated in clause (c);
- (e) determine whether all or a specified portion of the additional costs determined in clause (d) shall be raised under subsection (4). 2006, c. 11, Sched. A, s. 287 (1).

Definitions

(2) In this section,

“benefit” means a direct or indirect benefit that is currently available or will be available in the future; (“avantage”)

“special service” means a service or activity of the City or a local board of the City that is,

- (a) not being provided or undertaken generally throughout the City, or
- (b) being provided or undertaken at different levels or in a different manner in different parts of the City. (“service spécial”) 2006, c. 11, Sched. A, s. 287 (2).

Limitation

(3) An area designated by the City for a year under clause (1) (c) cannot include an area in which the residents and property owners do not currently receive an additional benefit but will receive it in the future unless the expenditures necessary to make the additional benefit available appear in the budget of the City for the year adopted under section 228 or the City has established a reserve fund to finance the expenditures over a period of years. 2006, c. 11, Sched. A, s. 287 (3).

Levies

(4) For each year a city by-law under this section remains in force, the City shall, except as otherwise authorized by regulation, levy a special local municipality levy under section 277 on the rateable property in the area designated in clause (1) (c) to raise the costs determined in clause (1) (e). 2006, c. 11, Sched. A, s. 287 (4).

Regulations

(5) The Minister of Municipal Affairs and Housing may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes of this section, including,

- (a) prescribing services that cannot be identified as a special service under clause (1) (a);
- (b) establishing conditions and limits on the exercise of the City’s powers under this section, including making the exercise of the powers subject to the approval of any person or body;
- (c) prescribing the amount of the costs or the classes of costs for the purpose of clause (1) (b);

- (d) prescribing the area or rules for determining the area for the purpose of clause (1) (c);
- (e) prescribing the amount of the additional costs or the rules for determining the additional costs for the purpose of clause (1) (d);
- (f) providing for a process of appealing a by-law under this section and the powers the person or body hearing the appeal may exercise;
- (g) providing that an appeal under clause (f) may apply to all or any aspect of the by-law;
- (h) providing for rules or authorizing the person or body hearing an appeal under clause (f) to determine when by-laws subject to appeal come into force, including a retroactive date not earlier than the day on which the by-law was passed;
- (i) for the purpose of subsection (4), exempting or delegating to the City the power to exempt specified rateable property from all or part of a special local municipality levy for a specified special service. 2006, c. 11, Sched. A, s. 287 (5).

Retroactive

[\(6\)](#) A regulation under this section may be retroactive to a date not earlier than January 1 of the year in which the regulation is made. 2006, c. 11, Sched. A, s. 287 (6).

Deemed services

[\(7\)](#) If the City or a local board of the City pays for a service or activity provided or undertaken by another municipality or a local board of another municipality, the service or activity is deemed to be a service or activity of the City or local board of the City. 2006, c. 11, Sched. A, s. 287 (7).

PART XII LIMITS ON TRADITIONAL MUNICIPAL TAXES

Interpretation

[288. \(1\)](#) In this Part,

“commercial classes” means the commercial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the commercial property class; (“catégories commerciales”)

“industrial classes” means the industrial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the industrial property class; (“catégories industrielles”)

“optional property class” means a property class that city council may opt to have apply within the City under regulations made under the *Assessment Act*; (“catégorie de biens facultative”)

“payment in lieu of taxes” and “property class” have the same meaning as in section 273. (“paiement tenant lieu d’impôts”, “catégorie de biens”) 2006, c. 11, Sched. A, s. 288 (1); 2006, c. 32, Sched. B, s. 59.

Reference to property class

(2) A reference to a specific property class, other than a reference to the commercial classes or industrial classes, is a reference to the property class prescribed under section 7 of the *Assessment Act*. 2006, c. 11, Sched. A, s. 288 (2).

Portions of a property

(3) If portions of a property are classified in different property classes on the assessment roll, each portion is deemed to be a separate property for the purposes of this Part. 2006, c. 11, Sched. A, s. 288 (3).

Exempt property deemed not in classes

(4) The commercial classes, the industrial classes and the multi-residential property class are deemed, for the purposes of this Part, not to include property exempted from the application of this Part under this section. 2006, c. 11, Sched. A, s. 288 (4).

Application to traditional municipal taxes

289. (1) This Part applies with respect to taxes for municipal and school purposes that are levied under Part XI. 2006, c. 11, Sched. A, s. 289 (1).

Property that Part applies to

(2) This Part applies with respect to property in the City in the commercial classes, the industrial classes and the multi-residential property class. 2006, c. 11, Sched. A, s. 289 (2).

Non-application

(3) This Part does not apply to,

- (a) property in the subclasses prescribed under paragraph 1 of subsection 8 (1) of the *Assessment Act*;
- (b) property or a portion of the property to which a payment in lieu of taxes relates, except the property of a designated electricity utility within the meaning of subsection 19.0.1 (5) of the *Assessment Act* or a corporation referred to in clause (d) of the definition of “municipal electricity utility” in section 88 of the *Electricity Act, 1998*;
- (c) an eligible convention centre that is exempt from taxes for school purposes under subsection 257.6 (6) of the *Education Act*;
- (d) despite clause (b), land, buildings and structures to which subsection 19.0.1 (1) of the *Assessment Act* applies; and
- (e) property classified in the residential property class, the farm property class, the managed forests property class or the pipe line property class. 2006, c. 11, Sched. A, s. 289 (3).

Exception

[\(4\)](#) Despite clause (3) (b), this Part applies to a property or portion of a property in the commercial classes or the industrial classes to which subsection 4 (3) of the *Municipal Tax Assistance Act* applies but the portion of a property to which that subsection applies is deemed to be a separate property for the purposes of this Part. 2006, c. 11, Sched. A, s. 289 (4).

Regulations, payments in lieu of taxes

[\(5\)](#) Despite clause (3) (b), the Minister of Finance may make regulations providing clause (3) (b) does not apply to the City or prescribing circumstances with respect to which clause (3) (b) does not apply, varying the application of this Part with respect to payments in lieu of taxes and varying the amounts of payments in lieu of taxes with respect to which this Part applies. 2006, c. 11, Sched. A, s. 289 (5).

Payments in lieu of taxes required

[\(6\)](#) If an Act of Ontario or Canada or an agreement provides for, but does not require, a payment in lieu of taxes to be paid by the Government of Ontario or Canada, a government agency of Ontario or Canada or any other person, the government, government agency or person is required, despite that Act or agreement, to pay the payment in lieu of taxes. 2006, c. 11, Sched. A, s. 289 (6).

Same

[\(7\)](#) Subsection (6) applies with respect to payments in lieu of taxes with respect to which this Part, but for clause (3) (b), would have applied. 2006, c. 11, Sched. A, s. 289 (7).

Regulations, exemptions

[\(8\)](#) The Minister of Finance may by regulation exempt property from the application of this Part. 2006, c. 11, Sched. A, s. 289 (8).

Determination of taxes

[290.](#) Except as otherwise provided in this Part, the taxes for municipal and school purposes for a year for a property in the City to which this Part applies shall be determined in accordance with Part XI of this Act and Division B of Part IX of the *Education Act*. 2006, c. 11, Sched. A, s. 290.

Determination of maximum taxes

[291. \(1\)](#) Except as otherwise provided in this section and under sections 293 and 294, the taxes for municipal and school purposes for a taxation year to be levied on a property in the City shall be the amount determined in accordance with the following:

1. Determine the taxes for the previous year in accordance with subsection (2).
2. Add 5 per cent of the amount determined under paragraph 1 to the amount determined under paragraph 1.
3. The amount determined under paragraph 2 shall be adjusted, in accordance with the regulations, in respect of changes in taxes for municipal purposes.
4. The taxes for the property for the taxation year shall be equal to the amount

determined under paragraph 2 and adjusted under paragraph 3, if applicable. 2006, c. 11, Sched. A, s. 291 (1).

Previous year

(2) The taxes for the previous year for a property shall be determined as follows:

1. Determine the taxes for municipal and school purposes that were levied on the property for the year.
2. If a supplementary assessment or change in classification is made under section 34 of the *Assessment Act* during the year or if an assessment or change in classification could have been made under section 34 of that Act and the appropriate change is made on the assessment roll for taxation in the taxation year, recalculate the taxes determined under paragraph 1 as if the increase in the assessment or change in classification, as the case may be, had applied to the property for all of the year.
3. If section 294 applied to the property for a part of the year, recalculate the taxes determined under paragraph 1 as if section 294 had applied to the property for all of the year.
4. If the assessment of a property whose classification is in the subclass for vacant land on the assessment roll for taxation in the taxation year increases as a result of an improvement to that property during the year and if no portion of any building on the property begins to be used for any purpose during the year, recalculate the taxes determined under paragraph 1 as if the increase in the assessment had applied to the property for all of the year.
5. If city council cancels, reduces or refunds taxes under section 323 for the year on an application under clause 323 (1) (a), (b), (c), (d) or (f) or under section 325 for the year, recalculate the taxes determined under paragraph 1 as if the event that caused the cancellation, reduction or refund had occurred on January 1 of the year. 2006, c. 11, Sched. A, s. 291 (2).

Regulations

(3) The Minister of Finance may make regulations providing for adjustments under paragraph 3 of subsection (1) in respect of changes in taxes for municipal purposes. 2006, c. 11, Sched. A, s. 291 (3).

Adjustment

(4) If the taxes for municipal and school purposes for a property for the previous year are recalculated as a result of one of the following, the amount under paragraph 1 of subsection (2) shall be adjusted accordingly:

1. A request under section 39.1 of the *Assessment Act*.
2. An appeal under section 40 of the *Assessment Act*.
3. An application under section 46 of the *Assessment Act*.

4. An application under section 297 of this Act or section 447.26 of the old *Municipal Act*.
5. A determination under section 447.26.1 of the old *Municipal Act*. 2006, c. 11, Sched. A, s. 291 (4); 2008, c. 7, Sched. C, s. 2.

Omitted assessments

(5) If, as a result of an assessment under subsection 32 (2) or section 33 of the *Assessment Act*, the total taxes for municipal and school purposes for a property for the previous year are altered, the amount under paragraph 1 of subsection (2) shall be adjusted accordingly. 2006, c. 11, Sched. A, s. 291 (5).

Cancellation, reduction or refund of tax under s. 323

(6) If the City cancels, reduces or refunds taxes for a taxation year on an application made under clause 323 (1) (d) or under such other provision of this Act as the Minister of Finance may prescribe, the amount of the cancellation, reduction or refund is calculated using the formula,

$$B/C \times D$$

in which,

“B” is the amount of the cancellation, reduction or refund of taxes for the year but for the application of this Part,

“C” is the amount of taxes for the year (without deducting the amount of the cancellation, reduction or refund of taxes) that would have been payable but for the application of this Part, and

“D” is the amount of taxes for the year that would be payable under this Part if no application were made.

2006, c. 11, Sched. A, s. 291 (6).

Prescribed provision

(7) The Minister of Finance may prescribe by regulation one or more provisions of this Act for the purposes of subsection (6). 2006, c. 11, Sched. A, s. 291 (7).

Omitted and supplementary assessments in the taxation year

(8) If an assessment is made in respect of property, other than property described in subsection 293 (2), under section 33 or 34 of the *Assessment Act* increasing the assessment of the property in the taxation year,

- (a) subsection (1) does not apply to the additional taxes for municipal and school purposes attributable to the increase in the assessment; and
- (b) the additional taxes for municipal and school purposes shall be determined in accordance with the following formula:

$$T = \frac{CT}{NT} \times CVAT$$

where,

“T” is the additional taxes for municipal and school purposes,

“CT” is the amount determined under subsection (1),

“NT” is the uncapped taxes, but does not include CVAT,

“CVAT” is the supplementary taxes for municipal and school purposes that would be payable but for the application of this subsection.

2006, c. 11, Sched. A, s. 291 (8).

Same

(9) Despite subsection (8), the taxes for municipal and school purposes for the property for the taxation year or portion of the taxation year shall be recalculated under section 294 if,

- (a) there was an additional assessment that relates to a new building or structure erected on the property that was, prior to the assessment, assessed for the taxation year as being in the subclass for vacant land under paragraph 2 of subsection 8 (1) of the *Assessment Act*; or
- (b) as a result of an additional assessment for the taxation year or for the previous year and the taxation year or any portion thereof, the assessment of the property is increased by an amount equal to or greater than 50 per cent of the assessment on the assessment roll before the additional assessment was made. 2006, c. 11, Sched. A, s. 291 (9).

Additional assessment

(10) If an additional assessment is made for the previous year and for the taxation year, the percentage for the purposes of clause (9) (b) shall be determined as follows:

1. Determine the additional assessment for the previous year.
2. Determine the assessment on the assessment roll for taxation in the previous year before the additional assessment referred to in paragraph 1 was made.
3. Divide the amount in paragraph 1 by the amount in paragraph 2.
4. Multiply the quotient in paragraph 3 by 100.
5. Add the amounts in paragraphs 1 and 2.
6. Divide the amount in paragraph 2 by the amount in paragraph 5.
7. Multiply the quotient determined in paragraph 6 by the assessment on the assessment roll for taxation in the taxation year.
8. Determine the additional assessment for the taxation year.
9. Divide the amount in paragraph 8 by the amount in paragraph 7.
10. Multiply the quotient in paragraph 9 by 100.

11. Add the percentages in paragraphs 4 and 10. 2006, c. 11, Sched. A, s. 291 (10).

Same

(11) If the percentage in paragraph 11 of subsection (10) is equal to or greater than 50, subsection (7) applies for the taxation year. 2006, c. 11, Sched. A, s. 291 (11).

If s. 294 applied in previous year

(12) If section 294 applied to the property for the previous year or a part of the previous year, subsection (9) does not apply for the taxation year. 2006, c. 11, Sched. A, s. 291 (12).

Limitation

(13) Despite subsection (1) but subject to section 293, if the amount determined under subsection (1) exceeds the uncapped taxes, the taxes for municipal and school purposes under this Part shall be equal to the uncapped taxes. 2006, c. 11, Sched. A, s. 291 (13).

Definitions

(14) In this section,

“additional assessment” means one or more assessments made under section 33 or 34 of the *Assessment Act*; (“évaluation additionnelle”)

“previous year” means the year immediately preceding the taxation year; (“année précédente”)

“taxation year” means the year in respect of which taxes are determined under subsection (1); (“année d’imposition”)

“uncapped taxes” means the taxes for municipal and school purposes that would have been imposed for the taxation year but for the application of this Part. (“impôts non plafonnés”) 2006, c. 11, Sched. A, s. 291 (14).

City option: application of certain provisions of the Act

292. (1) The City may pass a by-law to have one or more of the following paragraphs apply in the calculation of the amount of taxes for municipal and school purposes payable in respect of property in the commercial classes, industrial classes or multi-residential property class for a taxation year:

1. In determining the amount of taxes for municipal and school purposes for the year under subsection 291 (1) and the amount of the tenant’s cap under subsection 295 (5),
 - i. 10 per cent or a percentage specified in the by-law for the purposes of this paragraph that exceeds 5 per cent, whichever is lower, shall be used, instead of 5 per cent, in determining the amount to be added under paragraph 2 of subsection 291 (1), and
 - ii. the same percentage used under subparagraph i, instead of 5 per cent, shall be used in increasing under paragraph 2 of subsection 295 (5) the amount calculated under paragraph 1 of that subsection.

2. In determining the amount of taxes for municipal and school purposes for the year under subsection 291 (1) and the amount of the tenant's cap under subsection 295 (5),
 - i. the amount to be added under paragraph 2 of subsection 291 (1) shall be the greatest of,
 - A. the amount of the taxes for municipal and school purposes that would have been levied in respect of the property for the previous year but for the application of this Part, subject to such adjustments as may be prescribed, multiplied by 5 per cent or a percentage specified in the by-law for the purposes of this subparagraph that is less than 5 per cent,
 - B. the amount that would be added under paragraph 2 of subsection 291 (1) for the year using the percentage used under subparagraph 1 i, if the City passes a by-law to have paragraph 1 apply for the year to property in the class in which the property is included, and
 - C. 5 per cent of the amount determined under paragraph 1 of subsection 291 (1) for the property for the year, and
 - ii. the amount determined under paragraph 1 of subsection 295 (5) shall be increased under paragraph 2 of that subsection by the amount determined under the following, instead of the amount specified in paragraph 2 of that subsection:
 - A. the amount on account of taxes levied for municipal and school purposes that the tenant would have been required to pay under the tenant's lease in the previous year but for the application of section 295 multiplied by the percentage used in determining the amount under sub-subparagraph i A, if the amount determined under sub-subparagraph i A is the greatest of the amounts determined under subparagraph i,
 - B. the amount calculated under paragraph 1 of subsection 295 (5) multiplied by the percentage used in determining the amount under sub-subparagraph i B, if the amount determined under sub-subparagraph i B is the greatest of the amounts determined under subparagraph i, or
 - C. the amount calculated under paragraph 1 of subsection 295 (5) multiplied by the percentage used under sub-subparagraph i C, if the amount determined under sub-subparagraph i C is the greatest of the amounts determined under subparagraph i.
3. The amount of the taxes for municipal and school purposes for a property for a taxation year shall be the amount of the uncapped taxes for the property for the year if the amount of the uncapped taxes exceeds the amount of the taxes for municipal and school purposes for the property for the taxation year as determined

- under section 291 by the lesser of,
- i. \$250, and
 - ii. the amount, if any, specified in the by-law for the purposes of this paragraph.
4. The amount of the taxes for municipal and school purposes for a property for a taxation year shall be the amount of the uncapped taxes for the property for the year if the amount of the taxes for municipal and school purposes for the property for the taxation year as determined under section 293 exceeds the amount of the uncapped taxes by the lesser of,
- i. \$250, and
 - ii. the amount, if any, specified in the by-law for the purposes of this paragraph.
5. If, for all or part of 2007, a property becomes an eligible property within the meaning of subsection 294 (19), the taxes for municipal and school purposes for the year or portion of the year shall be the greater of,
- i. the amount of the taxes determined for the property for 2007 under subsection 294 (2), and
 - ii. the amount of the uncapped taxes for the property for 2007 multiplied by 90 per cent or the percentage specified in the by-law for the purposes of this subparagraph, whichever is lower.
6. If, for all or part of 2008 or a subsequent taxation year, a property becomes an eligible property within the meaning of subsection 294 (19), the taxes for municipal and school purposes for the year or portion of the year shall be the greater of,
- i. the amount of the taxes determined for the property for the taxation year under subsection 294 (2), and
 - ii. the amount of the uncapped taxes for the property for the taxation year multiplied by 100 per cent or the percentage specified in the by-law for the purposes of this subparagraph, whichever is lower. 2006, c. 11, Sched. A, s. 292 (1).

Time limit for passing by-law

[\(2\)](#) A by-law under subsection (1) must be passed in the year to which the by-law applies. 2009, c. 33, Sched. 21, s. 4 (20).

Application of ss. 291 and 295 as modified

- [\(3\)](#) If the City passes a by-law under subsection (1),
- (a) a reference to section 291 in any section of this Part other than section 291 and this section is deemed to be a reference to section 291 as modified by the application of the paragraph or paragraphs specified in the by-law, if applicable; and
 - (b) the reference to subsection 295 (5) in subsection 337 (12) is deemed to be a

reference to subsection 295 (5) as modified by the application of the paragraph or paragraphs specified in the by-law, if applicable. 2006, c. 11, Sched. A, s. 292 (3).

Regulations

(4) The Minister of Finance may make regulations prescribing, for the purposes of sub-subparagraph 2 i A of subsection (1), adjustments to be made in determining the amount of taxes for municipal and school purposes that would have been levied in the previous year on a property but for the application of this Part and prescribing the circumstances in which those adjustments are to be made. 2009, c. 33, Sched. 21, s. 4 (21).

(5) Repealed: 2009, c. 33, Sched. 21, s. 4 (21).

Definition

(6) In this section,

“uncapped taxes” means, in respect of a taxation year, the taxes for municipal and school purposes that would be levied for the taxation year but for the application of this Part. 2006, c. 11, Sched. A, s. 292 (6).

By-law to provide for recoveries

293. (1) The City may pass a by-law to establish a percentage by which tax decreases are limited for a taxation year in respect of properties in any property class subject to this Part in order to recover all or part of the revenues foregone as a result of the application of section 291 to other properties in the property class. 2006, c. 11, Sched. A, s. 293 (1).

Application

(2) A by-law under subsection (1) shall apply to all properties in the property class whose taxes for municipal and school purposes for the previous year, as determined under subsection 291 (2), exceed their taxes for municipal and school purposes for the taxation year as adjusted in accordance with the regulations in respect of changes in taxes for municipal purposes and changes in taxes for school purposes. 2006, c. 11, Sched. A, s. 293 (2).

Single percentage

(3) A by-law under subsection (1) shall establish the same percentage for all properties in a property class, but different percentages may be established for different property classes. 2006, c. 11, Sched. A, s. 293 (3).

Limitation

(4) The percentage established by a by-law under subsection (1) shall be limited as follows:

1. Calculate the total revenues foregone as a result of the application of section 291 to properties in the property class.
2. Calculate the total difference between the taxes for municipal and school purposes for all properties in the property class referred to in subsection (2) for the previous year, as determined under subsection 291 (2), and the taxes for municipal and school purposes for properties in the same property class for the taxation year as

adjusted in accordance with the regulations in respect of changes in taxes for municipal purposes and changes in taxes for school purposes.

3. Calculate the percentage of the amount determined under paragraph 2 that would yield sufficient revenues to recover all of the foregone revenues calculated under paragraph 1.
4. The percentage established under the by-law shall not exceed the percentage determined under paragraph 3 or 100 per cent, whichever is the lesser percentage, unless otherwise prescribed by the Minister of Finance. 2006, c. 11, Sched. A, s. 293 (4).

Single property class

(5) For the purposes of this section, the commercial classes are deemed to be a single property class and the industrial classes are deemed to be a single property class. 2006, c. 11, Sched. A, s. 293 (5).

Taxes for the taxation year

(6) The taxes for municipal and school purposes for the taxation year on a property to which a by-law made under this section applies shall be determined as follows:

1. Determine the taxes for municipal and school purposes for the property for the previous year under subsection 291 (2).
2. Determine the amount of the difference between the taxes for municipal and school purposes for the property for the previous year, as determined under subsection 291 (2), and the taxes for municipal and school purposes for the property for the taxation year, as adjusted in accordance with the regulations, in respect of changes in the taxes for municipal purposes and for school purposes.
3. Multiply the percentage established for the property class the property is in under subsection (1) by the amount determined under paragraph 2.
4. Deduct the amount determined under paragraph 3 from the amount determined under paragraph 2.
5. Deduct the amount determined under paragraph 4 from the amount determined under paragraph 1.
6. The amount determined under paragraph 5 shall be adjusted, in accordance with the regulations, in respect of changes in taxes for municipal purposes and for school purposes.
7. The taxes for municipal and school purposes for the taxation year shall be equal to the amount determined under paragraph 5 and adjusted under paragraph 6, if applicable. 2006, c. 11, Sched. A, s. 293 (6).

Regulations

(7) The Minister of Finance may make regulations,

- (a) providing for adjustments under subsection (2), (4) or (6) in respect of changes in taxes for municipal purposes or for school purposes;
- (b) governing the determination of the percentage under subsection (1) and the limitation on such percentage under subsection (4). 2006, c. 11, Sched. A, s. 293 (7).

Taxes for school purposes

[\(8\)](#) No by-law made under this section shall affect the amount that the City is required to pay to a school board. 2006, c. 11, Sched. A, s. 293 (8).

Supplementary and omitted assessments in the taxation year

[\(9\)](#) If an assessment is made under section 33 or 34 of the *Assessment Act* to a property subject to a by-law under this section that increases the assessment of that property for the taxation year, subsection (6) does not apply to the additional taxes for municipal and school purposes for the year attributable to the assessment. 2006, c. 11, Sched. A, s. 293 (9).

Taxes on eligible properties

[294. \(1\)](#) The purpose of this section is to ensure that eligible properties are taxed at the same level as comparable properties. 2006, c. 11, Sched. A, s. 294 (1).

Determination of taxes

[\(2\)](#) Despite any other provision in this Part, the City shall determine the taxes for municipal and school purposes for each eligible property for the year or portion of the year as follows:

1. Determine the level of taxation for each property identified by the assessment corporation under subsection (6) as a comparable property by dividing the taxes for municipal and school purposes levied for the year by the taxes for municipal and school purposes that would have been imposed but for the application of this Part.
2. Determine the average of the levels of taxation for all comparable properties determined under paragraph 1.
3. Determine the taxes for municipal and school purposes for the eligible property for the year by multiplying the average level of taxation determined under paragraph 2 by the taxes for municipal and school purposes that would have been imposed on the eligible property but for the application of this Part.
4. The taxes for municipal and school purposes for an eligible property for the year shall be the lesser of the amount determined for the year or portion of the year but for the application of this Part and the amount determined under paragraph 3. 2006, c. 11, Sched. A, s. 294 (2).

Adjustments

[\(3\)](#) The City shall make the necessary adjustments on the tax roll for the year or portion of the year in accordance with the determination under subsection (2). 2006, c. 11, Sched. A, s. 294 (3).

Limits to apply

(4) The taxes for municipal and school purposes on a property to which this section applies for a taxation year shall be calculated under section 291 for subsequent years. 2006, c. 11, Sched. A, s. 294 (4).

Determination of taxes for the subsequent year

(5) For the purposes of paragraph 2 of subsection 291 (2), taxes are to be recalculated as if the amount determined under paragraph 4 of subsection (2) of this section had been determined on a full year basis. 2006, c. 11, Sched. A, s. 294 (5).

Comparable properties identified

(6) The assessment corporation shall identify six comparable properties with respect to an eligible property for the purposes of this section or, if there are fewer than six comparable properties, as many comparable properties as there are. 2006, c. 11, Sched. A, s. 294 (6).

Mixed use properties

(7) For the purposes of this section,

- (a) if an eligible property or a comparable property is classified in more than one class of real property under section 7 of the *Assessment Act*, each portion shall be treated as a separate property; and
- (b) up to six comparable properties or, if there are fewer than six comparable properties, as many as there are, shall be identified for each portion of an eligible property under clause (a). 2006, c. 11, Sched. A, s. 294 (7).

List provided to City

(8) The assessment corporation shall provide a list of the comparable properties under subsection (6) or (7) with respect to an eligible property to the City as soon as is practicable,

- (a) after the return of the assessment roll for eligible properties that are on the assessment roll; or
- (b) after the mailing of the notice of the assessment of the eligible property under section 33 or 34 of the *Assessment Act*. 2006, c. 11, Sched. A, s. 294 (8).

List to be mailed to the owner

(9) The City shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the City. 2006, c. 11, Sched. A, s. 294 (9).

If no comparable property

(10) If the assessment corporation determines that there are no comparable properties with respect to an eligible property,

- (a) the assessment corporation shall give notice to the City of its determination; and
- (b) the City shall, within 60 days of receiving the notice under clause (a), give notice to

the owner of the property of the assessment corporation's determination and of the amount determined for the year or portion of the year under this Part. 2006, c. 11, Sched. A, s. 294 (10).

Complaint

(11) The owner of an eligible property or the City may, within 90 days of the mailing of information under subsection (9), complain to the Assessment Review Board in writing concerning the properties on the list and request that up to six alternative properties be used as comparable properties for the purposes of this section. 2006, c. 11, Sched. A, s. 294 (11).

Same

(12) If the assessment corporation has determined that there are no comparable properties with respect to an eligible property, the owner of the eligible property or the City may, within 90 days after the owner is given a notice of determination under subsection (10), complain to the Assessment Review Board in writing concerning the determination and request that up to six properties be used as comparable properties for the purpose of this section. 2006, c. 11, Sched. A, s. 294 (12).

Deemed appeal under s. 40 of *Assessment Act*

(13) Section 40 of the *Assessment Act* applies to a complaint under subsection (11) or (12) as if it were an appeal under subsection 40 (1) of that Act. 2008, c. 7, Sched. C, s. 3.

Appeal

(14) Section 43.1 of the *Assessment Act* applies to a decision of the Assessment Review Board. 2006, c. 11, Sched. A, s. 294 (14).

Authority of the Assessment Review Board

- (15) In a complaint under this section, the Assessment Review Board shall,
- (a) identify up to six comparable properties from among the comparable properties proposed by the complainant or by the assessment corporation; or
 - (b) determine that there are no comparable properties. 2006, c. 11, Sched. A, s. 294 (15).

Application to court

(16) The City or the owner of the eligible property may apply to the Superior Court of Justice for a determination of any matter relating to the application of this section, except a matter that could be the subject of a complaint under this section. 2006, c. 11, Sched. A, s. 294 (16).

Same

(17) Section 46 of the *Assessment Act* applies with necessary modifications to an application under subsection (16). 2006, c. 11, Sched. A, s. 294 (17).

Determination by City

(18) The City shall determine the taxes for municipal and school purposes for the year or portion of the year in accordance with a decision of the Assessment Review Board or court

under this section. 2006, c. 11, Sched. A, s. 294 (18).

Definitions

[\(19\)](#) In this section,

“comparable properties” means properties identified by the assessment corporation to be similar lands in the vicinity of the eligible property; (“biens comparables”)

“eligible property” means a property,

- (a) to which subsection 291 (9) applies,
- (b) that ceases to be exempt from taxation,
- (c) that was subdivided or was subject to a severance,
- (d) whose classification changes, or
- (e) that is prescribed by the Minister of Finance; (“bien admissible”)

“vicinity” has the same meaning as under subsection 44 (2) of the *Assessment Act*, except that the vicinity shall not exceed the boundaries of the City. (“à proximité”) 2006, c. 11, Sched. A, s. 294 (19); 2006, c. 32, Sched. B, s. 60.

Regulations

[\(20\)](#) The Minister of Finance may make regulations,

- (a) prescribing properties and classes of properties that are deemed to be “eligible property” for the purposes of this section;
- (b) prescribing properties and classes of properties that are deemed not to be “eligible property” for the purposes of this section. 2006, c. 11, Sched. A, s. 294 (20).

Retroactivity

[\(21\)](#) A regulation under subsection (20) is, if it so provides, effective with reference to a period before it is filed. 2006, c. 11, Sched. A, s. 294 (21).

Tenants of leased premises

[295. \(1\)](#) This section applies with respect to a tenant of leased premises that form all or part of a property in the City if,

- (a) Part XXII.1 or XXII.2 of the old *Municipal Act* applied and this Part applies to the leased premises; and
- (b) the tenant’s tenancy commenced on or before December 31, 1997 and has been continuous since that date. 2006, c. 11, Sched. A, s. 295 (1).

Exception

[\(2\)](#) This section does not apply if the leased premises are classified in the multi-residential property class. 2006, c. 11, Sched. A, s. 295 (2).

New leases of property

[\(3\)](#) This section applies with respect to a tenant described in subsection (1) even if the

tenant enters into a new lease for the leased premises after December 31, 1997. 2006, c. 11, Sched. A, s. 295 (3).

Limitation on requirement to pay taxes

(4) No tenant referred to in subsection (1) is required under any lease, despite any provision in the lease, to pay an amount on account of taxes levied for municipal and school purposes that is greater than the tenant's cap determined under subsection (5). 2006, c. 11, Sched. A, s. 295 (4).

Tenant's cap

(5) For each taxation year, the tenant's cap referred to in subsection (4) shall be determined in accordance with the following:

1. Calculate the amount the tenant was required to pay on account of taxes for the immediately preceding year.
2. Increase the amount calculated under paragraph 1 by 5 per cent.
3. Adjust the amount determined under paragraph 2 in respect of any changes in taxes for municipal purposes applicable to the property as provided for in regulations referred to in paragraph 3 of subsection 291 (1).
4. The tenant's cap is the amount determined under paragraph 2 and adjusted under paragraph 3. 2006, c. 11, Sched. A, s. 295 (5).

Recouping of landlord's shortfall

(6) A landlord may require a tenant to pay an amount on account of taxes levied for municipal and school purposes that is more than the tenant would otherwise be required to pay under the tenant's lease subject to the following:

1. The landlord may not require the tenant to pay an amount that would result in the tenant paying more on account of taxes levied for municipal and school purposes than is allowed under subsection (4).
2. The landlord may require a tenant to pay an amount under this subsection only to the extent necessary for the landlord to recoup any shortfall, within the meaning of paragraph 3, in respect of other leased premises that form part of the property.
3. The shortfall referred to in paragraph 2 shall be calculated by,
 - i. determining, for each of the other leased premises to which this section applies that form part of the property, the amount, if any, by which the amount that the landlord could have required the tenant to pay under the tenant's lease in the absence of subsection (4) exceeds the amount that the landlord may require the tenant to pay under the tenant's lease under subsection (4), and
 - ii. adding together the amounts determined under subparagraph i. 2006, c. 11, Sched. A, s. 295 (6).

Same

[\(7\)](#) The following apply with respect to the amount a tenant is required to pay under subsection (6):

1. The amount is deemed to be additional rent.
2. The amount is payable in the proportions and at the times that amounts in respect of taxes are payable under the lease.
3. If the lease does not provide for the payment of amounts in respect of taxes, the amount the tenant is required to pay under subsection (6) is due on the last day of the year. 2006, c. 11, Sched. A, s. 295 (7).

Amounts under gross lease flow-through

[\(8\)](#) The following apply with respect to amounts a tenant is required to pay under section 337 or 338:

1. For the purposes of subsections (4), (5) and (6), an amount the tenant is required to pay under section 337 is deemed to be an amount the tenant is required to pay under the lease on account of taxes levied for municipal and school purposes.
2. For the purposes of subsections (4), (5) and (6), an amount the tenant is required to pay under section 338 is deemed not to be an amount the tenant is required to pay under the lease on account of taxes levied for municipal and school purposes. 2006, c. 11, Sched. A, s. 295 (8).

Partial year

[\(9\)](#) If this section applies with respect to taxes attributable to part of a year, the tenant's cap determined under subsection (5) for the year shall be reduced proportionally. 2006, c. 11, Sched. A, s. 295 (9).

When section ceases to apply

[\(10\)](#) If the tenant ceases to lease any part of the leased premises, this section does not apply with respect to the taxes attributable to the part of the year after the tenant ceases to lease that part of the leased premises and this section does not apply with respect to taxes for subsequent years. 2006, c. 11, Sched. A, s. 295 (10).

Clarification of application

[\(11\)](#) Subsection (10) applies with respect to all the taxes for the leased premises and not just the taxes attributable to the part of the leased premises the tenant ceases to lease. 2006, c. 11, Sched. A, s. 295 (11).

Exception

[\(12\)](#) This section does not apply to any part of the leased premises that was not a part of the tenant's leased premises on December 31, 1997. 2006, c. 11, Sched. A, s. 295 (12).

Recouping of landlord's shortfall

[296. \(1\)](#) A landlord may require a tenant to pay an amount on account of taxes levied for municipal and school purposes that is more than the tenant would otherwise be required to pay under the tenant's lease to the extent necessary for the landlord to recoup any shortfall,

within the meaning of paragraph 3 of subsection 295 (6), in respect of other leased premises that form part of the property. 2006, c. 11, Sched. A, s. 296 (1).

Same

[\(2\)](#) Subsection 295 (7) applies, with necessary modifications, with respect to an amount a tenant is required to pay under subsection (1). 2006, c. 11, Sched. A, s. 296 (2).

Application

[\(3\)](#) This section applies with respect to a tenant only if,

(a) section 295 does not apply with respect to the tenant; and

(b) the tenant's lease was entered into before June 11, 1998 if Part XXII.1 of the old *Municipal Act* applied to the property or before December 18, 1998 if Part XXII.2 of the old *Municipal Act* applied to the property and the tenant's tenancy has been continuous since that date. 2006, c. 11, Sched. A, s. 296 (3).

Application for cancellation, etc.

[297. \(1\)](#) An application to the City treasurer for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by a person who was overcharged by reason of a gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error in the calculation of taxes under this Part. 2006, c. 11, Sched. A, s. 297 (1).

Procedures

[\(2\)](#) Section 323 applies to an application made under subsection (1). 2006, c. 11, Sched. A, s. 297 (2).

Part prevails

[298.](#) Despite section 151, this Part prevails over an order of the Minister of Municipal Affairs and Housing under section 149 of this Act or under section 173 of the *Municipal Act, 2001*. 2006, c. 11, Sched. A, s. 298.

Conflicts

[299.](#) This Part prevails over an order made under section 14 of the *Municipal Boundary Negotiations Act*, as that section read immediately before its repeal under the *Municipal Act, 2001*. 2006, c. 11, Sched. A, s. 299.

Where person undercharged

[300.](#) Section 326 applies to taxes to which this Part applies. 2006, c. 11, Sched. A, s. 300.

Adjustments

[301. \(1\)](#) If the City is required to make payments to a body under section 318, the City shall,

(a) in the case of a deficiency of taxes for the body caused by the cancellation, reduction, refund or writing off of taxes, charge back to every such body its share of the deficiency in the same proportions as the bodies share in the revenues from

taxes;

- (b) in the case of a surplus of taxes for the body caused by the application of this Part, credit every such body with its share of the surplus in the same proportions as the bodies share in the revenues from taxes. 2006, c. 11, Sched. A, s. 301 (1).

Interpretation

[\(2\)](#) For the purpose of this section, any deficiency or surplus shall be determined by reference to the taxes determined under this Part and not to the taxes that would have been imposed but for the application of this Part. 2006, c. 11, Sched. A, s. 301 (2).

Regulations

[302. \(1\)](#) The Minister of Finance may make regulations,

- (a) governing and clarifying the application of this Part;
- (b) prescribing anything that, under this Part, may or must be prescribed;
- (c) varying the application of this Part if, in the opinion of the Minister, it is necessary or desirable to do so in order to further the purposes of this Part, including varying the application of this Part in connection with a municipal restructuring or a general reassessment. 2006, c. 11, Sched. A, s. 302 (1).

Definitions

[\(2\)](#) In this section,

“general reassessment” has the same meaning as in section 273; (“réévaluation générale”)

“municipal restructuring” means,

- (a) the amalgamation of the City and another municipality,
- (b) the alteration of the boundaries of the City, or
- (c) the dissolution of the City. (“restructuration municipale”) 2006, c. 11, Sched. A, s. 302 (2).

PART XIII COLLECTION OF TRADITIONAL MUNICIPAL TAXES

Non-application re certain taxes

[303.](#) This Part does not apply with respect to taxes imposed under Part X (Power to Impose Taxes). 2006, c. 11, Sched. A, s. 303.

Definitions

[304.](#) In this Part,

“property class” means a class of real property prescribed under the *Assessment Act*; (“catégorie de biens”)

“taxpayer” means a person whose name is shown on the tax roll. (“contribuable”) 2006, c. 11, Sched. A, s. 304.

Tax roll

[305.](#) (1) The city treasurer shall prepare a tax roll for each year based on the last returned assessment roll for the year. 2006, c. 11, Sched. A, s. 305 (1).

Contents

- (2) The tax roll shall show for each separately assessed property in the City,
- (a) the assessment roll number of the property;
 - (b) a description of the property sufficient to identify it;
 - (c) the name of every person against whom land is assessed, including a tenant assessed under section 18 of the *Assessment Act*;
 - (d) the assessed value of the property;
 - (e) the total amount of taxes payable;
 - (f) the amounts of taxes payable for,
 - (i) the general local municipality levy,
 - (ii) each special local municipality levy,
 - (iii) each school board,
 - (iv) all other purposes; and
 - (g) if parts of the property are in two or more property classes, the matters set out in clauses (d), (e) and (f) for each part. 2006, c. 11, Sched. A, s. 305 (2).

Certification

(3) The treasurer shall certify the tax roll for a year in the manner determined by the treasurer. 2006, c. 11, Sched. A, s. 305 (3).

Collection

(4) The treasurer shall collect the taxes once the tax roll has been prepared. 2006, c. 11, Sched. A, s. 305 (4).

Adjustments to roll

[306.](#) (1) The treasurer shall adjust the tax roll for a year to reflect changes to the assessment roll for that year made under the *Assessment Act* after the tax roll is prepared. 2006, c. 11, Sched. A, s. 306 (1).

Consequences of adjustments

- (2) Taxes for the year shall be collected in accordance with the adjusted tax roll as if the adjustments had formed part of the original tax roll and the City,
- (a) shall refund any overpayment to the owner of the land as shown on the tax roll on the date the adjustment is made; or
 - (b) shall send another tax bill to raise the amount of any underpayment. 2006, c. 11, Sched. A, s. 306 (2); 2006, c. 32, Sched. B, s. 61.

By-laws re instalments

307. (1) The City may pass by-laws providing for,

- (a) the payment of taxes in one amount or by instalments and the date or dates in the year for which the taxes are imposed on which the taxes or instalments are due;
- (b) alternative instalments and due dates in the year for which the taxes are imposed other than those established under clause (a) to allow taxpayers to spread the payment of taxes more evenly over the year;
- (c) the division of the City into parts and for each part establishing a different due date for the payment of any instalment;
- (d) an extension of the due dates for any instalments if earlier instalments are paid on time;
- (e) the immediate payment of any instalments if earlier instalments are not paid on time; and
- (f) if the use of the alternative instalments and due dates under clause (b) ceases other than at the end of a year, the recalculation of late payment charges and discounts for advance payments as if the instalments and due dates under clause (c) had applied for the full year. 2006, c. 11, Sched. A, s. 307 (1).

Differing instalment, due dates

(2) A by-law under clause (1) (a) may establish different instalments and due dates for taxes on property,

- (a) for municipal purposes and for school purposes;
- (b) in different property classes; and
- (c) in a property class to which section 294 applies and to which that section does not apply. 2006, c. 11, Sched. A, s. 307 (2).

Payment

(3) A taxpayer shall pay taxes in accordance with the instalments and due dates established under clause (1) (a) unless the City has established alternative instalments and due dates under clause (1) (b) and the treasurer receives and approves the taxpayer's request to use the alternative instalments and due dates. 2006, c. 11, Sched. A, s. 307 (3).

Alternative method

(4) If a request is approved under subsection (3), the taxes of the taxpayer are payable in accordance with the alternative instalments and due dates established under clause (1) (b). 2006, c. 11, Sched. A, s. 307 (4).

Cessation

(5) The use by a taxpayer of the alternative instalments and due dates under clause (1) (b) ceases if,

- (a) the taxpayer requests the cessation in writing;

- (b) the taxes of the taxpayer are unpaid after the due date and the treasurer gives written notice to the taxpayer that the alternative instalments and due dates may no longer be used; or
- (c) the City, for any year, does not establish such alternative instalments and due dates. 2006, c. 11, Sched. A, s. 307 (5).

Tax bill

308. (1) The city treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due. 2006, c. 11, Sched. A, s. 308 (1).

Contents of tax bill

(2) A tax bill shall contain,

- (a) the name of the taxpayer;
- (b) the assessment roll number of the property;
- (c) a description of the property sufficient to identify it;
- (d) the assessed value of the property;
- (e) the total amount of taxes payable;
- (f) the amounts of the new taxes required to be shown separately on the tax roll unless the bill is for an interim tax;
- (g) the amount of any taxes previously billed for the year, including any accrued late payment charges;
- (h) the date or dates on which the taxes are due and any alternative schedule of due dates;
- (i) the place or places where the taxes may be paid;
- (j) the late payment charges which will be imposed on overdue taxes;
- (k) the discount which will be given for taxes paid in advance; and
- (l) if portions of the property are in two or more property classes, the matters set out in clauses (d), (e), (f) and (g) for each portion. 2006, c. 11, Sched. A, s. 308 (2).

Separate tax bills

(3) The City may pass a by-law providing for separate tax bills for municipal purposes and for school purposes. 2006, c. 11, Sched. A, s. 308 (3).

By-law re separate billing

(4) The City may pass a by-law providing for the billing of a property class separately from the other property classes. 2006, c. 11, Sched. A, s. 308 (4).

Separate tax bills may be issued

(5) If a by-law has been passed under subsection (4), the collector for the City may issue separate tax bills for separate property classes and may issue a tax bill for a property to

which section 294 applies at a different time than that for other property in the same property class. 2006, c. 11, Sched. A, s. 308 (5).

Address for delivery

(6) The treasurer shall send a tax bill to the taxpayer's residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs the treasurer in writing to send the bill to another address, in which case it shall be sent to that address. 2006, c. 11, Sched. A, s. 308 (6).

Registered mail

(7) Where a taxpayer directs the treasurer in writing to send the taxpayer's tax bill by registered mail, the treasurer shall comply with the direction and shall add the cost of the registration to the tax roll and the amount is deemed to be part of the taxes for which the tax bill was sent. 2006, c. 11, Sched. A, s. 308 (7).

Direction continues

(8) A direction given under subsection (6) or (7) continues until revoked by the taxpayer in writing. 2006, c. 11, Sched. A, s. 308 (8).

Proof of delivery

(9) Immediately after sending a tax bill, the treasurer shall create a record of the date on which it was sent and this record is, in the absence of evidence to the contrary, proof that the tax bill was sent on that date. 2006, c. 11, Sched. A, s. 308 (9).

Errors

(10) No defect, error or omission in the form or substance of a tax bill invalidates any proceedings for the recovery of the taxes. 2006, c. 11, Sched. A, s. 308 (10).

Form of tax bills

309. (1) The Minister of Finance may require that tax bills under section 308 be in a form approved by the Minister. 2006, c. 11, Sched. A, s. 309 (1).

No variation

(2) The City shall not vary the form unless the variation is expressly authorized by the Minister of Finance. 2006, c. 11, Sched. A, s. 309 (2).

Contents of tax bill

- (3) The Minister of Finance may make regulations,
- (a) prescribing information that must or that may be included on or with tax bills under section 308 and prohibiting other information from being included on the tax bill without the express authorization of the Minister;
 - (b) respecting the manner in which tax bills under section 308 are provided to the taxpayer;
 - (c) prescribing the form of the tax bill that must or that may be used under section 308. 2006, c. 11, Sched. A, s. 309 (3); 2008, c. 7, Sched. C, s. 4.

Late payment charges

[310. \(1\)](#) The City may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date. 2006, c. 11, Sched. A, s. 310 (1).

Penalty

[\(2\)](#) A percentage charge, not to exceed 1 1/4 per cent of the amount of taxes due and unpaid, may be imposed as a penalty for the non-payment of taxes on the first day of default or such later date as the by-law specifies. 2006, c. 11, Sched. A, s. 310 (2).

Interest

[\(3\)](#) Interest charges, not to exceed 1 1/4 per cent each month of the amount of taxes due and unpaid, may be imposed for the non-payment of taxes in the manner specified in the by-law, but interest may not start to accrue before the first day of default. 2006, c. 11, Sched. A, s. 310 (3).

Deemed taxes

[\(4\)](#) Charges imposed under subsections (2) and (3) are deemed to be part of the taxes on which the charges have been imposed. 2006, c. 11, Sched. A, s. 310 (4).

No interest

[\(5\)](#) No interest shall be imposed on the charges that are deemed to be taxes under subsection (4). 2006, c. 11, Sched. A, s. 310 (5).

Other interest

[\(6\)](#) The City shall pay interest at the same rate and in the same manner as interest is paid under subsection 257.11 (4) of the *Education Act* on overpayments arising as a result of,

- (a) an error of the City, a local board or other body for which the tax was being raised;
and
- (b) a change under the *Assessment Act*,
 - (i) in an assessment on a property,
 - (ii) in the property class in which a property is placed, or
 - (iii) if parts of a property are placed in different property classes, in the allocation of the assessment on the property between the parts. 2006, c. 11, Sched. A, s. 310 (6).

Cancellation

[\(7\)](#) The City shall cancel or refund late payment charges imposed under subsections (2) and (3) on overcharges of taxes arising as a result of errors or changes set out in clause (6) (a) or (b) if the overcharges were not paid when they were due and are no longer owed. 2006, c. 11, Sched. A, s. 310 (7).

Special case

[\(8\)](#) For the purpose of subsection (7), if different parts of the taxes were due at different

times, the overcharges of taxes are deemed to be the latest taxes due. 2006, c. 11, Sched. A, s. 310 (8).

Not retroactive

[\(9\)](#) Interest under subsection (6) begins to accrue after the later of,

- (a) in the case of overpayments described in clause (6) (a), the day the error is corrected and, in the case of overpayments described in clause (6) (b), 120 days after the day the City is notified of the change by the assessment corporation, the Assessment Review Board or a court; and
- (b) January 1, 2003. 2006, c. 11, Sched. A, s. 310 (9).

Late payment charges

[\(10\)](#) Late payment charges shall be cancelled or refunded under subsection (7) if they were imposed with respect to a period after the later of,

- (a) the day the error is corrected or the change is made; and
- (b) January 1, 2003. 2006, c. 11, Sched. A, s. 310 (10).

Interest payments to be apportioned

[\(11\)](#) The costs of interest payments with respect to overpayments of taxes for a year on a property under subsection (6) shall be shared by the City and other bodies that share in the revenue from the taxes on the property in the same proportion as the City and bodies share in those revenues for that year. 2006, c. 11, Sched. A, s. 310 (11).

Advance payments

[\(12\)](#) The City may pass a by-law to authorize the treasurer to receive in any year payments on account of tax for that year in advance of the due date and to give a discount for advance payments at the rate and in the manner specified in the by-law even though the taxes have not been levied or the assessment roll has not been returned when the advance payment is made. 2006, c. 11, Sched. A, s. 310 (12).

Payment

[311. \(1\)](#) Subject to subsection (2), all taxes shall be paid to the city treasurer and, upon request of the person paying the taxes, the treasurer shall issue a receipt for the amount paid. 2006, c. 11, Sched. A, s. 311 (1).

Payment to financial institution

[\(2\)](#) The City may pass a by-law to provide for the payment of taxes by any person into a financial institution to the credit of the city treasurer and, in that case, the person making the payment shall be entitled to be issued a receipt by the institution for the amount paid. 2006, c. 11, Sched. A, s. 311 (2).

Definition

[\(3\)](#) In this section,

“financial institution” means,

- (a) a bank listed in Schedule I or II to the *Bank Act* (Canada),
- (b) a trust corporation registered under the *Loan and Trust Corporations Act*, and
- (c) subject to the *Credit Unions and Caisses Populaires Act, 1994*, a credit union as defined in that Act. 2006, c. 11, Sched. A, s. 311 (3).

Allocation of payment

312. (1) Subject to subsections (2) and (3), where any payment is received on account of taxes, the following apply:

1. The payment shall first be applied against late payment charges owing in respect of those taxes according to the length of time the charges have been owing, with the charges imposed earlier being discharged before charges imposed later.
2. The payment shall then be applied against the taxes owing according to the length of time they have been owing, with the taxes imposed earlier being discharged before taxes imposed later. 2006, c. 11, Sched. A, s. 312 (1).

Part payment

(2) Subject to the approval of the city treasurer, a part payment on account of taxes may be applied in a manner different than that set out in subsection (1) at the request of the person making the payment. 2006, c. 11, Sched. A, s. 312 (2).

Effect of certificate

(3) No part payment shall be accepted on account of taxes in respect of which a tax arrears certificate is registered under this Act except under an extension agreement entered into under section 349. 2006, c. 11, Sched. A, s. 312 (3).

Determination of tax status

313. (1) The city treasurer shall by February 28 in each year determine the position of every tax account as of December 31 of the preceding year. 2006, c. 11, Sched. A, s. 313 (1).

Notice

(2) On making the determination required by subsection (1), the treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related late payment charges. 2006, c. 11, Sched. A, s. 313 (2).

Same

(3) A notice required to be sent under subsection (2) may be sent with a tax bill. 2006, c. 11, Sched. A, s. 313 (3).

Recovery of taxes

314. (1) Taxes may be recovered with costs as a debt due to the City from the taxpayer originally assessed for them and from any subsequent owner of the assessed land or any part of it. 2006, c. 11, Sched. A, s. 314 (1).

Interpretation

(2) Subsection (1) does not affect the taxpayer's or owner's recourse against any other

person. 2006, c. 11, Sched. A, s. 314 (2).

Special lien

(3) Taxes are a special lien on the land in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the City or its agents or through taking no action to register a tax arrears certificate. 2006, c. 11, Sched. A, s. 314 (3).

Proof of debt

(4) In any action to recover taxes, the production of the relevant part of the tax roll purporting to be certified by the treasurer as a true copy is, in the absence of evidence to the contrary, proof of the debt. 2006, c. 11, Sched. A, s. 314 (4).

Separate action

(5) The City may treat each year's taxes as a separate amount owing to the City and may bring separate actions for the purposes of recovering each amount. 2006, c. 11, Sched. A, s. 314 (5).

Obligations of tenant

315. (1) Where taxes are owed in respect of any land occupied by a tenant, the city treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with the notice. 2006, c. 11, Sched. A, s. 315 (1).

Remedies of the City

(2) The treasurer has the same authority as the landlord of the premises to collect the rent by seizure or otherwise to the amount of the taxes due and unpaid and costs, but collecting the rent does not impose upon the treasurer or the City the responsibilities of a landlord. 2006, c. 11, Sched. A, s. 315 (2).

Deduction from rent

(3) Any amounts paid by a tenant under subsection (1) or (2) that, as between the tenant and the landlord, the latter ought to have paid may be deducted by the tenant from the rent. 2006, c. 11, Sched. A, s. 315 (3).

Seizure

316. (1) If taxes on land remain unpaid after the due date, the city treasurer or the treasurer's agent may seize the following to recover the taxes and costs of the seizure:

1. The personal property belonging to or in the possession of the taxpayer.
2. The interest of the taxpayer in personal property, including the taxpayer's right to possession of any personal property under a contract for purchase or a contract by which the taxpayer becomes the owner of the property upon performance of any condition.
3. The personal property on the land and any interest therein as described in paragraph 2 of the owner of the land, even if the owner's name does not appear on the tax roll.

4. Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure. 2006, c. 11, Sched. A, s. 316 (1).

Exception

(2) Despite subsection (1), the treasurer or treasurer's agent may seize personal property under this section after a tax bill has been sent but before the due date if,

- (a) the treasurer or treasurer's agent has good reason to believe that personal property subject to seizure is about to be removed from the City before the due date;
- (b) the treasurer or treasurer's agent makes an affidavit to that effect before a justice of the peace or the head of city council; and
- (c) the justice of the peace or the head of council issues a warrant authorizing the treasurer or the treasurer's agent to seize in accordance with this section. 2006, c. 11, Sched. A, s. 316 (2).

Exemption from seizure

(3) Despite subsection (1), no seizure shall be made of the personal property of any tenant for taxes not originally assessed against the tenant as tenant of the land. 2006, c. 11, Sched. A, s. 316 (3).

Same

(4) Despite subsection (1), no seizure shall be made of personal property that is in the possession of the taxpayer for the purpose only of repairing, servicing, storing or warehousing the personal property or of selling the personal property upon commission or as agent. 2006, c. 11, Sched. A, s. 316 (4).

Property of assignee, liquidator

(5) Despite subsection (1), personal property in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding-up order may only be seized for,

- (a) the taxes of the assignor or of the company that is being wound up; and
- (b) the taxes on the land on which the personal property was located at the time of the assignment or winding-up order for so long as the assignee or liquidator occupies the land or the personal property remains on the land. 2006, c. 11, Sched. A, s. 316 (5).

Other exemptions

(6) Personal property exempt from seizure under the *Execution Act* shall not be seized under this section and the person claiming the exemption shall select and point out the personal property for which an exemption is claimed. 2006, c. 11, Sched. A, s. 316 (6).

Sale

(7) The treasurer or the treasurer's agent may sell all or part of seized personal property at a public auction to recover the taxes and costs of seizure. 2006, c. 11, Sched. A, s. 316 (7).

Notice

(8) The treasurer or the treasurer's agent shall give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold. 2006, c. 11, Sched. A, s. 316 (8).

Surplus

(9) If the seized personal property is sold for more than the amount of taxes and costs of seizure, the surplus shall be retained by the treasurer for 10 days after the auction and then returned to the person who had possession of the personal property when the seizure was made; however, if another person claims the surplus before it is returned, the surplus shall be retained by the treasurer until the respective rights of the parties have been determined by action or otherwise. 2006, c. 11, Sched. A, s. 316 (9).

Costs

(10) The costs chargeable on any seizure under this section are those payable under the *Costs of Distress Act*. 2006, c. 11, Sched. A, s. 316 (10).

Limitation

(11) No person shall make a charge for anything in connection with a seizure under this section unless the thing has been actually done. 2006, c. 11, Sched. A, s. 316 (11).

Remedy

(12) If any person charges more costs than is allowed by subsection (10) or makes any charge prohibited by subsection (11), the person aggrieved has the same remedies as does a person aggrieved in the cases provided for by sections 2, 4 and 5 of the *Costs of Distress Act*. 2006, c. 11, Sched. A, s. 316 (12).

Seizure by city employees

(13) Where the person making any seizure under this section is an employee of the City, the costs of the seizure belong to the City. 2006, c. 11, Sched. A, s. 316 (13).

Priority after notice

(14) A sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy, as appropriate, shall, upon receiving notice from the treasurer of the amount due for taxes, pay the amount to the treasurer in preference and priority to all other fees, charges, liens and claims in respect of personal property liable to seizure for taxes under this section that,

- (a) is under seizure or attachment or has been seized by the sheriff or by the bailiff of any court;
- (b) is claimed by or in the possession of the assignee for the benefit of creditors or the liquidator or the trustee or licensed trustee in bankruptcy; or
- (c) has been converted into cash and is undistributed by the sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy. 2006, c. 11, Sched. A, s. 316 (14).

Statement

317. (1) The city treasurer shall, upon the written request of any person, give to that person an itemized statement of all amounts owing for taxes in respect of any separately assessed rateable property as of the day the statement is issued. 2006, c. 11, Sched. A, s. 317 (1).

Effect

(2) A statement given under subsection (1) is binding on the City. 2006, c. 11, Sched. A, s. 317 (2).

Taxes collected on behalf of other bodies

318. (1) If the City is required by law to impose a tax for a body, the City shall pay the body,

- (a) the amount of the taxes collected; and
- (b) except where otherwise provided, any amount imposed for the body but not collected due to the non-payment of taxes. 2006, c. 11, Sched. A, s. 318 (1).

Exception

(2) Despite clause (1) (b), the City is not required to pay the body any amount uncollected due to the non-payment of taxes if the taxes have been cancelled, reduced, refunded or written off. 2006, c. 11, Sched. A, s. 318 (2).

Prorated chargebacks

(3) If the City has paid the body any part of the amount described in clause (1) (b), the City shall charge back to every such body its proportionate share of the unpaid taxes that are subsequently cancelled, reduced, refunded or written off. 2006, c. 11, Sched. A, s. 318 (3).

Chargebacks

(4) If the City charges back an amount described in clause (1) (b) to any body in relation to land in respect of which a notice of vesting is registered under subsection 350 (5) and the City subsequently sells the land, the City shall pay to the body the proceeds of the sale based on the body's proportionate share of the unpaid taxes. 2006, c. 11, Sched. A, s. 318 (4).

Liens in favour of the Crown

(4.1) Despite subsection (4), if on the day before the date of registration of a notice of vesting there are liens or other encumbrances registered against the title to the land in favour of the Crown in right of Ontario or any execution or warrant in favour of the Crown respecting the land appearing in the index of executions maintained by the sheriff for the area in which the land is situate and the City subsequently sells the land, the proceeds of the sale shall be distributed among the City, a body charged back under subsection (3) and the Crown in accordance with the following:

1. Subject to paragraph 2, calculate the total of,
 - i. the amount of unpaid taxes owing to the City,
 - ii. the amounts charged back under subsection (3), and

- iii. the total amount outstanding under any liens or other encumbrances in favour of the Crown registered on the day before the notice of vesting is registered and any amount outstanding under any execution or warrant in favour of the Crown appearing in the index of executions maintained by the sheriff for the area in which the land is situate on the day before the notice of vesting is registered.
2. The amount under each of subparagraph 1 i, ii or iii is the lesser of,
 - i. the actual amount, and
 - ii. the assessed value of the land as shown on the last assessment roll returned for the year in which the sale of the land occurred.
 3. Subject to paragraph 2, the percentage of the proceeds of the sale that the City is entitled to is determined by dividing the amount of unpaid taxes owing to the City as determined under subparagraph 1 i by the total calculated under paragraph 1.
 4. Subject to paragraph 2, the percentage of the proceeds of the sale that a body charged back under subsection (3) is entitled to is determined by dividing the amount charged back under subsection (3) to that body as determined under subparagraph 1 ii by the total calculated under paragraph 1.
 5. Subject to paragraph 2, the percentage of the proceeds of the sale that the Crown is entitled to is determined by dividing the amount determined under subparagraph 1 iii by the total calculated under paragraph 1. 2006, c. 32, Sched. B, s. 62 (1).

Manner in which payment to be made

[\(4.2\)](#) The proceeds of the sale payable to the Crown under subsection (4.1) shall be paid by the City to the Crown in the manner or in accordance with the process designated by the Minister. 2006, c. 32, Sched. B, s. 62 (1).

Deduction

[\(5\)](#) The City may deduct from the proceeds the costs of any improvements made by the City on the land and its reasonable administrative costs with respect to that land. 2006, c. 11, Sched. A, s. 318 (5).

Exception

[\(6\)](#) Subsections (4), (4.1), (4.2) and (5) do not apply to land in respect of which a notice of vesting is registered under subsection 350 (5) if the cancellation price, as defined in subsection 343 (1), was less than \$10,000 or if the sale occurs seven years or more after registration of the notice of vesting. 2006, c. 32, Sched. B, s. 62 (2).

Write-off of taxes

[319. \(1\)](#) Taxes shall not be written off except in accordance with this section. 2006, c. 11, Sched. A, s. 319 (1).

Conditions

[\(2\)](#) The city treasurer shall remove unpaid taxes from the tax roll if,

- (a) the city council, on the recommendation of the treasurer, writes off the taxes as uncollectible;
- (b) the taxes are no longer payable as a result of tax relief under section 283, 310, 323, 325, 330, 331, 332, 333 or 334 or a decision of any court; or
- (c) the taxes are no longer payable because the tax liability arose as a result of the assessment of land under subsection 33 (1) of the *Assessment Act* for a period during which a regulation made under subsection 33 (1.1) of that Act provides that subsection 33 (1) of that Act does not apply to the land. 2006, c. 11, Sched. A, s. 319 (2).

Same

(3) The City may only write off taxes under clause (2) (a) after an unsuccessful tax sale under Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)) and may at that point write off the taxes whether or not the property vests in the City. 2006, c. 11, Sched. A, s. 319 (3).

Exception

(4) Despite subsection (3), the City may write off taxes under clause (2) (a) without conducting a tax sale under Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)),

- (a) if the property is owned by Canada, a province or territory or a Crown agency of any of them or by a municipality;
- (b) if the recommendation of the treasurer under clause (2) (a) includes a written explanation of why conducting a tax sale would be ineffective or inappropriate; or
- (c) in any of the prescribed circumstances. 2006, c. 11, Sched. A, s. 319 (4).

Regulations

(5) The Minister of Municipal Affairs and Housing may make regulations prescribing circumstances for the purpose of clause (4) (c). 2006, c. 11, Sched. A, s. 319 (5).

Refund on cancelled assessment

320. If a regulation is made under subsection 33 (1.1) of the *Assessment Act* providing that subsection 33 (1) of that Act does not apply with respect to certain land, the City shall repay to the owner of the land any overpayment that arises because the land was assessed under that subsection for a period during which the regulation provides that the subsection does not apply to the land. 2006, c. 11, Sched. A, s. 320.

Taxes less than minimum tax amount

321. (1) The City may pass a by-law providing that where, in any year, the total amount of taxes to be imposed on a property would be less than the tax amount specified by the City in the by-law, the amount of actual taxes payable shall be zero or an amount not exceeding the specified amount. 2006, c. 11, Sched. A, s. 321 (1).

Same

(2) In a by-law under subsection (1), the City may specify two tax amounts and provide

that,

- (a) where the total amount of taxes would be less than the lower specified amount, the amount of actual taxes payable shall be zero; and
- (b) where the total amount of taxes would be greater than or equal to the lower specified amount and less than the higher specified amount, the amount of the actual taxes payable shall not exceed the higher specified amount. 2006, c. 11, Sched. A, s. 321 (2).

Division into parcels

322. (1) Upon application by the city treasurer or to the treasurer by an owner of land, the City may,

- (a) divide, for the purposes of this section, land which is assessed in one block into two or more parcels if each parcel is one that can be legally conveyed under the *Planning Act*;
- (b) apportion the unpaid taxes on the land among the parcels,
 - (i) in proportion to their relative value at the time the assessment roll for the year in which the application is made was returned, or
 - (ii) if council is of the opinion that an apportionment under subclause (i) is not appropriate due to special circumstances, any other manner; and
- (c) direct what proportion of any part payment of taxes on the land is to be applied to each of the parcels. 2006, c. 11, Sched. A, s. 322 (1).

Statement

(2) Upon the request of the City, the assessment corporation shall provide a statement of the relative value of the parcels and the statement is conclusive. 2006, c. 11, Sched. A, s. 322 (2).

Meeting

(3) On or before September 30 of the year following the year in which the application is made, council shall,

- (a) hold a meeting at which the applicants and owners of any part of the land may make representations to council;
- (b) notify the applicants and owners of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision. 2006, c. 11, Sched. A, s. 322 (3).

Notice

(4) Within 14 days after making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision. 2006, c. 11, Sched. A, s. 322 (4).

Appeal

(5) Within 35 days after council makes its decision, an applicant or owner may appeal the decision of council under clause (1) (b) to the Assessment Review Board by filing a notice of appeal with the registrar of the board. 2006, c. 11, Sched. A, s. 322 (5).

Decision

(6) The Assessment Review Board shall, after giving notice to the appellants, the owners and the city treasurer, hear the appeal and may make any decision council could have made under clause (1) (b). 2006, c. 11, Sched. A, s. 322 (6).

Delegation of power

(7) The City may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under clause (1) (b) and subsection (3) with respect to applications made under subsection (1) and subsections (4), (5) and (6) do not apply to these applications. 2006, c. 11, Sched. A, s. 322 (7).

Copy to be provided

(8) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (7) and a copy of every application received to which the by-law applies. 2006, c. 11, Sched. A, s. 322 (8).

Decision final

(9) A decision of the Assessment Review Board is final and a decision of the council under clauses (1) (a) and (c) is final. 2006, c. 11, Sched. A, s. 322 (9).

Notice of decision

(10) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the city treasurer and to the assessment corporation. 2006, c. 11, Sched. A, s. 322 (10).

Adjustment of tax roll

(11) Immediately after a decision of council or the Assessment Review Board, the city treasurer shall adjust the tax roll to reflect any division into parcels and apportionment of taxes on the land among the parcels made by the decision. 2006, c. 11, Sched. A, s. 322 (11).

Effect

(12) Once the tax roll is adjusted, the taxes are deemed to have been always levied in accordance with the adjusted tax roll. 2006, c. 11, Sched. A, s. 322 (12).

Cancellation, reduction, refund of taxes

323. (1) Upon application to the city treasurer made in accordance with this section, the City may cancel, reduce or refund all or part of taxes levied on land in the year in respect of which the application is made if,

- (a) as a result of a change event, as defined in clause (a) of the definition of “change event” in subsection 34 (2.2) of the *Assessment Act*, during the taxation year, the property or portion of the property is eligible to be reclassified in a different class

of real property, as defined in regulations made under that Act, and that class has a lower tax ratio for the taxation year than the class the property or portion of the property is in before the change event, and no supplementary assessment is made in respect of the change event under subsection 34 (2) of the *Assessment Act*;

- (b) the land has become vacant land or excess land during the year or during the preceding year after the return of the assessment roll for the preceding year;
- (c) the land has become exempt from taxation during the year or during the preceding year after the return of the assessment roll for the preceding year;
- (d) during the year or during the preceding year after the return of the assessment roll, a building on the land,
 - (i) was razed by fire, demolition or otherwise, or
 - (ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- (e) the applicant is unable to pay taxes because of sickness or extreme poverty;
- (f) a mobile unit on the land was removed during the year or during the preceding year after the return of the assessment roll for the preceding year;
- (g) a person was overcharged due to a gross or manifest error that is clerical or factual in nature, including the transposition of figures, a typographical error or similar error but not an error in judgment in assessing the property; or
- (h) repairs or renovations to the land prevented the normal use of the land for a period of at least three months during the year. 2006, c. 11, Sched. A, s. 323 (1).

Exception, vacant unit rebate

[\(1.1\)](#) For 2007 and subsequent taxation years, no cancellation, reduction or refund of taxes is permitted under clause (1) (h) in respect of land that is eligible property under section 331. 2007, c. 7, Sched. 4, s. 1.

Application

[\(2\)](#) An application may only be made by the owner of the land or by another person who,

- (a) has an interest in the land as shown on the records of the appropriate land registry office and the sheriff's office;
- (b) is a tenant, occupant or other person in possession of the land; or
- (c) is the spouse of the owner or other person described in clause (a) or (b). 2006, c. 11, Sched. A, s. 323 (2).

Timing

[\(3\)](#) An application under this section must be filed with the treasurer on or before

February 28 of the year following the year in respect of which the application is made. 2006, c. 11, Sched. A, s. 323 (3).

Application by treasurer

(4) Despite subsections (2) and (3), an application under clause (1) (f) or (g) may be made by the city treasurer on or before April 30 of the year following the year in respect of which the application is made if no application is made by a person described in subsection (2) within the deadline set out in subsection (3). 2006, c. 11, Sched. A, s. 323 (4).

Meeting

(5) On or before September 30 of the year following the year in respect of which the application is made, council shall,

- (a) hold a meeting at which the applicants may make representations to council;
- (b) notify the applicants of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision. 2006, c. 11, Sched. A, s. 323 (5).

Notice

(6) Within 14 days after making its decision, council shall notify the applicants of the decision and specify the last day for appealing the decision. 2006, c. 11, Sched. A, s. 323 (6).

Appeal

(7) Within 35 days after council makes its decision, an applicant may appeal the decision of council to the Assessment Review Board by filing a notice of appeal with the registrar of the board. 2006, c. 11, Sched. A, s. 323 (7).

Where no decision

(8) If council fails to make its decision by September 30 of the year following the year in respect of which the application is made, an applicant may appeal to the Assessment Review Board by October 21 of the year by filing a notice of appeal with the registrar of the board and the appeal shall be a new hearing. 2006, c. 11, Sched. A, s. 323 (8).

Notice

(9) The Assessment Review Board shall notify the appellants and the city treasurer of the hearing by mail sent at least 14 days before the hearing. 2006, c. 11, Sched. A, s. 323 (9).

Decision

(10) The Assessment Review Board shall hear the appeal and may make any decision that council could have made. 2006, c. 11, Sched. A, s. 323 (10).

Delegation of power

(11) The council may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under subsections (1) and (5) with respect to applications made under subsection (1) and subsections (6), (7), (8), (9) and (10) do not apply to these applications. 2006, c. 11, Sched. A, s. 323 (11).

Copy to be provided

[\(12\)](#) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (11) and a copy of every application received to which the by-law applies. 2006, c. 11, Sched. A, s. 323 (12).

Taxes restored

[\(13\)](#) The council or the Assessment Review Board may restore to the tax roll all or any part of the taxes for a year that it reduced, cancelled or refunded as a result of an application in respect of a building under clause (1) (d) if it is satisfied that during the year the building has been reconstructed or repaired and is capable of being used for the purposes for which it was used immediately before it was destroyed or damaged. 2006, c. 11, Sched. A, s. 323 (13).

Restriction

[\(14\)](#) A decision cannot be made under subsection (13) unless,

- (a) it is made on or before February 28 in the year following the year in respect of which the application is made; and
- (b) every person who, according to the tax roll, would be liable for the restored taxes, is given an opportunity to make representations to the council or board, as the case may be. 2006, c. 11, Sched. A, s. 323 (14).

Appeal

[\(15\)](#) A decision of council under subsection (13) may be appealed to the Assessment Review Board and subsections (6), (7), (9) and (10) apply with necessary modifications to the appeal. 2006, c. 11, Sched. A, s. 323 (15).

Restored taxes payable

[\(16\)](#) Taxes restored to the tax roll for a year, after a tax bill is sent to the person liable for the taxes, are payable,

- (a) as part of the next instalment of taxes payable in that year; or
- (b) if no instalment remains payable in that year or the tax bill is not sent until the following year, on the 22nd day after the tax bill is sent. 2006, c. 11, Sched. A, s. 323 (16).

Decision final

[\(17\)](#) A decision of the Assessment Review Board is final. 2006, c. 11, Sched. A, s. 323 (17).

Notice of decision

[\(18\)](#) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the assessment corporation but failure to comply with this requirement does not invalidate the proceedings taken under this section. 2006, c. 11, Sched. A, s. 323 (18).

[324.](#) Repealed: 2006, c. 34, Sched. D, s. 95.

Overcharges

[325. \(1\)](#) Upon application to the city treasurer made in accordance with this section, the City may cancel, reduce or refund all or part of the taxes levied on land in one or both of the two years preceding the year in which the application is made for any overcharge caused by a gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property. 2006, c. 11, Sched. A, s. 325 (1).

Application

[\(2\)](#) An application may only be made by the owner of the land or by another person described in subsection 323 (2). 2006, c. 11, Sched. A, s. 325 (2).

Timing

[\(3\)](#) An application must be filed with the treasurer between March 1 and December 31 of a year and may apply to taxes levied for one or both of the two years preceding the year in which the application is made and the application shall indicate to which year or years it applies. 2006, c. 11, Sched. A, s. 325 (3).

Exception

[\(4\)](#) Despite subsection (3), if the assessment corporation extends the time for the return of the assessment roll under subsection 36 (2) of the *Assessment Act*, an application shall not be made until at least 61 days after the return. 2006, c. 11, Sched. A, s. 325 (4).

Restriction

[\(5\)](#) Despite subsection (3), an application shall not be made for taxes levied in a year if the assessment on the land for that year was subject to an appeal or application under section 40 or 46 of the *Assessment Act* unless,

- (a) the error is made subsequent to the commencement of all appeals or applications;
- (b) the appeal or application,
 - (i) is made by a person other than the taxpayer,
 - (ii) is withdrawn before the appeal or application is actually heard,
 - (iii) is made in respect of a change to or the addition of the school support of the taxpayer on or to the assessment roll, or
 - (iv) is made in respect of a change to the name or mailing address of the taxpayer on the assessment roll; or
- (c) the appeal or application is in a prescribed class of appeals or applications. 2008, c. 7, Sched. C, s. 5 (1).

Copy to be provided

[\(6\)](#) The treasurer shall send a copy of the application to the assessment corporation and the registrar of the Assessment Review Board. 2006, c. 11, Sched. A, s. 325 (6).

Confirmation

(7) An application shall not be heard by council under subsection (9) unless the assessment corporation confirms an error in the assessment referred to in the application. 2006, c. 11, Sched. A, s. 325 (7).

Notice

(8) If an application is not valid under subsection (5), the treasurer shall notify the applicant in writing of the reasons it is not valid. 2006, c. 11, Sched. A, s. 325 (8).

Meeting

(9) On or before September 30 of the year following the year in which the application is made, council shall,

- (a) hold a meeting at which the applicant may make representations to council;
- (b) notify the applicant of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision. 2006, c. 11, Sched. A, s. 325 (9).

Notice

(10) Within 14 days after making its decision, council shall notify the applicant of the decision. 2006, c. 11, Sched. A, s. 325 (10).

Delegation of power

(11) The council may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under subsections (1) and (9) with respect to applications made under subsection (1) and subsections (7) and (8) do not apply to these applications. 2006, c. 11, Sched. A, s. 325 (11).

Copy to be provided

(12) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (11). 2006, c. 11, Sched. A, s. 325 (12).

Regulations

(13) The Minister of Municipal Affairs and Housing may make regulations prescribing classes of appeals or applications for the purpose of clause (5) (c). 2008, c. 7, Sched. C, s. 5 (2).

Decision final

(14) A decision of the Assessment Review Board under this section is final. 2006, c. 11, Sched. A, s. 325 (14).

Copy of decision

(15) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the assessment corporation, but failure to comply with this requirement does not invalidate the proceedings taken under this section. 2006, c. 11, Sched. A, s. 325 (15).

Increase of taxes

[326. \(1\)](#) Upon application made by the city treasurer, the City may increase the taxes levied on land in the year in respect of which the application is made to the extent of any undercharge caused by a gross or manifest error that is a clerical or factual error, including the transposition of figures, a typographical error or similar error, but not an error in judgement in assessing the land. 2006, c. 11, Sched. A, s. 326 (1).

Exception

[\(2\)](#) An application cannot be made under subsection (1) if the treasurer has issued a tax statement under section 317 with respect to the taxes before notice is given under clause (4) (b). 2006, c. 11, Sched. A, s. 326 (2).

Deadline

[\(3\)](#) An application under this section must be made on or before December 31 of the year following the year in respect of which the application is made. 2006, c. 11, Sched. A, s. 326 (3).

Meeting

[\(4\)](#) Council shall,

- (a) hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council;
- (b) notify the treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision. 2006, c. 11, Sched. A, s. 326 (4).

Notice

[\(5\)](#) Within 14 days after making its decision, council shall notify the treasurer and the person in respect of whom the application is made of the decision and specify the last day for appealing the decision. 2006, c. 11, Sched. A, s. 326 (5).

Appeal

[\(6\)](#) Within 35 days after council makes its decision, the person in respect of whom the application is made may appeal the decision of council to the Assessment Review Board by filing a notice of appeal with the registrar of the board. 2006, c. 11, Sched. A, s. 326 (6).

Notice

[\(7\)](#) The Assessment Review Board shall notify the appellant and the city treasurer of the hearing by mail sent at least 14 days before the hearing. 2006, c. 11, Sched. A, s. 326 (7).

Decision

[\(8\)](#) The Assessment Review Board shall hear the appeal and may make any decision that council could have made. 2006, c. 11, Sched. A, s. 326 (8).

Delegation of power

[\(9\)](#) The council may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under subsections (1) and (4) with respect to

applications made under subsection (1). 2006, c. 11, Sched. A, s. 326 (9).

Non-application

[\(10\)](#) Subsections (5), (6), (7) and (8) do not apply to applications made under subsection (1) if a delegation by-law under subsection (9) is in force on the day the application is made. 2006, c. 11, Sched. A, s. 326 (10).

Copy to be provided

[\(11\)](#) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (9) and a copy of every application received to which the by-law applies. 2006, c. 11, Sched. A, s. 326 (11).

Decision final

[\(12\)](#) A decision of the Assessment Review Board under this section is final. 2006, c. 11, Sched. A, s. 326 (12).

Adjustment of tax roll

[\(13\)](#) Immediately after a decision of council or the Assessment Review Board, the city treasurer shall adjust the tax roll to reflect any increase of taxes on the land made by the decision. 2006, c. 32, Sched. B, s. 63.

When tax payable

[\(13.1\)](#) Once the tax roll is adjusted, the amount of the increase of taxes is deemed to have been always levied in accordance with the adjusted tax roll except the amount is not payable until 21 days after the day the city treasurer sends a tax bill to the taxpayer with respect to the amount. 2006, c. 32, Sched. B, s. 63.

Overcharges

[\(13.2\)](#) If a decision of council under this section is appealed and the Assessment Review Board determines there is an overcharge of taxes on the land,

- (a) the City shall refund the overpayment, if any; and
- (b) subsections 310 (6) to (11) apply with necessary modifications to the overcharges. 2006, c. 32, Sched. B, s. 63.

Notice

[\(14\)](#) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the assessment corporation but failure to comply with this requirement does not invalidate the proceedings taken under this section. 2006, c. 11, Sched. A, s. 326 (14).

Error in calculating taxes

[327. \(1\)](#) Despite paragraph 1 of subsection 291 (2), upon application made by the city treasurer, the City may, if it is satisfied that there was an error in the calculation of taxes on land under Part XII (Limits on Traditional Municipal Taxes), under Part IX of the *Municipal Act, 2001* or under Part XXII.1, XXII.2 or XXII.3 of the old *Municipal Act*, authorize the use

of an amount of taxes referred to in paragraph 1 of subsection 291 (2) for the year in which the application is made which reflects what the taxes would have been on the land for the previous year if the error had not been made. 2006, c. 11, Sched. A, s. 327 (1).

Meeting

- (2) Before making a decision under subsection (1), council shall,
- (a) hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council; and
 - (b) notify the treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting. 2006, c. 11, Sched. A, s. 327 (2).

Notice

(3) Within 14 days after making its decision, the council shall notify the treasurer and the person in respect of whom the application is made of the decision. 2006, c. 11, Sched. A, s. 327 (3).

Appeal

(4) Subsections 326 (6), (7) and (8) apply to a decision of a council under this section, with necessary modifications. 2006, c. 11, Sched. A, s. 327 (4).

No authority to change previous year's taxes

(5) Nothing in this section authorizes the City to change the taxes levied on land for a previous year. 2006, c. 11, Sched. A, s. 327 (5).

Regulation

328. For the purpose of sections 323, 325 and 326, the Minister of Municipal Affairs and Housing may by regulation define "gross or manifest error". 2006, c. 11, Sched. A, s. 328.

Rebates for charities

329. (1) The City shall have a tax rebate program for eligible charities for the purposes of giving them relief from taxes or amounts paid on account of taxes on eligible property they occupy. 2006, c. 11, Sched. A, s. 329 (1).

Eligible charities, property

- (2) For the purposes of this section,
- (a) a charity is eligible if it is a registered charity as defined in subsection 248 (1) of the *Income Tax Act* (Canada) that has a registration number issued by the Canada Revenue Agency;
 - (b) a property is eligible if it is in one of the commercial classes or industrial classes, within the meaning of subsection 275 (1). 2006, c. 11, Sched. A, s. 329 (2).

Program requirements

- (3) A tax rebate program under this section is subject to the following requirements:
1. The program must provide for a rebate for an eligible charity that pays taxes or

amounts on account of taxes on eligible property it occupies.

2. The amount of a rebate required under paragraph 1 must be at least 40 per cent, or such other percentage as the Minister of Finance may prescribe, of the taxes or amounts on account of taxes paid by the eligible charity on the property it occupies. If the eligible charity is required to pay an amount under section 337 or 338, the amount of the rebate shall be the total of the amounts paid by the eligible charity under those sections.
3. The program must provide that payment of one-half of the rebate must be made within 60 days after the receipt by the City of the application of the eligible charity for the rebate for the taxation year and the balance of the rebate must be paid within 120 days of the receipt of the application.
4. The program must permit the eligible charity to make an application for a rebate for a taxation year based on an estimate of the taxes or amounts on account of taxes payable by the eligible charity on the property it occupies.
5. The program must provide for final adjustments, to be made after the taxes or amounts on account of taxes paid by the charity can be determined, in respect of differences between the estimated rebate paid by the City and the rebate to which the charity is entitled.
6. The program must require, as a condition of receiving a rebate for a year, that a charity repay any other municipality amounts by which the rebates the charity received for the year from that other municipality exceed the rebates from that other municipality to which the charity is entitled for the year.
7. An application for a taxation year must be made after January 1 of the year and no later than the last day of February of the following year. However, the City may accept applications after that deadline if, in the opinion of the City, extenuating circumstances justify the applicant being unable to make the application by the deadline. 2006, c. 11, Sched. A, s. 329 (3); 2009, c. 33, Sched. 21, s. 4 (22).

Program options

(4) The following apply with respect to what a tax rebate program under this section may provide but is not required to provide:

1. The program may provide for rebates to organizations that are similar to eligible charities or a class of such organizations defined by the City.
2. The program may provide for rebates to eligible charities or similar organizations for taxes or amounts on account of taxes on property that is in any class of real property prescribed under the *Assessment Act*.
3. The program may provide for rebates that are greater than those required under subsection (3) and may provide for different rebate amounts for different eligible charities or similar organizations up to 100 per cent of the taxes paid by the eligible

charity or similar organization.

4. The program may provide for adjustments in respect of the rebates for a year to be deducted from amounts payable in the next year for the next year's rebates. 2006, c. 11, Sched. A, s. 329 (4).

Procedural requirements

(5) The program may include procedural requirements that must be satisfied for an eligible charity to be entitled to a rebate required under subsection (3). 2006, c. 11, Sched. A, s. 329 (5).

Sharing amounts of rebates

(6) The amount of a rebate paid under this section on a property shall be shared by the City and school boards that share in the revenue from the taxes on the property in the same proportion as the City and school boards share in those revenues. 2006, c. 11, Sched. A, s. 329 (6).

Statement of costs shared by school boards

(7) If the City gives a rebate to a charity or similar organization, the City shall also give the charity or similar organization a written statement of the proportion of the costs of the rebate that is shared by school boards. 2006, c. 11, Sched. A, s. 329 (7).

Interest

(8) The City shall pay interest, at the same rate of interest that applies under subsection 257.11 (4) of the *Education Act*, on the amount of any rebate to which the eligible charity is entitled under this section if the City fails to rebate or credit the amount within the time specified in paragraph 3 of subsection (3) or within such other time as the Minister of Finance may prescribe. 2006, c. 11, Sched. A, s. 329 (8).

No fee

(9) Despite this Act, no fee may be charged by the City to process an application under this section. 2006, c. 11, Sched. A, s. 329 (9).

Change of assessment

(10) The following apply if the assessment of an eligible property for a year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act or an application under section 46 of that Act:

1. A rebate under subsection (3) with respect to the year shall be redetermined using the new taxes on property for the year based on the new assessment.
2. If, as a result of a redetermination under paragraph 1, the amount of the rebate is increased, the increased amount shall be paid to the eligible charity in accordance with this section.
3. If, as a result of a redetermination under paragraph 1, the amount of the rebate is decreased and amounts paid on account of the rebate exceed the redetermined amount of the rebate, the excess payments are a debt due to the City, but the City

shall not take any action to collect the debt, including the imposition of interest, until 120 days after providing the eligible charity with notice of the debt. 2006, c. 11, Sched. A, s. 329 (10); 2008, c. 7, Sched. C, s. 6.

Regulations

- [\(11\)](#) The Minister of Finance may make regulations,
- (a) governing programs under this section, including prescribing additional requirements for the programs;
 - (b) governing procedural requirements the programs must include;
 - (c) prescribing a percentage for the purpose of paragraph 2 of subsection (3);
 - (d) prescribing a time period for the purpose of subsection (8). 2006, c. 11, Sched. A, s. 329 (11).

Definition

- [\(12\)](#) In this section,
- “tax” includes,
- (a) charges that are imposed under section 208 of the *Municipal Act, 2001* by virtue of the operation of subsection 429 (2) of this Act, and
 - (b) fees and charges, other than charges described in clause (a), that are imposed under this Act and satisfy the conditions set out in paragraphs 1, 2 and 3 of subsection (13). 2006, c. 32, Sched. B, s. 64.

Same

[\(13\)](#) The conditions referred to in clause (b) of the definition of “tax” in subsection (12) are:

1. The fees and charges are imposed to raise an amount for at least one of the following purposes:
 - i. Promotion of an area as a business or shopping area.
 - ii. Improvement, beautification and maintenance of City-owned land, buildings and structures in the area beyond that provided at the City’s expense generally.
 - iii. Interest payable by the City on money it borrows for the purposes of subparagraph i or ii.
2. The fees and charges are imposed on owners of land that is included in the commercial or industrial classes within the meaning of subsection 275 (1).
3. The fees and charges have priority lien status and are added to the tax roll. 2006, c. 32, Sched. B, s. 64.

Tax reductions

[330. \(1\)](#) The City may by by-law passed in the year to which it relates, provide for tax

reductions for owners of all or part of the eligible amount on properties in the property classes described in subsection (2) that are designated in the by-law. 2006, c. 11, Sched. A, s. 330 (1); 2009, c. 33, Sched. 21, s. 4 (23).

Property classes

(2) The property classes referred to in subsection (1) are the property classes that are subject to Part XII (Limits on Traditional Municipal Taxes) and the by-law may treat different property classes differently. 2006, c. 11, Sched. A, s. 330 (2).

Reductions on the tax roll

(3) Tax reductions under a by-law under subsection (1) shall be given through adjustments made to the tax roll for the property for the taxation year. 2006, c. 11, Sched. A, s. 330 (3).

Reductions not limited by s. 82

(4) Section 82 does not apply with respect to tax reductions under a by-law under subsection (1). 2006, c. 11, Sched. A, s. 330 (4).

Regulations

(5) The Minister of Finance may make regulations governing by-laws under subsection (1) and the reductions provided under those by-laws. 2009, c. 33, Sched. 21, s. 4 (24).

Definition

(6) In this section,

“eligible amount” means, in relation to a property, the amount by which the taxes for the year, but for the application of Part XII (Limits on Traditional Municipal Taxes), exceed the taxes determined under section 291. 2006, c. 11, Sched. A, s. 330 (6).

Vacant unit rebate

331. (1) The City shall have a program to provide tax rebates to owners of property that has vacant portions if that property is in any of the commercial classes or industrial classes, as defined in subsection 275 (1). 2006, c. 11, Sched. A, s. 331 (1).

Requirements of program

(2) A tax rebate program under this section must meet the following requirements:

1. The program shall apply to eligible property as prescribed by the Minister of Finance for the purposes of this section.
2. If the property is in any of the commercial classes, the rebate shall be equal to 30 per cent of the taxes applicable to the eligible property, as determined under clause (12) (b).
3. If the property is in any of the industrial classes, the rebate shall be equal to 35 per cent of the taxes applicable to the eligible property, as determined under clause (12) (b).
4. An application may be made by or on behalf of the owner.

5. The application shall be made to the City by the last day of February of the year following the taxation year in respect of which the application is made or such later date as the Minister of Finance may prescribe, either before or after the expiry of the time limit.
6. Unless otherwise prescribed by the Minister of Finance, an owner or a person on behalf of the owner shall submit one application for a taxation year, except that an interim application may be made for the first six months of the taxation year. 2006, c. 11, Sched. A, s. 331 (2).

Mixed use

(3) If a portion of a property is classified on the assessment roll in any of the commercial classes and another portion of the property is classified in any of the industrial classes, the portion classified in the commercial classes is deemed to be one property and the portion classified in the industrial classes is deemed to be another property for the purposes of this section. 2006, c. 11, Sched. A, s. 331 (3).

If single percentage established

(4) If the City has established a single percentage for a year under subsection 278 (4), that percentage applies for the year rather than the percentage set out in paragraph 2 or 3 of subsection (2), as the case may be. 2006, c. 11, Sched. A, s. 331 (4).

Evidentiary requirements

(5) The program may include evidentiary requirements that must be satisfied for the owner to be entitled to a rebate under this section. 2006, c. 11, Sched. A, s. 331 (5).

Right of access

(6) For the purposes of verifying an application made under this section, an employee of the City or a person designated by the City, upon producing proper identification, shall at all reasonable times and upon reasonable request be given free access to all property referred to in the application made under this section. 2006, c. 11, Sched. A, s. 331 (6).

Information

(7) Every adult person present on the property when the person referred to in subsection (6) visits the property in the performance of his or her duties shall give the person all the information within his or her knowledge that will assist the person to determine the proper amount of the rebate payable under this section. 2006, c. 11, Sched. A, s. 331 (7).

Request for information

(8) For the purposes of determining the proper amount of any rebate payable under this section, the City may, by letter sent by mail, served personally or delivered by courier, require the owner or manager of a property referred to in an application under this section to provide any relevant information or produce any relevant records within such reasonable time as is set out in the letter. 2006, c. 11, Sched. A, s. 331 (8).

Return of information

(9) A person who receives a letter under subsection (8) shall, within the time set out in

the letter, provide to the City all the information that is within the person's knowledge and produce all of the records required that are within the person's possession or control. 2006, c. 11, Sched. A, s. 331 (9).

Offence

[\(10\)](#) Every person who is required to provide information under this section and who defaults in doing so is guilty of an offence and on conviction is liable to a fine of \$100 for each day during which the default continues. 2006, c. 11, Sched. A, s. 331 (10).

Sharing costs of rebates

[\(11\)](#) The amount of a tax rebate with respect to a property shall be shared by the City and the school boards that share in the revenue from the taxes on the property in the same proportion as the City and school boards share in those revenues. 2006, c. 11, Sched. A, s. 331 (11).

Regulations

- [\(12\)](#) The Minister of Finance may make regulations,
- (a) prescribing the requirements for a property or portion of a property to be eligible property;
 - (b) respecting how to determine the amount of tax to which the percentages specified in paragraphs 2 and 3 of subsection (2) are to be applied;
 - (c) respecting the determination of the value of eligible property by the assessment corporation;
 - (d) prescribing the number or frequency of applications under paragraph 6 of subsection (2);
 - (e) governing programs under this section, including prescribing additional requirements for those programs, and governing the procedural requirements that those programs must include;
 - (f) prescribing a date for the purposes of subsections (2), (15) and (20). 2006, c. 11, Sched. A, s. 331 (12).

Rebate to include credit

[\(13\)](#) The City may credit all or part of the amount of the tax rebate owing to an outstanding tax liability of the owner. 2006, c. 11, Sched. A, s. 331 (13).

Complaint

[\(14\)](#) A person who has made an application under this section may, within 120 days after the City mails the determination of the amount of the rebate, complain to the Assessment Review Board in writing that the amount is too low. 2006, c. 11, Sched. A, s. 331 (14).

Same, if no determination of rebate

[\(15\)](#) If the City fails to mail the determination of the amount of the rebate to the applicant within 120 days of the receipt of the application or such later date as the Minister of

Finance may prescribe, the applicant may complain in writing to the Assessment Review Board. 2006, c. 11, Sched. A, s. 331 (15).

Determination by the Board

(16) In a complaint under subsection (14) or (15), the Assessment Review Board shall determine the amount of any rebate owing to the applicant. 2006, c. 11, Sched. A, s. 331 (16).

Same

(17) Section 40 of the *Assessment Act* applies to a complaint under subsection (14), (15) or (24) as if it were an appeal under subsection 40 (1) of that Act, except that the assessment corporation shall not be a party for the purposes of subsection 40 (11) of that Act. 2008, c. 7, Sched. C, s. 7.

Appeal to Divisional Court

(18) Section 43.1 of the *Assessment Act* applies to a decision of the Assessment Review Board. 2006, c. 11, Sched. A, s. 331 (18).

Offence

(19) Any person who knowingly makes a false or deceptive statement in an application made to the City or in any other document submitted to the City under this section is guilty of an offence and is liable on conviction to a fine of not more than an amount that is twice the amount of the rebate obtained or sought to be obtained by the false or deceptive statement except that the fine shall not be less than \$500. 2006, c. 11, Sched. A, s. 331 (19).

Interest

(20) The City shall pay interest, at the same rate of interest that applies under subsection 257.11 (4) of the *Education Act*, on the amount of any rebate to which the applicant is entitled under this section if the City fails to rebate or credit such amount within 120 days, or such later date as the Minister of Finance may prescribe, of the receipt of the application or interim application. 2006, c. 11, Sched. A, s. 331 (20).

No fee

(21) Despite this Act, no fee may be imposed by the City to process an application made under this section. 2006, c. 11, Sched. A, s. 331 (21).

Recovery

(22) If a rebate is paid under this section and the City determines that the rebate or any portion of the rebate has been paid in error, the City may notify the owner of the property in respect of which the rebate was made of the amount of the overpayment and upon so doing the amount shall have priority lien status and shall be added to the tax roll. 2006, c. 11, Sched. A, s. 331 (22).

Time limitation

(23) Subsection (22) does not apply unless the City notifies the owner within two years after the application with respect to which the overpayment relates was made. 2006, c. 11, Sched. A, s. 331 (23).

Complaint

[\(24\)](#) The owner of the property to whom the City sends a notification under subsection (22) may, within 90 days of its receipt, complain to the Assessment Review Board in writing that the amount claimed or any part of it was properly payable as a rebate under this section. 2006, c. 11, Sched. A, s. 331 (24).

Definition

[\(25\)](#) In this section,

“tax” has the same meaning as in section 329. 2006, c. 11, Sched. A, s. 331 (25).

Cancellation, reduction or refund of taxes

[332. \(1\)](#) The City may, in any year, pass a by-law to provide for the cancellation, reduction or refund of taxes levied for municipal and school purposes in the year by the City in respect of an eligible property of any person who makes an application in that year to the City for that relief and whose taxes are considered by the City to be unduly burdensome, as defined in the by-law. 2006, c. 11, Sched. A, s. 332 (1).

Sharing costs

[\(2\)](#) The amount of the taxes cancelled, reduced or refunded shall be shared by the City and school boards that share the revenues from the taxes on the property affected by the by-law in the same proportion that the City and school boards share in those revenues. 2006, c. 11, Sched. A, s. 332 (2).

Definition

[\(3\)](#) In this section,

“eligible property” means a property classified in the residential property class, the farm property class or the managed forests property class. 2006, c. 11, Sched. A, s. 332 (3).

Cancellation of taxes, rehabilitation and development period

Definitions

[333. \(1\)](#) In this section,

“community improvement plan” and “community improvement project area” have the same meaning as in subsection 28 (1) of the *Planning Act*; (“plan d’améliorations communautaires”, “zone d’améliorations communautaires”)

“development period” means, with respect to an eligible property, the period of time starting on the date the rehabilitation period ends and ending on the earlier of,

(a) the date specified in the by-law made under subsection (2), or

(b) the date that the tax assistance provided for the property equals the sum of,

(i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and

(ii) the cost of complying with any certificate of property use issued under section

168.6 of the *Environmental Protection Act*; (“période d’aménagement”)

“eligible property” means property for which a phase two environmental site assessment has been conducted,

- (a) that is included under section 28 of the *Planning Act* in a community improvement project area for which a community improvement plan is in effect containing provisions in respect of tax assistance under this section, and
- (b) that, as of the date the phase two environmental site assessment was completed, did not meet the standards that must be met under subparagraph 4 i of subsection 168.4 (1) of the *Environmental Protection Act* to permit a record of site condition to be filed under that subsection in the Environmental Site Registry; (“bien admissible”)

“phase two environmental site assessment” has the same meaning as in Part XV.1 of the *Environmental Protection Act*; (“évaluation environnementale de site de phase II”)

“rehabilitation period” means, with respect to an eligible property, the period of time starting on the date on which the by-law under subsection (2) providing tax assistance for the property is passed and ending on the earliest of,

- (a) the date that is 18 months after the date that the tax assistance begins to be provided,
- (b) the date that a record of site condition for the property is filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
- (c) the date that the tax assistance provided for the property equals the sum of,
 - (i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
 - (ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*; (“période de réhabilitation”)

“tax assistance” means, with respect to an eligible property, the cancellation or deferral of taxes pursuant to a by-law passed under subsection (2). (“aide fiscale”) 2006, c. 11, Sched. A, s. 333 (1); 2006, c. 32, Sched. B, s. 65 (1-3).

By-law to cancel taxes

(2) Subject to subsection (7), the City may pass by-laws providing for the cancellation of all or a portion of the taxes for municipal and school purposes levied on one or more specified eligible properties, on such conditions as the City may determine, and a by-law may apply in respect of the rehabilitation period for a specified property, the development period for a specified property, or both. 2006, c. 32, Sched. B, s. 65 (4).

(3) Repealed: 2006, c. 32, Sched. B, s. 65 (4).

Payment of tax if conditions not met

(4) If the City passes a by-law under subsection (2) and the by-law contains conditions which must be met before tax assistance is provided, the by-law may also provide,

- (a) that all or some of the taxes that are the subject of the tax assistance may be levied but not collected during the period before the City determines whether the conditions have been met; and
- (b) that the taxes shall become payable only upon notice in writing by the City to the owner of the property that the conditions have not been met as required under the by-law. 2006, c. 11, Sched. A, s. 333 (4); 2006, c. 32, Sched. B, s. 65 (5).

Same

(5) A by-law providing that taxes become payable in the circumstances described in subsection (4) may also provide that the interest provisions of a by-law passed under section 310 apply, if the taxes become payable, as if the payment of the taxes had not been deferred. 2006, c. 11, Sched. A, s. 333 (5).

Notice to Minister of Finance

(6) If the City intends to pass a by-law under subsection (2), it shall give the Minister of Finance the following information:

1. A copy of the proposed by-law.
2. An estimate of how much the tax assistance to be provided under the by-law will cost the City.
3. The tax rates currently applicable to the eligible property and its assessment and property class.
4. The taxes currently levied on the eligible property for municipal purposes and for school purposes.
5. Such other information as may be prescribed by the Minister of Finance. 2006, c. 11, Sched. A, s. 333 (6); 2006, c. 32, Sched. B, s. 65 (6).

Agreement of Minister of Finance

(7) A by-law under subsection (2) does not apply to taxes for school purposes unless, before the by-law is passed, it is approved in writing by the Minister of Finance and, in giving approval, the Minister may require that the by-law contain such conditions or restrictions with respect to taxes for school purposes as he or she considers appropriate. 2006, c. 11, Sched. A, s. 333 (7); 2006, c. 32, Sched. B, s. 65 (7).

Copy of by-law to be given

(8) If the City passes a by-law under subsection (2), it shall, within 30 days, give a copy of the by-law to the Minister of Finance and to the Minister of Municipal Affairs and Housing. 2006, c. 11, Sched. A, s. 333 (8); 2006, c. 32, Sched. B, s. 65 (8).

Application by owner of an eligible property

(9) The owner of an eligible property may apply to the City to receive tax assistance

and shall provide to the City such information as the City may require. 2006, c. 11, Sched. A, s. 333 (9).

Approval by City

(10) Upon approval of an application made under subsection (9), the City shall advise the owner of the eligible property of the commencement date of the tax assistance and provide the owner with an estimate of the maximum amount of the tax assistance. 2006, c. 11, Sched. A, s. 333 (10); 2006, c. 32, Sched. B, s. 65 (9).

(11), (12) Repealed: 2006, c. 32, Sched. B, s. 65 (10).

Tax cancellation for portion of a year

(13) If the tax assistance provided with respect to a property under this section is for a portion of a taxation year, the amount of the tax assistance shall apply only to that portion of the year, and the taxes otherwise payable shall apply to the other portion of the year. 2006, c. 11, Sched. A, s. 333 (13).

Sharing costs, if by-law under subs. (2)

(14) If a by-law is passed under subsection (2) by the City, the amount of the tax assistance shall be shared by the City and the school boards that share in the revenues from the taxes on the property affected by the by-law in the same proportion that tax assistance is provided under the by-law. 2006, c. 11, Sched. A, s. 333 (14).

Where by-law does not apply to taxes for school purposes

(15) Despite subsection (14), if a by-law made under subsection (2) does not apply to taxes for school purposes, the amount of the tax assistance does not affect the amount of taxes for school purposes to be paid to the school boards. 2006, c. 11, Sched. A, s. 333 (15).

(16), (17) Repealed: 2006, c. 32, Sched. B, s. 65 (10).

Refund or credit

(18) In providing tax assistance for an eligible property, the City may,

- (a) refund the taxes to the extent required to provide the tax assistance, if the taxes have been paid; or
- (b) credit the amount to be refunded to an outstanding tax liability of the owner of the eligible property with respect to the property, if the taxes have not been paid. 2006, c. 11, Sched. A, s. 333 (18); 2006, c. 32, Sched. B, s. 65 (11).

Tax roll

(19) The treasurer of the City shall alter the tax roll to reflect the tax assistance provided for an eligible property. 2006, c. 32, Sched. B, s. 65 (12).

Notice to City

(20) If the owner of an eligible property files a record of site condition with respect to the property in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, the owner shall, within 30 days, notify the City of the filing and, within 30 days after receiving the notice, the City shall advise the Minister of Finance of the filing.

2006, c. 11, Sched. A, s. 333 (20).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (20) is repealed by the Statutes of Ontario, 2007, chapter 7, Schedule 4, section 2 and the following substituted:

Notice to City

[\(20\)](#) The owner of an eligible property in respect of which a record of site condition has been filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act* shall, within 30 days after the record of site condition is filed, notify the City of the filing and the City shall, within 30 days after receiving the notice, advise the Minister of Finance of the filing. 2007, c. 7, Sched. 4, s. 2.

See: 2007, c. 7, Sched. 4, ss. 2, 3 (2).

Effect of repeal or amendment of by-law

[\(21\)](#) The City may repeal or amend a by-law passed under subsection (2) with respect to a particular eligible property, but the repeal or amendment does not extinguish a right to tax assistance under the by-law unless the owner of the property consents in writing to the repeal or amendment. 2006, c. 32, Sched. B, s. 65 (12).

Application of provisions

[\(22\)](#) Subsections (6), (7) and (8) apply, with necessary modifications, to the amendment of a by-law passed under subsection (2), and subsection (8) applies, with necessary modifications, to the repeal of a by-law passed under subsection (2). 2006, c. 11, Sched. A, s. 333 (22); 2006, c. 32, Sched. B, s. 65 (13).

Regulations

[\(23\)](#) The Minister of Municipal Affairs and Housing may make regulations governing by-laws under subsection (2). 2006, c. 11, Sched. A, s. 333 (23); 2006, c. 32, Sched. B, s. 65 (14).

Regulations by Minister of Finance

[\(24\)](#) The Minister of Finance may make regulations prescribing information for the purposes of paragraph 5 of subsection (6). 2006, c. 32, Sched. B, s. 65 (15).

Application

[\(25\)](#) This section applies to the portion of the taxation year remaining in the taxation year in which this section comes into force and to subsequent taxation years. 2006, c. 11, Sched. A, s. 333 (25).

Tax reduction for heritage property

[334. \(1\)](#) Despite section 82, the City may establish a program to provide tax reductions or refunds in respect of eligible heritage property. 2006, c. 11, Sched. A, s. 334 (1).

Definition

[\(2\)](#) In this section,

“eligible heritage property” means a property or portion of a property,

- (a) that is designated under Part IV of the *Ontario Heritage Act* or is part of a heritage conservation district under Part V of the *Ontario Heritage Act*,
- (b) that is subject to,
 - (i) an easement agreement with the City under section 37 of the *Ontario Heritage Act*,
 - (ii) an easement agreement with the Ontario Heritage Foundation under section 22 of the *Ontario Heritage Act*, or
 - (iii) an agreement with the City respecting the preservation and maintenance of the property, and
- (c) that complies with any additional eligibility criteria set out in the by-law passed under this section by the City. 2006, c. 11, Sched. A, s. 334 (2).

Amount of tax reduction

(3) The amount of the tax reduction or refund provided by the City in respect of an eligible heritage property must be between 10 and 40 per cent of the taxes for municipal and school purposes levied on the property that are attributable to,

- (a) the building or structure or portion of the building or structure that is the eligible heritage property; and
- (b) the land used in connection with the eligible heritage property, as determined by the City. 2006, c. 11, Sched. A, s. 334 (3).

By-law requirements

(4) In a by-law under this section, the City,

- (a) must specify a percentage that satisfies the requirements of subsection (3) that will be used in calculating the amount of the tax reduction or refund to be provided in respect of eligible heritage properties;
- (b) may specify different percentages of tax that satisfy the requirements of subsection (3) for different property classes or different types of properties within a property class;
- (c) may specify a minimum or maximum amount of taxes for a year to be reduced or refunded under the by-law;
- (d) may specify additional criteria that must be satisfied in order for a property to qualify as an eligible heritage property and may specify different criteria for properties in different property classes;
- (e) may establish procedures for applying for a tax reduction or refund for one or more years. 2006, c. 11, Sched. A, s. 334 (4).

Notice to Minister of Finance

(5) The City shall deliver a copy of a by-law under this section to the Minister of Finance within 30 days after the by-law is passed. 2006, c. 11, Sched. A, s. 334 (5).

Sharing of tax reduction or refund

(6) The amount of the tax reduction or refund must be shared by the City and the school boards in the same proportion that they share in the revenue from taxes from the properties to which the tax reduction or refund relates. 2006, c. 11, Sched. A, s. 334 (6).

Application

(7) The following rules apply if the City passes a by-law under this section:

1. An owner of an eligible heritage property in the City may obtain the tax reduction or refund for a year if the owner applies to the City not later than the last day of February in the year following the first year for which the owner is seeking to obtain the tax reduction or refund.
2. The City may, in the by-law, require owners of eligible heritage properties to submit applications for the tax reduction or refund in one or more years following the year of initial application. 2006, c. 11, Sched. A, s. 334 (7).

Apportionment by assessment corporation

(8) The City may request information from the assessment corporation concerning the portion of a property's total assessment that is attributable to the building or structure or portion of the building or structure that is eligible heritage property and the land used in connection with it. 2006, c. 11, Sched. A, s. 334 (8).

Same

(9) The assessment corporation shall provide the information requested by the City under subsection (8) within 90 days after receiving the request. 2006, c. 11, Sched. A, s. 334 (9).

Application against outstanding tax liability

(10) The City may apply all or part of the amount of a tax reduction or refund in respect of an eligible heritage property against any outstanding tax liability in respect of the property. 2006, c. 11, Sched. A, s. 334 (10).

Owner may retain benefit

(11) An owner of an eligible heritage property may retain the benefit of any tax reduction or refund obtained under this section, despite the provisions of any lease or other agreement relating to the property. 2006, c. 11, Sched. A, s. 334 (11).

Penalty

(12) If the owner of an eligible heritage property demolishes the property or breaches the terms of an agreement described in clause (b) of the definition of "eligible heritage property" in subsection (2), the City may require the owner to repay part or all of any tax reductions or refunds provided to the owner for one or more years under a by-law under this section. 2006, c. 11, Sched. A, s. 334 (12).

Interest

[\(13\)](#) The City may require the owner to pay interest on the amount of any repayment required under subsection (12), at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the *Bank Act* (Canada), calculated from the date or dates the tax reductions or refunds were provided. 2006, c. 11, Sched. A, s. 334 (13).

Sharing of repayment

[\(14\)](#) Any amount paid under subsection (12) or (13) to the City in respect of a property must be shared by the City and school boards that share in the revenue from taxes on the property, in the same proportion that they shared in the cost of the tax reduction or refund on the property under this section. 2006, c. 11, Sched. A, s. 334 (14).

Collection remedies

[\(15\)](#) Sections 314 and 315 apply in respect of an amount owing under subsection (12) or (13). 2006, c. 11, Sched. A, s. 334 (15).

Regulations

[\(16\)](#) The Minister of Finance may make regulations,

- (a) governing by-laws under this section, including procedures for a tax reduction or refund;
- (b) governing the provision of tax reductions or refunds under by-laws passed under this section, including the establishment of deadlines for payments of refunds by the City. 2006, c. 11, Sched. A, s. 334 (16).

Change of assessment

[335.](#) If the assessment of a property for a year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act or an application under section 46 of that Act, tax relief provided under sections 283, 310, 323, 325, 330, 331, 332, 333 and 334 and tax increases provided under section 326 shall be redetermined using the new taxes on property for the year based on the new assessment and the tax roll for the year shall be amended to reflect the determination. 2006, c. 11, Sched. A, s. 335; 2008, c. 7, Sched. C, s. 8.

Federal Crown land

[336. \(1\)](#) If the Crown in right of Canada owns or has an interest in land, the Crown may, with the consent of the City, pay to the City an amount in lieu of taxes or charges for specific municipal services which a tenant or user of the land would otherwise be required to pay. 2006, c. 11, Sched. A, s. 336 (1).

Interpretation

[\(2\)](#) Specific municipal services in subsection (1) do not include the right to attend a school. 2006, c. 11, Sched. A, s. 336 (2).

Where payment accepted

[\(3\)](#) If the City accepts a payment under this section,

- (a) the taxes or charges in respect of which the payment was made are deemed to be paid in full;
- (b) the amount paid in lieu of taxes shall be distributed to any body for which the City is required by law to levy taxes or raise money as if the taxes had been levied and collected in the usual way; and
- (c) subject to clause (b), the payment shall be credited to the general funds of the City. 2006, c. 11, Sched. A, s. 336 (3).

Gross leases (property taxes)

337. (1) This section applies with respect to a lease of all or part of a property if all the following are satisfied:

1. The lease was entered into on or before June 11, 1998. A lease entered into on or before June 11, 1998 that is renewed or extended after that day continues to satisfy this paragraph only if, at the time of the renewal or extension, the landlord did not have the right to renegotiate the rent under the lease.
2. The tenant is not required under the lease to pay any part of the property taxes on the property.
3. The property, or a portion of it, is in a property class that is one of the commercial classes or industrial classes within the meaning of subsection 275 (1).
4. For a lease entered into after January 16, 1997 and on or before June 11, 1998, the parties to the lease did not take into account, in determining the rent and other consideration paid to the landlord, that business taxes imposed on persons carrying on business on properties would be eliminated in 1998. 2006, c. 11, Sched. A, s. 337 (1).

Requirement to pay an amount

(2) The landlord may require the tenant to pay an amount, not exceeding the maximum amount under subsection (3), in respect of the property taxes on the property for a year. 2006, c. 11, Sched. A, s. 337 (2).

Maximum amount

(3) The maximum amount the tenant may be required to pay shall be determined in accordance with the following:

$$\text{Maximum amount} = \text{Property Taxes} \times \frac{\text{1997 Assessment (tenant)}}{\text{1997 Assessment (landlord)}} \times \text{Business rate factor}$$

where,

“Property taxes” means,

- (a) except as provided in clause (b), the property taxes for the year on the property or, if

only a portion of the property is in one of the commercial classes or industrial classes within the meaning of subsection 275 (1), the property taxes for the year on that portion,

(b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease,

(i) the property taxes for the year described in clause (a) that the landlord is required to pay under the landlord's lease, on the leased premises and any other part of the property in which the landlord acquired an interest under the landlord's lease, or

(ii) the amount the landlord, as the tenant of another person, is required to pay under this section for the year in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord's lease;

“1997 Assessment (tenant)” means the portion of the 1997 Assessment (landlord) apportioned to the leased premises in the assessment roll for 1997, as most recently revised;

“1997 Assessment (landlord)” means,

(a) except as provided in clause (b), the total of the following assessments for the property,

(i) the assessment, as set out in the assessment roll for 1997, as most recently revised, used to determine business assessment,

(ii) the vacant commercial assessment or vacant industrial assessment, as the case may be, as set out in the assessment roll for 1997, as most recently revised, and

(iii) the assessment other than residential assessment, as set out in the assessment roll for 1997, as most recently revised, for a portion of the property occupied by persons not liable to business assessment under the *Assessment Act*,

(b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease, the amount determined under clause (a), but only for assessment in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord's lease;

“Business rate factor” means the business rate factor determined under subsection (9).

2006, c. 11, Sched. A, s. 337 (3).

Reduction if lease for part of the year

(4) If the tenant leases the premises for only part of the year, the maximum amount that the tenant may be required to pay shall be reduced by multiplying the maximum amount by the fraction of the year the tenant leases the premises. 2006, c. 11, Sched. A, s. 337 (4).

Notice

(5) The tenant is not required to pay the landlord an amount unless the landlord gives the tenant a notice in accordance with subsection (7) that the landlord requires the tenant to pay an amount under this section. 2006, c. 11, Sched. A, s. 337 (5).

Amount is additional rent

(6) The amount that a tenant is required to pay is deemed to be additional rent due on the date set out in the notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 337 (6).

Notice requiring payment

(7) The following apply to the notice referred to in subsection (5):

1. The notice must set out,
 - i. the amount the tenant is required to pay and the date it is due,
 - ii. the landlord's calculation of the maximum amount the tenant may be required to pay, and
 - iii. the amount of the property taxes for the property for the year or an estimate of the amount of the property taxes for the property for the year if not yet determined.
2. The notice must be given at least 30 days before the day the amount or the first instalment of the amount the tenant is required to pay is due.
3. The landlord shall provide the tenant with a notice of adjustments, if any, to be made after the taxes for the taxation year have been determined.
4. The notice must be given by September 30 of the taxation year or 30 days after the day the final tax notice for the taxation year is received by the landlord, whichever is later. 2006, c. 11, Sched. A, s. 337 (7).

If notice requires more than the maximum

(8) If the amount that the tenant is required to pay, as set out in the notice referred to in subsection (5), is more than the maximum amount the tenant may be required to pay under this section, the tenant is required to pay that maximum amount, not the amount set out in the notice. 2006, c. 11, Sched. A, s. 337 (8).

Business rate factor

(9) The business rate factor referred to in subsection (3) shall be determined in accordance with the following:

$$\text{Business rate factor} = \frac{\text{Total business assessment (class)}}{\text{Total commercial assessment (class)} + \text{Total business assessment (class)}}$$

where,

“Total business assessment (class)” means the total business assessment in the City, according to the assessment roll for 1997 as most recently revised, for property that, for

1998, is in the same property class the property is in;

“Total commercial assessment (class)” means the total commercial assessment and industrial assessment in the City, according to the assessment roll for 1997 as most recently revised, for property that, for 1998, is in the same property class the property is in.

2006, c. 11, Sched. A, s. 337 (9).

Property classes

(10) For the purposes of subsection (9), the commercial classes, within the meaning of subsection 275 (1), are deemed to be a single property class and the industrial classes, within the meaning of subsection 275 (1), are deemed to be a single property class. 2006, c. 11, Sched. A, s. 337 (10).

City to provide factors

(11) The City shall, on request, provide a person with the business rate factors, determined under subsection (9), for the City. 2006, c. 11, Sched. A, s. 337 (11).

Where s. 295 applies

(12) If section 295 applies to a tenant of leased premises, the maximum amount that the tenant may be required to pay for a taxation year in respect of the leased premises is the tenant’s cap determined under subsection 295 (5) or (6), as the case may be, and not the amount determined under subsection (3). 2006, c. 11, Sched. A, s. 337 (12).

Notices under this section

(13) The following apply with respect to a notice under this section:

1. The notice must be given by personal service or by mail.
 2. If the notice is given by mail, it is deemed to have been given on the day it is mailed.
- 2006, c. 11, Sched. A, s. 337 (13).

Subleases

(14) If the landlord is not the owner of the property but has acquired an interest in the property under a lease and has further sublet the property or a portion of the property, the notice referred to in subsection (5) may be given to the person holding the sublease on or before the day that is 15 days after the landlord is given a valid notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 337 (14).

Definitions

(15) In this section,

“landlord’s lease” means the lease under which the landlord acquired the landlord’s interest in the leased premises; (“propre bail”)

“property class” means a class of real property prescribed under the *Assessment Act*; (“catégorie de biens”)

“property taxes” means taxes under section 277 and taxes for school purposes under the

Education Act. (“impôts fonciers”) 2006, c. 11, Sched. A, s. 337 (15).

Gross leases (business improvement area charges)

338. (1) This section applies with respect to a lease of all or part of a property if,

- (a) all the requirements in paragraphs 1 to 3 of subsection 337 (1) are satisfied; and
- (b) the tenant is not required under the lease to pay any part of the business improvement area charges on the property. 2006, c. 11, Sched. A, s. 338 (1).

Requirement to pay an amount

(2) The landlord may require the tenant to pay an amount, not exceeding the maximum amount under subsection (3), in respect of the business improvement area charges on the property for a year. 2006, c. 11, Sched. A, s. 338 (2).

Maximum amount

(3) The maximum amount the tenant may be required to pay shall be determined in accordance with the following:

$$\text{Maximum amount} = \text{Business improvement area charges} \times \frac{\text{1997 Assessment (tenant)}}{\text{1997 Assessment (landlord)}}$$

where,

“Business improvement area charges” means,

- (a) except as provided in clause (b), the business improvement area charges on the property for the year,
- (b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease,
 - (i) the business improvement area charges for the year that the landlord is required to pay under the landlord’s lease, on the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease, or
 - (ii) the amount the landlord, as the tenant of another person, is required to pay under this section for the year in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease;

“1997 Assessment (tenant)” means the portion of the 1997 Assessment (landlord) apportioned to the leased premises in the assessment roll for 1997, as most recently revised;

“1997 Assessment (landlord)” means,

- (a) except as provided in clause (b), the total of the following assessments for the property,
 - (i) the assessment, as set out in the assessment roll for 1997, as most recently

revised, used to determine business assessment,

- (ii) the vacant commercial assessment or vacant industrial assessment, as the case may be, as set out in the assessment roll for 1997, as most recently revised, and
 - (iii) the assessment other than residential assessment, as set out in the assessment roll for 1997, as most recently revised, for a portion of the property occupied by persons not liable to business assessment under the *Assessment Act*,
- (b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease, the amount determined under clause (a), but only for assessment in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord's lease.

2006, c. 11, Sched. A, s. 338 (3).

Reduction if lease for part of the year

(4) If the tenant leases the premises for only part of the year, the maximum amount that the tenant may be required to pay shall be reduced by multiplying the maximum amount by the fraction of the year the tenant leases the premises. 2006, c. 11, Sched. A, s. 338 (4).

Notice

(5) The tenant is not required to pay the landlord an amount unless the landlord gives the tenant a notice in accordance with subsection (7) that the landlord requires the tenant to pay an amount under this section. 2006, c. 11, Sched. A, s. 338 (5).

Amount is additional rent

(6) The amount that a tenant is required to pay is deemed to be additional rent due on the date set out in the notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 338 (6).

Notice requiring payment

(7) The following apply to the notice referred to in subsection (5):

1. The notice must set out,
 - i. the amount the tenant is required to pay and the date it is due,
 - ii. the landlord's calculation of the maximum amount the tenant may be required to pay, and
 - iii. the amount of the business improvement area charges for the property for the year or an estimate of the amount of the charges for the property for the year if not yet determined.
2. The notice must be given at least 30 days before the day the amount or the first instalment of the amount the tenant is required to pay is due.
3. The landlord shall provide the tenant with a notice of the adjustments, if any, to be made after the business improvement area charges for the taxation year are

determined.

4. The notice must be given by September 30 of the taxation year or 30 days after the day the final tax notice for the taxation year is received by the landlord, whichever is later. 2006, c. 11, Sched. A, s. 338 (7).

If notice requires more than the maximum

[\(8\)](#) If the amount that the tenant is required to pay, set out in the notice referred to in subsection (5), is more than the maximum amount the tenant may be required to pay under this section, the tenant is required to pay that maximum amount, not the amount set out in the notice. 2006, c. 11, Sched. A, s. 338 (8).

Notices under this section

[\(9\)](#) The following apply with respect to a notice under this section:

1. The notice must be given by personal service or by mail.
2. If the notice is given by mail, it is deemed to have been given on the day it is mailed. 2006, c. 11, Sched. A, s. 338 (9).

Subleases

[\(10\)](#) If the landlord is not the owner of the property but has acquired an interest in the property under a lease and has further sublet the property or a portion of the property, the notice referred to in subsection (5) may be given to the person holding the sublease on or before the day that is 15 days after the landlord is given a valid notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 338 (10).

Definitions

[\(11\)](#) In this section,

“business improvement area charges” means the fees and charges described in clauses (a) and (b) of the definition of “tax” in subsection 329 (12); (“redevances d’aménagement commercial”)

“landlord’s lease” means the lease under which the landlord acquired the landlord’s interest in the leased premises. (“propre bail”) 2006, c. 11, Sched. A, s. 338 (11).

Offence

[339.](#) A treasurer, clerk or other officer of the City who refuses or neglects to perform any duty under this Part is guilty of an offence. 2006, c. 11, Sched. A, s. 339.

Holidays

[340.](#) If the time for any proceeding or for the doing of anything in the offices of the City under this Part expires or falls upon a holiday, a Saturday or on any other day when the offices are closed but would ordinarily be open, the time shall be extended to and the thing may be done on the next day when the offices are open which is not a holiday or Saturday. 2006, c. 11, Sched. A, s. 340.

Urban service areas

341. (1) Despite the repeal of sections 14 and 15 of the old *Municipal Act*, any order made under those sections with respect to the City continues to apply and the Ontario Municipal Board may continue to exercise its powers under those sections with respect to urban service areas and other areas existing on December 31, 2002. 2006, c. 11, Sched. A, s. 341 (1).

Special case, dissolution

(2) Despite subsection (1), the City may dissolve an area to which subsection (1) applies without the approval or order of the Ontario Municipal Board and without holding a public hearing. 2006, c. 11, Sched. A, s. 341 (2).

PART XIV SALE OF LAND FOR TAX ARREARS (REAL PROPERTY TAXES)

Non-application re certain taxes

342. This Part does not apply with respect to taxes imposed under Part X (Power to Impose Taxes). 2006, c. 11, Sched. A, s. 342.

Definitions

343. (1) In this Part,

“cancellation price” means an amount equal to all the tax arrears owing at any time in respect of land together with all current real property taxes owing, interest and penalties thereon and all reasonable costs incurred by the City after the treasurer becomes entitled to register a tax arrears certificate under section 344 in a proceeding under this Part or in contemplation of a proceeding under this Part and may include,

- (a) legal fees and disbursements,
- (b) the costs of preparing an extension agreement under section 349,
- (c) the costs of preparing any survey required to register a document under this Part, and
- (d) a reasonable allowance for costs that may be incurred subsequent to advertising under section 350; (“coût d’annulation”)

“environmental site assessment” means an investigation in relation to land to determine the environmental condition of the land, and includes a phase one environmental site assessment or phase two environmental site assessment, both within the meaning of Part XV.1 of the *Environmental Protection Act*; (“évaluation environnementale de site”)

“mobile home” means a dwelling that is designed to be made mobile and that is assessed under the *Assessment Act* as part of the land on which it is situate; (“maison mobile”)

“notice of vesting” means a notice of vesting prepared under section 350 and includes the title conferred by the registration of the notice of vesting; (“avis de dévolution”)

“public sale” means a sale by public auction or public tender conducted in accordance with this Part and the prescribed rules; (“vente publique”)

“real property taxes” means the amount of taxes levied on real property under this Act and the *Education Act* and any amounts owed under the *Drainage Act*, the *Tile Drainage Act* and the *Shoreline Property Assistance Act* with respect to the real property, and includes any amounts deemed to be taxes by or under any other Act and any amounts given priority lien status by or under any Act; (“impôts fonciers”)

“spouse” means spouse as defined in subsection 1 (1) of the *Family Law Act*; (“conjoint”)

“tax arrears” means any real property taxes placed on or added to a tax roll that remain unpaid on January 1 in the year following that in which they were placed on or added to the roll; (“arriérés d’impôts”)

“tax deed” means a tax deed prepared under section 350 and includes the title conferred by the registration of the tax deed. (“acte d’adjudication”) 2006, c. 11, Sched. A, s. 343 (1).

Same

(2) For the purposes of this Part,

“abstract index” and “parcel register” include an instrument received for registration on the day the tax arrears certificate was registered even if the instrument has not been abstracted or entered in the index or register on that day; (“répertoire par lot”, “registre des parcelles”)

“index of executions” means the electronic database that the sheriff maintains for writs of execution. (“répertoire des brefs d’exécution”) 2006, c. 11, Sched. A, s. 343 (2).

Registration of tax arrears certificate

344. (1) Where any part of tax arrears is owing with respect to land in the City on January 1 in the third year following that in which the real property taxes become owing, the treasurer, unless otherwise directed by the City, may prepare and register a tax arrears certificate against the title to that land. 2006, c. 11, Sched. A, s. 344 (1).

Form

(2) A tax arrears certificate shall indicate that the land described in the certificate will be sold by public sale if the cancellation price is not paid within one year following the date of the registration of the tax arrears certificate. 2006, c. 11, Sched. A, s. 344 (2).

Escheated land

(3) This section applies to land that is vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or the *Corporations Act* before or after the registration of a tax arrears certificate and that land may be sold under this Act for tax arrears. 2006, c. 11, Sched. A, s. 344 (3).

Scope of certificate

(4) A tax arrears certificate shall not include more than one separately assessed parcel of land. 2006, c. 11, Sched. A, s. 344 (4).

Notice of registration

345. (1) Within 60 days after the registration of a tax arrears certificate, the treasurer

shall send a notice of the registration of the certificate to the following persons:

1. The assessed owner of the land.
2. Where the land is registered under the *Land Titles Act*, every person appearing by the parcel register and by the index of executions maintained by the sheriff for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b).
3. Where the *Registry Act* applies to the land, every person appearing by the abstract index and by the index of executions maintained by the sheriff for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b). 2006, c. 11, Sched. A, s. 345 (1); 2006, c. 32, Sched. B, s. 66.

Spouse of owner

(2) If a notice is sent under this section to a person appearing by the records of the land registry office to be the owner of the land, a notice shall also be sent to the spouse of that person and, where this subsection is complied with, section 22 of the *Family Law Act* is deemed to have been complied with. 2006, c. 11, Sched. A, s. 345 (2).

Statutory declaration

(3) The treasurer shall, immediately after complying with subsections (1) and (2), make a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent. 2006, c. 11, Sched. A, s. 345 (3).

Inspection

(4) The treasurer shall permit any person, upon request, to inspect a copy of the statutory declaration made under subsection (3) and shall provide copies of it at the same rate as is charged under section 199. 2006, c. 11, Sched. A, s. 345 (4).

Limitation

- (5) A person is not entitled to notice under this section if,
- (a) after a reasonable search of the records mentioned in subsection 352 (1), the treasurer is unable to find the person's address and the treasurer is not otherwise aware of the address; or
 - (b) the person has expressly waived the right to notice, either before or after the notice should have been sent. 2006, c. 11, Sched. A, s. 345 (5).

Cancellation of tax arrears certificate

346. (1) Before the expiry of the one-year period mentioned in subsection 350 (1), any person may have the tax arrears certificate cancelled by paying to the City the cancellation price as of the date the payment is tendered and, after the expiry of the one-year period, a public sale shall be conducted by the treasurer in accordance with section 350. 2006, c. 11,

Sched. A, s. 346 (1).

Cancellation certificate

(2) If payment has been made under subsection (1), the treasurer shall immediately register a tax arrears cancellation certificate. 2006, c. 11, Sched. A, s. 346 (2).

Lien

(3) If the cancellation price is paid by a person entitled to receive notice under subsection 345 (1) or an assignee of that person, other than the owner of the land or the spouse of the owner, the person has a lien on the land concerned for the amount paid. 2006, c. 11, Sched. A, s. 346 (3).

Priority of lien

(4) A lien under subsection (3) has priority over the interest in the land of any person to whom notice was sent under section 345. 2006, c. 11, Sched. A, s. 346 (4).

Contents of certificate

(5) Where there is a lien under subsection (3), the tax arrears cancellation certificate shall state that the person named therein has a lien on the land. 2006, c. 11, Sched. A, s. 346 (5).

Accounting for cancellation price

347. (1) Except where the cancellation price has been determined in accordance with a by-law passed under section 356, a person who pays the cancellation price before the expiry of the one-year period mentioned in subsection 350 (1), by a written request made within 30 days after making the payment, may require the treasurer to provide an itemized breakdown of the calculation of the cancellation price that has been paid. 2006, c. 11, Sched. A, s. 347 (1).

Application to court

(2) If the treasurer fails to provide the itemized breakdown of the calculation within 30 days of the request or if the person who made the request is of the opinion that the cancellation price has not been calculated properly or that the costs included in the cancellation price by the City as costs incurred in a proceeding under this Part are unreasonable, the person who made the request may apply to the Superior Court of Justice for an accounting of the cancellation price. 2006, c. 11, Sched. A, s. 347 (2).

Determination by court

(3) The court shall determine the matter and, if the court determines that the cancellation price was not calculated properly or the costs included in the cancellation price are unreasonable, it may make an order setting a cancellation price which is proper and reasonable but no such order shall relieve a taxpayer of any liability to pay any validly imposed real property taxes. 2006, c. 11, Sched. A, s. 347 (3).

Effect of cancellation certificate

348. Unless otherwise shown in the tax arrears cancellation certificate, the certificate, when registered, is conclusive proof of the payment of the cancellation price as of the date set

out in it. 2006, c. 11, Sched. A, s. 348.

Extension agreements

349. (1) The City, by a by-law passed after the registration of the tax arrears certificate and before the expiry of the one-year period mentioned in subsection 350 (1), may authorize an extension agreement with the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land extending the period of time in which the cancellation price is to be paid. 2006, c. 11, Sched. A, s. 349 (1).

Conditions

(2) The agreement may be subject to such conditions relating to payment as are set out in it but shall not,

- (a) reduce the amount of the cancellation price; or
- (b) prohibit any person from paying the cancellation price at any time. 2006, c. 11, Sched. A, s. 349 (2).

Mandatory contents

(3) Every extension agreement shall state,

- (a) when and under what conditions it shall cease to be considered a subsisting agreement;
- (b) that any person may pay the cancellation price at any time; and
- (c) that it terminates upon payment of the cancellation price by any person. 2006, c. 11, Sched. A, s. 349 (3).

Calculation of time

(4) The period during which there is a subsisting extension agreement shall not be counted by the treasurer in calculating the periods mentioned in subsection 350 (1). 2006, c. 11, Sched. A, s. 349 (4).

Inspection of extension agreement

(5) The treasurer, on the request of any person, shall permit the person to inspect a copy of an extension agreement and shall provide copies of it at the same rate as is charged under section 199. 2006, c. 11, Sched. A, s. 349 (5).

Cancellation certificate

(6) When the terms of an extension agreement have been fulfilled, the treasurer shall immediately register a tax arrears cancellation certificate. 2006, c. 11, Sched. A, s. 349 (6).

Public sale

350. (1) If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the treasurer, within 30 days after the expiry of the 280-day period, shall send to the persons entitled to receive notice under section 345 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate. 2006,

c. 11, Sched. A, s. 350 (1).

Advertisement

(2) If, at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land shall be offered for public sale by public auction or public tender, as the treasurer shall decide, and the treasurer shall immediately,

(a) make a statutory declaration stating the names and addresses of the persons to whom notice was sent under subsection (1); and

(b) advertise the land for sale once in *The Ontario Gazette* and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the City as to provide reasonable notice of the sale. 2006, c. 11, Sched. A, s. 350 (2).

Public auction or public tender

(2.1) If the land is offered for public sale, the minimum bid or minimum tender amount, as the case may be, shall be the cancellation price. 2006, c. 32, Sched. B, s. 67 (1).

Exclusion of all mobile homes

(3) The City may by by-law determine that all mobile homes situate on the land offered for sale shall not be included in the sale. 2006, c. 11, Sched. A, s. 350 (3).

Advertisement

(4) If a by-law is passed under subsection (3), the advertisement of the sale shall state that the land to be sold does not include the mobile homes on the land. 2006, c. 11, Sched. A, s. 350 (4).

Conduct of sale

(5) The treasurer, in accordance with the prescribed rules, shall conduct a public sale and determine whether there is a successful purchaser and,

(a) if there is a successful purchaser, shall prepare and register a tax deed in the name of the successful purchaser or in such name as the successful purchaser may direct; or

(b) if there is no successful purchaser, may prepare and register, in the name of the City, a notice of vesting. 2006, c. 11, Sched. A, s. 350 (5).

Statement

(6) At the time of registering a tax deed or notice of vesting, the treasurer shall make and register a statement in accordance with the prescribed rules. 2009, c. 33, Sched. 21, s. 4 (25).

Effect of conveyance

(7) A tax deed, when registered, vests in the person named in it an estate in fee simple in the land, together with all rights, privileges and appurtenances and free from all estates and interests, except,

- (a) easements and restrictive covenants that run with the land;
- (b) any estates and interests of the Crown in right of Canada or in right of Ontario other than an estate or interest acquired by the Crown in right of Ontario because of an escheat or forfeiture under the *Business Corporations Act* or the *Corporations Act*;
- (c) any interest or title acquired by adverse possession by abutting landowners before the registration of the tax deed. 2006, c. 11, Sched. A, s. 350 (7); 2006, c. 32, Sched. B, s. 67 (2).

Effect of registration of notice of vesting

[\(7.1\)](#) Despite subsection 3.6.1 (2) of the *Fuel Tax Act*, subsection 18 (2) of the *Gasoline Tax Act*, subsection 22 (2) of the *Retail Sales Tax Act* and subsection 24.1 (2) of the *Tobacco Tax Act*, a notice of vesting, when registered, vests in the City an estate in fee simple in the land, together with all rights, privileges and appurtenances and free from all estates and interests, including all estates and interests of the Crown in right of Ontario, except,

- (a) easements and restrictive covenants that run with the land, including those for the benefit of the Crown in right of Ontario;
- (b) any estates and interests of the Crown in right of Canada; and
- (c) any interest or title acquired by adverse possession by abutting landowners, including the Crown in right of Ontario, before registration of the notice of vesting. 2006, c. 32, Sched. B, s. 67 (3).

Restriction

[\(8\)](#) If the City passes a by-law under subsection (3), a tax deed or notice of vesting does not vest in the person named in the deed or in the City, as the case may be, any interest in the mobile homes situate on the land. 2006, c. 11, Sched. A, s. 350 (8).

Adverse possession

[\(9\)](#) A tax deed or notice of vesting, when registered, vests in the person named in the deed or in the City, as the case may be, any interest in or title to adjoining land acquired by adverse possession before the registration of the tax deed or notice of vesting if the person originally acquiring the interest or title by adverse possession did so as a consequence of possession of the land described in the tax deed or notice of vesting. 2006, c. 11, Sched. A, s. 350 (9).

No warranty

[\(10\)](#) A tax deed does not,

- (a) impose an obligation on the City to provide vacant possession; or
- (b) invalidate or affect the collection of a rate that has been assessed, imposed or charged on the land under any Act by the City before the registration of the tax deed and that accrues or becomes due after the registration of the tax deed. 2006, c. 11, Sched. A, s. 350 (10).

Municipal bid or tender

[\(11\)](#) The City may by resolution authorize the City to bid at or submit a tender in a public sale conducted under this section if the City requires the land for a municipal purpose. 2006, c. 11, Sched. A, s. 350 (11).

Inspection of statutory declaration

[\(12\)](#) The treasurer, on the request of any person, shall permit the person to inspect a copy of the statutory declaration made under clause (2) (a) and shall provide copies of it at the same rate as is charged under section 199. 2006, c. 11, Sched. A, s. 350 (12).

Power of treasurer

[\(13\)](#) Despite anything in the prescribed rules, except the rules relating to the determination of the successful purchaser, the treasurer, in conducting a sale under this Part, may do all things that, in his or her opinion, are necessary to ensure a fair and orderly sale. 2006, c. 11, Sched. A, s. 350 (13).

Value of land

[\(14\)](#) The treasurer is not bound to inquire into or form any opinion of the value of the land before conducting a sale under this Part and the treasurer is not under any duty to obtain the highest or best price for the land. 2006, c. 11, Sched. A, s. 350 (14).

No registration

[\(15\)](#) If a notice of vesting is not registered within two years after a public sale is conducted at which there is no successful purchaser, the tax arrears certificate with respect to the land is deemed to be cancelled. 2006, c. 11, Sched. A, s. 350 (15); 2006, c. 32, Sched. B, s. 67 (4).

Effect

[\(16\)](#) Subsection (15) does not,

- (a) prevent the treasurer from registering a new tax arrears certificate with respect to the land and proceeding under this Part; or
- (b) relieve the taxpayer of any liability to pay any real property taxes imposed before the sale. 2006, c. 11, Sched. A, s. 350 (16).

Application of proceeds

[351. \(1\)](#) The proceeds of a sale under section 350 shall,

- (a) firstly, be applied to pay the cancellation price;
- (b) secondly, be paid to all persons, other than the owner, having an interest in the land according to their priority at law; and
- (c) thirdly, be paid to the person who immediately before the registration of the tax deed was the owner of the land. 2006, c. 11, Sched. A, s. 351 (1).

Payment into court

[\(2\)](#) The treasurer shall pay the proceeds of sale, minus the cancellation price, into the

Superior Court of Justice together with a statement in the prescribed form outlining the facts under which the payment into court is made. 2009, c. 33, Sched. 21, s. 4 (26).

Notice

(3) Within 60 days after making a payment into court under subsection (2), the treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom the treasurer sent notice under subsection 350 (1). 2006, c. 11, Sched. A, s. 351 (3).

Payment out of court

(4) Any person claiming entitlement under clause (1) (b) or (c) may apply to the Superior Court of Justice within one year of the payment into court under subsection (2) for payment out of court of the amount to which the person is entitled. 2006, c. 11, Sched. A, s. 351 (4).

Same

(5) The court shall, after one year has passed from the day the payment was made into court, determine all of the entitlements to receive payments out of the proceeds of sale. 2006, c. 11, Sched. A, s. 351 (5).

Forfeiture

(6) If no person makes an application under subsection (4) within the one-year period referred to in that subsection, the amount paid into court under subsection (2) is deemed to be forfeited,

- (a) to the Public Guardian and Trustee if, at the time of the registration of the tax arrears certificate, the land was vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or the *Corporations Act*; or
- (b) in any other case, to the City. 2006, c. 11, Sched. A, s. 351 (6).

Same

(6.1) If, after the entitlements of all applicants under subsection (4) to receive payment out of court have been determined, there remains any amount paid into court from the proceeds of sale, the remaining amount is deemed to be forfeited,

- (a) to the Public Guardian and Trustee in the circumstances described in clause (6) (a);
- (b) to the City in any other case. 2009, c. 33, Sched. 21, s. 4 (27).

Payment out

(7) The Public Guardian and Trustee or the City, as the case may be, may apply to the Superior Court of Justice for payment out of court of the amount that was paid in. 2006, c. 11, Sched. A, s. 351 (7).

Statement to be relied on

(8) In the absence of evidence to the contrary, the Superior Court of Justice may rely on the statement of the treasurer under subsection (2) in determining whether the amount paid into court under that subsection is forfeited to the Public Guardian and Trustee or the City under subsection (6). 2006, c. 11, Sched. A, s. 351 (8).

Payment into general funds

[\(9\)](#) Money received by the City under subsection (6) shall be paid into the general funds of the City. 2006, c. 11, Sched. A, s. 351 (9).

Automatic forfeiture

[351.0.1](#) Despite section 351, if the proceeds of a sale under section 350, minus the cancellation price, are \$250 or less, the proceeds are deemed to be forfeited to the City. 2009, c. 33, Sched. 21, s. 4 (28).

No successful purchaser

[351.1 \(1\)](#) If the treasurer conducts a public sale and there is no successful purchaser, the treasurer may, within two years after the date of the public sale, offer the land for public sale by public auction or public tender, as the treasurer decides, a second time in accordance with the prescribed rules. 2006, c. 32, Sched. B, s. 68.

Notice

[\(2\)](#) At least 30 days before the land is readvertised for public sale, the treasurer shall send to the persons entitled to receive notice under subsection 350 (1), a notice that the land will be readvertised for public sale. 2006, c. 32, Sched. B, s. 68.

Application of provisions

[\(3\)](#) Subsection 350 (2) and sections 351 to 357 apply with necessary modifications to the sale as if it were the first public sale. 2006, c. 32, Sched. B, s. 68.

Non-application

[\(4\)](#) This section does not apply to land if a notice of vesting was registered in respect of the land following the first public sale. 2006, c. 32, Sched. B, s. 68.

Methods of giving notice

[352. \(1\)](#) Any notice required to be sent to any person under this Part may be given by personal delivery or be sent by certified or registered mail,

- (a) in the case of the assessed owner, to the address of the person as shown on the last returned assessment roll of the City;
- (b) in the case of any person whose interest is registered against the title of the land, to the address for service of the person furnished under the *Land Registration Reform Act* or, if none, to the address of the solicitor whose name appears on the registered instrument;
- (c) in the case of a person appearing to have an interest in the land by the index of executions maintained by the sheriff for the area in which the land is situate, to the address of the person or person's solicitor as shown in the index of executions or in the records of the sheriff for the area in which the land is situate;
- (d) in the case of a spouse of the person appearing by the records of the land registry office to be the owner of the land, addressed to the spouse of (name of person) at the usual or last known address of such spouse or, if unknown, at the address of the

land; and

(e) in the case of the Public Guardian and Trustee, addressed to the Public Guardian and Trustee. 2006, c. 11, Sched. A, s. 352 (1).

Statutory declaration, effect

(2) A statutory declaration made under subsection 345 (3) or made under clause 350 (2) (a) is proof in the absence of evidence to the contrary that the notices required to be sent were sent to the persons named in the statutory declaration and received by them. 2006, c. 11, Sched. A, s. 352 (2).

Statement, effect

(3) A statement registered under subsection 350 (6) is conclusive proof of the matters referred to in clauses 350 (6) (a) to (d). 2006, c. 11, Sched. A, s. 352 (3).

Receipt of notice

(4) Nothing in this Part requires the treasurer to ensure that a notice that is properly sent under this Part is received by the person to whom it was sent. 2006, c. 11, Sched. A, s. 352 (4).

Voidable proceedings

353. (1) No proceedings for the sale of land under this Part are void by reason of any neglect, omission or error but, subject to this section and to section 354, any such neglect, omission or error may render the proceedings voidable. 2006, c. 11, Sched. A, s. 353 (1).

Same

(2) Subject to subsection (4) and to section 354, the proceedings under this Part are voidable if there is,

- (a) a failure on the part of the treasurer to substantially comply with section 345 or subsection 350 (1); or
- (b) an error or omission in the registration or sale of the land, other than an error or omission mentioned in subsection (5). 2006, c. 11, Sched. A, s. 353 (2).

Duty of treasurer

(3) If, before the registration of a tax deed or notice of vesting, the treasurer becomes aware of a failure, error or omission referred to in subsection (2), the treasurer shall immediately register a tax arrears cancellation certificate, but this subsection does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Part. 2006, c. 11, Sched. A, s. 353 (3).

Actual prejudice

(4) Proceedings for the sale of land under this Part are not voidable unless the person complaining of any neglect, error or omission establishes that he or she suffered actual prejudice as a result of the neglect, error or omission. 2006, c. 11, Sched. A, s. 353 (4).

Proceeding not voidable

(5) No proceedings under this Part are rendered voidable by reason of,

- (a) a failure on the part of the treasurer to distrain for any reason or take any other action for the collection of taxes;
- (b) an error in the cancellation price other than a substantial error;
- (c) any error in the notices sent or delivered under this Part if the error has not substantially misled the person complaining of the error;
- (d) any error in the publishing or posting of advertisements if the error has not substantially misled the person complaining of the error; or
- (e) any error in the description of the land in the tax arrears certificate if the error has not substantially misled the person complaining of the error. 2006, c. 11, Sched. A, s. 353 (5).

Treasurer may halt proceedings

- [\(6\)](#) The treasurer may register a cancellation certificate if, in his or her opinion,
- (a) it is not in the financial interests of the City to continue with proceedings under this Part; or
 - (b) because of some neglect, error or omission, it is not practical or desirable to continue proceedings under this Part. 2006, c. 11, Sched. A, s. 353 (6).

Effect

[\(7\)](#) Subsection (6) does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Part. 2006, c. 11, Sched. A, s. 353 (7).

Effect of registration

[354. \(1\)](#) Subject to proof of fraud, every tax deed and notice of vesting, when registered, is final, binding and conclusive and not subject to challenge for any reason, including,

- (a) the invalidity of any assessment upon which the tax arrears were based; and
- (b) the breach of any requirements, including notice requirements, imposed by this or any other Act or otherwise by law. 2006, c. 11, Sched. A, s. 354 (1).

No action

[\(2\)](#) No action may be brought for the recovery of the land after the registration of the tax deed or notice of vesting if the statement required by subsection 350 (6) has been registered. 2006, c. 11, Sched. A, s. 354 (2).

Exception

[\(3\)](#) Subsection (1) does not apply so as to prevent a person from bringing an action for damages against the City. 2006, c. 11, Sched. A, s. 354 (3).

Mining rights

[355. \(1\)](#) Despite sections 344, 350 and 354, if mining rights in land are liable for taxes under the *Mining Act* and the land is sold for taxes or is vested in the City under this Act or its predecessor on or after April 1, 1954, the sale or vesting severs the surface rights from the

mining rights and only the surface rights pass to the tax sale purchaser or vest in the City and the sale or registration does not affect the mining rights. 2006, c. 11, Sched. A, s. 355 (1).

Same, earlier vesting

[\(2\)](#) Despite this or any other Act but subject to any forfeiture to the Crown legally effected under the *Mining Tax Act*, if mining rights in land were liable for area tax under the *Mining Tax Act* and the land was sold for taxes under this Act or was vested in the City upon registration, of a tax arrears certificate under the *Municipal Affairs Act* before April 1, 1954 and, before the sale or registration, the surface rights were not severed from the mining rights and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the City, that sale or certificate is deemed to have vested in the tax sale purchaser or in the City, without severance, both the surface and mining rights. 2006, c. 11, Sched. A, s. 355 (2).

Scale of costs

[356.](#) The City, instead of charging the City's actual costs in determining any cancellation price, may fix a scale of costs to be charged as the reasonable costs of proceedings under this Part, which scale shall be designed to meet only the anticipated costs of the City. 2006, c. 11, Sched. A, s. 356.

Immunity from civil actions

[357. \(1\)](#) No action or other proceeding for damages shall be brought against the treasurer or any officer or employee of the City acting under the treasurer's authority as a result of any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Part or the regulations made under this Part or any neglect or default in the performance or exercise in good faith of such duty or power, but any such action or proceeding may be brought against the City. 2006, c. 11, Sched. A, s. 357 (1).

Delegation

[\(2\)](#) The treasurer may, in writing, delegate any power or duty granted to or vested in the treasurer under this Part to any officer or employee of the City. 2006, c. 11, Sched. A, s. 357 (2).

Power of entry

[358. \(1\)](#) For the purpose of assisting the City to determine whether it is desirable to acquire land that has been offered for public sale under subsection 350 (2) but for which there is no successful purchaser, the City may, during the 24 months following the public sale referred to in subsection 350 (5), enter on and inspect the land. 2006, c. 11, Sched. A, s. 358 (1); 2006, c. 32, Sched. B, s. 69.

Inspections

[\(2\)](#) In carrying out an inspection, the City may do anything reasonably necessary to carry out an environmental site assessment of the land, including,

- (a) conduct surveys, examinations, investigations and tests of the land, including the excavation of test pits, and for those purposes, place equipment on the land for such

- period as the City considers necessary;
- (b) take and remove samples or extracts;
- (c) make inquiries of any person; and
- (d) record or copy information by any method. 2006, c. 11, Sched. A, s. 358 (2).

Entry to dwellings

(3) A person who is carrying out an inspection on behalf of the City under this Part shall not enter or remain in any room or place actually being used as a dwelling unless,

- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, entry made only under the authority of a warrant issued under section 360; or
- (b) a warrant issued under section 360 is obtained. 2006, c. 11, Sched. A, s. 358 (3).

Inspection without warrant

359. (1) The following apply to an inspection under this Part carried out without a warrant:

1. At least seven days before entering to carry out an inspection, the City shall, by personal service or by prepaid mail, serve a written notice of the inspection on the owners and occupants of the land as shown by the records of the land registry office and by the last returned assessment roll for the City.
2. The notice shall specify the date on which the City intends to enter on the land to commence the inspection.
3. If the City intends to enter on the land more than once during a period of time, the notice shall specify that period.
4. If the City intends to leave equipment on the land for a period of time, the notice shall set out a description of the equipment and the period of time during which the City intends to leave it on the land.
5. A notice served under this section by prepaid mail is deemed to have been received on the fifth day after the date of mailing of the notice.
6. The City shall not use force against any individual in carrying out the inspection.
7. The City shall only enter on land to carry out an inspection between the hours of 6 a.m. and 9 p.m. unless, after or concurrent with serving the notice under paragraph 1, the City has given at least 24 hours written notice of the intent to inspect the land at other hours to the occupants by personal service, prepaid mail or by posting the notice on the land in a conspicuous place. 2006, c. 11, Sched. A, s. 359 (1).

Waiver of requirements

(2) The owners and occupants may waive any requirements relating to the notice described in paragraph 1 of subsection (1). 2006, c. 11, Sched. A, s. 359 (2).

Same

(3) The occupants may waive any requirements relating to entries described in paragraph 7 of subsection (1). 2006, c. 11, Sched. A, s. 359 (3).

Inspection warrant

360. (1) The City may apply to a provincial judge or a justice of the peace for a warrant authorizing a person named in the warrant to inspect land. 2006, c. 11, Sched. A, s. 360 (1).

Notice of application for warrant

(2) The City shall give the owners and occupiers of the land seven days written notice of,

- (a) the time when and the place where the application for the issuance or extension of a warrant is to be considered;
- (b) the purpose of the application and the effect of the application being granted;
- (c) the length of time the City is asking for a warrant to be issued or extended;
- (d) the right of an owner or occupant or an agent of an owner or occupant to appear and make representations; and
- (e) the fact that if the owner, occupant or agent fails to appear, the judge or justice of the peace may issue or extend the warrant in their absence. 2006, c. 11, Sched. A, s. 360 (2).

Right to be heard

(3) A person who is served with a notice under subsection (2) or an agent of that person has the right to appear and make representations when the application is being considered. 2006, c. 11, Sched. A, s. 360 (3).

Issue of warrant

(4) The judge or justice of the peace may issue a warrant authorizing a person to inspect land if the judge or justice of the peace is satisfied by evidence under oath that,

- (a) inspection of the land is reasonably necessary for the purposes set out in subsection 358 (1);
- (b) a notice has been served upon the owners and occupants of the land in accordance with paragraphs 1, 2, 3, 4 and 5 of subsection 359 (1); and
- (c) the City has been prevented or is likely to be prevented from entering on the land or exercising any of its other powers or the entrance to the land is locked or the land is otherwise inaccessible. 2006, c. 11, Sched. A, s. 360 (4).

Execution

(5) A warrant shall specify the hours and days during which it may be executed and name a date on which it expires and may specify a period of time during which equipment may be left on the land. 2006, c. 11, Sched. A, s. 360 (5).

Inspection with warrant

361. The following apply to an inspection carried out by a person with a warrant:

1. The warrant shall be executed between the hours of 6 a.m. and 9 p.m. unless it provides otherwise.
2. The person may use such force as is reasonably necessary to execute the warrant and call on police officers to assist in the execution of the warrant. 2006, c. 11, Sched. A, s. 361.

Obstruction

362. (1) Where a person is carrying out an inspection under section 358 without a warrant, a refusal by the owner or occupant of land to allow the person to enter or remain on the land is not obstruction within the meaning of subsection 367 (1). 2006, c. 11, Sched. A, s. 362 (1).

Refusal to answer

(2) A refusal to answer the inquiries of a person carrying out an inspection under section 358 is not obstruction within the meaning of subsection 367 (1). 2006, c. 11, Sched. A, s. 362 (2).

Regulations

363. (1) The Minister of Municipal Affairs and Housing may make regulations prescribing rules for the sale of land under this Part by public sale and the rules,

- (a) shall set out the method of determining a successful purchaser;
- (b) may require the submission of deposits, in such amount and in such form as may be set out in the rules, and for the forfeiture and disposition thereof. 2006, c. 11, Sched. A, s. 363 (1).

Forms

(2) The Minister of Municipal Affairs and Housing may make regulations,

- (a) requiring that any certificate, notice, statutory declaration, advertisement, tender, tax deed or statement referred to in this Part contain the provisions prescribed, be in a prescribed form or be in a form approved by the Minister, including an electronic form;
- (b) providing for the use of the forms described in clause (a), which may vary for different land registration systems and areas. 2006, c. 11, Sched. A, s. 363 (2).

Transition, prior registrations

364. (1) This section applies to land in respect of which a tax arrears certificate was registered under the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, before January 1, 1985 or a certificate was given under section 433 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, before January 1, 1985. 2006, c. 11, Sched. A, s. 364 (1).

Notice of forfeiture registered

(2) If, before January 1, 2004, a notice of forfeiture was registered with respect to any land under section 23 of the *Municipal Tax Sales Act, 1984*, the land is vested in the City upon registration of the notice in accordance with that section as it read on December 31, 2002. 2006, c. 11, Sched. A, s. 364 (2).

Certificate registered

(3) If, before January 1, 1985, a tax arrears certificate was registered under the *Municipal Affairs Act* in respect of any land and a tax arrears cancellation certificate was registered with respect to the land between January 1, 2003 and January 1, 2004 under subsection 388 (3) of the *Municipal Act, 2001*, as it read during the period between January 1, 2003 and January 1, 2004, the tax arrears certificate is cancelled. 2006, c. 11, Sched. A, s. 364 (3); 2006, c. 32, Sched. B, s. 70 (1).

Effect of registration

(4) Registration of a tax arrears cancellation certificate in accordance with subsection (3) does not,

- (a) prevent the treasurer from registering a new tax arrears certificate and proceeding under this Part; or
- (b) relieve the taxpayer of any liability to pay real property taxes imposed under this Act or a predecessor of this Act before registration of the certificate. 2006, c. 11, Sched. A, s. 364 (4).

No registration

(5) If, before January 1, 2004, no notice of forfeiture or tax arrears cancellation certificate was registered in accordance with subsection (2) or (3), the land is deemed to vest in the City in fee simple, together with all rights, privileges and appurtenances, free from all estates and interest, except,

- (a) easements and restrictive covenants that run with the land;
- (b) any estates and interests of the Crown in right of Canada or in right of Ontario; and
- (c) any interest or title acquired by adverse possession by abutting landowners before the day of the deemed vesting. 2006, c. 11, Sched. A, s. 364 (5); 2006, c. 32, Sched. B, s. 70 (2).

Restriction

365. Despite the order of any court, after January 1, 2003, no person may apply to the Minister of Municipal Affairs and Housing to make a direction to a treasurer under section 46 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980. 2006, c. 11, Sched. A, s. 365.

PART XV ENFORCEMENT

OFFENCES AND PENALTIES

Authority to create offences

[366.](#) (1) The City may pass by-laws providing that a person who contravenes a by-law of the City passed under this Act is guilty of an offence. 2006, c. 11, Sched. A, s. 366 (1).

Same

(2) The police services board of the City may pass by-laws providing that a person who contravenes a by-law of the board passed under this Act is guilty of an offence. 2006, c. 11, Sched. A, s. 366 (2).

Directors and officers

(3) A by-law under this section may provide that a director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence. 2006, c. 11, Sched. A, s. 366 (3).

Offence re obstruction, etc.

[367.](#) (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act. 2006, c. 11, Sched. A, s. 367 (1).

Occupied dwellings

(2) A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of subsection (1) unless the City is acting under an order under section 378 or a warrant under section 379 or in the circumstances described in clause 377 (d) or (e). 2006, c. 11, Sched. A, s. 367 (2).

Orders under s. 378

(3) No person shall neglect or refuse to produce any information or thing or to provide any information required by any person acting pursuant to an order under section 378. 2006, c. 11, Sched. A, s. 367 (3).

Offence

(4) Any person who contravenes subsection (1) or (3) is guilty of an offence. 2006, c. 11, Sched. A, s. 367 (4).

Same, director or officer

(5) Every director or officer of a corporation who knowingly concurs in the contravention by the corporation under subsection (1) or (3) is guilty of an offence. 2006, c. 11, Sched. A, s. 367 (5).

Offence re accessible parking

[368.](#) A by-law establishing a system of accessible parking shall provide that every person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not less than \$300. 2009, c. 33, Sched. 26, s. 1 (3).

Offence re illegally parked vehicle

[369.](#) A by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the

contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent. 2006, c. 11, Sched. A, s. 369.

Authority to establish fines

[370.](#) (1) Subject to subsection (4), the City may establish a system of fines for offences under a by-law passed under this Act. 2006, c. 11, Sched. A, s. 370 (1).

Same

- (2) Without limiting subsection (1), a system of fines may,
- (a) designate an offence as a continuing offence and provide for a minimum and maximum fine for each day or part of a day that the offence continues;
 - (b) designate an offence as a multiple offence and provide for a minimum and maximum fine for each offence included in the multiple offence;
 - (c) establish escalating fines for a second and subsequent convictions for the same offence; and
 - (d) establish special fines in addition to the regular fine for an offence which are designed to eliminate or reduce any economic advantage or gain from contravening the by-law. 2006, c. 11, Sched. A, s. 370 (2).

Restrictions

- (3) The following rules apply to the system of fines:
1. A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.
 2. In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all of the daily fines for the offence is not limited to \$100,000.
 3. In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all fines for each included offence is not limited to \$100,000. 2006, c. 11, Sched. A, s. 370 (3).

Same, fine under another Act

(4) If the provisions of any other Act, other than the *Provincial Offences Act*, provide for the fines for a contravention of a city by-law, the City cannot establish a system of fines under this section with respect to the by-law. 2006, c. 11, Sched. A, s. 370 (4).

Definition

(5) In this section,

“multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of

a by-law. 2006, c. 11, Sched. A, s. 370 (5).

Additional penalty re adult entertainment establishments

[371.](#) The City may provide that a person who is convicted of an offence for a contravention of a by-law under paragraph 11 of subsection 8 (2) dealing with an adult entertainment establishment may be liable to a term of imprisonment not exceeding one year in addition to any other applicable penalties. 2006, c. 11, Sched. A, s. 371.

Offences re ozone depleting substances

[371.1 \(1\)](#) If a corporation is convicted of an offence under a by-law described in subsection (2), every director or officer of the corporation who knowingly concurred in the contravention of the by-law is guilty of an offence and on conviction is liable to imprisonment for a term of not more than one year. 2006, c. 32, Sched. B, s. 71.

Substance of by-law

[\(2\)](#) A by-law for the purpose of subsection (1) is a by-law for regulating the disposal of ozone depleting substances and for regulating the testing, servicing and repair of products, materials and equipment containing or manufactured using ozone depleting substances. 2006, c. 32, Sched. B, s. 71.

Penalty

[\(3\)](#) The penalty provided for in subsection (1) may be imposed in addition to or instead of any fine that may be imposed. 2006, c. 32, Sched. B, s. 71.

Deemed by-law re ozone depleting substances

[371.2 \(1\)](#) On the day section 371.1 comes into force, the City is deemed to have passed a by-law under sections 366 and 370 providing that,

- (a) a person who contravenes a by-law described in subsection 371.1 (2) is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000;
- (b) a corporation that contravenes a by-law described in subsection 371.1 (2) is guilty of an offence and upon conviction is liable to a fine not exceeding \$50,000; and
- (c) a director or officer of a corporation who knowingly concurs in the contravention of a by-law described in subsection 371.1 (2) by the corporation is guilty of an offence and subject to a fine not exceeding \$10,000. 2006, c. 32, Sched. B, s. 71.

Power of City

[\(2\)](#) The City may amend or repeal the deemed by-law. 2006, c. 32, Sched. B, s. 71.

Additional order to discontinue or remedy

[372.](#) If any city by-law or by-law of a local board of the City under this or any other Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted;
- and

- (b) in the case of a by-law described in section 104 or 105, requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate. 2006, c. 11, Sched. A, s. 372; 2006, c. 32, Sched. B, s. 72.

Payments out of court

373. A by-law under section 366 may establish a procedure for the voluntary payment of penalties out of court where it is alleged that any of the following by-laws have been contravened:

1. By-laws related to the parking, standing or stopping of vehicles.
2. By-laws related to animals being at large or trespassing. 2006, c. 11, Sched. A, s. 373.

City entitlement to fines

374. (1) Except as otherwise provided in this or any other Act, every fine imposed for a contravention of a city by-law or by-law of a local board of the City belongs to the City. 2006, c. 11, Sched. A, s. 374 (1).

Proceeds in cases of obstruction

(2) The proceeds of any fine imposed in a prosecution conducted by the City for an offence under section 367 shall be paid to the city treasurer, and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply with respect to that fine. 2006, c. 11, Sched. A, s. 374 (2).

POWERS OF ENTRY

Conditions governing powers of entry

375. (1) Unless otherwise provided in this Act, in an order under section 378 or in a warrant under section 379, the following conditions apply to the exercise of a power of entry under this Act:

1. The power of entry shall be exercised by an employee, officer or agent of the City or a member of the city police force.
2. The person exercising the power must on request display or produce proper identification.
3. The person exercising the power may be accompanied by a person under his or her direction.
4. Notice of the proposed entry shall be provided to the occupier of the land, except,
 - i. where the entry is authorized under section 376, clause 377 (a) or (d) or section 379,
 - ii. where the entry is authorized under section 378 in respect of a premises other than a room or place actually used as a dwelling,

- iii. where entry is authorized onto land under section 49, 70 or 76 or Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)), or
 - iv. where the delay necessary to give notice of the entry would result in an immediate danger to the health or safety of any person.
5. The City shall restore the land to its original condition in so far as is practicable and shall provide compensation for any damages caused by the entry or by anything done on the land except where the entry,
- i. is under section 386, or
 - ii. is under Part XIV if, under that Part, the treasurer registers a notice of vesting, in the name of the City, in respect of the land. 2006, c. 11, Sched. A, s. 375 (1); 2006, c. 32, Sched. B, s. 73 (1, 2).

Notice

[\(2\)](#) Where subsection (1) requires that notice of a proposed exercise of a power of entry be given, the notice must satisfy the following requirements:

1. The notice must be given to the occupier of the land in respect of which the power of entry will be exercised.
2. The notice must be given within a reasonable time before the power of entry is exercised.
3. The notice must be given by personal service in the case of a proposed exercise of a power of entry under section 63, 64 or 386 in respect of a room or place actually used as a dwelling.
4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. 2006, c. 11, Sched. A, s. 375 (2); 2006, c. 32, Sched. B, s. 73 (3).

Power of entry re inspection

[376. \(1\)](#) The City has the power to pass by-laws providing that the City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

1. A by-law passed under this Act.
2. A direction or order of the City made under this Act or made under a by-law passed under this Act.
3. A condition of a licence issued under a by-law passed under this Act.
4. An order made under section 372. 2006, c. 11, Sched. A, s. 376 (1); 2006, c. 32, Sched. B, s. 74.

Inspection powers

[\(2\)](#) By-laws passed under subsection (1) may provide that for the purposes of an inspection the City may,

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection. 2006, c. 11, Sched. A, s. 376 (2).

Samples

[\(3\)](#) A sample taken under clause (2) (d) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. 2006, c. 11, Sched. A, s. 376 (3).

Same

[\(4\)](#) If a sample is taken under clause (2) (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 2006, c. 11, Sched. A, s. 376 (4).

Receipt

[\(5\)](#) A receipt shall be provided for any document or thing removed under clause (2) (b) and the document or thing shall be promptly returned after the copies or extracts are made. 2006, c. 11, Sched. A, s. 376 (5).

Evidence

[\(6\)](#) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals. 2006, c. 11, Sched. A, s. 376 (6).

Restriction re dwellings

[377.](#) Despite any provision of this Act, a person exercising a power of entry on behalf of the City under this Act shall not enter or remain in any room or place actually being used as a dwelling unless,

- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 378 or a warrant issued under section 360 or 379;
- (b) an order issued under section 378 is obtained;

- (c) a warrant issued under section 379 is obtained;
- (c.1) a warrant issued under section 360 is obtained;
- (d) the delay necessary to obtain an order under section 378, to obtain a warrant under section 379 or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person; or
- (e) the City has given notice of its intention to enter to the occupier of the land as required under subsection 375 (2) and the entry is authorized under section 63, 64 or 386. 2006, c. 11, Sched. A, s. 377; 2006, c. 32, Sched. B, s. 75.

Inspection pursuant to order

[378.](#) (1) The City has the power to pass by-laws providing that the City may, in the circumstances set out in the by-laws, undertake inspections pursuant to orders under this section. 2006, c. 11, Sched. A, s. 378 (1).

Order

(2) A provincial judge or justice of the peace may issue an order authorizing the City to enter on land for the purpose of carrying out an inspection for a purpose described in subsection 376 (1) and to exercise powers described in clauses 376 (2) (a) to (d) as specified in the order if he or she is satisfied by evidence under oath,

- (a) that the circumstances of the inspection are provided for in a by-law under subsection (1);
- (b) that the inspection is reasonably necessary; and
- (c) that one of the following conditions exists:
 - (i) where there is no by-law under section 376 which provides for inspections in such circumstances, the City has made a reasonable attempt to obtain the occupier's consent for the inspection,
 - (ii) where there is a by-law under section 376 which provides for inspections in such circumstances, the City has been prevented or is likely to be prevented from doing anything set out in subsection 376 (1) or (2). 2006, c. 11, Sched. A, s. 378 (2); 2006, c. 32, Sched. B, s. 76 (1).

Expiry of order

(3) An order under this section shall state the date on which it expires, which date shall be not later than 30 days after the order is issued. 2006, c. 11, Sched. A, s. 378 (3).

Time for execution

(4) An order under this section may be executed only between 6 a.m. and 9 p.m. unless the order provides otherwise. 2006, c. 11, Sched. A, s. 378 (4).

Notice

(5) In the case of an order authorizing an inspection of a room or place actually being used as a dwelling, the occupier must be given notice concerning when the inspection will be

carried out. 2006, c. 11, Sched. A, s. 378 (5).

Application without notice

[\(6\)](#) An order under this section may be issued on application without notice. 2006, c. 11, Sched. A, s. 378 (6).

Interpretation

[\(7\)](#) A by-law may be passed under subsection (1) and orders may be issued under subsection (2) whether or not there is a by-law under section 376. 2006, c. 11, Sched. A, s. 378 (7).

Application

[\(8\)](#) Subsections 376 (3) to (6) apply with necessary modifications to an inspection authorized by an order under this section. 2006, c. 32, Sched. B, s. 76 (2).

Search warrant

[379. \(1\)](#) A provincial judge or justice of the peace may issue a warrant authorizing a person named in the warrant to enter and search a building, receptacle or place for the evidence specified in the warrant if he or she is satisfied by information on oath that there is reasonable ground to believe that,

- (a) an offence under this Act or a by-law passed under this Act has been committed; and
- (b) the entry into and search of the building, receptacle or place will afford evidence relevant to the commission of the offence. 2006, c. 11, Sched. A, s. 379 (1).

Seizure

[\(2\)](#) In a search warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize evidence specified in the warrant that there is reasonable ground to believe will afford evidence relevant to the commission of the offence. 2006, c. 11, Sched. A, s. 379 (2); 2006, c. 32, Sched. B, s. 77.

Same

[\(3\)](#) A person who seizes something under a search warrant shall,

- (a) give a receipt for the thing seized to the person from whom it was seized; and
- (b) bring the thing seized before the provincial judge or justice of the peace issuing the warrant or another provincial judge or justice to be dealt with according to law. 2006, c. 11, Sched. A, s. 379 (3).

Time for execution

[\(4\)](#) A search warrant may be executed only between 6 a.m. and 9 p.m. unless it provides otherwise. 2006, c. 11, Sched. A, s. 379 (4).

Application

[\(5\)](#) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of any thing seized under this section. 2006, c. 11, Sched. A,

s. 379 (5).

GENERAL ENFORCEMENT POWERS

Power to restrain

[380.](#) If any city by-law or by-law of a local board of the City under this or any other Act is contravened, in addition to any other remedy and to any penalty imposed by the by-law, the contravention may be restrained by application at the instance of a taxpayer or the City or local board. 2006, c. 11, Sched. A, s. 380; 2006, c. 32, Sched. B, s. 78.

Collection of unpaid licensing fines

[381. \(1\)](#) The City may authorize the treasurer or his or her agent to give the notice under subsection (2) at the times and in the manner set out in the by-law. 2006, c. 11, Sched. A, s. 381 (1).

Notice

[\(2\)](#) If any part of a fine for a contravention of a by-law passed under paragraph 11 of subsection 8 (2) remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. 2006, c. 11, Sched. A, s. 381 (2).

Seizure

[\(3\)](#) If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes for the purposes of section 316. 2006, c. 11, Sched. A, s. 381 (3).

Unpaid fines

[381.1](#) The treasurer of the City may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the tax roll for any property in the City for which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes. 2009, c. 33, Sched. 4, s. 2.

Enforcement of agreements, etc.

[382.](#) Where a duty or liability is imposed by statute or agreement upon any person in favour of the City or in favour of some or all of the residents of the City, the City may enforce it and obtain such relief and remedy as could be obtained,

- (a) in a proceeding by the Attorney General;
- (b) in a relator proceeding by any person in the name of the Attorney General; or
- (c) in a proceeding by the residents on their own behalf or on behalf of themselves and other residents. 2006, c. 11, Sched. A, s. 382.

Enforcement of loans made by the City

[383. \(1\)](#) If the City makes a loan to any person to pay for the whole or any part of the cost of the person complying with a by-law of the City, the City may add the amount of the

loan, together with interest at the rate of the loan given by the City, to the tax roll for any land located in the City if all the owners of the land are responsible for repaying the loan, and the City may collect the amount owing in the same manner as municipal taxes over a period of years determined by the City. 2006, c. 11, Sched. A, s. 383 (1).

Lien

(2) The amount of the loan, including interest accrued to the date the loan is repaid, is a lien on land upon the registration in the proper land registry office of a notice of lien. 2006, c. 11, Sched. A, s. 383 (2).

Discharge

(3) When a loan is repaid in full, including interest, the City shall register a discharge of lien in the proper land registry office. 2006, c. 11, Sched. A, s. 383 (3).

CITY ORDERS AND REMEDIAL ACTIONS

Order to discontinue activity

384. (1) If the City is satisfied that a contravention of a city by-law passed under this Act has occurred, the City may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity. 2006, c. 11, Sched. A, s. 384 (1).

Same

- (2) An order under subsection (1) shall set out,
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order. 2006, c. 11, Sched. A, s. 384 (2).

Offence

(3) A city by-law under section 366 may provide that any person who contravenes an order under subsection (1) is guilty of an offence. 2006, c. 11, Sched. A, s. 384 (3).

Work order

385. (1) If the City is satisfied that a contravention of a city by-law passed under this Act has occurred, the City may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention. 2006, c. 11, Sched. A, s. 385 (1); 2009, c. 33, Sched. 21, s. 4 (29).

Same

- (2) An order under subsection (1) shall set out,
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;

(b) the work to be done and the date by which the work must be done. 2006, c. 11, Sched. A, s. 385 (2).

Same

(3) An order under subsection (1) may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force. 2006, c. 11, Sched. A, s. 385 (3).

Offence

(4) A city by-law under section 366 may provide that any person who contravenes an order under subsection (1) is guilty of an offence. 2006, c. 11, Sched. A, s. 385 (4).

Remedial action

386. (1) If the City has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the City may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. 2006, c. 11, Sched. A, s. 386 (1).

Entry upon land

(2) For the purposes of subsection (1), the City may enter upon land at any reasonable time. 2006, c. 11, Sched. A, s. 386 (2).

Recovery of costs

(3) The City may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. 2006, c. 11, Sched. A, s. 386 (3).

Interest

(4) The costs include interest calculated at a rate of 15 per cent or such lesser rate as may be determined by the City, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full. 2006, c. 11, Sched. A, s. 386 (4).

Lien for costs

(5) The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. 2006, c. 11, Sched. A, s. 386 (5).

Same

(6) The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued at the rate established under subsection (4) to the date the payment is made. 2006, c. 11, Sched. A, s. 386 (6).

Effect of payment

(7) Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office. 2006, c. 11, Sched. A, s. 386 (7).

COURT ORDERS TO CLOSE PREMISES

Closing premises, lack of licence

[387. \(1\)](#) Where an owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a licence required by a by-law under paragraph 11 of subsection 8 (2), the court may order that the premises or part of the premises be closed to any use for a period not exceeding two years. 2006, c. 11, Sched. A, s. 387 (1).

Same

[\(2\)](#) Where a person is convicted of a contravention of a licensing by-law passed under this Act, other than a conviction described in subsection (1), and the court determines that the owner or occupant of the premises or part of the premises in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part of the premises be closed to any use for a period not exceeding two years. 2006, c. 11, Sched. A, s. 387 (2).

Suspension of closing order

[\(3\)](#) Upon application of any person who has an interest in the premises ordered closed under this section, the Superior Court of Justice may suspend any closing order for such period and upon such conditions as are specified by the court,

- (a) if the court is satisfied that the use to which the premises will be put will not contravene a licensing by-law under this Act; and
- (b) if the applicant posts a cash bond for \$10,000 or such greater sum as the court determines, for such term as the court determines, to ensure that the premises will not be used in contravention of any by-law. 2006, c. 11, Sched. A, s. 387 (3).

Discharge of closing order

[\(4\)](#) The Superior Court of Justice may discharge a closing order if, upon application, the court is satisfied that,

- (a) there has been or will be a change in the effective ownership of the premises subsequent to the commission of an offence described in subsection (1) or (2); and
- (b) the new owner can ensure that there will be no contravention of any licensing by-law passed under this Act. 2006, c. 11, Sched. A, s. 387 (4).

Barring of entry

[\(5\)](#) If a closing order is made under this section, the city police force shall bar entry to all entrances to the premises or parts of the premises named in the order until the order has been suspended or discharged under this section. 2006, c. 11, Sched. A, s. 387 (5).

Forfeiture of bond

[\(6\)](#) If a closing order is suspended under subsection (3) and after the suspension a person is convicted of an offence for contravening a licensing by-law under this Act in respect

of the premises or part of them referred to in the closing order, a judge of the Superior Court of Justice may, upon application, order the forfeiture of the bond and the payment to the Crown of the proceeds and order the suspension lifted and the closing order reinstated. 2006, c. 11, Sched. A, s. 387 (6).

No appeal

(7) No appeal lies from an order made under subsection (6). 2006, c. 11, Sched. A, s. 387 (7).

Notice

(8) The City is a party to any proceedings instituted under subsection (3), (4) or (6) in respect of the order and shall be given notice of the proceedings in accordance with the rules of the court. 2006, c. 11, Sched. A, s. 387 (8).

By-law deemed passed by city council

(9) For the purposes of subsection (8), if the licensing by-law was passed by the police services board or by any other person or body to whom the City has delegated the power to pass the by-law, the by-law is deemed to have been passed by the City. 2006, c. 11, Sched. A, s. 387 (9).

Application for suspension or discharge of closing order

(10) Where an appeal is taken from a closing order or from a conviction in respect of which the order was made, the appellant may apply under subsection (3) for a suspension of the closing order until the disposition of the matter under appeal or any person may apply under subsection (4) for a discharge of the order but the commencement of an appeal does not stay the order. 2006, c. 11, Sched. A, s. 387 (10).

Description of premises

(11) The description of any premises in a closing order by reference to its municipal address is sufficient for the purposes of the order. 2006, c. 11, Sched. A, s. 387 (11).

Registration

(12) A closing order may be registered in the proper land registry office. 2006, c. 11, Sched. A, s. 387 (12).

Definition

(13) In subsections (1) and (2),

“court” means the Ontario Court of Justice or a court to which an appeal may be taken under Part VII of the *Provincial Offences Act*. 2006, c. 11, Sched. A, s. 387 (13).

Closing premises, public nuisance

388. (1) Upon application by the City, the Superior Court of Justice may make an order requiring that all or part of a premises within the City be closed to any use for a period not exceeding two years if, on the balance of probabilities, the court is satisfied that,

- (a) activities or circumstances on or in the premises constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in

- the vicinity of the premises;
- (b) the public nuisance has a detrimental impact on the use and enjoyment of property in the vicinity of the premises, including, but not limited to, impacts such as,
- (i) trespass to property,
 - (ii) interference with the use of highways and other public places,
 - (iii) an increase in garbage, noise or traffic or the creation of unusual traffic patterns,
 - (iv) activities that have a significant impact on property values,
 - (v) an increase in harassment or intimidation, or
 - (vi) the presence of graffiti; and
- (c) the owner or occupants of the premises or part of the premises knew or ought to have known that the activities or circumstances constituting the public nuisance were taking place or existed and did not take adequate steps to eliminate the public nuisance. 2006, c. 11, Sched. A, s. 388 (1).

Consent

(2) The City shall not make an application under subsection (1) with respect to a premises without the consent of the chief of police and the consent shall not be refused unless, in the opinion of the chief of police, the application may have an impact on the operations of the police. 2006, c. 11, Sched. A, s. 388 (2).

Notice to Attorney General

(3) After obtaining a consent under subsection (2) but before making an application under subsection (1), the City shall give 15 days notice of its intention to make an application under subsection (1) to the Attorney General. 2006, c. 11, Sched. A, s. 388 (3).

Resulting action

(4) The following conditions apply with respect to a notice given to the Attorney General under subsection (3):

1. If the Attorney General does not provide any comment to the City with respect to the application within the 15-day period, the City may proceed with the application.
2. If the Attorney General provides comments to the City supporting the application within the 15-day period, the City may immediately proceed with the application.
3. If the Attorney General provides comments to the City opposing the application within the 15-day period, the City may not proceed with the application. 2006, c. 11, Sched. A, s. 388 (4).

Action by Attorney General

(5) The Attorney General may, at any time, take over or terminate an application under subsection (1) or be heard in person or by counsel on the application. 2006, c. 11, Sched. A,

s. 388 (5).

Contents of notice

- (6) A notice under subsection (3) shall include a description of,
- (a) the premises with respect to which the City intends to make the application;
 - (b) the activities or circumstances on or in the premises which, in the opinion of the City, constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises; and
 - (c) the detrimental impact on the use and enjoyment of property in the vicinity of the premises which, in the opinion of the City, is caused by the activities or circumstances described in clause (b). 2006, c. 11, Sched. A, s. 388 (6).

Suspension of closing order

(7) Upon the application of any person who has an interest in the premises, the Superior Court of Justice may make an order suspending an order made under subsection (1) to permit such use, for such period and upon such conditions imposed on the applicant, including the posting of security, as may be specified by the court if, on the balance of probabilities, the court is satisfied that the use will not result in activities and circumstances constituting a public nuisance. 2006, c. 11, Sched. A, s. 388 (7).

Discharge of closing order

(8) Upon the application of any person who has an interest in the premises, the Superior Court of Justice may make an order discharging an order made under subsection (1) if, on the balance of probabilities, the court is satisfied that circumstances have changed to the extent that after the discharge of the order the premises will not be used in a manner which will result in activities and circumstances constituting a public nuisance. 2006, c. 11, Sched. A, s. 388 (8).

Barring entry

(9) If a closing order is made under this section, the city police force shall bar entry to all entrances to the premises or parts of the premises named in the order until the order has been suspended or discharged under this section. 2006, c. 11, Sched. A, s. 388 (9).

No stay of order

(10) An application under this section does not stay an order under subsection (1). 2006, c. 11, Sched. A, s. 388 (10).

City to be party

(11) The City is entitled to be a party in proceedings under subsection (7) or (8) and shall be served with a copy of the notice initiating proceedings in accordance with the rules of the court. 2006, c. 11, Sched. A, s. 388 (11).

Notice

(12) Notice of an application under this section shall be served on the Attorney General who is entitled to be heard in person or by counsel on the application. 2006, c. 11, Sched. A,

s. 388 (12).

Description of premises

[\(13\)](#) For the purpose of an order under this section, the municipal address of the premises is a sufficient description of the premises or part of the premises affected by the order. 2006, c. 11, Sched. A, s. 388 (13).

Registration

[\(14\)](#) An order under this section may be registered in the proper land registry office. 2006, c. 11, Sched. A, s. 388 (14).

Right not affected

[\(15\)](#) Nothing in this section affects the Attorney General's right to bring an injunction in the public interest. 2006, c. 11, Sched. A, s. 388 (15).

Inspection of buildings containing marijuana grow operations

[388.1 \(1\)](#) If the clerk of the City is notified in writing by a police force that a building located on land in the City contained a marijuana grow operation, the City shall ensure that an inspection of the building is conducted within a reasonable time after the clerk has been notified. 2006, c. 32, Sched. B, s. 79.

Persons who may conduct inspection

[\(2\)](#) An inspection referred to in subsection (1) may be conducted by,

- (a) a by-law enforcement officer of any municipality or of any local board of any municipality; or
- (b) an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act. 2006, c. 32, Sched. B, s. 79.

Nature of inspection

[\(3\)](#) The requirement in subsection (1) for an inspection is for an inspection that includes entering upon the land and into the building. 2006, c. 32, Sched. B, s. 79.

Powers to conduct inspection

[\(4\)](#) The inspection shall be conducted pursuant to the powers of entry and inspection that the person conducting the inspection otherwise has under law, but only to the extent that the person conducting the inspection is able to do so. 2006, c. 32, Sched. B, s. 79.

Action to be taken

[\(5\)](#) Upon conclusion of the inspection, the person who conducted the inspection shall take whatever actions he or she is authorized by law to take in order to make the building safe and otherwise protect the public. 2006, c. 32, Sched. B, s. 79.

Definition

[\(6\)](#) In this section,

“police force” means a municipal police force, the Ontario Provincial Police or the Royal

Canadian Mounted Police. 2006, c. 32, Sched. B, s. 79.

Co-ordination of enforcement

[388.2 \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to enter into agreements with a person or body in relation to matters of mutual interest for the purpose of co-ordinating the enforcement of by-laws, statutes and regulations. 2006, c. 32, Sched. B, s. 79.

Other matters not affected

[\(2\)](#) Subsection (1) does not affect the interpretation of other provisions of this Act, any other Act or any regulation made under this or any other Act. 2006, c. 32, Sched. B, s. 79.

APPLICATION TO OTHER ACTS

Application of Part to other Acts

[389. \(1\)](#) This Part applies with necessary modifications to by-laws passed by the City or the police services board of the City under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 389 (1).

Exceptions

[\(2\)](#) Despite subsection (1), sections 375 to 379, 384 and 385 do not apply to by-laws passed by the City or the police services board under any other Act. 2006, c. 11, Sched. A, s. 389 (2).

PART XVI LIABILITY OF THE CITY

Immunity re policy decisions

[390.](#) No proceeding based on negligence in connection with the exercise or non-exercise of a discretionary power or the performance or non-performance of a discretionary function, if the action or inaction results from a policy decision of the City or a local board of the City made in a good faith exercise of the discretion, shall be commenced against,

- (a) the City or a local board of the City;
- (b) a member of city council or a member of a local board of the City; or
- (c) an officer, employee or agent of the City or an officer, employee or agent of a local board of the City. 2006, c. 11, Sched. A, s. 390.

Immunity re performance of duty

[391. \(1\)](#) No proceeding for damages or otherwise shall be commenced against a member of city council, an officer, employee or agent of the City or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority. 2006, c. 11, Sched. A, s. 391 (1).

Liability for torts

[\(2\)](#) Subsection (1) does not relieve the City of liability to which it would otherwise be subject in respect of a tort committed by a member of city council, an officer, employee or agent of the City or a person acting under the instructions of such an officer, employee or agent. 2006, c. 11, Sched. A, s. 391 (2).

Immunity re highways and bridges

[392. \(1\)](#) No proceeding shall be commenced against a member of city council or an officer or employee of the City for damages based on the default of the City in keeping a highway or bridge in a state of repair that is reasonable in light of all of the circumstances, including the character and location of the highway or bridge. 2006, c. 11, Sched. A, s. 392 (1).

Exception, contractors

[\(2\)](#) Subsection (1) does not apply to a contractor with the City, including any officer or employee of the City who is acting as a contractor, whose act or omission caused the damages. 2006, c. 11, Sched. A, s. 392 (2).

Exemption from liability, calming measures

[392.1 \(1\)](#) Despite any Act, if a by-law of the City described in subsection (2) is in effect, no liability attaches to the City by reason of the passing of the by-law or anything done in accordance with it. 2006, c. 32, Sched. B, s. 80.

Calming measures by-law

- [\(2\)](#) A by-law for the purpose of subsection (1) is a by-law that,
- (a) designates a highway or portion of a highway under the jurisdiction of the City as a speed control zone;
 - (b) authorizes the installation of devices in any part of the highway in a speed control zone so as to alter the surface of the highway;
 - (c) permits or requires that signs identifying a speed control zone be posted; and
 - (d) contains a description of the devices that are authorized for installation, the signs permitted or required to be posted and the placement of signs identifying a speed control zone. 2006, c. 32, Sched. B, s. 80.

No exemption from negligence

[\(3\)](#) Despite subsection (1), nothing in this section relieves the City from liability for negligence. 2006, c. 32, Sched. B, s. 80.

Liability in nuisance re water and sewage

[393. \(1\)](#) No proceeding based on nuisance, in connection with the escape of water or sewage from sewage works or water works shall be commenced against,

- (a) the City or a local board of the City;
- (b) a member of city council or a member of a local board of the City; or

(c) an officer, employee or agent of the City or an officer, employee or agent of a local board of the City. 2006, c. 11, Sched. A, s. 393 (1).

Definitions

(2) In this section,

“sewage works” means all or any part of facilities for the collection, storage, transmission, treatment or disposal of sewage, including a sewage system to which the *Building Code Act, 1992* applies; (“station d’épuration des eaux d’égout”)

“water works” means facilities for the collection, production, treatment, storage, supply or distribution of water, or any part of the facilities. (“station de purification de l’eau”)
2006, c. 11, Sched. A, s. 393 (2).

Rights preserved

(3) Subsection (1) does not exempt the City or a local board from liability arising from a cause of action that is created by a statute or from an obligation to pay compensation that is created by a statute. 2006, c. 11, Sched. A, s. 393 (3).

Transition

(4) Subsection (1) does not apply if the cause of action arose before December 19, 1996. 2006, c. 11, Sched. A, s. 393 (4).

PART XVII OTHER CITY BODIES

TORONTO TRANSIT COMMISSION

TTC continued

394. (1) The Toronto Transit Commission is continued as a city board. 2006, c. 11, Sched. A, s. 394 (1).

Status as street railway company

(2) The TTC is deemed to be a street railway company for the purposes of *The Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950. 2006, c. 11, Sched. A, s. 394 (2).

Exclusive authority of TTC

395. (1) No person other than the TTC shall establish, operate or maintain a local passenger transportation system within the City until the TTC is dissolved or the control and management over the local passenger transportation system is removed from the TTC. 2006, c. 11, Sched. A, s. 395 (1).

Offence

(2) A person who contravenes subsection (1) is guilty of an offence. 2006, c. 11, Sched. A, s. 395 (2).

Exceptions

(3) Subsection (1) does not apply in respect of,

- (a) rickshaws;
- (b) pedicabs;
- (c) railway companies incorporated under federal or provincial statutes;
- (d) taxicabs;
- (e) vehicles used for providing sightseeing tours;
- (f) vehicles exclusively chartered to transport a group of persons for a specified trip within the City, for a group fee;
- (g) buses owned and operated by or operated under a contract with a school board or private school;
- (h) buses owned and operated by a corporation or organization solely for its own purposes, without charging a fee for transportation;
- (i) ferries to the Toronto Islands;
- (j) public buses on the Toronto Islands.
- (k) Repealed: 2011, c. 9, Sched. 41, s. 2.

2006, c. 11, Sched. A, s. 395 (3); 2011, c. 9, Sched. 41, s. 2.

Agreements

[\(4\)](#) Despite subsection (1), if a person legally operated a local public passenger transportation service wholly inside or partly inside and partly outside the City on January 1, 1954, the TTC may enter into an agreement with the person authorizing the person to continue to operate all or part of the service for the period and on the conditions specified in the agreement. 2006, c. 11, Sched. A, s. 395 (4).

Powers of the TTC

[396. \(1\)](#) Despite this Act, the TTC may acquire and use any real and personal property for its purposes provided the TTC shall not acquire property without the consent of the City if the property is to be paid for with money raised by issuing debentures of the City. 2006, c. 11, Sched. A, s. 396 (1).

Consulting services

[\(2\)](#) The TTC may provide consulting services in transit-related matters within or outside the City, directly or through a subsidiary. However, the TTC may not invest more than \$100,000 in the subsidiary's capital stock without the consent of the City. 2006, c. 11, Sched. A, s. 396 (2).

Fees and charges

[\(3\)](#) Despite section 263, the fees and charges imposed by the TTC do not require the approval of the City. 2006, c. 11, Sched. A, s. 396 (3).

Agreements re local passenger transportation services

[397. \(1\)](#) The TTC may enter into an agreement with a municipality situated within 40

kilometres of the City providing that,

- (a) the TTC will operate a local passenger transportation service in accordance with the agreement;
- (b) the municipality will pay any operating deficit; and
- (c) the TTC will credit any operating surplus to the municipality. 2006, c. 11, Sched. A, s. 397 (1).

By-laws, surplus and deficit

[\(2\)](#) A municipality that enters into an agreement described in subsection (1) may pass by-laws providing that,

- (a) any deficit charged to the municipality is payable out of the general funds of the municipality, and any surplus shall be credited to the general funds; or
- (b) with the approval of the Ontario Municipal Board, any deficit shall be assessed against the rateable property in an area or areas of the municipality defined in the by-law, and any surplus shall be credited to that rateable property. 2006, c. 11, Sched. A, s. 397 (2).

Agreement with person other than municipality

[\(3\)](#) The TTC may enter into an agreement with a person other than a municipality providing that,

- (a) the TTC will operate a local passenger transportation system in accordance with the agreement; and
- (b) the person will pay any operating deficit. 2006, c. 11, Sched. A, s. 397 (3).

Claims against TTC

[398. \(1\)](#) Any claims arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the TTC's transportation system and property, or arising from the exercise of any of the TTC's powers, shall be made against the TTC and not against the City. 2006, c. 11, Sched. A, s. 398 (1).

Capacity to sue and be sued

[\(2\)](#) The TTC may sue and be sued in its own name. 2006, c. 11, Sched. A, s. 398 (2).

Property tax exemption, passenger transportation system

[399. \(1\)](#) So long as any lands and easements owned by the City or by the TTC are used by the TTC in connection with a passenger transportation system, including lands and easements used for car yards, shops, administration or communications in connection with the system, those lands and easements and any buildings and structures on them are exempt from real property taxation, and the TTC is not liable for payments under section 27 of the *Assessment Act*. 2009, c. 33, Sched. 21, s. 4 (30).

Concessions

[\(2\)](#) Subsection (1) does not apply to concessions operated, rented or leased in passenger

transportation stations. 2006, c. 11, Sched. A, s. 399 (2).

Deemed exemption

(3) The exemption provided by subsection (1) is deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*. 2006, c. 11, Sched. A, s. 399 (3).

TTC Pension Fund Society

400. (1) The Toronto Transit Commission Pension Fund Society is continued. 2006, c. 11, Sched. A, s. 400 (1).

Role of TTC

(2) The TTC continues to stand in the place of The Toronto Transportation Commission in relation to the Toronto Transit Commission Pension Fund Society. 2006, c. 11, Sched. A, s. 400 (2).

Sick benefit plan

401. (1) This section applies with respect to the power of the TTC to provide for weekly sick-pay, special service and medical and surgical benefits for its employees, or any class of them, and their spouses and dependent children and for its retired employees. 2006, c. 11, Sched. A, s. 401 (1).

Same

(2) The TTC may provide for paying all or part of the cost of those benefits by contract with an insurer licensed under the *Insurance Act*, an association registered under the *Prepaid Hospital and Medical Services Act* or the Toronto Transit Commission Sick Benefit Association established under the *Co-operative Corporations Act*. 2006, c. 11, Sched. A, s. 401 (2).

Contributions

- (3) The TTC shall make contributions only in respect of,
- (a) regular employees who have been employed by the TTC for at least 60 days, and their spouses and dependent children; and
 - (b) retired employees who reside in Ontario and elect to continue the benefits. 2006, c. 11, Sched. A, s. 401 (3).

Temporary and seasonal employees excluded

(4) The TTC shall not make contributions in respect of temporary or seasonal employees. 2006, c. 11, Sched. A, s. 401 (4).

Certain dependants excluded

(5) Except as provided in subsection (6), the TTC shall not make contributions in respect of dependants of regular employees other than spouses and dependent children, or in respect of dependants of retired employees. 2006, c. 11, Sched. A, s. 401 (5).

Election, benefits for certain dependants

(6) Special service and medical and surgical benefits may be provided for dependants of regular employees, other than spouses and dependent children, and for dependants of retired

employees, if the employees or retired employees so elect and pay the cost of the benefits. 2006, c. 11, Sched. A, s. 401 (6).

Restriction, sick-pay benefits

(7) Sick-pay benefits shall be provided only for active regular employees. 2006, c. 11, Sched. A, s. 401 (7).

Election, increased sick-pay

(8) Increased weekly sick-pay may be provided for employees who so elect and pay the cost of the increase. 2006, c. 11, Sched. A, s. 401 (8).

Administration costs

(9) The TTC may assume the cost of administration of the benefits provided under this section. 2006, c. 11, Sched. A, s. 401 (9).

Benefits validated

(10) The sick-pay, special service and medical and surgical benefits provided before January 1, 1961, and the contributions made in relation to those benefits by The Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed to be legal and valid. 2006, c. 11, Sched. A, s. 401 (10).

TORONTO POLICE SERVICES BOARD**Board continued**

402. (1) The Toronto Police Services Board is continued. 2006, c. 11, Sched. A, s. 402 (1).

Composition of Board

(2) The City is deemed to have applied to the Lieutenant Governor in Council for an increase in the size of the Board under subsection 27 (9) of the *Police Services Act* and the Lieutenant Governor in Council is deemed to have approved the application. 2006, c. 11, Sched. A, s. 402 (2).

Additional policing services

403. In addition to performing the policing services prescribed in the *Police Services Act*, the Toronto police force may,

- (a) maintain a safety and lifesaving patrol of the waters of Lake Ontario within the limits of the City;
- (b) provide lifeguard service on the beaches in the City; and
- (c) provide The Toronto Harbour Commissioners with the security and port policing for the Port of Toronto that they may require from time to time. 2006, c. 11, Sched. A, s. 403.

Indemnifying members of police force

404. If the subject matter of an inquiry held by a commission under the *Public Inquiries*

Act, 2009 includes the conduct of a member of the Toronto police force in the performance or purported performance of his or her duties, the City may, to the extent it thinks fit, pay the legal costs incurred by the member in respect of the inquiry. 2006, c. 11, Sched. A, s. 404; 2009, c. 33, Sched. 6, s. 46 (7).

BOARD OF HEALTH

Board of Health continued

405. (1) The Board of Health for the City of Toronto Health Unit is continued as a board of health for the City and is deemed to be a board of health established under the *Health Protection and Promotion Act*. 2006, c. 11, Sched. A, s. 405 (1).

Size

(2) The City shall, by by-law, establish the Board's size in accordance with subsection 49 (2) of the *Health Protection and Promotion Act*. 2006, c. 11, Sched. A, s. 405 (2).

Appointment

(3) Despite subsections 49 (1) and (3) of the *Health Protection and Promotion Act*, all the members of the Board shall be appointed by the City. 2006, c. 11, Sched. A, s. 405 (3).

Area of jurisdiction

(4) The Board's area of jurisdiction is the City. 2006, c. 11, Sched. A, s. 405 (4).

Functions of city council

(5) Despite the *Health Protection and Promotion Act*, the City has the following functions with respect to the Board:

1. The functions that the Board would otherwise have in respect of the appointment, reappointment and dismissal of its medical officer of health and associate medical officers of health.
2. The duty of providing to the Board the city employees, including public health nurses, that the City considers necessary to carry out the Board's functions, including its duties in respect of mandatory health programs and services.
3. The duty of appointing the Board's auditor. 2006, c. 11, Sched. A, s. 405 (5).

EXHIBITION PLACE

Powers, duties re Exhibition Place

406. (1) In this section and in section 407,

“Exhibition Place” means the land known as Exhibition Park and adjacent land to the south created by fill, which was vested in the City on January 1, 1998 by the *City of Toronto Act, 1997*, except for any interest of the Crown in right of Ontario. 2006, c. 11, Sched. A, s. 406 (1).

Use of Exhibition Place

(2) Exhibition Place shall be used,

- (a) for parks and exhibition purposes;
- (b) for the purposes of trade centres and trade and agricultural fairs such as, but not limited to, the annual Canadian National Exhibition and Royal Agricultural Winter Fair;
- (c) for displays, agricultural activities, sporting events, athletic contests, public entertainments and meetings;
- (d) for highway, electrical transmission or public utility purposes;
- (e) for any other purpose that the City may approve. 2006, c. 11, Sched. A, s. 406 (2).

Canadian National Exhibition

[\(3\)](#) An exhibition shall be held annually at Exhibition Place. 2006, c. 11, Sched. A, s. 406 (3).

Same

[\(4\)](#) The City may enter into agreements with The Board of Governors of Exhibition Place or the Canadian National Exhibition Association appointing the Board of Governors or the Association as its agent to carry out any of the powers of the City relating to the use of Exhibition Place; on execution of the agreement, the Board of Governors or the Association, as the case may be, is authorized to exercise the powers, subject to any restrictions in the agreement. 2006, c. 11, Sched. A, s. 406 (4).

Board continued

[407. \(1\)](#) The Board of Governors of Exhibition Place is continued as a city board and its purposes are the operation, management and maintenance of Exhibition Place. 2006, c. 11, Sched. A, s. 407 (1).

Status under *Agricultural and Horticultural Organizations Act*

[\(2\)](#) For the purposes of the *Agricultural and Horticultural Organizations Act*, the Board of Governors is deemed to be an organization. 2006, c. 11, Sched. A, s. 407 (2).

Municipal Conflict of Interest Act

[\(3\)](#) For the purposes of the *Municipal Conflict of Interest Act*, a member of the Board of Governors who is also a member or officer of the Canadian National Exhibition Association does not, for that sole reason, have a pecuniary interest in respect of a contract, proposed contract or other matter between the Board and the Association. 2006, c. 11, Sched. A, s. 407 (3).

Former employees of Association or Exhibition Stadium Corporation

[408. \(1\)](#) Every person employed by the Canadian National Exhibition Association or the Exhibition Stadium Corporation who accepted employment with The Board of Governors of Exhibition Place under subsection 232 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read before its repeal,

- (a) continues as, or is deemed to have become a member of, the Ontario Municipal Employees Retirement System, as the case requires, on his or her transfer date; and

(b) with respect to pension benefits accrued before the coming into force of an agreement under subsections 229 (11) and (12) of that Act, is deemed, during the course of his or her employment by the Association or the Corporation, to have been employed by the Board of Governors. 2006, c. 11, Sched. A, s. 408 (1).

Participation in OMERS

(2) The Board of Governors is deemed to have elected to participate in the Ontario Municipal Employees Retirement System on October 4, 1982. 2006, c. 11, Sched. A, s. 408 (2).

Sick leave

(3) Any sick leave credits of an employee referred to in subsection (1) standing on the day an agreement is entered into under subsections 229 (11) and (12) of the *Municipality of Metropolitan Toronto Act* shall be placed to the employee's credit in any sick leave credit plan established by the Board of Governors. 2006, c. 11, Sched. A, s. 408 (3).

TORONTO ZOO

Board continued

409. (1) The Board of Management of the Toronto Zoo is continued as a city board and its purposes are the operation, management and maintenance of the Toronto Zoo. 2006, c. 11, Sched. A, s. 409 (1).

(2) Repealed: 2009, c. 33, Sched. 21, s. 4 (31).

Taxation

(3) The occupation, management and control of the Toronto Zoo by the Board of Management, for the purposes of subsections 451 (2), (3) and (4) of this Act and paragraph 9 of subsection 3 (1) of the *Assessment Act*, are deemed to be occupation, management and control by the City. 2006, c. 11, Sched. A, s. 409 (3).

Municipal Conflict of Interest Act

(4) For the purposes of the *Municipal Conflict of Interest Act*, a member of the Board of Management who is also a member or officer of the Metropolitan Toronto Zoological Society does not, for that sole reason, have a pecuniary interest in respect of a contract, proposed contract or other matter between the Board of Management and the Society. 2006, c. 11, Sched. A, s. 409 (4).

Definition

(5) In this section,

“Toronto Zoo” means the zoological garden and related facilities of the City. 2006, c. 11, Sched. A, s. 409 (5).

Former employees of Society

410. (1) For the purposes of pension benefits, every person employed by the Metropolitan Toronto Zoological Society who accepted employment with the Board of

Management of the Toronto Zoo under subsection 236 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read before its repeal, is deemed, during the course of his or her employment by the Society, to have been employed by the Board of Management. 2006, c. 11, Sched. A, s. 410 (1).

Sick leave

(2) Any sick leave credits of an employee referred to in subsection (1) standing on December 31, 1977 shall be placed to the employee's credit in any sick leave credit plan established by the Board of Management. 2006, c. 11, Sched. A, s. 410 (2).

HUMMINGBIRD CENTRE

Board continued

411. (1) The Board of Directors of the Hummingbird Centre for the Performing Arts is continued as a city board and its purposes are the operation, management and maintenance of the Centre as a theatre and auditorium and as a centre for meetings, receptions and displays. 2006, c. 11, Sched. A, s. 411 (1).

Pensions

(2) The Board of Directors may provide pensions for its employees, or any class of them, and their spouses and children, and may enter into agreements with any person for that purpose. 2006, c. 11, Sched. A, s. 411 (2).

Taxation

(3) The occupation, management and control of the Centre by the Board of Directors are deemed, for the purposes of paragraph 9 of subsection 3 (1) of the *Assessment Act*, to be occupation, management and control by the City. 2006, c. 11, Sched. A, s. 411 (3).

Definition

(4) In this section,

“Centre” means the land and building vested in the City known as the Hummingbird Centre, formerly known as the O’Keefe Centre. 2006, c. 11, Sched. A, s. 411 (4).

Repeal

(5) **This section is repealed on a day to be named by proclamation of the Lieutenant Governor. 2006, c. 11, Sched. A, s. 411 (5).**

NORTH YORK PERFORMING ARTS CENTRE CORPORATION

North York Performing Arts Centre Corporation

Definitions

411.1 (1) In this section,

“arts centre” means any land, building, fixtures and undertakings owned or available to or used by the corporation and located within the part of the City that on December 31, 1997 constituted the City of North York; (“centre des arts”)

“corporation” means the North York Performing Arts Centre Corporation continued under

subsection (2). (“société”) 2006, c. 32, Sched. B, s. 81.

Continuation of corporation

(2) The North York Performing Arts Centre Corporation is continued as a city board. 2006, c. 32, Sched. B, s. 81.

Application of provisions

(3) Sections 426 and 428 apply with necessary modifications to the corporation and its board of directors. 2006, c. 32, Sched. B, s. 81.

Not-for-profit corporation

(4) The corporation shall be carried on without the purpose of gain and any income or other accretions to the corporation shall be used in promoting its objects. 2006, c. 32, Sched. B, s. 81.

Objects

(5) The objects of the corporation are, for charitable purposes, to maintain, operate and manage the arts centre for the benefit of the public and, without limiting these general objects,

- (a) to provide facilities and services for the performing arts, the fine arts and other charitable and cultural activities;
- (b) to establish educational facilities and provide instruction in all areas of the arts;
- (c) to provide facilities and services for holding receptions, meetings, conferences, conventions, exhibitions and displays;
- (d) to operate an art gallery, gift shop, theatre, music hall, studio theatre, concert hall, ballroom, film, television or recording studio, refreshment stands and restaurants;
- (e) to promote the advancement of the performing and fine arts;
- (f) to present, produce, manage and conduct performances of the performing arts, including plays, dramas, comedies, revues, operas, concerts, musicals, television shows, video tapes, sound recordings, films, variety, ballets, shows and other artistic undertakings;
- (g) to promote and market the arts centre;
- (h) to oversee, arrange or contract for and supervise the design, construction and promotion of any building or structure for the arts centre. 2006, c. 32, Sched. B, s. 81.

Claims, etc.

(6) Subject to any agreement of the City to the contrary, all claims, demands or causes of action arising from or relating to the objects of the corporation shall be made upon or brought against the corporation and not upon or against the City. 2006, c. 32, Sched. B, s. 81.

Activities deemed not to be undertaking

(7) Except to the extent that a regulation under clause 39 (g) of the *Environmental Assessment Act* designates an enterprise or activity of the corporation or of the City related to

the corporation as an undertaking to which that Act applies,

- (a) the enterprises, proposals, plans, activities or programs of the corporation are deemed not to be an undertaking to which the *Environmental Assessment Act* applies; and
- (b) this subsection is deemed to be a regulation under clause 39 (f) of the *Environmental Assessment Act*. 2006, c. 32, Sched. B, s. 81.

TORONTO PUBLIC LIBRARY BOARD

Board continued

[412.](#) The Toronto Public Library Board is continued as a library board for the City and is deemed to be a public library board established under the *Public Libraries Act*. 2006, c. 11, Sched. A, s. 412.

Additional functions

[413. \(1\)](#) In addition to its functions under the *Public Libraries Act*, the Toronto Public Library Board shall,

- (a) provide a reference and research service that reflects the unique needs of the City;
- (b) maintain a comprehensive collection of books, periodicals, films and other material for the purpose of clause (a); and
- (c) provide library resources and services to the Ontario library community. 2006, c. 11, Sched. A, s. 413 (1).

Special library services board

[\(2\)](#) For the purposes of clause (1) (c), the Board is deemed to be a special library services board under subsection 40 (1) of the *Public Libraries Act*. 2006, c. 11, Sched. A, s. 413 (2).

Other resources and services

[\(3\)](#) The Minister of Culture may specify additional resources and services to be provided by the Board. 2006, c. 11, Sched. A, s. 413 (3).

Grants

[\(4\)](#) The Minister of Culture may make grants to the Board under subsection 40 (1) of the *Public Libraries Act* for the purposes of clause (1) (c) and for the purposes of subsection (3). 2006, c. 11, Sched. A, s. 413 (4).

John Ross Robertson Collection

[414.](#) The Toronto Public Library Board has power to maintain the personal property known as the John Ross Robertson Collection, in whatever building of the Board it considers appropriate. 2006, c. 11, Sched. A, s. 414.

TORONTO HISTORICAL BOARD

Board continued

[415.](#) The Toronto Historical Board is continued as a city board. 2006, c. 11, Sched. A, s. 415.

TORONTO LICENSING COMMISSION

Commission continued

[416.](#) The Toronto Licensing Commission, whose name was changed by a city by-law to the Toronto Licensing Tribunal, is continued as a city board under the name Toronto Licensing Tribunal in English and Tribunal de délivrance de permis de Toronto in French. 2006, c. 11, Sched. A, s. 416.

MUNICIPAL SERVICE BOARDS

Boards continued

[417.](#) Every body corporate that, immediately before this section comes into force, is a municipal service board of the City is continued as a city board on the day on which this section comes into force. 2006, c. 11, Sched. A, s. 417.

SINKING FUND COMMITTEES

Committees continued

[418.](#) Every sinking fund committee that exists immediately before this section comes into force is continued as a local board of the City. 2006, c. 11, Sched. A, s. 418.

PART XVIII TRANSITION

MATTERS RESPECTING THE CITY

Continuation of authority for by-laws, etc.

[419. \(1\)](#) This section applies with respect to the provisions of this Act for which there are corresponding provisions of the *Municipal Act, 2001*, as that Act reads immediately before section 7.1 of that Act (as enacted by subsection 9 (2) of Schedule B to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*) comes into force. 2006, c. 11, Sched. A, s. 419 (1).

Deemed substitution of provisions

[\(2\)](#) The enactment of a provision of this Act for which there is a corresponding provision of the *Municipal Act, 2001* and the enactment of section 7.1 of that Act are deemed, for the purposes of subsections 52 (1) to (5) of the *Legislation Act, 2006*, to constitute the substitution of the provision of this Act for the corresponding provision of that Act when the provision of this Act comes into force. 2006, c. 11, Sched. A, s. 419 (2); 2009, c. 33, Sched. 21, s. 4 (32).

Deemed re-enactment of Act

[\(3\)](#) The enactment of the provisions of this Act for which there are corresponding provisions of the *Municipal Act, 2001* and the enactment of section 7.1 of that Act are deemed, for the purposes of subsection 52 (6) and section 59 of the *Legislation Act, 2006*, to constitute a re-enactment of the *Municipal Act, 2001* in relation to the City. 2006, c. 11,

Sched. A, s. 419 (3); 2009, c. 33, Sched. 21, s. 4 (33).

Effect on by-laws, etc.

(4) Without limiting the generality of subsections (2) and (3), if a by-law, resolution, order or rule that is in effect immediately before section 7.1 of the *Municipal Act, 2001* comes into force was made by the City under a provision of that Act for which there is a corresponding provision of this Act, the by-law, resolution, order or rule remains in effect on the day on which section 7.1 of that Act comes into force and the by-law, resolution, order or rule is deemed to have been made by the City under the corresponding provision of this Act. 2006, c. 11, Sched. A, s. 419 (4).

By-laws under private Acts continued under this Act

419.1 (1) This section applies with respect to provisions of this Act for which there were corresponding provisions in a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

Powers not limited

(2) Nothing in the provisions described in subsection (1) limits the powers of the City under sections 7 and 8 and the powers mentioned in subsection 6 (2) are deemed to include powers under a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

Interpretation

(3) A provision of this Act described in subsection (1) is deemed to be a substitute for or replacement of the corresponding provision in the private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

Temporary authority for by-laws, etc.

420. (1) If, as a result of the coming into force of any provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*, the City no longer has the authority to pass a by-law or resolution that was in force immediately before the continuation of the City, despite the absence of authority,

- (a) the by-law or resolution continues in force until its repeal, expiration or January 1, 2010, whichever occurs first; and
- (b) the authority, as it read immediately before the continuation of the City, continues to apply to the by-law or resolution passed under it before the day this section comes into force. 2006, c. 11, Sched. A, s. 420 (1).

Restrictions

(2) A by-law or resolution described in subsection (1) cannot be amended. 2006, c. 11, Sched. A, s. 420 (2).

Effect

(3) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the City. 2006, c. 11, Sched. A, s. 420 (3).

Temporary authority for by-laws, etc.

[420.1 \(1\)](#) If, as a result of the repeal of a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*, the City no longer has the authority to pass a by-law or resolution that was in force immediately before the repeal, despite the absence of authority,

- (a) the by-law or resolution continues in force until its repeal, expiration or January 1, 2010, whichever occurs first; and
- (b) the authority, as it read immediately before its repeal, continues to apply to the by-law or resolution passed under it before its repeal. 2006, c. 32, Sched. B, s. 83.

Restrictions

[\(2\)](#) A by-law or resolution described in subsection (1) cannot be amended. 2006, c. 32, Sched. B, s. 83.

Effect

[\(3\)](#) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the City. 2006, c. 32, Sched. B, s. 83.

Deemed by-law re powers and duties

[420.2 \(1\)](#) This section applies if a person or body, other than a city board, ceases to be authorized to exercise powers or perform duties on behalf of, or in relation to, the City by virtue of the coming into force of any provision of,

- (a) the *Stronger City of Toronto for a Stronger Ontario Act, 2006*; or
- (b) Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

Same

[\(2\)](#) On the day on which the applicable provision comes into force, the City is deemed to have passed any by-law necessary under this Act to give the person or body any power or duty,

- (a) that the City is capable of giving to the person or body under this Act; and
- (b) that the person or body was authorized to exercise or perform, on behalf of or in relation to the City, immediately before that day. 2006, c. 32, Sched. B, s. 83.

Same

[\(3\)](#) If the deemed by-law is a delegation by-law, it is also deemed to provide that both the City and the delegate can exercise the delegated powers. 2006, c. 32, Sched. B, s. 83.

Amend or repeal

[\(4\)](#) The City may amend or repeal the deemed by-law. 2006, c. 32, Sched. B, s. 83.

Status of official plans

[421.](#) Every official plan of the City that was in force on January 1, 1998 by virtue of

section 45 of the *City of Toronto Act, 1997 (No. 2)* and that remains in force on the day on which this section comes into force,

- (a) is deemed to be an official plan of the City; and
- (b) remains in force, in respect of the part of the City to which it applied on December 31, 1997, until city council repeals it or amends it to provide otherwise. 2006, c. 11, Sched. A, s. 421.

Temporary duty to give notice

[422.](#) (1) This section applies from the day on which it comes into force until the day on which the City adopts a policy under paragraph 4 of subsection 212 (1) respecting the circumstances in which the City is required to provide notice to the public. 2006, c. 11, Sched. A, s. 422 (1).

Same

[\(2\)](#) If a provision of the *Municipal Act, 2001* or a regulation made under that Act requires a municipality to give notice in specified circumstances and if this Act does not require the City to give notice in those circumstances, the City shall give notice in accordance with the provision of the *Municipal Act, 2001* or of the regulation made under that Act. 2006, c. 11, Sched. A, s. 422 (2).

Effect of duty

[\(3\)](#) Nothing in subsection (2) has the effect of making any other procedural requirement or any substantive requirement of the *Municipal Act, 2001* apply to the City in the circumstances. 2006, c. 11, Sched. A, s. 422 (3).

[423.](#) Repealed: 2006, c. 32, Sched. B, s. 84.

Tax status of property used by veterans

[424.](#) (1) Section 325 of the *Municipal Act, 2001* applies to the City. 2006, c. 11, Sched. A, s. 424 (1).

Repeal

[\(2\)](#) This section is repealed on a day to be named by proclamation of the Lieutenant Governor. 2006, c. 11, Sched. A, s. 424 (2).

Certain transitional provisions, *Municipal Act, 2001*

[425.](#) Sections 462 to 467, 469, 471, 473, 474, 474.3, 474.10 and 474.10.1 of the *Municipal Act, 2001* continue to apply to the City. 2006, c. 11, Sched. A, s. 425; 2006, c. 32, Sched. B, s. 85.

Transition, 2007 tax year

[425.1](#) In Parts XII and XIII, a reference to a provision of this Act is deemed to be a reference to the corresponding provision of the *Municipal Act, 2001*, if the context requires it. 2006, c. 32, Sched. B, s. 86.

Adjustments

[425.2](#) For the purpose of Part XIII, adjustments made after 2006 that relate to amounts

payable but not paid before 2007 under the *Municipal Act, 2001* or that relate to overpayments made before 2007 under that Act shall be charged or credited under this Act as if the amounts had been payable or overpayments made under this Act. 2006, c. 32, Sched. B, s. 86.

CITY BOARDS AND OTHER LOCAL BOARDS

City boards, effect of continuation

[426. \(1\)](#) This section applies with respect to each local board that is continued as a city board by Part XVII (Other City Bodies). 2006, c. 11, Sched. A, s. 426 (1).

Same

[\(2\)](#) Without limiting the provision of Part XVII that continues a local board as a city board, the following circumstances exist on the day on which the local board is continued:

1. The matters described in paragraphs 1 to 7 of subsection 141 (1) relating to the city board, and the rules with respect to those matters, are the same as they were immediately before continuation of the local board as a city board.
2. The city board has the same control and management of the same municipal services and activities that the local board had immediately before the continuation.
3. The powers and duties of the city board are the same as the local board's powers and duties immediately before the continuation.
4. The by-laws, resolutions, rules, procedures and policies of the local board that were in effect immediately before the continuation remain in effect, subject to section 428. 2006, c. 11, Sched. A, s. 426 (2).

Deemed by-law

[\(3\)](#) On the day on which a local board is continued as a city board, the City is deemed to have passed a by-law under this Act delegating to the city board the control and management of the municipal services and activities described in paragraph 2 of subsection (2) and any related powers and duties described in paragraph 3 of subsection (2). 2006, c. 11, Sched. A, s. 426 (3).

Same

[\(4\)](#) The deemed by-law is also deemed to provide that the City cannot exercise the powers delegated to the city board for the purposes for which the powers are delegated and to provide that the City may revoke or change the delegation at any time. 2006, c. 11, Sched. A, s. 426 (4).

Same

[\(5\)](#) The City may amend or repeal the deemed by-law. 2006, c. 11, Sched. A, s. 426 (5).

Other local boards, effect of continuation

[427. \(1\)](#) This section applies with respect to each local board that is continued by Part XVII (Other City Bodies), but not with respect to a local board that is continued as a city board by that Part. 2006, c. 11, Sched. A, s. 427 (1).

Same

(2) Without limiting the provision of Part XVII that continues a local board, the following circumstances exist on the day on which the local board is continued:

1. The composition of the local board is the same as it was immediately before continuation.
2. The powers and duties of the local board are the same as they were immediately before the continuation.
3. The by-laws, resolutions, rules, procedures and policies of the local board that were in effect immediately before the continuation remain in effect, subject to section 428. 2006, c. 11, Sched. A, s. 427 (2).

Temporary authority for by-laws, etc., of boards

428. (1) If, as a result of the coming into force of any provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*, a city board or other local board no longer has the authority to pass a by-law or resolution that was in force immediately before the continuation of the board, despite the absence of authority,

- (a) the by-law or resolution continues in force until its repeal, expiration or January 1, 2010, whichever occurs first; and
- (b) the authority, as it read immediately before the continuation of the city board or other local board, continues to apply to the by-law or resolution passed under it before the day this section comes into force. 2006, c. 11, Sched. A, s. 428 (1).

Restrictions

(2) A by-law or resolution described in subsection (1) cannot be amended. 2006, c. 11, Sched. A, s. 428 (2).

Effect

(3) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the local board. 2006, c. 11, Sched. A, s. 428 (3).

MISCELLANEOUS MATTERS**Business improvement areas**

429. (1) Every board of management that exists immediately before this section comes into force for a business improvement area in the City is continued as a local board of the City until the board of management is dissolved by the City. 2006, c. 11, Sched. A, s. 429 (1).

Same

(2) Sections 204 to 215 of the *Municipal Act, 2001* apply to those boards of management and to the City for the purposes of those boards. 2006, c. 11, Sched. A, s. 429 (2).

Deemed local board

(3) A board continued by subsection (1) is deemed to be a local board of the City for all purposes. 2006, c. 32, Sched. B, s. 87.

Deemed by-law re delegation to certain persons, bodies

430. (1) This section applies if a person or body, other than a city board, ceases to be authorized to exercise powers or perform duties on behalf of, or in relation to, the City by virtue of the coming into force of any provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006* or Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 11, Sched. A, s. 430 (1); 2006, c. 32, Sched. B, s. 88 (1).

Same

(2) On the day on which the applicable provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006* or Schedule B to the *Municipal Statute Law Amendment Act, 2006* comes into force, the City is deemed to have passed a by-law under this Act delegating to the person or body any power or duty that the City is capable of delegating to the person or body under this Act which the person or body was authorized to exercise or perform, as the case may be, on behalf of, or in relation to, the City immediately before that day. 2006, c. 11, Sched. A, s. 430 (2); 2006, c. 32, Sched. B, s. 88 (2).

Same

(3) The deemed by-law is also deemed to provide that the City cannot exercise the powers delegated to the person or body for the purposes for which the powers are delegated and to provide that the City may revoke or change the delegation at any time. 2006, c. 11, Sched. A, s. 430 (3).

Same

(4) The City may amend or repeal the deemed by-law. 2006, c. 11, Sched. A, s. 430 (4).

Proceedings under Part VI of Metro Act

431. Part VI of the *Municipality of Metropolitan Toronto Act*, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read on December 31, 1997, continues to apply to the following, despite the repeal of that Act:

1. Applications made under subsection 93 (2) of that Act (dispute re bridge or highway) on or before December 31, 1997 and not finally disposed of by the date on which this section comes into force.
2. Applications for approval made under subsection 97 (2) of that Act (road closing) on or before December 31, 1997 and not finally disposed of by the date on which this section comes into force.
3. Claims filed under subsection 97 (3) of that Act (injurious affection) on or before December 31, 1997 and not finally disposed of by the date on which this section comes into force. 2006, c. 11, Sched. A, s. 431.

REGULATIONS

Regulations, transitional matters

[432.](#) (1) The Minister of Municipal Affairs and Housing may make regulations providing for transitional matters which, in the opinion of the Minister, are necessary or desirable,

- (a) to facilitate the implementation of this Act or any provision of this Act;
- (b) to deal with problems or issues arising as a result of the repeal of the *City of Toronto Act, 1997 (No. 1)* and the *City of Toronto Act, 1997 (No. 2)* and the enactment of this Act;
- (c) to deal with problems or issues arising as a result of the enactment of section 7.1 of the *Municipal Act, 2001* by subsection 9 (2) of Schedule B to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*;
- (d) to deal with problems or issues arising as a result of the amendment or repeal of a provision of another Act by Schedule B or C of the *Stronger City of Toronto for a Stronger Ontario Act, 2006*;
- (e) to deal with problems or issues arising as a result of the repeal of a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 11, Sched. A, s. 432 (1); 2006, c. 32, Sched. B, s. 89.

Conflicts

[\(2\)](#) If there is a conflict between a regulation made under this section and a provision of any Act or any regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 432 (2).

PART XIX MISCELLANEOUS MATTERS

STATUS OF CERTAIN EMPLOYMENT BENEFITS

Interpretation

[433.](#) In sections 434 to 440,

“local board” has the same meaning as in the *City of Toronto Act, 1997 (No. 1)* as that Act read immediately before its repeal by section 1 of Schedule B to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*; (“conseil local”)

“Metro” means The Municipality of Metropolitan Toronto under the Metro Act; (“communauté urbaine”)

“Metro Act” means the *Municipality of Metropolitan Toronto Act*, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read immediately before its repeal; (“loi sur la communauté urbaine”)

“old municipalities” has the same meaning as in the *City of Toronto Act, 1997 (No. 1)* as that Act read immediately before its repeal by section 1 of Schedule B to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*. (“anciennes municipalités”) 2006, c. 11, Sched. A, s. 433.

Pensions, benefits

434. (1) In this section,

“benefits” includes,

- (a) life, accident, liability, health, hospital or other insurance benefits,
- (b) liability, medical, health, hospital, sick leave, holiday or similar benefits or gratuities,
- (c) retirement allowances, severances or incentives, and
- (d) gratuities in respect of work-related injuries or death; (“avantages sociaux”)

“employee” means,

- (a) employees and retired employees, both as defined in paragraph 46 of section 207 of the old *Municipal Act*, and
- (b) former employees. (“employé”) 2006, c. 11, Sched. A, s. 434 (1).

Rights preserved

(2) Nothing in this Act, the *City of Toronto Act, 1997 (No. 1)* or the *City of Toronto Act, 1997 (No. 2)* affects the rights that any of the following persons have with respect to pensions or benefits on December 31, 1997:

1. Employees of an old municipality or one of its local boards.
2. Members or former members of a council of an old municipality, or of a local board of an old municipality.
3. Persons entitled, under paragraph 50 of section 207 of the old *Municipal Act*, to benefits from an old municipality or one of its local boards.
4. The beneficiaries of persons referred to in paragraphs 1, 2 and 3. 2006, c. 11, Sched. A, s. 434 (2).

Plans and funds continued

(3) Subject to any other Act, all pension and benefit plans and funds that meet the following conditions are continued:

1. They existed on December 31, 1997 and, by virtue of section 3 of the *City of Toronto Act, 1997 (No. 2)*, they were continued.
2. They have been established under the authority of a general or special Act.
3. They provide for pensions or benefits for persons listed in subsection (2). 2006, c. 11, Sched. A, s. 434 (3).

Administrative bodies continued

(4) Every board, committee or other body established to administer a plan or fund that is continued by subsection (3) is likewise continued. 2006, c. 11, Sched. A, s. 434 (4).

Future changes

[\(5\)](#) This section does not affect any power that the City or any of its local boards may have to make changes with respect to a pension or benefit plan or fund, including changes affecting the rights of persons listed in subsection (2), by agreement or as otherwise allowed by law. 2006, c. 11, Sched. A, s. 434 (5).

Amending pension by-laws

[435. \(1\)](#) The City may, by by-law, amend a by-law passed under clause 24 (3) (b) of the Metro Act, as it read on December 31, 1997, or under a predecessor of that clause. 2006, c. 11, Sched. A, s. 435 (1).

Two-thirds majority for amendment

[\(2\)](#) A by-law under subsection (1) requires an affirmative vote of two-thirds of the members of city council who are present and voting. 2006, c. 11, Sched. A, s. 435 (2).

Local boards, pension contributions

[436.](#) When a pension plan established under clause 24 (3) (b) of the Metro Act, or under a predecessor of that clause, applies to an employee of a local board of the City, the local board shall,

- (a) deduct from the employee's remuneration, by instalments, the amounts that the plan requires him or her to contribute, and pay them to the city treasurer; and
- (b) pay to the city treasurer the employer contributions that the plan requires in respect of the employee. 2006, c. 11, Sched. A, s. 436.

Corporate status of certain plan and fund

[437.](#) The Metropolitan Toronto Pension Plan and the Metropolitan Toronto Police Benefit Fund established under the Metro Act and continued by subsection 434 (3) are deemed to be bodies corporate, but only for the purposes of acquiring, holding and disposing of land to carry out their objects. 2006, c. 11, Sched. A, s. 437.

Accrued benefits, former plan

[438. \(1\)](#) Subsection (2) applies if an employee of the City or of one of its local boards was, on December 31, 1997, a member of a pension plan established by Metro by virtue of,

- (a) an election under subsection 24 (5) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection; or
- (b) an agreement under clause 24 (3) (c) of the Metro Act, as it read on December 31, 1997, or a predecessor of that clause. 2006, c. 11, Sched. A, s. 438 (1).

Same

[\(2\)](#) When the employee's services with the City or local board terminate,

- (a) the employee or his or her beneficiaries are entitled to all the benefits under the pension plan of the former employer referred to in subsection 24 (9) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection, accrued up to the date the employee became a member of the plan established by Metro; and

(b) for the purpose of determining eligibility for those accrued benefits, the employee's service with the City or local board (and, up to December 31, 1997, with Metro or its local board) is deemed to be service with the former employer. 2006, c. 11, Sched. A, s. 438 (2).

Transfer from other plan

(3) An employee who became a member of the pension plan of Metro or one of its local boards in accordance with subsection 24 (5) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection, is entitled to elect to transfer money to that plan from the pension plan of the former employer, in accordance with subsection 117 (5) of the old *Municipal Act*. 2006, c. 11, Sched. A, s. 438 (3).

Same

(4) Subsection (3) applies even if the employee would not be entitled to a refund of contributions from the pension plan of the former employer; on the transfer, the employee and his or her beneficiaries cease to have any rights under the pension plan of the former employer. 2006, c. 11, Sched. A, s. 438 (4).

Same

(5) If the employee elects under subsection (3), the money shall be transferred when his or her service with the City or local board ends, subject to subsection (6). 2006, c. 11, Sched. A, s. 438 (5).

Same

(6) The money may be transferred earlier,

(a) at the option of the Toronto Transit Commission or the Toronto Police Services Board, as the case may be, if the Toronto Transit Commission or the Toronto Police Services Board, as the case may be, or a predecessor is the former employer;

(b) at the City's option, in all other cases. 2006, c. 11, Sched. A, s. 438 (6).

Certain members of police force

(7) Subsection (2) also applies to every person who was, on December 31, 1997, a member of the Toronto Police Force to whom subsection 204 (2) of the Metro Act, as it read on that day, applied. 2006, c. 11, Sched. A, s. 438 (7).

Application of S.O. 1975, c. 116, s. 1

(8) Section 1 of *The City of Toronto Act, 1975 (No. 1)* continues to apply to an employee of the City or of one of its local boards who was, on December 31, 1997, entitled to elect under that section. 2006, c. 11, Sched. A, s. 438 (8).

Right to elect preserved

439. (1) An employee of the City or of one of its local boards who had, on December 31, 1997, the right to elect under subsection 24 (5) of the Metro Act as it read on that date continues to have that right. 2006, c. 11, Sched. A, s. 439 (1).

Effect of election

[\(2\)](#) Subsections 438 (2) to (6) apply if the employee exercises the right to elect. 2006, c. 11, Sched. A, s. 439 (2).

Plans other than OMERS plan

[440.](#) A person who was, on December 31, 1997, an employee of an old municipality or one of its local boards and a member of a pension plan other than the one established under the *Ontario Municipal Employees Retirement System Act* and became an employee of the City or one of its local boards on January 1, 1998, remains a member of that other plan and the *Ontario Municipal Employees Retirement System Act, 2006* does not apply in respect of the person. 2006, c. 11, Sched. A, s. 440; 2006, c. 32, Sched. B, s. 90.

Contributions to pensions of craft tradespersons

[441. \(1\)](#) Despite section 7 of the *Ontario Municipal Employees Retirement System Act, 2006*, the City may make contributions in accordance with a collective agreement to provide pensions for persons it employs as craft tradespersons. 2006, c. 11, Sched. A, s. 441 (1); 2006, c. 32, Sched. B, s. 91 (1).

Non-application of OMERS

[\(2\)](#) The *Ontario Municipal Employees Retirement System Act, 2006* does not apply to the contributions referred to in subsection (1). 2006, c. 11, Sched. A, s. 441 (2); 2006, c. 32, Sched. B, s. 91 (2).

Toronto Fire Department Superannuation and Benefit Fund

[442.](#) Despite any other Act, the Toronto Fire Department Superannuation and Benefit Fund is deemed not to be a fraternal society for the purposes of the *Insurance Act*. 2006, c. 11, Sched. A, s. 442.

Effect of certain by-laws

[443. \(1\)](#) A by-law passed under subsection 1 (2) of the *City of Toronto Act, 1988* (No. 3) is deemed not to adversely affect the pensions, other benefits and privileges of members of any plan administered by a committee referred to in that subsection. 2006, c. 11, Sched. A, s. 443 (1).

Same

[\(2\)](#) Despite subsection (1), section 26 of the *Pension Benefits Act* applies to any amendment of a plan referred to in subsection (1) that would result in a reduction of pension benefits accruing after the effective date of the amendment or would otherwise adversely affect the rights or obligations of a person entitled to payment under the plan. 2006, c. 11, Sched. A, s. 443 (2).

Persons administering certain pension funds

[443.1 \(1\)](#) This section applies to a person who is a member of a pension committee, as defined in the *Pension Benefits Act*, which is the administrator of,

- (a) the Toronto Fire Department Superannuation and Benefit Fund; or
- (b) The Toronto Civic Employees Pension and Benefit Fund. 2006, c. 32, Sched. B, s. 92.

Indemnification

[\(2\)](#) The City shall indemnify any person from losses, costs, damages or expenses arising out of or connected with the person's status as a member of a pension committee referred to in subsection (1) and shall defend the person in respect of any claim related thereto, but the City shall not indemnify a person if the losses, costs, damages or expenses are due to the person's fraud or deliberate breach of trust. 2006, c. 32, Sched. B, s. 92.

Alternate member

[\(3\)](#) For the purposes of this section, a person who is an alternate member of a pension committee is also a member of the committee. 2006, c. 32, Sched. B, s. 92.

[444.](#) Repealed: 2006, c. 32, Sched. B, s. 93.

RESTRICTIONS ON SUPPLY OF WATER, SEWAGE DISPOSAL**No contract to supply water to lower-tier municipalities**

[445. \(1\)](#) The City cannot enter into a contract with a local municipality of a regional municipality to supply water to the local municipality for its own use or for resale to the inhabitants of the local municipality. 2006, c. 11, Sched. A, s. 445 (1).

Approval of sale beyond boundaries

[\(2\)](#) If the City enters into a contract to supply water to a municipality with which it is entitled to enter such a contract, the municipality shall not supply or agree to supply any water beyond its own boundaries without the approval of the City. 2006, c. 11, Sched. A, s. 445 (2).

No contract to supply sewage services to lower-tier municipality

[446.](#) The City cannot enter into a contract with a local municipality of a regional municipality to receive and dispose of sewage and land drainage for the local municipality. 2006, c. 11, Sched. A, s. 446.

MISCELLANEOUS POWERS OF THE CITY**Long-term care homes**

[447.](#) Long-term care homes that the City establishes and maintains under Part VIII of the *Long-Term Care Homes Act, 2007* may be located inside or outside the City. 2007, c. 8, s. 198 (5).

Grants, homes for care of elderly persons

[448.](#) The City may make grants in aid of the establishment, construction, extension or equipment of homes for the care of elderly persons. 2006, c. 11, Sched. A, s. 448.

Vesting of trust fund

[449. \(1\)](#) The trust fund composed of undisbursed interest accumulated before January 1, 1982 on the trust accounts of residents of Metropolitan Toronto Homes for the Aged is vested in the City. 2006, c. 11, Sched. A, s. 449 (1).

Distribution

[\(2\)](#) The City may, in its absolute discretion, distribute both the fund and interest

accruing on it for any purpose, other than the ordinary operation and maintenance of the long-term care homes of the City, that is for the general benefit of their residents. 2006, c. 11, Sched. A, s. 449 (2); 2007, c. 8, s. 198 (6).

[450.](#) Repealed: 2007, c. 8, s. 198 (7).

Agreement with conservation authority

[451. \(1\)](#) Subsection (2) applies in respect of land vested in the Toronto and Region Conservation Authority and managed and controlled by the City under an agreement with that body. 2006, c. 11, Sched. A, s. 451 (1).

Powers of City

[\(2\)](#) Without limiting sections 7 and 8, those sections authorize the City to do the following things:

1. To exercise all or any of the powers conferred by subsection 57 (1) and by paragraphs 52 and 58 of section 207 of the old *Municipal Act*, as those paragraphs read on December 31, 2002, in respect of the land.
2. To lay out, construct and maintain roads on the land.
3. To assume the maintenance of all or part of the existing roads.
4. To regulate traffic on roads referred to in paragraphs 2 and 3, subject to the *Highway Traffic Act*. 2006, c. 11, Sched. A, s. 451 (2).

Additional powers

[\(3\)](#) The City may,

- (a) prescribe the rate of speed for motor vehicles driven on the roads referred to in paragraphs 2 and 3 of subsection (2), in accordance with section 128 of the *Highway Traffic Act*; and
- (b) despite any other Act, exempt the land from municipal taxation for so long as it is managed and controlled by the City and used for park purposes. 2006, c. 11, Sched. A, s. 451 (3); 2006, c. 32, Sched. B, s. 94.

Tax exemption

[\(4\)](#) A tax exemption under clause (3) (b) has the same effect as an exemption from taxes under section 3 of the *Assessment Act*. 2006, c. 11, Sched. A, s. 451 (4).

Emergency measures

[452.](#) Without limiting sections 7 and 8, those sections authorize the City to do the following things for emergency response purposes:

1. To acquire alternative headquarters for the City government outside the City.
2. To designate evacuation routes and empower members of the city police force to require persons to use them. 2006, c. 11, Sched. A, s. 452.

Payment of damages to employees

[453. \(1\)](#) This section applies if the City recovers damages from a third person in respect of an injury to an employee, an injury to a member of the city police force or an injury to a person deemed to be a city employee for the purposes of the *Workplace Safety and Insurance Act, 1997*. 2006, c. 11, Sched. A, s. 453 (1).

Same

[\(2\)](#) Without limiting sections 7 and 8, those sections authorize the City to pay all or part of the damages to the injured person or, if he or she dies, to one or more of the person's dependants. 2006, c. 11, Sched. A, s. 453 (2).

Conditions

[\(3\)](#) The City may impose conditions on the payment. 2006, c. 11, Sched. A, s. 453 (3).

Application

[\(4\)](#) Subsection (2) applies whether the damages were recovered by a court proceeding or otherwise. 2006, c. 11, Sched. A, s. 453 (4).

Social housing programs

Definition

[453.1 \(1\)](#) In this section,

“social housing program” means a program or project that,

- (a) is entirely owned or operated by or is leased to and operated by a non-profit housing co-operative as defined in the *Co-operative Corporations Act* or a non-profit corporation as defined in the *National Housing Act (Canada)* and that, in the opinion of the City, is designed to provide housing accommodation primarily for persons with low to moderate incomes, at a charge not exceeding the greater of,
 - (i) the amount required to finance, operate and maintain such accommodation without profit, and
 - (ii) the amount required to be charged for such accommodation under the terms of an agreement respecting the financing of the accommodation where one party is the provincial or federal government or an agent of either, or
- (b) provides housing accommodation that is owned and operated by or on behalf of Toronto Housing Company Inc. or Toronto Community Housing Corporation. 2006, c. 32, Sched. B, s. 95.

Zoning densities

[\(2\)](#) Without limiting section 113, in a by-law passed under section 34 of the *Planning Act*, the City may, in addition to establishing densities under the authority of that section, establish one or more residential densities of development applicable to any land in respect of which the owner of the land and the operator of the housing accommodation, if different from the owner, agree with the City to provide all or such proportion as specified in the by-law of the housing accommodation located or to be located on the land, for the purpose of a social housing program. 2006, c. 32, Sched. B, s. 95.

Agreements

(3) The City may require an owner and an operator, if different from the owner, to enter into one or more agreements respecting the provision of social housing accommodation referred to in subsection (2). 2006, c. 32, Sched. B, s. 95.

Registration of agreement

(4) An agreement under subsection (3) may be registered against the land to which it applies and the City may enforce its provisions against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 32, Sched. B, s. 95.

Validity of agreement

(5) An agreement made under subsection (3) is not invalid by reason only of the failure to specify particulars of a social housing program. 2006, c. 32, Sched. B, s. 95.

Consent required

(6) If an agreement has been registered under subsection (4), no person shall, during the term of the agreement in respect of any unit of housing accommodation that is part of a social housing program, without the written consent of the City,

- (a) convey the unit, by way of deed or transfer, or grant, assign or exercise a power of appointment with respect to the unit;
- (b) mortgage or charge the unit or enter into an agreement of purchase and sale respecting the unit; or
- (c) enter into an agreement that has the effect of granting the use of or right in the unit directly or by entitlement to renewal for a period of 21 years or more. 2006, c. 32, Sched. B, s. 95.

Effect of lack of consent

(7) If an agreement has been registered under subsection (4), an agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of subsection (6), does not create or convey any interest in the unit. 2006, c. 32, Sched. B, s. 95.

Restriction

(8) If notice of an agreement has been registered against land to which the *Land Titles Act* applies under subsection (4), the City shall apply to the land registrar to have an entry made on the register that, unless the City has given its consent,

- (a) no transfer shall be made or charge created;
- (b) no notice of agreement of sale and purchase shall be registered; and
- (c) no lease or notice of lease having the effect of granting the use of or right in land directly or by entitlement to renewal for a period of 21 years or more shall be registered. 2006, c. 32, Sched. B, s. 95.

Certificate of clerk

(9) If a written consent under subsection (6) has been given by the City, the city clerk shall provide a certificate, in registrable form, to the person obtaining the consent stating that the written consent of the City has been obtained and the certificate is conclusive evidence that the consent was given and that the provisions of this section leading to the consent have been complied with and, after the certificate has been given, no action may be maintained to question the validity of the consent and the certificate may be registered in the proper land registry office. 2006, c. 32, Sched. B, s. 95.

Validity of by-laws restricting occupancy

(10) A by-law passed by the City that implements subsection (2) is not invalid by reason only that the effect of it is to restrict occupancy of housing accommodation to such persons or classes of persons as are set out in the by-law. 2006, c. 32, Sched. B, s. 95.

Offence

(11) A by-law that implements subsection (2) may provide that any person entering into an agreement under subsection (3) who fails to provide the proportion or number of units for such period of time as may be specified in the agreement for the purposes of a social housing program is guilty of an offence and upon conviction is liable to a fine of not more than \$10,000. 2006, c. 32, Sched. B, s. 95.

Damages

(12) In addition to the penalty set out in subsection (11), every owner who contravenes the agreement is liable for damages payable to the City in an amount equal to the difference between the charge that should have been made for the housing accommodation under the agreement and the actual charge made for the housing accommodation for the period of time that the owner or operator has contravened the agreement and the damages may be recovered as a debt due to the City. 2006, c. 32, Sched. B, s. 95.

Contents of agreement

(13) Subsections (6), (7) and (8) do not apply to an agreement unless those subsections are set out in the agreement. 2006, c. 32, Sched. B, s. 95.

Exemptions or reductions

(14) In a by-law passed under section 34 of the *Planning Act* that implements subsection (2), the City may give exemptions or reductions, or both, from the zoning provisions and standards otherwise applicable to similar forms of housing accommodation that are not part of a social housing program. 2006, c. 32, Sched. B, s. 95.

No appeal

(15) Despite subsection 34 (11) of the *Planning Act*, a person may not appeal to the Ontario Municipal Board in respect of all or any part of a requested amendment to a City by-law passed under section 34 of that Act if the amendment or part of the amendment proposes to establish one or more residential densities of development authorized by subsection (2). 2006, c. 32, Sched. B, s. 95.

Agreement with owner

[\(16\)](#) The City may enter into an agreement with the owner of land proposing a development on the land that is to contain housing accommodation for the purposes of a social housing program but for which no by-law under section 34 of the *Planning Act* prescribing the matters set out in subsection (2) is required and the agreement may contain provisions respecting the maintenance of the accommodation and such other terms as are agreed between the owner and the City and subsections (4), (5), (6), (7), (8), (9) and (13) apply to the agreement. 2006, c. 32, Sched. B, s. 95.

Old references

[\(17\)](#) A reference in a by-law passed by the City before May 24, 1988 to “assisted housing”, “assisted housing program” or an “owner of land who has entered an agreement under section 5 of *The City of Toronto Act, 1975 (No. 2)*” is deemed to be a reference to “social housing”, “social housing program” and an “owner of land and operator of the housing accommodation if different from the owner”, respectively. 2006, c. 32, Sched. B, s. 95.

Continuation of by-laws, agreements

[\(18\)](#) A by-law referred to in subsection 5 (2) of *The City of Toronto Act, 1975 (No. 2)*, being chapter 117, and any agreement entered into under subsection 5 (3) of that Act before May 24, 1988, continues in force until repealed or revoked by the City. 2006, c. 32, Sched. B, s. 95.

Continuation of existing by-laws, agreements re: assisted housing

[453.2](#) Despite the repeal of section 3 of *The City of Toronto Act, 1979*, being chapter 142, by section 96 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*, a by-law passed under section 3 and an agreement entered into under the by-law remain in force and subsection 3 (3) of *The City of Toronto Act, 1979* continues to apply to the agreement as if section 3 had not been repealed. 2006, c. 32, Sched. B, s. 95.

PROCEEDINGS BEFORE COURTS AND TRIBUNALS

Proof of by-laws

Convictions not invalidated

[454. \(1\)](#) If a court convicts a person for a contravention of a by-law of the City or of a local board of the City without proof of the by-law, another court hearing a motion to quash the conviction may dispense with such proof or may permit the by-law to be proved by affidavit or in such other manner as it considers appropriate. 2006, c. 11, Sched. A, s. 454 (1).

Requirement as to proof

[\(2\)](#) Nothing in this section relieves a prosecutor from the duty of proving the by-law or entitles the convicting court to dispense with such proof. 2006, c. 11, Sched. A, s. 454 (2).

Application re other Acts

[\(3\)](#) This section applies, with necessary modifications, to by-laws passed by the City or the police services board of the City under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 454 (3).

Matters of evidence re other documents

Admissibility of certified copies

[455.](#) [\(1\)](#) A copy of any record under the control of the city clerk purporting to be certified by the clerk and under the seal of the City may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the seal or of the signature or official character of the person signing it, unless the court or tribunal otherwise directs. 2006, c. 11, Sched. A, s. 455 (1).

Certified copies, local boards

[\(2\)](#) A copy of any record under the control of an officer of a local board of the City purporting to be certified by the officer and under the seal of the local board or containing a statement by the officer that there is no seal, may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the seal or statement or of the signature or official character of the person signing it, unless the court or tribunal otherwise directs. 2006, c. 11, Sched. A, s. 455 (2).

Same, archivist, etc.

[\(3\)](#) A copy of any record transferred to a person pursuant to an agreement under section 200 and certified by the person or an officer of the person having responsibility for the record may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the signature or official character of the person signing it, unless the court or tribunal otherwise directs. 2006, c. 11, Sched. A, s. 455 (3).

Statement of licensing status

[\(4\)](#) In any prosecution or proceeding under a by-law passed under paragraph 11 of subsection 8 (2) providing for a system of licences for a business, a statement as to the licensing or non-licensing of any premises or person purporting to be signed by the city clerk, by the chief administrative officer of the police services board or by the chief administrative officer of any other person or body to whom the City has delegated its licensing powers is, without proof of the office or signature of the clerk or officer, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the prosecution or proceeding. 2006, c. 11, Sched. A, s. 455 (4).

Proof of seal or signature not required

[\(5\)](#) Every by-law purporting to be under the seal of the City and signed by head of council or presiding officer at the meeting at which the by-law is passed, when produced by the clerk or any other officer of the City charged with the custody of it, is admissible in evidence in all courts without proof of the seal or signature. 2006, c. 11, Sched. A, s. 455 (5).

Photocopies

[\(6\)](#) A by-law or resolution passed under section 201 may provide that a specified copy of a record is deemed to be the original for the purposes of this section if the original has been destroyed in accordance with section 201 or the by-law or resolution under that section. 2006, c. 11, Sched. A, s. 455 (6).

Admissibility

[\(7\)](#) Nothing in subsection (6) renders admissible in evidence a copy of a record that is not otherwise admissible by statute or the law of evidence. 2006, c. 11, Sched. A, s. 455 (7).

Evidence re debentures

[\(8\)](#) If there is no original written record of or related to a debenture, any writing produced from an electronic or magnetic medium that is in a readily understandable form is admissible in evidence to the same extent as if it were an original written record. 2006, c. 11, Sched. A, s. 455 (8).

Application re other Acts

[\(9\)](#) Subsection (5) applies, with necessary modifications, to by-laws of a police services board of the City passed under any Act. 2006, c. 11, Sched. A, s. 455 (9).

Costs in legal proceedings

[456. \(1\)](#) Despite any Act, in any proceeding to which the City or local board of the City is a party, costs adjudged to the City or local board shall not be disallowed or reduced merely because the counsel who earned the costs, or in respect of whose services the costs are charged, was a salaried officer of the City or local board or a salaried officer of another municipality acting on behalf of the local board and for that, or any other reason, was not entitled to recover any costs from the City or local board in respect of the services rendered. 2006, c. 11, Sched. A, s. 456 (1).

Costs to general fund

[\(2\)](#) The costs recovered in any proceeding by or on behalf of the City or local board shall form part of the general funds of the City or local board, respectively. 2006, c. 11, Sched. A, s. 456 (2).

Application re other Acts

[\(3\)](#) This section applies to proceedings under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 456 (3).

ADMINISTRATION

Forms

[457. \(1\)](#) The Minister of Municipal Affairs and Housing may by order establish and require the use of forms for the purposes of this Act. 2006, c. 11, Sched. A, s. 457 (1).

Not regulation

[\(2\)](#) An order of the Minister under this section is not a regulation to which Part III (Regulations) of the *Legislation Act, 2006* applies. 2006, c. 11, Sched. A, s. 457 (2); 2006, c. 11, Sched. B, s. 3 (5).

Power to adopt other codes, etc.

[458. \(1\)](#) A by-law of the City or of a local board of the City made under this or any other Act may,

- (a) adopt by reference, in whole or in part, with such changes as city council considers appropriate, any code, standard, procedure or regulation as it stands at a specific

- date, as it stands at the time of adoption or as amended from time to time; and
- (b) require compliance with any code, standard, procedure or regulation so adopted.
2006, c. 11, Sched. A, s. 458 (1).

Inspection

[\(2\)](#) A copy of a code, standard, procedure or regulation adopted under this section shall be available for public inspection. 2006, c. 11, Sched. A, s. 458 (2).

Application re other Acts

[\(3\)](#) This section applies, with necessary modifications, to by-laws passed by the City or the police services board of the City under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 458 (3).

Scope of regulations

[459.](#) A regulation made under this Act may be general or specific in its application and may differentiate in any way and on any basis that the maker of the regulation considers appropriate. 2006, c. 11, Sched. A, s. 459.

[460.](#) Omitted (provides for coming into force of provisions of this Act). 2006, c. 11, Sched. A, s. 460.

[461.](#) Omitted (enacts short title of this Act). 2006, c. 11, Sched. A, s. 461.

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