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Parliamentary Notice
Avis parlementaire

Royal Assent

THE PROVINCE OF ONTARIO

Toronto, Wednesday, December 20, 2006, 3:50 p.m.

In the name of Her Majesty the Queen, His Honour the Lieutenant Governor, assented to the following bills in his office:-

Bill 28	An Act to require the taking and analysing of blood samples to protect victims of crime, emergency service workers, good Samaritans and other persons and to make consequential amendments to the Health Care Consent Act, 1996 and the Health Protection and Promotion Act. [S.O. 2006, Chapter 26]
Bill 50	An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts. [S.O. 2006, Chapter 27]
Bill 52	An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning. [S.O. 2006, Chapter 28]
Bill 65	An Act respecting mortgage brokerages, lenders and administrators. [S.O. 2006, Chapter 29]
Bill 107	An Act to amend the Human Rights Code. [S.O. 2006, Chapter 30]

Sanction royale

PROVINCE DE L'ONTARIO

Toronto, mercredi, décembre 20, 2006, 15 h 50

Au nom de Sa Majesté la Reine, Son Honneur le lieutenant-gouverneur, a accordé la sanction royale aux projets de loi suivants, dans son bureau :

Projet de loi 28	Loi exigeant le prélèvement et l'analyse d'échantillons de sang afin de protéger les victimes d'actes criminels, le personnel des services d'urgence, les bons samaritains et d'autres personnes et apportant des modifications corrélatives à la Loi de 1996 sur le consentement aux soins de santé et à la Loi sur la protection et la promotion de la santé. [L.O. 2006, Chapitre 26]
Projet de loi 50	Loi concernant la réglementation de la profession de praticienne ou de praticien en médecine traditionnelle chinoise et apportant des modifications complémentaires à certaines lois. [L.O. 2006, Chapitre 27]
Projet de loi 52	Loi modifiant la Loi sur l'éducation concernant l'apprentissage des élèves jusqu'à l'âge de 18 ans et l'apprentissage équivalent. [L.O. 2006, Chapitre 28]
Projet de loi 65	Loi concernant les maisons de courtage d'hypothèques, les prêteurs hypothécaires et les administrateurs d'hypothèques. [L.O. 2006, Chapitre 29]
Projet de loi 107	Loi modifiant le Code des droits de la personne. [L.O. 2006, Chapitre 30]

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Bill 124	An Act to provide for fair registration practices in Ontario's regulated professions. [S.O. 2006, Chapter 31]
Bill 130	An Act to amend various Acts in relation to municipalities. [S.O. 2006, Chapter 32]
Bill 151	An Act to enact various 2006 Budget measures and to enact, amend or repeal various Acts. [S.O. 2006, Chapter 33]
Bill 152	An Act to modernize various Acts administered by or affecting the Ministry of Government Services. [S.O. 2006, Chapter 34]
Bill 158	An Act to revise legislation relating to the public service of Ontario by repealing the Public Service Act, enacting the Public Service of Ontario Act, 2006 and the Ontario Provincial Police Collective Bargaining Act, 2006 and making complementary amendments to various Acts and by amending various Acts in respect of the successor rights of certain public servants. [S.O. 2006, Chapter 35]

CLAUDE L. DESROSIERS
Clerk of the Legislative Assembly

Projet de loi 124	Loi prévoyant des pratiques d'inscription équitables dans les professions réglementées de l'Ontario. [L.O. 2006, Chapitre 31]
Projet de loi 130	Loi modifiant diverses lois en ce qui concerne les municipalités. [L.O. 2006, Chapitre 32]
Projet de loi 151	Loi édictant diverses mesures énoncées dans le Budget de 2006 et édictant, modifiant ou abrogeant diverses lois. [L.O. 2006, Chapitre 33]
Projet de loi 152	Loi visant à moderniser diverses lois qui relèvent du ministère des Services gouvernementaux ou qui le touchent. [L.O. 2006, Chapitre 34]
Projet de loi 158	Loi visant à réviser des lois ayant trait à la fonction publique de l'Ontario en abrogeant la Loi sur la fonction publique, en édictant la Loi de 2006 sur la fonction publique de l'Ontario et la Loi de 2006 sur la négociation collective relative à la Police provinciale de l'Ontario, en apportant des modifications complémentaires à diverses lois et en modifiant diverses lois en ce qui concerne la succession aux qualités pour certains fonctionnaires. [L.O. 2006, Chapitre 35]

Le greffier de l'Assemblée législative
CLAUDE L. DESROSIERS

(140-G004)

Royal Assent

THE PROVINCE OF ONTARIO

Toronto, Thursday, December 21, 2006, 3:55 p.m.

In the name of Her Majesty the Queen, His Honour the Lieutenant Governor, assented to the following bills in his office:-

Bill 173	An Act to amend the Legislative Assembly Act, the MPPs Pension Act, 1996 and the Executive Council Act. [S.O. 2006, Chapter 36]
Bill Pr29	An Act respecting Sheena's Place. [S.O. 2006, Chapter Pr7
Bill Pr30	An Act respecting Red Leaves Resort Association. [S.O. 2006, Chapter Pr8]
Bill Pr31	An Act respecting the Perimeter Institute. [S.O. 2006, Chapter Pr9
Bill Pr32	An Act respecting The Centre for International Governance Innovation. [S.O. 2006, Chapter Pr10]

CLAUDE L. DESROSIERS
Clerk of the Legislative Assembly

Sanction royale

PROVINCE DE L'ONTARIO

Toronto, jeudi, décembre 21, 2006, 15 h 55

Au nom de Sa Majesté la Reine, Son Honneur le lieutenant-gouverneur, a accordé la sanction royale aux projets de loi suivants, dans son bureau :

Projet de loi 173	Loi modifiant la Loi sur l'Assemblée législative, la Loi de 1996 sur le régime de retraite des députés et la Loi sur le Conseil exécutif. [L.O. 2006, Chapitre 36]
Bill Pr29	An Act respecting Sheena's Place. [S.O. 2006, Chapter Pr7]
Bill Pr30	An Act respecting Red Leaves Resort Association. [S.O. 2006, Chapter Pr8]
Bill Pr31	An Act respecting the Perimeter Institute. [S.O. 2006, Chapter Pr9]
Bill Pr32	An Act respecting The Centre for International Governance Innovation. [S.O. 2006, Chapter Pr10]

Le greffier de l'Assemblée législative
CLAUDE L. DESROSIERS

(140-G005)

Proclamation

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

MUNICIPAL STATUTE LAW AMENDMENT ACT, 2006

We, by and with the advice of the Executive Council of Ontario, name January 1, 2007 as the day on which the following provisions of the ***Municipal Statute Law Amendment Act, 2006***, c. 32 come into force:

1. Sections 1 to 103, 105, 106, 108 to 112 and 114 to 191 of Schedule A to the Act.
2. Sections 1 to 42 and 44 to 96 of Schedule B to the Act.
3. Sections 1 to 20, 22 to 39 and 41 to 70 of Schedule C to the Act.
4. Sections 1 to 6, 8 to 14, 16 and 17 of Schedule D to the Act.

WITNESS:

THE HONOURABLE
JAMES K. BARTLEMAN

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on December 22, 2006.

BY COMMAND

GERRY PHILLIPS
Minister of Government Services

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

LOI DE 2006 MODIFIANT DES LOIS CONCERNANT LES MUNICIPALITÉS

Sur l'avis du Conseil exécutif de l'Ontario, nous désignons le 1er janvier 2007 comme le jour où entrent en vigueur les dispositions suivantes de la ***Loi de 2006 modifiant des lois concernant les municipalités***, chap. 32 :

1. Les articles 1 à 103, 105, 106, 108 à 112 et 114 à 191 de l'annexe A de la Loi.
2. Les articles 1 à 42 et 44 à 96 de l'annexe B de la Loi.
3. Les articles 1 à 20, 22 à 39 et 41 à 70 de l'annexe C de la Loi.
4. Les articles 1 à 6, 8 à 14, 16 et 17 de l'annexe D de la Loi.

TÉMOIN:

L'HONORABLE
JAMES K. BARTLEMAN

LIEUTENANT-GOUVERNEUR DE NOTRE
PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 22 décembre 2006.

PAR ORDRE

GERRY PHILLIPS
(140-G009) ministre des Services gouvernementaux

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

STRONGER CITY OF TORONTO FOR A STRONGER ONTARIO ACT, 2006

We, by and with the advice of the Executive Council of Ontario, name January 1, 2007 as the day on which section 12 of Schedule B to the ***Stronger City of Toronto for a Stronger Ontario Act, 2006***, c.11, which amends the ***Retail Business Holidays Act***, comes into force.

WITNESS:

THE HONOURABLE
JAMES K. BARTLEMAN

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on December 22, 2006.

BY COMMAND

GERRY PHILLIPS
Minister of Government Services

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

LOI DE 2006 CRÉANT UN TORONTO PLUS FORT POUR UN ONTARIO PLUS FORT

Sur l'avis du Conseil exécutif de l'Ontario, nous désignons le 1er janvier 2007 comme le jour où entre en vigueur l'article 12 de l'annexe B de la ***Loi de 2006 créant un Toronto plus fort pour un Ontario plus fort***, chap. 11, qui modifie la ***Loi sur les jours fériés dans le commerce de détail***.

TÉMOIN:

L'HONORABLE
JAMES K. BARTLEMAN

LIEUTENANT-GOUVERNEUR DE NOTRE
PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 22 décembre 2006.

PAR ORDRE

GERRY PHILLIPS
(140-G010) ministre des Services gouvernementaux

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

STRONGER CITY OF TORONTO FOR A STRONGER ONTARIO ACT, 2006

We, by and with the advice of the Executive Council of Ontario, name January 1, 2007 as the day on which the following provisions of the *Stronger City of Toronto for a Stronger Ontario Act, 2006*, c. 11, come into force:

1. Schedule A to the Act, which enacts the *City of Toronto Act, 2006*.
2. Sections 1 to 7, sections 9 and 10, subsections 11 (1) and (3) and sections 13 and 14 of Schedule B to the Act.
3. Schedule C to the Act.

WITNESS:

THE HONOURABLE
JAMES K. BARTLEMAN

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on December 22, 2006.

BY COMMAND

GERRY PHILLIPS
Minister of Government Services

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

LOI DE 2006 CRÉANT UN TORONTO PLUS FORT POUR UN ONTARIO PLUS FORT

Sur l'avis du Conseil exécutif de l'Ontario, nous désignons le 1er janvier 2007 comme le jour où entrent en vigueur les dispositions suivantes de la *Loi de 2006 créant un Toronto plus fort pour un Ontario plus fort*, chap. 11:

1. L'annexe A de la Loi, qui édicte la *Loi de 2006 sur la cité de Toronto*.
2. Les articles 1 à 7, les articles 9 et 10, les paragraphes 11 (1) et (3) et les articles 13 et 14 de l'annexe B de la Loi.
3. L'annexe C de la Loi.

TÉMOIN:

L'HONORABLE
JAMES K. BARTLEMAN

LIEUTENANT-GOUVERNEUR DE NOTRE
PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 22 décembre 2006.

PAR ORDRE

GERRY PHILLIPS
(140-G011) ministre des Services gouvernementaux

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

STRONGER CITY OF TORONTO FOR A STRONGER ONTARIO ACT, 2006

We, by and with the advice of the Executive Council of Ontario, name January 1, 2007 as the day on which section 8 of Schedule B to the ***Stronger City of Toronto for a Stronger Ontario Act, 2006***, c.11, which amends the ***Liquor Licence Act***, comes into force.

WITNESS:

THE HONOURABLE
JAMES K. BARTLEMAN

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on December 22, 2006.

BY COMMAND

GERRY PHILLIPS
Minister of Government Services

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

LOI DE 2006 CRÉANT UN TORONTO PLUS FORT POUR UN ONTARIO PLUS FORT

Sur l'avis du Conseil exécutif de l'Ontario, nous désignons le 1er janvier 2007 comme le jour où entre en vigueur l'article 8 de l'annexe B de la ***Loi de 2006 créant un Toronto plus fort pour un Ontario plus fort***, chap. 11, qui modifie la ***Loi sur les permis d'alcool***.

TÉMOIN:

L'HONORABLE
JAMES K. BARTLEMAN

LIEUTENANT-GOUVERNEUR DE NOTRE
PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 22 décembre 2006.

PAR ORDRE

GERRY PHILLIPS
(140-G012) ministre des Services gouvernementaux

Ontario Highway Transport Board

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the Motor Vehicle Transport Act, 1987, and the Public Vehicles Act. All information pertaining to the applicant i.e. business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

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Pour obtenir de l'information en français, veuillez communiquer avec la Commission des transports routiers au 416-326-6732.

866151 Ontario Ltd. (o/a Grey Bruce Airbus) 44260-D
P. O. Box 1960, Port Elgin, ON N0H 2C0

Applies for an amendment to public vehicle operating licence PV-4174 as follows:

DELETE:

Provided that chartered trips be permitted only between and including the City of Owen Sound and the Town of Wingham.

SO THAT AS AMENDED, THE OPERATING LICENCE WILL READ AS FOLLOWS:

For the transportation of passengers on a scheduled service:

(a) between the City of Owen Sound and the City of London via Hwy 21 to Bruce County Rd. 6 to Bruce County Rd. 1 to Huron County Rd. 20 to Huron County Rd. 22 to Hwy. 86 to Hwy. 4 to the City of London.

(b) Between the City of London and the City of St. Thomas via Hwy. 4.

MacKinnon & Bowes Limited 46963
162 Wicksteed Ave., Toronto, ON M4G 2B6

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a chartered trip from points in the City of Toronto and the Regional Municipalities of Peel, Halton, York and Durham.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a) (iv) of subsection 1 of Section 7 of Regulation 982 under the Public Vehicles Act, R.S.O. 1990 Chapter P.54.

Memory Lane Limousine Limited 46926
5006 Derry Rd. W., R. R. #6, Milton, ON L9T 2Y1

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Cities of Toronto and Hamilton, the Counties of Wellington, Dufferin and Brant and the Regional Municipalities of York, Peel, Waterloo, Niagara, Halton to the Ontario/Quebec and Ontario/USA border crossings for furtherance to points as authorized by the relevant jurisdiction and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT there be no pick up or drop off of passengers except at point of origin.

PROVIDED FURTHER THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a) (iv) of subsection 1 of Section 7 of Regulation 982 under the Public Vehicles Act, R.S.O. 1990 Chapter P.54.

Applies for a public vehicle operating licence as follows: **46926-A**

For the transportation of passengers on a chartered trip from points in the Cities of Toronto and Hamilton, the Counties Wellington, Dufferin and Brant and the Regional Municipalities of York, Peel, Waterloo, Niagara, Halton.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a) (iv) of subsection 1 of Section 7 of Regulation 982 under the Public Vehicles Act, R.S.O. 1990 Chapter P.54.

Myers Coach Lines, Inc. 46962
2001 Ball Park Rd., Export, Pennsylvania 15632, USA.

Applies for an extra-provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the United States of America as authorized by the relevant jurisdiction from the Ontario/U.S.A., Ontario/Québec and Ontario/Manitoba border crossings:

1. to points in Ontario; and
2. in transit through Ontario to the Ontario/Manitoba, Ontario/Québec, and Ontario/U.S.A. border crossings for furtherance

and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT there be no pick-up or discharge of passengers except at point of origin.

FELIX D'MELLO
(140-G021) Board Secretary/Secrétaire de la Commission

Government Notices Respecting Corporations
Avis du gouvernement relatifs aux compagnies

Notice of Default in Complying with the Corporations Tax Act
Avis de non-observation de la Loi sur l'imposition des sociétés

The Director has been notified by the Minister of Finance that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241(1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Ministry of Finance, Corporations Tax, 33 King Street West, Oshawa, Ontario L1H 8H6.

Le ministre des Finances a informé le directeur que les sociétés suivantes n'avaient pas respecté la *Loi sur l'imposition des sociétés*.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(1) de la *Loi sur les sociétés par actions*, si les sociétés citées ci-dessous ne se conforment pas aux prescriptions énoncées par la *Loi sur l'imposition des sociétés* dans un délai de 90 jours suivant la réception du présent avis, lesdites sociétés se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à l'Imposition des sociétés, ministère des Finances, 33, rue King ouest, Oshawa ON L1H 8H6.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
2007-01-13	
ADAMLAUREN HOLDINGS INC.	001300559
ADVANCED WIND POWER CORPORATION	001188132
AJR INCORPORATION	001300251
ANAMCARA WORKWISE EDUCATION INC.	001295300
ANGELSTONE HOMES & CARPENTRY LTD.	001300484
ARGOSVILLE MERCHANTS CORP. INC.	001299304
AZINC CANADA LTD.	001302292
BELLSMERE PHARMACY LTD.	001301116
CALVIN CONE CORPORATION	001302312
CANADA PAVELINE & CONTRACTING INC.	001301546
CONCRETECO INC.	001288971
CONSUMERS PROPERTY INSPECTION LTD.	001168819
CONTEXT REAL ESTATE INC.	001299489
COOL RAYS TANNING & ESTHETICS INC.	001299738
D.W.A. TATE CONSULTING INC.	001295317
DSS TOOL & MOLD INC.	001298447
E-LITH INC.	001254385
EEDCM CANADA CORPORATION	001299592
FRAME SOURCE INC.	001300339
GLOBALQUEST CAPITAL INC.	001300158
GOLDEN ARCH CONSTRUCTION INC.	001299583
GOLDEN LEAF CANADA CORP.	001301029
GREAT JONES INCORPORATED	001300540
H.L.D. SALES INC.	001300147
HANGZHOU XIZI OTIS (CANADA) LTD.	001300291
IGSAR DISTRIBUTORS INC.	001432640
JOHNSTONE REFRIGERATED STRUCTURES INC.	001295342
K.M. DIESEL SERVICES INC.	001295302
KATMANDU NATURAL FOODS INC.	001287552
KCLR TRUCKING AND WAREHOUSE INC.	001300229
KINGSWOOD HOLDINGS INC.	001288964
LONG HSIANG CO. LTD.	001299790
METAL FRAMING TECHNOLOGIES LTD.	001301528
NEWSBOY VENDING PLASTIC MANUFACTURING INC.	001300167
NEXIX INC.	001300171
NURAL NETWORKING SOLUTIONS INC.	001300496
OFFICE DE LA PROTECTION DES TRAVAILLEURS A DOMICILE/OFFICE OF THE PROTECTION OF HOMEWORKERS INC.	001300148
PATRUNO FINE HOMES LTD.	001254380
PRO-MED TRANSFER SERVICE LIMITED	001278847
PROSEED MANAGEMENT INC.	001299735
RAYMOND, JOHN, BRADY & ASSOCIATES INC.	001503429
RENCON CONSTRUCTION INC.	001301166
ROAD TOYS INC.	001288996
SEVEN INVESTMENT GROUP CORP.	001301158
SIRIUS CONCEPTS INC.	001299499
SKY'S LIMITED	001299789
TAMES REAL ESTATE PRODUCTS LTD.	001297615
TELECOMBO INC.	001300495
THE CONCRETE SURGEON INC.	001300095
THE KINGHAVEN GROUP CORPORATION	001422493
TRADERS NET INC.	001301547
TRANSCOM MANAGEMENT SOLUTION GROUP LTD.	001300013
TRI OAK CAPITAL INC.	001301439
TRUCKERS ONLY - JUST NEW RELEASES INC.	001299362
TYGERCON INC.	001295291
U.Y.K. CONSULTING INC.	001299435
UMPF - THE HOME ENTERTAINMENT EXPERTS INC.	001299286
WINDOOR PRODUCTS INC.	001300099
WINTRACOM CORP.	001301440
YUAN MING INTERNATIONAL GROUP (CANADA) CO.LTD.	001300105
1067987 ONTARIO INC.	001067987
1109604 ONTARIO LIMITED	001109604
1191392 ONTARIO LIMITED	001191392
1254368 ONTARIO INC.	001254368
1277821 ONTARIO INC.	001277821
1277829 ONTARIO INC.	001277829
1278845 ONTARIO INC.	001278845
1281571 ONTARIO INCORPORATED	001281571
1281598 ONTARIO INC.	001281598
1287532 ONTARIO INC.	001287532
1287546 ONTARIO INC.	001287546
1287555 ONTARIO INC.	001287555
1288946 ONTARIO LIMITED	001288946
1288962 ONTARIO LTD.	001288962
1288986 ONTARIO INC.	001288986
1288998 ONTARIO LIMITED	001288998
1290912 ONTARIO INC.	001290912
1290913 ONTARIO LTD.	001290913
1290935 ONTARIO INC.	001290935
1292287 ONTARIO INC.	001292287
1295283 ONTARIO INC.	001295283
1297611 ONTARIO INC.	001297611
1297612 ONTARIO LTD.	001297612
1298001 ONTARIO LIMITED	001298001
1299140 ONTARIO LIMITED	001299140
1299160 ONTARIO LIMITED	001299160
1299355 ONTARIO INC.	001299355
1299569 ONTARIO LTD.	001299569
1299576 ONTARIO INC.	001299576
1299660 ONTARIO LIMITED	001299660
1299719 ONTARIO CORP.	001299719
1299752 ONTARIO LIMITED	001299752
1300106 ONTARIO INC.	001300106
1300139 ONTARIO INC.	001300139

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
1300156 ONTARIO LIMITED	001300156
1300157 ONTARIO INC.	001300157
1300182 ONTARIO LTD.	001300182
1300217 ONTARIO INC.	001300217
1300226 ONTARIO INC.	001300226
1300234 ONTARIO LIMITED	001300234
1300349 ONTARIO INC.	001300349
1300494 ONTARIO INC.	001300494
1300502 ONTARIO LTD.	001300502
1300512 ONTARIO LTD.	001300512
1300535 ONTARIO INC.	001300535
1300544 ONTARIO LIMITED	001300544
1301019 ONTARIO INC.	001301019
1301114 ONTARIO INC.	001301114
1301151 ONTARIO LIMITED	001301151
1301169 ONTARIO LIMITED	001301169
1301175 ONTARIO INC.	001301175
1301178 ONTARIO LTD.	001301178
1301183 ONTARIO INC.	001301183
1301446 ONTARIO LIMITED	001301446
1302276 ONTARIO INC.	001302276
1302301 ONTARIO LIMITED	001302301
1302302 ONTARIO LIMITED	001302302
1451319 ONTARIO INC.	001451319
1464001 ONTARIO INC.	001464001
989 COLLEGE CAFE LIMITED	001301167

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobilières

(140-G013)

Cancellation of Certificate of Incorporation (Corporations Tax Act Defaulters)
Annulation de certificat de constitution (Non-observation de la Loi sur l'imposition des sociétés)

NOTICE IS HEREBY GIVEN that, under subsection 241(4) of the *Business Corporations Act*, the Certificate of Incorporation of the corporations named hereunder have been cancelled by an Order for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(4) de la *Loi sur les sociétés par actions*, le certificat de constitution de la société sous-nommé a été annulée par Ordre pour non-observation des dispositions de la *Loi sur l'imposition des sociétés* et que la dissolution de la société concernée prend effet à la date susmentionnée.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
2006-12-18	
ADMIC SYSTEMS LTD.	000482682
ANCIENT GRACE INC.	001205057
AUDIO-TO-GO INC.	000574669
AUTO TRUCK RUSTPROOFING (CHATHAM) LIMITED	000300963
BALDWIN BOWL INC.	001171152
BELTON MASONRY LIMITED	000264846
BLOOR PARK MEDICAL REHAB SERVICES LIMITED	001034728
BLUE STAR DRYWALL & ACOUSTICS LTD.	001075204
BRENDAN BEDDING LIMITED	000529686
BRODT FAMILY HOLDINGS INC.	000720720
CELL-TEC COMMUNICATIONS INC.	001346981
CLUB PACKAGING LTD.	001084368
CONTEMPORARY BUILDING MAINTENANCE INC.	000530942
CORAM LIMITED	001367230
COVER-ALL MECHANICAL LTD.	001004721
D & H ENTERPRISES INC.	001121761
DALY'S WOOD PRODUCTS LTD.	001114059
DAVID AINSLEY PROPERTY CORPORATION	001122167
DAYBREAK LOGISTICS INC.	001295276
DIGITAL SAGE CORPORATION	001098321
DOWNTOWN GAS & AUTO INC.	001041588
ELZAHRA MIDDLE EASTERN CUISINE INC.	001232683
FERGUSON GARDENS AND GREENHOUSES LTD.	001425917
FLORIDA PRODUCE WHOLESALERS LTD.	001002963
G. & G. BOBCAT SERVICES LTD.	000832134
G.M. FOOD SERVICE LTD.	000743895
GARTSHORE GRAPHICS INC.	001513046
GHOULSOFT INC.	001189738
IMAGIMAX DESIGN ENTERTAINMENT ASSOCIATES INC.	001271775
IMI TRANSPORT INC.	001323483
IMS MOVING SERVICES INC.	001136062
K.L. DRYWALL & ACOUSTICS INC.	001097652
KILLKEV INDUSTRIAL SALES & SERVICE INC.	001349950
KO-BEN, INC.	000976152
L.W. HANNAFIN CONSTRUCTION LTD.	000469356
LEIB'S FRUIT & MEAT CENTRE LIMITED	000482941
LOUIE LINGUINI'S ITALIAN KITCHEN INC.	001283945
M & M ENTERPRISES INC.	001315762
MACKENZIE'S HOUSEKEEPING LTD	000537142
MELBYCO LIMITED	001122333
MINMETALS CANADA INC.	000996205
MIRANDELA CONCRETE FORMING LIMITED	001412841
MS. DESIGNERS OUTLET INC.	001127163
NEWAY ROLLER INC.	001032368
NOVA/KING ELECTRICAL INC.	001220718
OTTERMAN'S WELL DRILLING INC.	001290790
PABELL ENTERPRISES INC.	000585163
PAUL MACKENZIE HAY INC.	000829576
PIRUM INC.	001088907
PRIMAVERA GIFT IMPORTS LTD.	001417326
QUALITY IMPRESSIONS INC.	001314617
QUARTEC INFORMATION SERVICES INC.	001086937
R.O.E. RESEARCH INC.	001192582
REEL ARTISTS INC.	001135902
REFLEX COLOUR INC.	001189369
REID'S TILE LIMITED	000867005
RICHARD LEEADAM CONSULTING LTD.	000907531
RND CANADA INC.	001120593
ROAD SAVERS CENTRAL LTD.	001024605
SATELLITE ADVANCED TECHNOLOGIES INC.	001245486
SGRO AUTO SERVICES INC.	001409949
SHUANG CHIEH INTERNATIONAL ENTERPRISES INC.	001290536
SIMCOE IRON INC.	001284361
STANLEY METALCRAFTS LIMITED	000118184
STAR SAWMILLS EQUIPMENT INC.	001287085
STYLE COUNSEL INC.	001360779
SUNRISE INDUSTRIES (1992) LTD.	000992314
TEXTILE DUNDAS DISCOUNT LTD	000762601
THE ORGANIC BUDDHA INC.	001504670
THE PHOTO HOUSE INC.	001455980
TIMBER BAY COOK SHACK INC.	001195703
TOMIK LAWN CARE & PROPERTY MAINTENANCE LTD.	001208992
TROY EXPRESS LINES INC.	000974254

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
UNIVERSAL SUPER STONE INC.	001177925
YORK LATHING & ACOUSTICS LTD.	001080458
1007946 ONTARIO LIMITED	001007946
1015626 ONTARIO LTD.	001015626
1069179 ONTARIO LIMITED	001069179
1079447 ONTARIO LTD.	001079447
1091034 ONTARIO INC.	001091034
1136812 ONTARIO INC.	001136812
1170771 ONTARIO LIMITED	001170771
1188796 ONTARIO INC.	001188796
1198904 ONTARIO LIMITED	001198904
1207169 ONTARIO INC.	001207169
1235267 ONTARIO INC.	001235267
1240524 ONTARIO INC.	001240524
1258629 ONTARIO INC.	001258629
1297305 ONTARIO LIMITED	001297305
1312700 ONTARIO LTD.	001312700
1323020 ONTARIO LTD.	001323020
1344484 ONTARIO LIMITED	001344484
1349769 ONTARIO INC.	001349769
1359887 ONTARIO LTD.	001359887
1383421 ONTARIO INC.	001383421
1449977 ONTARIO INC.	001449977
1453544 ONTARIO INC.	001453544
1464238 ONTARIO LTD.	001464238
1471125 ONTARIO LTD.	001471125
1483708 ONTARIO INC.	001483708
1519486 ONTARIO LTD.	001519486
1536516 ONTARIO LIMITED	001536516
2016544 ONTARIO LTD.	002016544
2016610 ONTARIO INC.	002016610
733530 ONTARIO INC.	000733530
737068 ONTARIO INC.	000737068
746459 ONTARIO INC.	000746459
794585 ONTARIO INC.	000794585
805647 ONTARIO INC.	000805647
851104 ONTARIO LIMITED	000851104
996645 ONTARIO INC.	000996645

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobilières

(140-G014)

Certificate of Dissolution
Certificat de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act* has been endorsed. The effective date of dissolution precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les sociétés par actions*, un certificat de dissolution a été inscrit pour les compagnies suivantes. La date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
2006-12-08	
JAKE'S INTERNATIONAL GOLF INC.	002024524
2006-12-12	
A.C. CHOW ENTERPRISE LTD.	000982431
AJAX PUMP MOTOR & POOL SERVICE INC.	001198272
BROEKAERT MOTORS LTD.	000731197
CANADA CHALLENGE GROUP INC.	002035406
KINGSTON LOGISTICS INC.	001604712
MAXCAR INC.	001653491
MOULD CLINIC LTD.	000786109
N & D WALDECK INC.	000550030
OMI OPERATIONAL MANAGEMENT INC.	000241468
P.D.B.R. HOLDINGS LTD.	001098951
PRESTIGE YARNS INC.	000623541
TORONTO COMPUTER BOOKS INC.	001012715
TSKS (PEMBROKE) LIMITED	000586603
1249760 ONTARIO LTD.	001249760
1321339 ONTARIO LIMITED	001321339
568117 ONTARIO LIMITED	000568117
713772 ONTARIO LTD.	000713772
2006-12-13	
LZX INTERNATIONAL INC.	002031504
2006-12-15	
941103 ONTARIO INC.	000941103
2006-12-18	
GOLD DOOR LTD.	001445417
NESNOW INC.	001322395
1191516 ONTARIO LTD.	001191516
2006-12-19	
JNL TRANSPORT INC.	001352231
RYKALA HOLDINGS INC.	000809594
1258852 ONTARIO LIMITED	001258852
614693 ONTARIO LIMITED	000614693
2006-12-20	
INTERNATIONAL SECURITY INC.	001684048
MORAIS CONCRETE FLOORS LIMITED	000712757
ROK-TEK CONTRACTORS LTD.	001324655
1065462 ONTARIO LIMITED	001065462
1294791 ONTARIO INC.	001294791
1375974 ONTARIO INC.	001375974
704184 ONTARIO LIMITED	000704184
2006-12-21	
ADVANCED TOLL MANAGEMENT CORP.	001185197
ADVANT PRODUCTIONS INC.	001023471
AFFORDABLE BIN RENTAL LTD.	001532423
ARTURO WADGYMAR-RIVERA MEDICINE PROFESSIONAL CORPORATION	001578518
CARSLAKE INVESTMENTS LIMITED	000243631
DUNSMERE PROPERTY MANAGEMENT INC.	001077358
I.F. PROPCO HOLDINGS (ONTARIO) 4 LTD.	000863144
KLASSIC CONTRACTING INC.	001492551
MDK CONSULTING INC.	002045287
MOTION CONCEPTS INC.	001239907
ORANGE INC.	001306976
PROPMAN INC.	001219937
SORA ELECTRIC COMPANY LTD.	000414228
STEVEN Z. RUBIN PROFESSIONAL CORPORATION	000729593
SUSSMAN MANAGEMENT LIMITED	000466254
TESTOCITY, INC.	001362764
1228358 ONTARIO LTD.	001228358
1293535 ONTARIO LIMITED	001293535
1397314 ONTARIO INC.	001397314
2086834 ONTARIO INC.	002086834
346991 ONTARIO LIMITED	000346991
416889 ONTARIO LIMITED	000416889
614127 ONTARIO LTD.	000614127
2006-12-22	
CAMBRIAN TECHNOLOGY INC.	001201235
COLD STORAGE FILMS INC.	002040208
DOUGLAS LEASEHOLDS LIMITED	000405039
DUNSMORE RETAIL SERVICES INC.	001598471
GIT CONSULTING CANADA INC.	001253060
HAMAR WEYNE RESTAURANT AND SWEETS INC.	001438725
JDS TELECOM INC.	000877474
LITTLE FLOWER BEAUTY SALON INC.	001508184
MAURED LIMITED	001674726
NEW SATELLITE HARDWARE CO. LTD.	001533242

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
PLAYSAFE SPORTS INC.	000978268
WEDDINGSUNDERTHESUN.COM LTD.	001631603
WINDSOR BUILDERS SUPPLY LIMITED	000071242
111 FILMS INC.	002022365
1127533 ONTARIO INC.	001127533
1481238 ONTARIO LIMITED	001481238
1674061 ONTARIO INC.	001674061
2078779 ONTARIO INC.	002078779
340501 ONTARIO LIMITED	000340501

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobilières

(140-G015)

ERRATUM NOTICE
Avis d'erreur

ONTARIO CORPORATION NUMBER 1307363

Vide Ontario Gazette, Vol. 139-51 dated December 23, 2006

NOTICE IS HEREBY GIVEN that the notice issued under section 241(4) of the Business Corporations Act set out in the December 23, 2006 issue of the Ontario Gazette with respect to Super Touch Auto Collision 2000 Inc., was issued in error and is null and void.

Cf. Gazette de l'Ontario, Vol. 139-51 datée du 23 décembre 2006

PAR LA PRÉSENTE, nous vous informons que l'avis émis en vertu de l'article 241(4) de la Loi sur les sociétés par actions et énonce dans la Gazette de l'Ontario du 23 décembre 2006 relativement à Super Touch Auto Collision 2000 Inc., a été délivré par erreur et qu'il est nul et sans effet.

B. G. HAWTON,
Director, Companies and Personal Property Security Branch
Directrice, Direction des compagnies et des sûretés mobilières

(140-G016)

Marriage Act
Loi sur le mariage

CERTIFICATE OF PERMANENT REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT PERMANENT autorisant à célébrer des mariages en Ontario ont étédélivrés aux suivants:

Dec 17-22

NAME	LOCATION	EFFECTIVE DATE
DeWitt, Mary Lee	Point Edward	18-Dec-06
Ko, Andrew Wonil	Hamilton	19-Dec-06
Levterov,Todor Ivanov	St. Thomas	19-Dec-06
Keizer, Arlene	Toronto	20-Dec-06
Thomas, Tracey	Windsor	20-Dec-06
Soppitt, Mark	Niagara Falls	20-Dec-06
Moore, Pamela Elaine	Woodstock	20-Dec-06
McLean, Gaylyn	Rockwood	20-Dec-06
Hagerman, Keith E.	London	20-Dec-06
Belair, Andrew	Amherstview	20-Dec-06
Moradi, Kavus-Zia	Brampton	20-Dec-06
Frederick, Jocelyn V.	St. Thomas	20-Dec-06
Brereton, Dexter	Toronto	20-Dec-06
Knetsch, Mark	Hamilton	20-Dec-06
Pasmore, Linda E.	Burlington	20-Dec-06
Crosdale, Lincoln	Hamilton	20-Dec-06
Hunter, Pamela	Brampton	20-Dec-06
Chow, Stephen Kwok Keung	Windsor	20-Dec-06
Ho, Kwan Wa	Toronto	20-Dec-06
Amankwah, Joseph	Hamilton	20-Dec-06
Brown, Frederick	Dresden	22-Dec-06

RE-REGISTRATIONS

NAME	LOCATION	EFFECTIVE DATE
Voegelin, Belford	Richmond Hill	20-Dec-06
Voegelin, Elizabeth Ann	Richmond Hill	

CERTIFICATES OF TEMPORARY REGISTRATION as person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT TEMPORAIRE autoris des mariages en Ontario ont été délivrés aux suivants:

NAME	LOCATION	EFFECTIVE DATE
King, Harold James	Nova Scotia	19-Dec-06
December 20, 2006 to December 24, 2006		

CERTIFICATE OF CANCELLATION OF REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES AVIS DE RADIATION de personnes autorisées à célébrer des mariages en Ontario ont été envoyés à:

NAME	LOCATION	EFFECTIVE DATE
Hiller, Paul	St.Catharines	19-Dec-06
Daub, Andy	Chelsea, QC	19-Dec-06
Cheng, Anne	Kanata	19-Dec-06
Cadorette, Jaime	Pincourt, QC	19-Dec-06
Gill, Blair	Cambridge	19-Dec-06
Reymers Landry, Jennifer	Cobourg	19-Dec-06
Knoll, Michael	Kitchener	19-Dec-06
Aagaard, Anna	Cambridge	19-Dec-06
Mahoney, James Albert Allison	Toronto	19-Dec-06
Ciallella, Pietro Carlo	Toronto	19-Dec-06
Gali, Arul Raj Arokiasamy	Toronto	19-Dec-06
Watson, Stuart	Toronto	19-Dec-06
Fetter, Lawrence	St.Catharines	19-Dec-06

JUDITH M. HARTMAN,
Deputy Registrar General/
Registraire générale adjointe de l'état civil

(140-G017)

CERTIFICATE OF PERMANENT REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT PERMANENT autorisant à célébrer des mariages en Ontario ont étédélivrés aux suivants:

Dec 24-30

NAME	LOCATION	EFFECTIVE DATE
Neely, David Edwin	Brantford	27-Dec-06
Siposne Demeter, Anita	Thamsville	27-Dec-06
Duffy, Karen	Brantford	27-Dec-06
Gabriel, Ronaye	Cornwall	27-Dec-06
Edwards, Ann	Keene	27-Dec-06
Cacciotti, Celina Marie	Sudbury	27-Dec-06
Loewen, William	Tavistock	28-Dec-06

CERTIFICATES OF TEMPORARY REGISTRATION as person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT TEMPORAIRE autoris des mariages en Ontario ont été délivrés aux suivants:

NAME	LOCATION	EFFECTIVE DATE
Webster, Gordon V.	Rochester, NY	28-Dec-06

December 28, 2006 to January 01, 2007

CERTIFICATE OF CANCELLATION OF REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES AVIS DE RADIATION de personnes autorisées à célébrer des mariages en Ontario ont été envoyés à:

NAME	LOCATION	EFFECTIVE DATE
Mahoney, James Albert Allison	Toronto	28-Dec-06
Ciallella, Pietro Carlo	Toronto	28-Dec-06
Gali, Arul Raj Arokiasamy	Toronto	28-Dec-06
Freeman, Christopher John	Kitchener	28-Dec-06
Peachy, Ezra Thomas	Red Lake	28-Dec-06
Schcock, Sylvanus	Sioux Lookout	28-Dec-06

JUDITH M. HARTMAN,
Deputy Registrar General/
(140-G018) Registraire générale adjointe de l'état civil

Change of Name Act
Loi sur le changement de nom

NOTICE IS HEREBY GIVEN that the following changes of name were granted during the period from December 18, 2006 to December 31, 2006, under the authority of the *Change of Name Act*, R.S.O. 1990, c.c.7 and the following Regulation RRO 1990, Reg 68. The listing below shows the previous name followed by the new name.

AVIS EST PAR LA PRÉSENTE donné que les changements de noms mentionnés ci-après ont été accordés au cours de la période du 18 decembre au 31 decembre 2006, en vertu de la *Loi sur le changement de nom*, L.R.O. 1990, chap. C.7, et du Règlement 68, R.R.O. 1990, s'y rapportant. La liste indique l'ancien nom suivi du nouveau nom.

PREVIOUS NAME	NEW NAME
ABDOLLAHI, FERESHTEH.	KAMKAR, FERE.
ABDUL-AMEER, EMAD.	AMEER, EMAD.
ABDULLAH, ELIYAH.	KWONG-JEDRZEJCZAK, LI.GEAT.
ADAMS, ROBERT.W..	BARNES, ROBERT.WALTER.
AL BAYATI, SARMAD.MOHAMMED.	BAYAT, SAMMY.MOHY.
AL-HABBAL, HAMZA.	HABBAL, HAMZA.
ALAKOZAY, ASSMA.	ALAKOZAY, MARWA.
ANSAH, JOYCE.	ANSAH, JOY.
ARMSTRONG, RITA.HELEN.	ARMSTRONG, HELEN.RITA.
ARSENAULT WESTVELT, PETER.WILLIAM.	ARSENAULT, PETER.WILLIAM.
ARUMAIKILI, JEYAGOWRI.	VASANTHARAJA, JEYAGOWRI.
ASSADI, FARZAD.	ASSADI, ERIC.FARZAN.
ASSAL, TAREK.	ASSAL, MARK.
ATKINS, DWAYNE.ANDRA.	ATKINS, DWAYNE.ANDRE.
AUGER, JORDAN.TERENCE.	GATRELL, JORDAN.TERENCE.
AUGER, JUSTINE.SANDRA.	GATRELL, JUSTINE.SANDRA.
AUGER, LAUREN.ADRIENNE.	GATRELL, LAUREN.ADRIENNE.
AVILA, MITCHELL.PAUL.MENDES.	MENDES, MITCHELL.PAUL.
BAINS, ANOOPJOTE.SINGH.	BAINS, ANOOP.SINGH.
BAL, MANJINDER.KAUR.	BAL, MARINA.MENA.
BALL, BOBBY-CECIL.	LINDSAY, ROBERT.CECIL.
BATHYO, ASHUR.WAAD.	JOHNA, ASHUR.
BATHYO, ESHO.	JOHNA, ESHO.
BEECHING, MONICA.BEATRIZ.	CARRASCO, MONICA.BEATRIZ.
BEGAJ, MIGENA.	PLESATI, MIGENA.
BERUBE, FLEURETTE.MONIQUE.	BERUBE, FLEURETTE.MARIE.
BISSON, JOSEPH.WILLIAM.AMIEL.	BISSON, WILLIAM.EMILE.
BOULGAKOV, IOURI.NIKOLAEVITCH.	BULGAKOV, YURI.NIKOLAEVICH.
BOULIANNE-PEACHEY, TAYLOR.NICOLE.CECILE.	PEACHEY, TAYLOR.NICOLE.CECILE.
BOURGEOIS, TIFFANY.ELIZABETH.	CONNORS, TIFFANY.ELIZABETH.
BOUSHMARINA, SERAFIMA.	FORSYTH, SERAFIMA.
BRADLEY, RACHEL.JANE.	NEILL, RACHEL.JANE.
BRANHAM, GEARALD.THOMAS.	BRANHAM, JERRY.TYLER.
BROOKS, GABRIELLE.MORGAN.	MICSKO, GABRIELLE.MORGAN.
BUCKLER, JAMES.EDWARD.	THOMPSON, JAMES.EDWARD.
CAMPOS, NIUSA.MARIA.DE.JESUS.	AMINIAN, NIUSA.M.J..
CASTILLO, LENI.JOSEFA.CARANDANG.	BERNAL, LENI.JOSEFA.CARANDANG.
CEKOVIC, MARIJA.ANA.	MESIC, MARIJA-ANA.MARYANNE.
CHANG, LARA.ANN.ELIZABETH.	CHARALABIDOPOULOS, LARA.ANN.ELIZABETH.
CHAU, KHIEM.THIEN.	CHAU, KEITH.THIEN.KHIEM.
CHEATER, LIELA.	STONE, LILA.MAE.
CHEATER, SHAWN-TYLER.	STONE, TYLER.ANDREW.
CHEEMA, KIRANDIP.KAUR.	CHEEMA, KIRAN.JULIA.
CHEN, RUOLEI.	CHEN, ADA.RUOLEI.
CHEN, WEI.KANG.	CHEN, KEN.WEI.KANG.
CHOWEN, ERIC.RUSSELL.	CHOWEN-SHOULDICE, ERIC.RUSSELL.
CHUNG, GIA.LUONG.	CHUNG, LAWRENCE.GIA.
CLAIRMONT, LEE.GILLES.	DUPONT, LEE.GILLES.
CLEMENT HOWELL, LEON.KRISTOPHER.	CLEMENT, KRISTOPHER.LEON.

PREVIOUS NAME	NEW NAME
COLBOURNE, ALEXANDRA.JEAN.	TOEWS, ALEXANDRA.JEAN.
COLBOURNE, CONOR.JAMES.	TOEWS, CONOR.JAMES.
COLBOURNE, JESSI.SUTTON.	TOEWS, JESSI.SUTTON.
COSBY, CYNTHIA.JEAN.	FUERTH, CYNTHIA.JEAN.
CRADDOCK, AMANDA.CHRISTINE.MARIE.	HERRINGTON, AMANDA.CHRISTINE.MARIE.
CRAWFORD, NATASHA.TAMARA.	BELL, NATASHA.TAMARA.
DAVIS, ROBERT.WILLIAM.	DE LELLIS, ROBERT.WILLIAM.
DAWSON, LINDA.MAY.	DOUCETTE, LINDA.MAY.
DE FARIA, JAMES.MICKEY.	DE FARIA, MICKEY.JAMES.
DE MELO, BIANCA.MICHELLE.	DE MELO CUTRO, BIANCA.MICHELLE.
DE SILVA, HONORATA.FRANCESCA.	GUEVARA, HONORATA.FRANCESCA.
DEOL, INDERPREET.KAUR.	DHALIWAL, INDERPREET.KAUR.
DERAS, RICK.OLIVER.	FAVRENS, RICK..
DICK, LESLIE.ALTHEA.	JORDAN, LESLIE.ALTHEA.
DORTHEE, DANIELLE.LINE.	DORTHÉE, DANIELLE.LINE.
DRAGO, MARY.	DRAGO, MARYANNE.LOUISE.
DUAN, GEZHI.	DUAN, MACK.
DZIEDZIURA, MARTA.BEATA.	DAVIDSON, MARTA.BEATA.
E, LANZHU.	E, SELINA.LANZHU.
EBRAHIMI, ARASH.	EBRAHIMI, ERIC.ARASH.
EDWARD, ALLAN.DAVID.	EDWARD, ALLEN.DAVID.
EDWARDS, SHARAH-LYN.	DICKSON, SHARAH-LYN.SKYE.
EKUKEM, HILDA.	OMAKOR, HILDA.
ELCOMBE, CHRISTINA.ANN.	PARADIE, CHRISTINA.ANN.
ELLIS, GAVIN.EDWARD.	CLIFFORD, GAVIN.EDWARD.
EMPEY, DARREN.DONALD.LEE.	CHAMPAGNE, DARREN.DONALD.LEE.
ERMOLINE, SERGUEI.	YERMOLIN, SERGEY.
FATHIDEHKORDY, DARYOSH.	FATHI, DARYOSH.
FAY, ROSALINE.THERESA.	FAY, ROSALEEN.TERESA.
FEARMAN, MARLON.MONTGOMERY.	FAIRMAN, MARLON.MONTGOMERY..
FERWERDA, MARIA.META.	FERWERDA, META.MARIA.
FLYNN, LIAM.JAMES.BURNETT.	SCHNEIDER, LIAM.JAMES.BURNETT.
FU, JING.	FU, CRYSTAL.JING.
GALLAUGHER, STEPHEN.THOMAS.	GALLAUGHER-BOUDREAU, STEPHEN.THOMAS.
GAUTHIER, MARRIE.	GAUTHIER, NOËLLA.MARIE.
GEEVARGHESE, KARIMPANATHARA.	MATHEWS, GEEVARGHESE.K.
GEISSLER, ERIC.SHAWN.	ASSELS, ERIC.SHAWN.
GHULAM-HUSSEIN BAKHA, AZIZ.	BAKHAIRI, AZIZ.
GILHOOLY, HERBERT.ROSS.	JACK.SCOTT.ROSS.
GILL, SANDEEP.KAUR.	JOHAL, SANDEEP.KAUR.
GIRARD, CRYSTAL.FAITH.MARY.	POIRIER, CRYSTAL.FAITH.MARY.
GIROUX, CASSANDRA.LEE.	BECKING, CASSANDRA.LEE.
GOODCHILD, JADEN.ARIEL.	GODELEWICZ, JADEN.ARIEL.
GOODMAN, RUSSEL.SIMEON.	GOODMAN, R.S.JULIAN.
GOURLEY, MEAGAN.VICTORIA.	DAVIE, MEAGAN.VICTORIA.
GREEN, SHERLEY.VERGINIA.	GREEN, SHIRLEY.VIRGINIA.
GRENON, TRISHA.LYNN.	MARTILE, TRISHA.LYNN.
GROSSMAN, EZRA.MYLES.MCLEAN.	GROSSMAN, EZRA.MYLES.VALENTINE.
GROSSMAN, ZOE.SHAYNA.MCLEAN.	GROSSMAN, ZOE.SHAYNA.MADELINE.
GUCCIARDI, SUSAN.MARIE.	GUCCI, SUSAN.MARIE.
GUNDERSON, JASON.RICHARD.	DIMECH, JASON.CHRISTIANO.
HABKE, CAITLIN.EMILY.	MONZON, CAITLIN.EMILY.
HAQ, AHTAH.MULL.	DANYAL, AHTIESHAM.ULHAQ.
HARLOFF, ZOEY.LISA.	ARNOLD, ZOEY.LISA.
HAUSER, VIOLET.NORMA.	HAUSER, VIOLET.NORMA.PEGGY.
HE, QI.SHENG.	HE, IVES.
HEIDE, EDWARD.	HYDE, EDWARD.ALEXANDER.
HEMMING, EMILY.CATHERINE.	GORDON, EMILY.CATHERINE.
HEMOND, MARY.FLORENCE.	EMOND, FLORENCE. MADELEINE.MARY.
HICKEY, LAYLA.MARIE.	GREER, LAYLA.MARIE.
HIDOSAN, MOHAMED.	MOHAMED, HIDO.KADER.
HINH, HOI.LAM.	HINH, KAREN.HOI.LAM.
HINH, ICH.KIEU.	HINH, CLARENCE.ICH.KIEU.
HINH, NGUYET.KIEU.	XUAN, YUE.JIAO.
HOLMES, BRANDON.WILLIAM.GRANT.	MACISAAC, BRANDON.WILLIAM.
HOMAYUN, HOMAYUN.	ASIFI, HOMAYUN.
HOU, CHIA-HUNG.	HOU, MELISSA.CHIA-HUNG.
HUCSKO, JASON.ALEXANDER.	OLIVER, TOMMY.DANGER.
HUGHES, RILEY.ANTHONY.	ROSE, RILEY.ANTHONY.
HUISMANS, LAMBERTHA. WILLEMIEN. MARY.	HUISMANS, BETSY.LAMBERTHA. WILLEMIEN.MARY.
HUSSAIN, AMANDA-GHAZALE.	AZIZ, AMANDA.GHAZALE.
HUSSAIN, CARLA.SEREIN.	AZIZ, CARLA.SEREIN.
HUSSEIN, ERSHAD.	CHAUDHURY, DAVID.ERSHAD.
HYDE, KERI.KAZUMI.	BAXTER, KERI.KAZUMI.
IORDACHE, ALIN.	IORDACHE, ALIN.GHEORGHE.
ISAKOV, BELLA.	LEVY, BELLA.
JACK, GEORGE.	JACK, ALEXANDER.GEORGE.
JACKSON, BLAIR.REGINALD.	WATEROUS-JACKSON, BLAIR.REGINALD..
JACKSON, REID.ALLEN.	WATEROUS-JACKSON, REID.ALLEN..
JARVO, BERNARD.GARTH.	JARVO, GARTH.BERNARD.
JOHNSTON, RONALD.CHARLES.	JOHNSON, RONALD.CHARLES.
JOVIC, SRECKO.	JOVIC, ALEXANDER.
KADLUTSIAK, KADLUTSIAK.	LAVERTY, JOSIAH.EDWARD.
KALANTARI-HEMMATABADI, SEYED-VAHID.	KALANTARI, VAHID..
KASPSHYSHAK, KHRYSTYNA.	SAVKIV, KHRYSTYNA.
KEEL, KEITH.	EDWARDS, KEITH.SIMON.
KHAING, KYAW.	KHAING, STANLEY.KYAW.
KIERNAN, TAMMY.JANE.	KIERNAN, KAYLA.TERESA.
KIPFER, POPPY.	KIPFER, POPPY.MCMANUS.
KLEMM, GERTRUDE.	KLEMM, TRUDY.
KOH, BUMSUNG.	KOH, STEVE.BUMSUNG.
KOH, HYUNJI.	KOH, MARIA.HYUNJI.
KOVACEVIC, MARIJA.	TOSIC, MARIA.
KUANG, XIAO.HUI.	KUANG, HUGH.
KUCHORZYK, MARJONEK.	KUCHARZYK, FRANK.
KUNIC, HRVOJE.	KUNIC, LIAM.HRVOJE.
LABELLE, BLAINE.	LABELLE, BLAINE.EDGAR.
LACHAPELLE, SUSAN.FRANCES.	GALLANT, SUSAN.FRANCES.
LASCELLE, ALICE.	LASCELLE, AGNES.MARY.ALICE.
LAUNDREO, EDWARD.WINDSOR.	LANDRIE, EDWARD.WINDSOR.
LAVIGNE, KAYLA.JOSEÉ.	THERRIEN, KAYLA.JOSEE.

PREVIOUS NAME	NEW NAME
LAVIGNE, MARIE.GAIL.	THERRIEN, GAIL.MARIE.IRENE.
LEE, KA.HO.DICKSON.	LEE, KEVIN.KA.HO.
LEGAY-MASSICOTTE, AIDEN.WAYNE.JACQUES.	LEGAY OSBORN, AIDEN.WAYNE.JACQUES.
LI, HAN.	LI, CLAIRE.HAN.
LIAKAKOS, PANAGIOTA.	DIMOPOULOS, PANAGIOTA.
LIVESEY, CHRISTINE.MARIE.	LIVESEY, PERI.
LOPEZ, JENNIFER.REYES.	TRELLE, JENNIFER.REYES.
LUO, JIA.XIN.	LO, KIMBERLY.
MA, JIA.	MA, JAMES.
MAC DONALD, VERENA.TAMARA.	PAPADOLIAS, VERENA.TAMARA.
MACPHIE, JAMESON.	MACPHIE, JAMESON.MARIE-ROSE.
MADISON, ROBERT.SCOTT.	MADEJ, ROBERT.SCOTT.
MALIK, WIQUAS..	MALIK, WAQAS.NAWAZ.
MALTON, ALEXIS.LOUISE.	BARATTIN, ALEXIS.LOUISE.
MANAHY, SABHA.ABDALLA.	MANAHY, SAFA.ABDALLA.
MANDER, SANGEETA.RANI.	SHARMA, SANGEETA.
MANSOOR, MUHAMMAD.	MANSOOR, WASEEM.
MARR-CUTTS, NATALIE.MARIE.	CUTTS, NATALIE.MARIE.
MAYER, TAMARA.	DALCOURT, TAMARA.
MC KINLEY, KATHARINE.ELIZABETH.	NANTAIS, KATHARINE.ELIZABETH.
MCCAUSLAND, GALEN.LEO.	MORIN, GALEN.LEO.
MCLAREN, BRILEY.	DUVAL, BRILEY.
JEANNETTE.AMBRIEL.	JEANNETTE.AMBRIEL.
MCMANUS, DAVID.PATRICK.	ALLOGGIA, DAVID.PATRICK.
GIOVANNI.ALLOGGIA.	GIOVANNI.MCMANUS.
MEDAI, DEBRA.LYNN.	SKIRROW, DEBRA.LYNN.
MESICH, EMIL.WALTER.	MESIC, EMIL.WALTER.
MESICH, KRISTINA.MARIJA.	MESIC, KRISTINA.MARIJA.
MESICH, MARKO.ALOJZIJE.	MESIC, MARKO.ALOJZIJE.
MILLER, JENNES.MARGARETA.	MILLER, JANICE.MARGARET.
MIRANDA, ADELIA.RIBEIRO.	MIRANDA, ADILIA.RIBEIRO.LOPES.
MIRDAVOUDI, ZEENAT.	MIRDAVOUDI, VANIA.Z.
MITCHELL, STACEY.VIDA.HEATHER.	HUXTABLE, STACEY.VIDA.HEATHER.
MOALEM, DANEAT.HANA.	MOALEM, DENNA.HANNAH.
MOHAMED, RAMLA.AHMED.	MOHAMUD, RAMLA.AHMED.
MOHAMED, SHURAB.ANTHONY.MICHAEL.	GIBSON, MICHAEL.ANTHONY..
MOLAEI BIRGANI, BEHZAD.	MOLAVI, MICHAEL.BEHZAD.
MOORE, LORRIANE.LOUISE.	MOORE, LORRAINE.LOUISE.
MORALES ROMERO, ANGELICA.	MARTINEZ MORALES, ANGELICA.
MORRIS, ELYSHA.MELISSA.	MORRIS, ALYSHA.MELISSA.
MORSARA, RANA.DALBIR.KAUR.	AULAKH, RANA.DALBIR.KAUR.
MUSSAI, ARYAWATEE.	RAMPUTTY, ARTY.
NAGARATHNAM, DEVAGI.	PREMAKUMAR, DEVAGI.NAGARATHNAM.
NARA, HISASHI.	LAM, MICHAEL.HISASHI.
NARA, MELLISA.MIKI.	LAM, MELLISA.MIKI.
NARA, MICHELLE.MISATO.	LAM, MICHELLE.MISATO.
NARJES, CHANON.NICOLE.	HUDSON, CHANON.NICOLE.
NAZAL, BASMA.FARIS.AZIZ.	NAZAL, BASMA.
NEVEU, RYAN.ALEXANDER.	COWAN, RYAN.ALEXANDER.NEVEU.
NYTEL, NISHANCHALEE.	PREMAKUMAR, NYTEL.NISHANCHALEE.
O'SULLIVAN EGAN-DRIVER, CAROL.ANN.	O'SULLIVAN EGAN, CAROL.ANN.
OELKE, JACOB.PAUL.	LACOURSE, JACOB.PAUL.
OHASHI, MASAYOSHI.	OHASHI, WILLIAM.MASAYOSHI.
OKEREKE, BLESSING.OGECHI.	OMEZE, BLESSING.OGECHI.
OLUTAYO, TOLUWALEKE.	OLUTAYO, ANDREW.TOLU.
OSTROM, BETTY.DARLENE.	BARBOUR, ANASTASIA.HOPE.
OU, RONG.JIN.	AU, KIM.VINH.
PANDYA, MAHIYA.	UPADHYAY, MAHIYA.UMESHKUMAR.
PANG, ELYSSE.BRUNETTA.	HOWARD, ELYSSE.BRUNETTA.
PANSONATO, ANALISA.	DODSON, ANALISA.
PANSONATO, ERICA.	DODSON, ERICA.
PASIECZNIK, DANUTA.TERESA.	NORELL, ISABEL.
PAULSEN, CAY.ERIK.WEDELHOLM.	PAULSEN, RAY.
PEARCE, VANESSA.MARIE.	CICCARELLI, VANESSA.MARIE.
PELLETIER, DANIELLE.LOUISE.	PEACE, DANIELLE.LOUISE.
PELLETIER, MARIE.ENNA.LORIANNE.	PELLETIER, LORI-ANNE.ENNA.MARIE.
PELLETIER, MELODY.RACHELLE.	PEACE, MELODY.RACHELLE.
PETERS, KATHARINE.CONNY.	PARRIS, KATHARINE.RHAPSODY.
PETUKHOVA, ANZHELA.	TSEBEN, ANGELIKA.
PHAN, TRAN.BAO.HANH.	COSTEN, ANN.BAO-HANH.
PICA, TEODORA.	PICA, TEODORA.LIANA.
PROVIS, THOMAS.WILLIAM.DONALD.	CUNNINGTON, THOMAS.WILLIAM.DONALD.
QUEWEZANCE, CAROL.ANN.DONNA.	PENDERGAST, CAROL.ANN.DONNA.
RAJANATHAN, ASWIN.	RAJANATHAN, ASHWIN.
RAMPUTTY, NIKHILESH.	RAMPUTTY, NIKHLESS.
RAMPUTTY, NIRMALKUMAR.	RAMPUTTY, NICK.
RANA, PRAYRNA.	RANA, PRIYA.
REID, KYLE.CHRISTOPHER.PETER.	VEZZARO, KYLE.PETER.
REYNOLDS, CATHERINE.SOPHIE.	MACLEOD, CATHERINE.SOPHIE.
ROBBERS, SARA.BRIGITTE.	ZACHARIAS, SARA.BRIGITTE.
ROBERTSON, ALISON.BELL.	JOSSELYN, ALISON.BELL.
ROHANI, LAILA.ABDUL..	JAMAL, LAILA.NADIR..
ROY, JOSEPH.PAUL.	ROY, PAUL..
RUMBLE, ZECHARIAH.GREGORY.	KENNEDY, ZECHARIAH.GREGORY.
JAMES.FITZGERALD.	JAMES.FITZGERALD.
SABAPATHIPPILLAI, KAVITHA.	JOHN, KAVITHA.
SAFARI, MALISSA.RAE.	RIVET, MALISSA.RAE..
SAJJADI, FARBOD.	CREEDLAND, BOD.FARBOD.SAJJADI.
SANGARAPPILLAI, JEYANTHINI.	GNANAKUMARAN, JEYANTHINI.
SAYED, HAIDAR.	HASHIMI, SAYED.HAIDAR.
SEID, SERKALEM.MOHAMMED.	SEID, NEJAT.MOHAMMED.
SHAH, PALAKBEN.PIYUSH.	SHAH, PALAK.ASHISH.
SHANMUGARAJAH, VAHINI.	JEYAKANTHAN, VAHINI.
SHEN, BO.	SHEN, BOB.
SIDHU, SHINDERPAL.KAUR.	BRAR, SHINDERPAL.KAUR.
SIGOT, JAYA.	SOOD, JAYA.
SIMON, DESTINY.JAYDE.ELISE.	JOHNSTON, DESTINY.JAYDE.ELISE.
SIMON, LALIMMA.	SIMON, LALI.
SINGH, SANDEEP.	ARNEJA, SANDEEP.SINGH.
SINGH, TAKWINDER.	BAJWA, TEKWINDERPAL.SINGH.

PREVIOUS NAME	NEW NAME
SKIBITSKI, BOGDAN.	BRIGHT, BOGDAN.
SKOPYAK, DENIS.	SKOPLJAK, DENIS.
SMALL, TANYA.PATRICIA.	SMALL, EMPRESS.TANYAH.PATRICIA.
SO, PAK.HEI.	SO, GAVIN.PAK.HEI.
SOKOLSKY, NICOLE.	BONA, NICOLE.TARYN.
SPARKS, KIANA.ALEXA.	MADEIRA, KIANA.ALEXA.
SPARKS, NIKANE.FREDERICK.	MADEIRA, NIKANE.FREDERICK.
STEFANOFF, DONNA.MARIE.	STEFANOFF, DONCHE.MARIE.
STENCELL, BETTY.SUZANNE.	STENCELL, SUE.
STOESER, KENNETH.EDWARD.	STOESSER, KENNETH.EDWARD.
STRECKER, MARY.ANNE.	STRECKER, MARIANNE.ELIZABETH.
THAMMAVONGSA, TIJEN.LINA.	THAMMAVONGSA-JONES, TIJEN.LINA.
THEVASAGAYAM, ROSHAN.	JESURASA, ROSHAN.
TOOLE, JENNIFER.KATHRINE.MARIE.	LITTLE, JENNIFER.KATHRINE.MARIE.
TRAN, THI.KIM.THANH.	MARTIN, TERESA.KIM.THANH.
TRUEMAN, ALLAN.FREDERICK.	TRUMAN, ALLAN.FREDRICK.
TUCHOLSKI, IRENEUSZ.	TUCHOLSKI, ERIC.
TURCOTTE, KIM.BEAVER.VALLEY.	VINCENT, KIM.EAGLE.
VAITHILINGAM, PARARAJASINGAM.	PARAMATMANANDA, SWAMY.
VAN OIRSCHOT, PAMELA.ELIZABETH.	LACEK, PAMELA.ELIZABETH.
VAN SLUYTMAN, KAREN.AMANDA.	VAN SLUYTMAN-MAXWELL, KAREN.AMANDA.
VELEZ, KEVIN.GIOVANNI.	TERAN VELEZ, KEVIN.GIOVANNI.
WAGNER, JEREMY.CHARLES.	MCEACHERN, JEREMY.CHARLES.
WANG, ZI.QIAO.	WANG, CINDY.ZIQIAO.
WHITE, CURTIS.ALBERT.	MAC COUBREY, CURTIS.ALBERT.
WIDDIFIELD, CATHERINE.ELIZABETH.	KNAPP, CATHERINE.ELIZABETH.
WILLIAMS, MARY.ELIZABETH.	WILLIAMS, MARILEE.
WOODBURN, CHARLEY-JANE.CHRISTINE.	O'BRIEN, CHARLEY-JANE.CHRISTINE.
WORONIUK, JANICE.LYNN.	MCTAGGART, JANICE.LYNN.
WYMAN, MARY.SHIRLEY.	WYMAN, JANE.ROBERTA.
ROBERTA.JANE.	MARY.SHIRLEY.
YANG, SEO.LIN.	YANG, LINA.SEO-LIN.
YEOW, CHER.CHYE.	YAO, GEORGE.
ZHANG, BINGLUN.	ZHANG, FREDERICK.
ZHANG, CHUCHU.	ZHANG, CAROLYN.CHUCHU.
ZHAO, JIANHUA.	ZHAO, JACKY.JIAN.HUA.
ZURBI, SYLVIA.	ZURBI, BRENDA.SYLVIA.

JUDITH M. HARTMAN,
Deputy Registrar General/
(140-G019) Registraire générale adjointe de l'état civil

Ministry of Municipal Affairs and Housing
Ministère des affaires municipales et du logement

BUILDING CODE ACT, 1992
LOI DE 1992 SUR LE CODE DU BÂTIMENT

RULINGS OF THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING
DÉCISIONS DU MINISTRE DES AFFAIRES MUNICIPALES ET DU LOGEMENT

NOTICE IS HEREBY GIVEN pursuant to subsection 29(4) of the *Building Code Act*, 1992 that the following Rulings have been made under clause 29(1)(b) adopting an amendment to a code, formula, standard, guideline, protocol or procedure that has been adopted by reference in the Ontario Building Code:

PAR LA PRÉSENTE, conformément au paragraphe 29(4) de la *Loi de 1992 sur le code du bâtiment*, AVIS EST DONNÉ que le ministre a rendu les décisions suivantes, adoptant la modification d'un code, d'une formule, d'une norme, d'une ligne directrice, d'un protocole ou d'un procédé qui a été adopté par renvoi dans le code du bâtiment de l'Ontario:

Ruling Number Numéro de la décision	Date Date	Amendment to a code, formula, standard, guideline, protocol or procedure Modification d'un code, d'une formule, d'une norme, d'une ligne directrice, d'un protocole ou d'un procédé	Issuing Agency Agent
MR-06-S-01	Aug 15, 2006	Supplementary Standard SA-1 Objectives and Functional Statements Attributed to the Acceptable Solutions Revised August 15, 2006 Supplementary Standard SB-1 Climatic and Seismic Date Revised August 15, 2006 Supplementary Standard SB-2 Fire Performance Ratings Revised August 15, 2006 Supplementary Standard SB-3 Fire and Sound Resistance of Building Assemblies Revised August 15, 2006 Supplementary Standard SB-4 Measures for Fire Safety in High Buildings Revised August 15, 2006 Supplementary Standard SB-5 Approved Sewage Treatment Units Revised August 15, 2006	Ministry of Municipal Affairs and Housing

Supplementary Standard
SB-6
Percolation Times and Soil Descriptions
Revised August 15, 2006

Supplementary Standard
SB-7
Construction Requirements for Guards
Revised August 15, 2006

Supplementary Standard
SB-8
Design, Construction and Installation of Anchorage Systems for Fixed Access Ladders
Revised August 15, 2006

Supplementary Standard
SB-9
Requirements for Soil Gas Control
Revised August 15, 2006

Supplementary Standard
SB-10
Energy Efficiency Supplement
Revised August 15, 2006

Supplementary Standard
SB-11
Construction of Farm Buildings
Revised August 15, 2006

Supplementary Standard
SC-1
Code of Conduct for Registered Code Agencies
Revised August 15, 2006

(140-G020)

Applications to Provincial Parliament — Private Bills
Demandes au Parlement provincial — Projets de loi d'intérêt privé

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at http://www.ontla.on.ca or from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

CLAUDE L. DESROSIERS,
(8699) T.F.N. Clerk of the Legislative Assembly.

Corporation Notices
Avis relatifs aux compagnies

NOTICE CONCERNING WINDING UP
951816 ONTARIO INC.

This notice is filed under subsection 193(4) of the *Business Corporations Act*. The special resolution requiring the corporation to be wound up voluntarily was passed/consented to by the shareholders of the corporation on December 29, 2006.

DATED this 29th day of December, 2006.

(140-P005) TREVOR MCLEAN, Liquidator

SOUTHBRIDGE EQUITIES INC.

TAKE NOTICE that the shareholders of SOUTHBRIDGE EQUITIES INC. passed a Special Resolution on December 21, 2006 requiring the said Corporation to be wound up voluntarily under the provisions of the *Business Corporations Act* (Ontario).

DATED December 21, 2006.

(140-P006A) REGINALD L. PETERSEN, President

SOUTHBRIDGE EQUITIES INC.

TAKE NOTICE that a final meeting of the Shareholders of the above Corporation was held on December 27, 2006, at which time the Liquidator of the above Corporation presented his account and explanation of the voluntary winding up of SOUTHBRIDGE EQUITIES INC.

DATED December 27, 2006.

(140-P006B) ROBERT M. YOANIDIS, Liquidator

Sale of Lands for Tax Arrears by Public Tender
Ventes de terrains par appel d'offres pour arriéré d'impôt

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWNSHIP OF McGARRY

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on January 29, 2007.The tenders will be opened at a public meeting at 3:15 p.m. on January 29, 2007 in the XYZ Room, Community Centre, Virginiatown, Ontario

Description of Lands:

Roll: 5458 000 001 19400 0000
PARCEL 5511 CST, Lots 194, 195, Plan M-126T
Lot size: 80 ft.X 100 ft.
Minimum Tender Amount: $15,556.00

Roll 5458 000 003 15400 0000
Parcel 11919 CST, Lot 155, Plan M-125T
Lot size: Frontage 41 ft.
Minimum Tender Amount: $5,052.00

Roll: 5458 000 001 03900 0000
PARCEL 11476 CST, Lot 39, Plan M-126T
Lot Size: 40 ft.X100 ft.
Minimum Tender Amount: $ 11,297.00

Roll: 5458 000 001 15300 0000
PARCEL 5192 CST, Parcel 5707 CST, Lots 153, 154, Plan M-126T
Lot Size: 74 ft.X100 ft.
Minimum Tender Amount: $ 21,871.00

Roll: 5458 000 003 06800 0000
PARCEL 8177 CST, Plan MCL-5413
Lot Size: 5.46 Acres
Minimum Tender Amount: $ 38,690.00

Roll: 5458 000 003 01600 0000
PARCEL 13937 SST, Lot 16, Plan M-125T
Lot Size: 35 ft.X100ft.
Minimum Tender Amount: $ 29,448.00

Roll: 5458 000 001 24200 0000
PARCEL 10471 CST, Lots 244, Plan M-126T
Lot Size: 40 ft.X100 ft.
Minimum Tender Amount: $ 9,498.00

Roll: 5458 000 001 04400 0000
PARCEL 12346 CST, Lot 44, Plan M-126T
Lot Size: 46 ft.X100 ft.
Minimum Tender Amount: $ 7,322.00

Roll: 5458 000 003 11200 0000
PARCEL 7712 SST, Lot 113, Plan M-125T
Lot Size: 40 ft.X100 ft.
Minimum Tender Amount: $ 8,975.00

Roll: 5458 000 002 00500 0000
PARCEL 8130 CST, Lot 318, Plan M-168T
Lot Size: Front 50 ft.
Minimum Tender Amount: $ 9,937.00

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

MR. GARY CUNNINGTON, Clerk-Treasurer
The Corporation of the Township of McGarry
P.O. Box 99, 27 Webster Street
Virginiatown, Ontario P0K 1X0
(140-P007) www.mcgarry.ca

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on Monday, the 29th day of January, 2007 at the Township of Edwardsburgh/Cardinal Building, 18 Centre Street, Spencerville, ON, K0E 1X0

Description of Lands:

Roll No: 07 01 702 005 13300
Lot 245, Plan 25, geographic Village of Cardinal,
Now Township of Edwardsburgh/Cardinal,
County of Grenville, as described in
Instrument No. 109835
Minimum Tender Amount: $27,499.17

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

RUSSELL TRIVETT, Chief Administrative Officer
The Corporation of the Township of
Edwardsburgh/Cardinal
18 Centre Street
P.O. Box 129
Spencerville, ON, K0E 1X0
(140-P008) Telephone – 613-658-3055

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWN OF BRADFORD WEST GWILLIMBURY

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on the 9th day February, 2007 at the Municipal Office, Finance Department of The Corporation of the Town of Bradford West Gwillimbury, 61 Holland Street East, P.O. Box 160, Bradford, Ontario L3Z 2A8.

The tenders will then be opened in public on the same day at The Municipal Office, Conference Room Upstairs at 3:05 p.m.

Description of Lands:

1929 LINE 13, CON 12, N PT LOT 20, RP 51R1710 PART 2
9.90 ACRES, PIN 58044-0023 (LT)
ROLL NUMBER 4312 020 003 29001
Minimum Tender Amount: $31,669.35

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The lands do not include mobile homes situate on the lands, if any.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

NOTE: G.S.T. MAY BE PAYABLE BY SUCCESSFUL PURCHASER.

For further information regarding this sale and a copy of the prescribed form of tender contact:

BERNIE COLAMECO
Revenue & Taxation Coordinator
61 Holland Street East
P.O. Box 160
Bradford, Ontario
(140-P009) L3Z 2A8

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWN OF CALEDON

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on 21 February 2007, at the Municipal Office, 6311 Old Church Road, Caledon, Ontario L7C 1J6.

The tenders will then be opened in public on the same day at the Municipal Office, 6311 Old Church Road, Caledon.

Property Description:

Roll No. 21 24 030 007 12400 0000, PIN 14277-0089(LT) Lot 4, Block 7, Plan CAL-5, Geographic Township of Caledon, Now Town of Caledon, Regional Municipality of Peel (No. 43) File TR04-19
Minimum Tender Amount $11,406.18

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

www.OntarioTaxSales.ca

or if no internet access available, contact:
MS. DONNA RIVADA
Senior Tax Clerk
The Corporation of the Town of Caledon
6311 Old Church Road
Caledon, Ontario L7C 1J6
(140-P010) (905) 584-2272 Ext. 4116

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWNSHIP OF RED ROCK

TAKE NOTICE that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on Monday, February 19, 2007 at the Township Office, 42 Salls St., P.O. Box 447, Red Rock, Ontario. The tenders will then be opened in public on the same day at 3:30 p.m. at the Township Office, 42 Salls St., Red Rock, Ontario.

Description of Lands

1) Lot 350, Plan 800 (97 Brompton Road), Township of Red Rock (formerly Township of Nipigon), District of Thunder Bay. Property Identifier 62471-0441.
Minimum Tender Amount: $7,994.73

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

The sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to the pay the amount tendered plus accumulated taxes and the relevant land transfer Tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

MICHAEL W. GROULX, CAO
Corporation of the Township of Red Rock
42 Salls St., P.O. Box 447
Red Rock, Ontario.
P0T 2P0
Telephone: (807)886-2245
Fax: (807)886-2793
(140-P011) micgroulx@shaw.ca

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on 31 January 2007, at the Red Lake Municipal Office, 2 Fifth Street, P.O. Box 1000, Balmertown, Ontario P0V 1C0.

The tenders will then be opened in public on the same day at the Red Lake Municipal Office, 2 Fifth Street, Balmertown.

Property Description:

Roll No. 60 41 950 010 04000 0000, 23 Birch Lane, Madsen, 1stly: PIN 42005-0197 (LT), SRO, Lot 82, Plan M.667, Municipality of Red Lake, District of Kenora (No. 23), all of the PIN. 2ndly: PIN 42005-0198 (LT), SRO; Lot 83, Plan M.667, Municipality of Red Lake, District of Kenora (No. 23) All of the PIN. File 05-01
Minimum Tender Amount $16,512.36

Roll No. 60 41 950 010 04800 0000, 2 Beveridge St., Madsen, PIN 42005-0206(LT), SRO, Lot 92, Plan M.667,
Municipality of Red Lake, District of Kenora (No. 23) All of the PIN. File 05-02
Minimum Tender Amount $6,062.83

Roll No. 60 41 950 010 06200 0000, 35 Main St., Madsen, PIN 42005-0231(LT), SRO, Lots 137 & 138, Plan M.667, Municipality of Red Lake, District of Kenora (No. 23) All of the PIN. File 05-03
Minimum Tender Amount $5,178.59

Roll No. 60 41 950 010 10500 0000, 7 Main St., Madsen, PIN 42005-0155(LT), SRO, Lots 36 & 37, Plan M.667, Municipality of Red Lake, District of Kenora (No. 23) All of the PIN. File 05-04
Minimum Tender Amount $13,752.36

Roll No. 60 41 440 005 00707 0000, 8 East Bay, Red Lake, PIN 42013-0133(LT), Parcel 8-1, Section 23M-911 designated as Lot 8, Plan 23M-911, Being Part Mining Claim KRL10322, Geographic Township of Bateman & the Surface Rights only of Location CL8849, Now in the Municipality of Red Lake, District of Kenora (No. 23) Being all of the Parcel. File 05-12
Minimum Tender Amount $5,212.97

Roll No. 60 41 440 005 00810 0000, PIN 42013-0008(LT), Parcel 6873, Section DPF SRO, Being Part Mining Claim K954 (now recorded as KRL18152) not covered by the waters of East Bay of Red Lake within the limits of this mining claim, Designated as Part 2, Plan 23R-8195, Geographic Township of Bateman, Now in the Municipality of Red Lake, District of Kenora (No. 23) Being all of the Parcel. File 05-13
Minimum Tender Amount $10,647.15

Roll No. 60 41 440 003 13300 0000, 8 Little Long Lac, McKenzie Island, PIN 42009-0034(LT), SRO, Lot 33, Plan 23M-901, Municipality of Red Lake, District of Kenora (No. 23) All of the PIN. File 05-16
Minimum Tender Amount $7,025.05

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

www.OntarioTaxSales.ca

or if no internet access available, contact:
MS. JEAN MCNAMEE
Deputy Treasurer
The Corporation of the Municipality of Red Lake
Municipal Office
P.O. Box 1000 - 2 Fifth Street
Balmertown, Ontario P0V 1C0
(140-P012) (807) 735-2096 Ext. 231

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWN OF HAWKESBURY

Take notice that tenders are invited for the purchase of the land described below and will be received until 3:00 p.m. local time on February 9th, 2007 at the Town Hall, 600 Higginson St., Hawkesbury, Ontario K6A 1H1.

The tenders will then be opened in public on the same day at 3:00 p.m. in the Council Chambers at the Town Hall, 600 Higginson St., Hawkesbury, Ontario K6A 1H1.

Description of Lands:

Part of Parcel 1-1, Section 46M-75, Town of Hawkesbury, County of Prescott, as described on certificate number 0057154
Minimum Tender Amount: $34,000.00

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

MR MICHEL THIBODEAU
The Corporation of the Town of Hawkesbury
600, Higginson St.
Hawkesbury, Ontario.
(140-P013) K6A 3B9

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWNSHIP OF TARBUTT AND TARBUTT ADDITIONAL

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on 08 February 2007, at the Municipal Office, 27 Barr Rd. S., R.R. #1, Desbarats, Ontario P0R 1E0.

The tenders will then be opened in public on the same day at the Municipal Office, 27 Barr Rd. S., R.R. #1, Desbarats.

Property Description:

Roll No. 57 14 000 004 00900 0000, PIN 31466-0153(LT), Parcel 1815, Algoma Centre Section, Part Lot 4, Concession 5, Township of Tarbutt & Tarbutt Additional, District of Algoma (No. 1), as in LT22277, Except Part 2 AR1096. File 05-04
Minimum Tender Amount $4,780.38

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

www.OntarioTaxSales.ca

or if no internet access available, contact
MR. GLENN MARTIN
Clerk/Treasurer
The Corporation of the Township of Tarbutt and Tarbutt Additional
27 Barr Rd. S., R.R. #1
Desbarats, Ontario P0R 1E0
(140-P014) (705) 782-6776

Publications under the Regulations Act
Publications en vertu de la Loi sur les règlements

2007—01—13

ONTARIO REGULATION 579/06

made under the

CITY OF TORONTO ACT, 2006

Made: December 21, 2006
Filed: December 27, 2006
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TORONTO TAX SALES RULES

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PART I
INTERPRETATION AND FORMS

Definition

1. In this Regulation,

"accumulated taxes" means real property taxes that have accumulated with respect to a parcel of land from the first day of advertising of the parcel for sale by public sale until the day a successful purchaser is declared.

Public sale of land

2. A public sale of land under the Act shall be conducted in accordance with this Regulation.

Required information on documents

3. (1) A tax arrears certificate shall contain the information set out in Schedule 1.

(2) A tax arrears cancellation certificate referred to in subsection 346 (2), 349 (6) or 353 (3) or (6) of the Act or subsection 22 (2) of this Regulation shall contain the information set out in Schedule 2.

(3) A tax deed and the statement of compliance related to it, as required by clause 350 (5) (a) and subsection 350 (6) of the Act, shall contain the information set out in Schedule 3.

(4) A notice of vesting and the statement of compliance related to it, as required by clause 350 (5) (b) and subsection 350 (6) of the Act, shall contain the information set out in Schedule 4.

Forms

4. (1) A notice required by section 345 of the Act shall be in Form 1.

(2) A statutory declaration required by subsection 345 (3) of the Act shall be in Form 2.

(3) A final notice required by subsection 350 (1) of the Act shall be in Form 3.

(4) A statutory declaration required by subsection 350 (2) of the Act shall be in Form 4.

(5) The statement required by subsection 351 (2) of the Act shall be in Form 5.

(6) A notice required by subsection 351.1 (2) of the Act shall be in Form 10.

PART II
SALE BY PUBLIC TENDER

Advertisement

5. (1) If the treasurer conducts a sale by public tender, the advertisement required by clause 350 (2) (b) of the Act shall be in Form 6 and the treasurer shall allow at least seven days after the publication of the last advertisement in *The Ontario Gazette* or newspaper for the submission of tenders.

(2) An advertisement may relate to the sale of any number of parcels of land.

Tender

6. (1) A tender shall be in Form 7 and shall be,

(a) typewritten or legibly handwritten in ink;

(b) accompanied by a deposit of at least 20 per cent of the tender amount, which deposit shall be made by way of money order or by way of bank draft or cheque certified by a bank or trust corporation;

(c) submitted in a sealed envelope which indicates on it that it is a tax sale and provides a short description or municipal address of the land sufficient to permit the treasurer to identify the parcel of land to which the tender relates; and

(d) addressed to the treasurer.

(2) A tender shall relate to only one parcel of land.

Receipt of tender

7. (1) On receiving an envelope identified as containing a tender, the treasurer shall mark on it the time and date on which it was received and shall retain it unopened in a safe place.

(2) For the purposes of this Part, where two or more tenders are equal, the tender that was received earlier shall be deemed to be the higher.

Withdrawn tender

8. (1) A tender is withdrawn if the tenderer's written request to have the tender withdrawn is received by the treasurer before 3 p.m. local time on the last date for receiving tenders.

(2) The envelope containing a withdrawn tender shall be opened at the time of the opening of the sealed envelopes.

Opening of tenders

9. (1) The treasurer, at a place in the City that is open to the public, shall open the sealed envelopes containing the tenders as soon as possible after 3 p.m. local time on the last date for receiving tenders.

(2) The sealed envelopes shall be opened in the presence of at least one person who did not submit a tender, which person may be a city employee.

(3) After opening the sealed envelopes, the treasurer shall examine their contents and shall reject every tender that,

(a) is not equal to or greater than the minimum tender amount as shown in the advertisement;

(b) does not comply with section 6;

(c) includes any term or condition not provided for in this Regulation; or

(d) has been withdrawn as set out in subsection 8 (1).

(4) After complying with subsection (3), the treasurer shall reject all but the two highest of the remaining tenders.

(5) Every rejected tender shall be returned to the tenderer together with the tenderer's deposit, if any, and a statement of the reason for rejection.

Notice of vesting

10. If, after complying with section 9, no tenders remain, the treasurer shall declare that there is no successful purchaser.

Two remaining tenders

11. (1) If, after complying with section 9, two tenders remain, the treasurer shall immediately notify the higher tenderer, by ordinary mail sent to the address shown in the tender, that the tenderer will be declared to be the successful purchaser if, within 14 days of the mailing of the notice, the balance of the amount tendered, the applicable land transfer tax and the accumulated taxes are paid, in cash, to the treasurer.

(2) If the higher tenderer makes the payment as set out in subsection (1), the treasurer shall declare the tenderer to be the successful purchaser.

(3) If the higher tenderer does not make the payment as set out in subsection (1), the tenderer's deposit shall be immediately forfeited to the City and the treasurer shall offer the parcel of land to the lower tenderer in accordance with section 12.

One remaining tender

12. (1) If, after complying with section 9, only one tender remains or if, in accordance with subsection 11 (3), the treasurer is required to offer the parcel of land to the lower tenderer, the treasurer shall immediately notify the tenderer, by ordinary mail sent to the address shown in the tender, that the tenderer will be declared to be the successful purchaser if, within 14 days of the mailing of the notice, the balance of the amount tendered, the applicable land transfer tax and the accumulated taxes are paid, in cash, to the treasurer.

(2) If the tenderer makes the payment as set out in subsection (1), the treasurer shall declare the tenderer to be the successful purchaser.

(3) If the tenderer does not make the payment as set out in subsection (1),

(a) the treasurer shall declare that there is no successful purchaser and may register a notice of vesting in the name of the City; and

(b) the tenderer's deposit shall be immediately forfeited to the City.

PART III
SALE BY PUBLIC AUCTION

Advertisement

13. (1) If the treasurer conducts a sale by public auction, the advertisement required by clause 350 (2) (b) of the Act shall be in Form 8 and the treasurer shall allow at least seven days after the publication of the last advertisement in *The Ontario Gazette* or newspaper before holding the auction.

(2) The auction shall be held at such place in the City as the treasurer may name in the advertisement.

(3) An advertisement may relate to the sale of any number of parcels of land.

Auctioneer

14. (1) The treasurer or such other person as the treasurer may name shall act as auctioneer.

(2) The auctioneer shall open the auction by declaring the tax sale officially open and by reading out sections 15, 16, 17 and 18.

Duties of auctioneer

15. For each parcel of land to be sold during the auction, the auctioneer shall,

(a) in opening or reopening the bidding on the parcel, state the minimum bid as set out in the advertisement;

(b) acknowledge each bidder, repeat each bid made and call for higher bids; and

(c) if no higher bid is made, repeat the last bid three times and if there is still no higher bid, acknowledge the highest bidder.

Highest bidder is purchaser

16. The highest bidder shall be declared to be the successful purchaser if the bidder immediately pays the amount bid, the applicable land transfer tax and the accumulated taxes, in cash, to the auctioneer.

Failure to pay

17. If the highest bidder fails to make the payment as set out in section 16 and the bidding has not been previously reopened under this Regulation, the auctioneer shall immediately reopen the bidding.

No bids

18. If no bid is made for a parcel of land after the opening of the bidding or if, after the reopening of the bidding under section 17, no bid is made or there is no successful purchaser, the auctioneer shall declare that there is no successful purchaser.

Receipt

19. The auctioneer shall issue a receipt to the successful purchaser for the amounts received under section 16 and the receipt shall include a legal description of the parcel of land and the name of the purchaser and the name in which the tax deed will be registered.

Auction closed

20. The auctioneer shall declare the auction closed upon completion of the bidding on all the parcels of land offered for sale in the auction.

List

21. The auctioneer shall prepare and keep a list showing each parcel of land offered for sale in the auction and the name and address of the successful purchaser or, where there is no successful purchaser, that there is no successful purchaser.

PART IV
GENERAL

Postponement of sale

22. (1) If, after a public sale under the Act is advertised in accordance with clause 350 (2) (b) of the Act, the treasurer is of the opinion that completing the sale would be impractical or would be unfair to the bidders or tenderers, the treasurer may postpone the sale and conduct it on a later date after readvertising it in accordance with clause 350 (2) (b) of the Act.

(2) If a public sale is postponed under subsection (1) and the rescheduled sale does not occur within 90 days after the date that was originally advertised for the sale, the treasurer shall immediately register a tax arrears cancellation certificate.

(3) Subsection (2) does not prevent the treasurer from registering a new tax arrears certificate and proceeding under Part XIV of the Act.

Returning tenders

23. If the treasurer postpones or cancels a sale by public tender, the treasurer shall,

(a) open the sealed envelopes, if he or she has not already done so; and

(b) return to the tenderers any tenders that he or she retains together with the appropriate deposits, if any, and a statement setting out the reason for the return.

Registration

24. As soon as possible after a successful purchaser is declared in a sale under the Act, the treasurer shall prepare and register the necessary documents in accordance with the Act.

Condition

25. If the City is referred to in Schedule 2 to Regulation 995 of the Revised Regulations of Ontario, 1990 (Forms and Records) made under the *Registry Act*, the treasurer, before registering a tax deed or a notice of vesting, shall obtain a statement in Form 9 signed by an authorized employee of the Ministry of Northern Development and Mines.

Method of payment

26. Subject to clause 6 (1) (b), any payment required by this Regulation to be made in cash may be made by way of cash or money order or by way of bank draft or cheque certified by a bank or trust corporation.

Forfeited funds

27. All deposits forfeited under this Regulation to the City shall form part of the general funds of the City.

Transition

28. (1) If a tax arrears certificate in respect of vacant land has been registered before January 1, 2003 in accordance with clause 3 (1) (b) of the *Municipal Tax Sales Act*, as it read before January 1, 2003, the proceedings in respect of the sale of that land may continue even though the period in which the tax arrears were owing before the registration of the certificate may be less than the period specified in subsection 344 (1) of the *City of Toronto Act, 2006*.

(2) If a tax arrears certificate in respect of land has been registered before January 1, 2007, the proceedings in respect of the sale of that land may continue as if the certificate had been registered under the *City of Toronto Act, 2006*.

Commencement

29. This Regulation comes into force on the later of the day it is filed and the day section 67 of Schedule B to the *Municipal Statute Law Amendment Act, 2006* comes into force.

SCHEDULE 1
TAX ARREARS CERTIFICATE

A tax arrears certificate shall contain the following information:

1. A statement that the certificate is in respect of land located in the City.
2. The street address of the land or, if there is no street address, the location of the land.
3. A statement by the treasurer verifying,
   i. the amount of tax arrears owing on December 31 of the relevant year and that at least part of the amount plus any additional real property taxes and costs are still owing to the City, and
   ii. 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 registration of the certificate.
4. The name of the treasurer and the date of the statement.
5. A notice setting out,
   i. that the time period for paying the cancellation price may be extended if the City authorizes an extension agreement with the owner of the land before the expiry of the one-year period,
   ii. that the cancellation price will be calculated as of the date that the amount of the tax arrears is paid to the City and may be higher than the amount set out in the certificate,
   iii. that, if there is no successful purchaser at the public sale, the land, upon registration of a notice of vesting, will vest in the City, and
   iv. the title and address of the person to whom any enquiries may be directed, including an address for service.
6. A legal description of the land.

SCHEDULE 2
TAX ARREARS CANCELLATION CERTIFICATE

A tax arrears cancellation certificate referred to in subsection 346 (2), 349 (6) or 353 (3) or (6) of the Act or subsection 22 (2) of the regulation shall contain the following information:

1. A statement that the certificate is in respect of land located in the City.
2. The street address of the land or, if there is no street address, the location of the land.
3. A statement by the treasurer verifying that,
    i. the tax arrears certificate registered on (*date of registration*) as (*instrument number*) is cancelled in respect of the land described in the tax arrears cancellation certificate,
    ii. the cancellation price (*choose A or B as appropriate*),
        A. remains unpaid and a new tax arrears certificate may be registered in this matter, or
        B. was paid on (*date of payment*),
    iii. if the cancellation price was paid, it was paid by or on behalf of (*choose A or B as appropriate*),
        A. the owner or the spouse of the owner of the land or a person who was not entitled to receive notice under subsection 345 (1) of the *City of Toronto Act, 2006* and accordingly there is no lien on the land described in this document in respect of the payment, or
        B. a person, other than the owner or spouse of the owner of the land, who was entitled to receive notice under subsection 345 (1) of the *City of Toronto Act, 2006* or an assignee of such person and, as a result of the payment, (*name and address of person*) has a lien on the land for (*amount of lien*) and the lien has priority over the interest of any person to whom notice was sent under section 345 of that Act.
4. The name of the treasurer and the date of the statement.
5. The title and address of the person to whom any enquiries may be directed, including an address for service.
6. A legal description of the land.

SCHEDULE 3
TAX DEED

A tax deed and the statement of compliance related to it, as required by clause 350 (5) (a) and subsection 350 (6) of the Act, shall contain the following information:

1. A statement that the tax deed is in respect of land located in the City.
2. The street address of the land or, if there is no street address, the location of the land.
3. A statement that, by virtue of the *City of Toronto Act, 2006*, the registration of the tax deed vests in the transferee an estate in fee simple in the land together with all rights, privileges and appurtenances and free from all estates and interests except,
    i. easements and restrictive covenants that run with the land,
    ii. any estates and interests of the Crown in right of Canada or Ontario, other than an estate or interest acquired by the Crown in right of Ontario due to an escheat or forfeiture under the *Business Corporations Act* or the *Corporations Act*, and
    iii. any interest or title acquired by adverse possession by abutting landowners before registration of the tax deed.
4. A statement that the registration of the tax deed vests in the transferee any interest in or title to adjoining land acquired by adverse possession before the registration of the tax deed if the person originally acquiring the interest or title did so as a consequence of possession of the land described in the tax deed.
5. A statement by the treasurer verifying that,
    i. a tax arrears certificate was registered as (*instrument number*) with respect to the land at least one year before the land was advertised for sale,
    ii. notices were sent and statutory declarations were made in substantial compliance with the applicable provisions of the *City of Toronto Act, 2006*, the *Municipal Act, 2001*, the *Municipal Tax Sales Act*, as it read before January 1, 2003, and the regulations under those Acts,
    iii. the cancellation price was not paid within one year following the date of the registration of the tax arrears certificate,

iv. there was no subsisting extension agreement when the land was advertised for sale,

v. the land was advertised for sale in substantial compliance with the applicable provisions of the *City of Toronto Act, 2006*, the *Municipal Act, 2001*, and the regulations under those Acts,

vi. if applicable, the City passed a by-law under subsection 350 (3) of the *City of Toronto Act, 2006* or subsection 379 (3) of the *Municipal Act, 2001*, as the case may be, excluding mobile homes from the sale of the land.

6. If applicable, a statement by the treasurer verifying that the Ministry of Northern Development and Mines has advised the City that the land described in this tax deed (*choose i or ii as appropriate*),

i. is liable to a tax imposed under the *Mining Act* and accordingly, under section 355 of the *City of Toronto Act, 2006*, the registration of this document creates a severance of the surface rights from the mining rights, or

ii. is not liable to a tax imposed under the *Mining Act* and accordingly, under section 355 of the *City of Toronto Act, 2006*, the registration of this document does not create a severance of the surface rights from the mining rights.

7. The title and address of the person to whom any enquiries may be directed, including an address for service.

8. A legal description of the land.

SCHEDULE 4
NOTICE OF VESTING

A notice of vesting and the statement of compliance related to it, as required by clause 350 (5) (b) and subsection 350 (6) of the Act, shall contain the following information:

1. A statement that the notice is in respect of land located in the City.

2. The street address of the land or, if there is no street address, the location of the land.

3. A statement that registration is made under the *City of Toronto Act, 2006* and, under that Act, the City attempted to sell the land described in the notice of vesting for arrears of taxes but could not find a successful purchaser and, accordingly, the registration of the notice vests the land described in the notice of vesting in the City.

4. A statement that, by virtue of the *City of Toronto Act, 2006*, the registration of the notice of vesting 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,

i. easements and restrictive covenants that run with the land, including those for the benefit of the Crown in right of Ontario,

ii. any estates and interests of the Crown in right of Canada, and

iii. 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.

5. A statement that the registration of the notice of vesting vests in the City any interest in or title to adjoining land acquired by adverse possession before the registration of the notice if the person originally acquiring the interest or title did so as a consequence of possession of the land described in the notice.

6. A statement by the treasurer verifying that,

i. a tax arrears certificate was registered as (*instrument number*) with respect to the land at least one year before the land was advertised for sale,

ii. notices were sent and statutory declarations were made in substantial compliance with the applicable provisions of the *City of Toronto Act, 2006*, the *Municipal Act, 2001*, the *Municipal Tax Sales Act*, as it read before January 1, 2003, and the regulations under those Acts,

iii. the cancellation price was not paid within one year following the date of the registration of the tax arrears certificate,

iv. there was no subsisting extension agreement when the land was advertised for sale,

v. the land was advertised for sale in substantial compliance with the applicable provisions of the *City of Toronto Act, 2006*, the *Municipal Act, 2001*, and the regulations under those Acts,

vi. if applicable, the City passed a by-law under subsection 350 (3) of the *City of Toronto Act, 2006* or subsection 379 (3) of the *Municipal Act, 2001*, as the case may be, excluding mobile homes from the sale of the land.

7. If applicable, a statement by the treasurer verifying that the Ministry of Northern Development and Mines has advised the City that the land described in this notice (*choose i or ii as appropriate*),

i. is liable to a tax imposed under the *Mining Act* and accordingly, under section 355 of the *City of Toronto Act, 2006*, the registration of this notice creates a severance of the surface rights from the mining rights, or

ii. is not liable to a tax imposed under the *Mining Act* and accordingly, under section 355 of the *City of Toronto Act, 2006*, the registration of this notice does not create a severance of the surface rights from the mining rights.

8. The title and address of the person to whom any enquiries may be directed, including an address for service.

9. A legal description of the land.

FORM 1
NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

City of Toronto Act, 2006

The City of Toronto

To: .....

Address: .....

Re: *(Description of Land; a parcel number must be provided where the land is registered in the land titles system)*

1. A tax arrears certificate, a copy of which is attached, was registered on the ..... day of ..... 20 ....., against the title to the land to which the certificate applies as instrument number .....
2. If you are a person entitled under the *City of Toronto Act, 2006* to receive this notice and you pay the cancellation price, you will, if you are not the owner or the spouse of the owner of the land, have a lien on the land for the amount paid in priority over the interest of any other person to whom notice is sent under that Act.
3. 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 will be sold by public sale.
4. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *City of Toronto Act, 2006* and the treasurer is not under any duty to obtain the highest or best price for the land.
5. You may claim entitlement to a share in the proceeds of the sale of the land by applying to the Superior Court of Justice within one year of the payment into court by the treasurer of the proceeds of sale minus the cancellation price.
6. If there is no successful purchaser at the public sale, the land, upon the registration of a notice of vesting will vest in the City.
7. Inquiries related to the matters set out in this notice may be directed to:

City of Toronto

Title .....

Address .....

.....

.....

Dated at ..... this ..... day of ..... 20 .....

....

Signature of Treasurer or Other Officer or Employee Authorized to Give this Notice — Title

Note: This document need not be registered.

FORM 2
STATUTORY DECLARATION REGARDING SENDING OF NOTICE

City of Toronto Act, 2006

In the matter of the title to the land mentioned below situate in the

.....

of .....

I, ..., ... of the .....
Title

of ....., do solemnly declare as follows:

In accordance with section 345 of the *City of Toronto Act, 2006*, notice was sent of the registration of a tax arrears certificate relating to the land described in this document to each of the interested parties whose names and addresses are listed below on the date set forth opposite their respective names.

Names and Addresses of Interested Parties and Dates of Mailing of Notice:

Name	Nature of Interest	Address	Mailing Date
1.			
2.			
3.			

Municipal Address of land: .....

Legal Description of land: .....

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me .....

at .....

this..... day of ....., 20 .....

.....
A Commissioner, etc.

.....
Treasurer or Authorized Officer or
Employee of the City of Toronto

.....
Title

Note: This document need not be registered.

FORM 3
FINAL NOTICE

City of Toronto Act, 2006

The City of Toronto

To: .....

Address: .....

Re: *(Description of Land; a parcel number must be provided where the land is registered in the land titles system)*

1. You are hereby notified, as a person to whom a notice of registration of a tax arrears certificate against the land described above was sent, that the cancellation price remains unpaid and that there is no subsisting extension agreement.
2. The land will be advertised for public sale unless the cancellation price is paid or an extension agreement is arranged before the ..... day of .....20 ....., between the City and the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land.
3. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *City of Toronto Act, 2006* and the treasurer is not under any duty to obtain the highest or best price for the land.
4. Any inquiry regarding this notice may be directed to:

City of Toronto

Title .....

Address .....

.....

.....

Dated at ..... this ..... day of ..... 20.....

....

Signature of Treasurer or Other Officer or Employee Authorized to Give this Notice — Title

Note: ***This document need not be registered.***

FORM 4
STATUTORY DECLARATION REGARDING THE SENDING OF FINAL NOTICE

City of Toronto Act, 2006

The City of Toronto

In the matter of the title to the land mentioned below situate in the

.....

of .....

I, ..., ... of the .....
Title

of ....., do solemnly declare as follows:

In accordance with section 350 of the *City of Toronto Act, 2006*, final notice relating to the following land was sent to each of the interested parties whose names and addresses are listed below on the date set forth opposite their respective names:

Set out description of land (A parcel number must be provided where the land is registered in the land titles system)

Names and Addresses of Interested Parties and Dates of Mailing of Notice:

Name	**Nature of Interest**	**Address**	**Mailing Date**
1.			
2.			
3.			

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me .....

at .....

this..... day of ....., 20 .....

.....
A Commissioner, etc.

.....
Treasurer or Authorized Officer or
Employee of the City of Toronto

.....
Title

Note: This document need not be registered.

FORM 5
PAYMENT INTO COURT — STATEMENT OF FACTS

City of Toronto Act, 2006

To the Local Registrar of the Superior Court of Justice at *(place at which the Court sits in the county or district in which the land is situate)*

.....

Take Notice that pursuant to section 350 of the *City of Toronto Act, 2006*, the land described below was sold on the ..

..... day of ....., 20.....

And take further notice that this is a true statement of the facts with respect to the sale of the land described below:

1. Description of Land: .....

   Municipal Address (if any): .....

   .....

   Legal Description *(a parcel number must be provided where the land is registered in the land titles system):*

   .....

   Name of land owner(s) on the date that the tax arrears certificate was registered .....

   .....

2. Payment into Court

   Total Amount Paid into Court $ .....

3. Under section 351 of the *City of Toronto Act, 2006*, any person claiming entitlement to any of the proceeds of sale may apply to the Superior Court of Justice, within one year of payment into court, for payment out of court of the amount to which the person is entitled.

4. The court shall, after one year has passed from the day payment is made into court, determine all of the entitlements to receive payments out of the proceeds of sale.

(Use (i) or (ii), whichever is appropriate)

5. (i) The land described in this document, on the date of registration of the tax arrears certificate was vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act*.

   (ii) The land described in this document, on the date of registration of the tax arrears certificate was not vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act*.

Date of payment into Court: ....., 20.....

City of Toronto

Title .....

Address .....

.....

.....

FORM 6
SALE OF LAND BY PUBLIC TENDER

City of Toronto Act, 2006

The City of Toronto

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on ....., 20..... at .....

The tenders will then be opened in public on the same day at .....
(time and place)

Description of Land(s): .....

.....

Minimum Tender Amount: .....
(Set out the cancellation price as of the first day of advertising.)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the City of Toronto and representing at least 20 per cent of the tender amount.

Except as follows, the City makes no representation regarding the title to or any other matters relating to the land(s) to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The land(s) does (do) not include the mobile homes situate on the land(s). *(Insert if applicable.)*

The land(s) was (were) previously advertised for a sale to be held on the ..... day of ....., 20 ....., but the sale was postponed. *(Insert if applicable.)*

This sale is governed by the *City of Toronto Act, 2006* and the Toronto Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The City has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

City of Toronto

Title .....

Address .....

.....

.....

Note: This document need not be registered.

FORM 7
TENDER TO PURCHASE

City of Toronto Act, 2006

To: Name .....

Address: .....

Telephone: .....

Re: Sale of: (description of land)

1. I/we hereby tender to purchase the land described above for the amount of $ ..... (..... dollars) in accordance with the terms and conditions of the *City of Toronto Act, 2006* and the Toronto Tax Sales Rules.
2. I/we understand that this tender must be received by the treasurer's office not later than 3:00 p.m. local time on .....20....., and that in the event of this tender being accepted, I/we shall be notified of its acceptance.
3. I/we enclose a deposit in the form of a certified cheque/bank draft/money order for the sum of $..... (..... dollars) in favour of the City of Toronto representing 20 per cent or more of the tendered amount which will be forfeited if I/we are the successful tenderer(s) and I/we do not pay the balance of the tendered amount, any land transfer tax and any accumulated taxes within 14 days of the treasurer notifying me/us that I/we are the highest tenderer.

This tender is submitted pursuant to the *City of Toronto Act, 2006* and the Toronto Tax Sales Rules.

Dated at ..... this ..... day of ..... 20 .....

Name of Tenderer	Name of Tenderer
Address of Tenderer	Address of Tenderer

FORM 8
SALE OF LAND BY PUBLIC AUCTION

City of Toronto Act, 2006

The City of Toronto

Take Notice that the land(s) described below will be offered for sale by public auction at ..... o'clock on the ..... day of ....., 20 ..... at .....

.....

Description of Land(s): .....

.....

Minimum Bid: .....
(Set out the cancellation price as of the first day of advertising.)

All amounts payable by the successful purchaser shall be payable in full at the time of the sale by cash or money order or by a bank draft or cheque certified by a bank or trust corporation.

Except as follows, the City makes no representation regarding the title to or any other matters relating to the land(s) to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The land(s) does (do) not include the mobile homes situate on the land(s). *(Insert if applicable.)*

The land(s) was (were) previously advertised for a sale to be held on the ..... day of ....., 20 ....., but the sale was postponed. *(Insert if applicable.)*

This sale is governed by the *City of Toronto Act, 2006* and the Toronto Tax Sales Rules. The successful purchaser will be required to pay the amount bid plus accumulated taxes and the relevant land transfer tax.

The City has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale, contact:

City of Toronto

Title .....

Address .....

.....

.....

FORM 9
MINING ACT INFORMATION

City of Toronto Act, 2006

The City of Toronto

.....

(Street address, or if there is no street address, the location of the land)

Under the *City of Toronto Act, 2006*, the City may sell the land described in this document for arrears of taxes.

Legal Description: .....

.....

☐ The land described in this document is liable to a tax imposed under the *Mining Act* and, therefore, pursuant to section 355 of the *City of Toronto Act, 2006*, the registration of a tax deed or notice of vesting does create a severance of the surface rights from the mining rights.

or

☐ The land described in this document is not liable to a tax imposed under the *Mining Act* and, therefore, pursuant to section 355 of the *City of Toronto Act, 2006*, the registration of a tax deed or notice of vesting does not create a severance of the surface rights from the mining rights.

.....

(Signature of Authorized Employee of Ministry of Northern Development and Mines)

Note: This document need not be registered.

FORM 10
FINAL NOTICE OF READVERTISEMENT

City of Toronto Act, 2006

The City of Toronto

To: .....

Address: .....

Re: *(Description of Land; a parcel number must be provided where the land is registered in the land titles system)*

1. You are hereby notified, as a person to whom a notice of registration of a tax arrears certificate against the land described above was sent, that the cancellation price remains unpaid and that there is no subsisting extension agreement.
2. A public sale of the land was held on the ..... day of ....., 20....., and there was no successful purchaser.
3. The land will be readvertised for public sale unless the cancellation price is paid or an extension agreement is arranged before the ..... day of ....., 20 ....., between the City and the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land.
4. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *City of Toronto Act, 2006* and the treasurer is not under any duty to obtain the highest or best price for the land.
5. Any inquiry regarding this notice may be directed to:

City of Toronto

Title .....

Address .....

.....

.....

Dated at ..... this ..... day of ....., 20.....

....

Signature of Treasurer or Other Officer or Employee Authorized to Give this Notice — Title

Note: This document need not be registered.

RÈGLEMENT DE L'ONTARIO 579/06

pris en application de la

LOI DE 2006 SUR LA CITÉ DE TORONTO

pris le 21 décembre 2006
déposé le 27 décembre 2006
publié sur le site Lois-en-ligne le 29 décembre 2006
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RÈGLES CONCERNANT LES VENTES POUR NON-PAIEMENT DES IMPÔTS MUNICIPAUX DE TORONTO

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PARTIE I
INTERPRÉTATION ET FORMULES

Définition

1. La définition qui suit s'applique au présent règlement.

«impôts accumulés» S'entend des impôts fonciers sur une parcelle de bien-fonds qui se sont accumulés depuis le premier jour de l'annonce de sa vente publique jusqu'au jour où une personne est déclarée adjudicataire.

Vente publique de biens-fonds

2. Toute vente publique de biens-fonds prévue par la Loi doit se tenir conformément au présent règlement.

Renseignements exigés dans des documents

3. (1) Le certificat d'arriérés d'impôts contient les renseignements énoncés à l'annexe 1.

(2) Le certificat d'annulation des arriérés d'impôts visé au paragraphe 346 (2), 349 (6) ou 353 (3) ou (6) de la Loi ou au paragraphe 22 (2) du présent règlement contient les renseignements énoncés à l'annexe 2.

(3) L'acte d'adjudication et la déclaration de conformité s'y rapportant, prévus à l'alinéa 350 (5) a) et au paragraphe 350 (6) de la Loi respectivement, contiennent les renseignements énoncés à l'annexe 3.

(4) L'avis de dévolution et la déclaration de conformité s'y rapportant, prévus à l'alinéa 350 (5) b) et au paragraphe 350 (6) de la Loi respectivement, contiennent les renseignements énoncés à l'annexe 4.

Formules

4. (1) L'avis exigé par l'article 345 de la Loi est rédigé selon la formule 1.

(2) La déclaration solennelle exigée par le paragraphe 345 (3) de la Loi est rédigée selon la formule 2.

(3) Le dernier avis exigé par le paragraphe 350 (1) de la Loi est rédigé selon la formule 3.

(4) La déclaration solennelle exigée par le paragraphe 350 (2) de la Loi est rédigée selon la formule 4.

(5) La déclaration exigée par le paragraphe 351 (2) de la Loi est rédigée selon la formule 5.

(6) L'avis exigé par le paragraphe 351.1 (2) de la Loi est rédigé selon la formule 10.

PARTIE II
VENTE PAR APPEL D'OFFRES

Annonce

5. (1) Si le trésorier tient une vente par appel d'offres, l'annonce exigée par l'alinéa 350 (2) b) de la Loi est rédigée selon la formule 6. Le trésorier accorde, pour le dépôt des offres, un délai d'au moins sept jours après la publication de la dernière annonce dans la *Gazette de l'Ontario* ou un journal.

(2) L'annonce peut porter sur la vente de n'importe quel nombre de parcelles de bien-fonds.

Offre

6. (1) L'offre est rédigée selon la formule 7 et remplit les conditions suivantes :

a) elle est dactylographiée ou écrite à la main lisiblement à l'encre;

b) elle est accompagnée d'un dépôt d'au moins 20 pour cent de son montant, sous forme de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie;

c) elle est présentée dans une enveloppe cachetée indiquant qu'il s'agit d'une vente pour non-paiement d'impôts et donnant une description succincte ou l'adresse municipale du bien-fonds qui permette au trésorier d'identifier la parcelle de bien-fonds faisant l'objet de l'offre;

d) elle est adressée au trésorier.

(2) L'offre ne peut viser qu'une parcelle de bien-fonds.

Réception de l'offre

7. (1) Dès réception d'une enveloppe portant la mention qu'elle contient une offre, le trésorier indique sur celle-ci l'heure et la date de sa réception et la garde en lieu sûr sans l'ouvrir.

(2) Pour l'application de la présente partie, à égalité de deux offres ou plus, la première reçue est réputée la plus élevée.

Retrait de l'offre

8. (1) Le soumissionnaire peut retirer son offre en faisant parvenir une demande écrite à cette fin au trésorier avant 15 heures, heure locale, à la date de clôture de l'appel d'offres.

(2) L'enveloppe contenant une offre retirée est ouverte au moment où le sont les enveloppes cachetées.

Ouverture des offres

9. (1) Dès que possible après 15 heures, heure locale, à la date de clôture de l'appel d'offres, le trésorier ouvre, en un lieu de la cité qui est ouvert au public, les enveloppes cachetées contenant les offres.

(2) Le trésorier ouvre les enveloppes cachetées en présence d'au moins une personne qui n'a pas présenté d'offre. Cette personne peut être un employé municipal.

(3) Après avoir ouvert les enveloppes cachetées, le trésorier en vérifie le contenu et rejette toute offre qui, selon le cas :

a) n'est pas égale ou supérieure au montant minimal mentionné dans l'annonce;

b) n'est pas conforme à l'article 6;

c) comporte une condition non prévue par le présent règlement;

d) a été retirée conformément au paragraphe 8 (1).

(4) Après s'être conformé au paragraphe (3), le trésorier ne conserve, parmi les offres restantes, que les deux plus élevées, et rejette les autres.

(5) Toute offre rejetée est retournée au soumissionnaire et est accompagnée du dépôt qu'a versé celui-ci, le cas échéant, et d'une déclaration énonçant les motifs du rejet.

Avis de dévolution

10. S'il constate, après s'être conformé à l'article 9, qu'il ne reste aucune offre valide, le trésorier déclare qu'il n'y a aucun adjudicataire.

Deux offres valides restantes

11. (1) S'il constate, après s'être conformé à l'article 9, qu'il reste deux offres valides, le trésorier avise immédiatement le plus haut soumissionnaire, par courrier ordinaire expédié à l'adresse inscrite dans l'offre, qu'il sera déclaré adjudicataire sur paiement comptant au trésorier, dans les 14 jours de la mise à la poste de l'avis, du solde du montant de l'offre, des droits de cession immobilière applicables et des impôts accumulés.

(2) Si le plus haut soumissionnaire effectue le paiement conformément au paragraphe (1), le trésorier le déclare adjudicataire.

(3) Si le plus haut soumissionnaire n'effectue pas le paiement conformément au paragraphe (1), son dépôt est confisqué immédiatement au profit de la cité et le trésorier offre la parcelle de bien-fonds au plus bas soumissionnaire conformément à l'article 12.

Une seule offre valide restante

12. (1) S'il constate, après s'être conformé à l'article 9, qu'il ne reste qu'une seule offre valide, ou s'il doit, conformément au paragraphe 11 (3), offrir la parcelle de bien-fonds au plus bas soumissionnaire, le trésorier avise immédiatement le soumissionnaire, par courrier ordinaire expédié à l'adresse inscrite dans l'offre, qu'il sera déclaré adjudicataire sur paiement comptant au trésorier, dans les 14 jours de la mise à la poste de l'avis, du solde du montant de l'offre, des droits de cession immobilière applicables et des impôts accumulés.

(2) Si le soumissionnaire effectue le paiement conformément au paragraphe (1), le trésorier le déclare adjudicataire.

(3) Si le soumissionnaire n'effectue pas le paiement conformément au paragraphe (1) :

a) d'une part, le trésorier déclare qu'il n'y a aucun adjudicataire et peut enregistrer un avis de dévolution au nom de la cité;

b) d'autre part, le dépôt du soumissionnaire est confisqué immédiatement au profit de la cité.

PARTIE III
VENTE AUX ENCHÈRES PUBLIQUES

Annonce

13. (1) Si le trésorier tient une vente aux enchères publiques, l'annonce exigée par l'alinéa 350 (2) b) de la Loi est rédigée selon la formule 8. Le trésorier accorde, avant la tenue de la vente aux enchères, un délai d'au moins sept jours après la publication de la dernière annonce dans la *Gazette de l'Ontario* ou un journal.

(2) La vente aux enchères se tient dans le lieu de la cité que le trésorier désigne dans l'annonce.

(3) L'annonce peut porter sur la vente de n'importe quel nombre de parcelles de bien-fonds.

Encanteur

14. (1) Le trésorier ou la personne qu'il désigne agit à titre d'encanteur.

(2) L'encanteur commence la vente aux enchères en déclarant la vente pour non-paiement d'impôts officiellement ouverte et en lisant à haute voix les articles 15, 16, 17 et 18.

Fonctions de l'encanteur

15. À l'égard de chaque parcelle de bien-fonds faisant l'objet de la vente aux enchères, l'encanteur fait ce qui suit :

a) il précise, au moment d'ouvrir ou de rouvrir les enchères sur la parcelle, l'enchère minimale indiquée dans l'annonce;

b) il constate chaque enchérisseur, répète chaque enchère et invite les surenchères;

c) en l'absence de surenchère, il répète la dernière enchère trois fois et, s'il n'y a toujours pas de surenchère, constate le dernier enchérisseur.

Dernier enchérisseur déclaré adjudicataire

16. Sur paiement comptant immédiat à l'encanteur du montant de l'enchère, des droits de cession immobilière applicables et des impôts accumulés, le dernier enchérisseur est déclaré adjudicataire.

Non-paiement

17. Si le dernier enchérisseur n'effectue pas le paiement conformément à l'article 16 et que les enchères n'ont pas déjà été rouvertes en application du présent règlement, l'encanteur rouvre immédiatement les enchères.

Absence d'enchère

18. S'il n'y a pas d'enchère sur une parcelle de bien-fonds après l'ouverture des enchères ou s'il n'y a pas d'enchère ou d'adjudicataire après la réouverture des enchères en application de l'article 17, l'encanteur déclare qu'il n'y a aucun adjudicataire.

Reçu

19. L'encanteur délivre à l'adjudicataire un reçu attestant les sommes reçues en application de l'article 16. Le reçu donne une description légale de la parcelle de bien-fonds, le nom de l'adjudicataire et le nom sous lequel l'acte d'adjudication sera enregistré.

Clôture de la vente aux enchères

20. L'encanteur annonce la clôture de la vente aux enchères à la fin des enchères sur toutes les parcelles de bien-fonds faisant l'objet de la vente.

Liste

21. L'encanteur dresse et conserve une liste indiquant chaque parcelle de bien-fonds visée par la vente aux enchères et les nom et adresse de l'adjudicataire ou, s'il n'y en a pas, le fait qu'il n'y en a pas.

PARTIE IV
DISPOSITIONS GÉNÉRALES

Report de la vente

22. (1) Si, après qu'une vente publique prévue par la Loi est annoncée conformément à l'alinéa 350 (2) b) de la Loi, le trésorier estime que l'exécution de la vente serait difficilement réalisable ou serait injuste envers les enchérisseurs ou les soumissionnaires, il peut reporter la vente et la tenir à une date ultérieure après l'avoir annoncée de nouveau conformément au même alinéa.

(2) Si une vente publique est reportée en vertu du paragraphe (1) et que la nouvelle vente n'a pas lieu dans les 90 jours qui suivent la date annoncée initialement pour la vente, le trésorier enregistre immédiatement un certificat d'annulation des arriérés d'impôts.

(3) Le paragraphe (2) n'a pas pour effet d'empêcher le trésorier d'enregistrer un nouveau certificat d'arriérés d'impôts et d'entreprendre les démarches prévues par la partie XIV de la Loi.

Retour des offres

23. S'il reporte ou annule une vente par appel d'offres, le trésorier fait ce qui suit :

a) il ouvre les enveloppes cachetées, s'il ne l'a pas déjà fait;

b) il retourne aux soumissionnaires les offres retenues et les dépôts appropriés, s'ils en ont versé un, le tout accompagné d'une déclaration énonçant les raisons pour lesquelles leur offre leur est retournée.

Enregistrement

24. Dès que possible après qu'une personne est déclarée adjudicataire dans une vente tenue en application de la Loi, le trésorier prépare et enregistre les documents nécessaires conformément à celle-ci.

Condition

25. Si la cité est visée à l'annexe 2 du Règlement 995 des Règlements refondus de l'Ontario de 1990 (Forms and Records) pris en application de la *Loi sur l'enregistrement des actes*, le trésorier doit, avant d'enregistrer un acte d'adjudication ou un avis de dévolution, obtenir une déclaration rédigée selon la formule 9 et signée par un employé autorisé du ministère du Développement du Nord et des Mines.

Mode de paiement

26. Sous réserve de l'alinéa 6 (1) b), lorsque le présent règlement exige un paiement comptant, il peut être effectué en espèces ou sous forme de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie.

Confiscation de fonds

27. Le dépôt confisqué en application du présent règlement au profit de la cité fait partie de son fonds d'administration générale.

Disposition transitoire

28. (1) Si un certificat d'arriérés d'impôts relatif à un terrain nu a été enregistré avant le 1er janvier 2003 conformément à l'alinéa 3 (1) b) de la *Loi sur les ventes pour impôts municipaux*, telle qu'elle existait avant cette date, les démarches entreprises à l'égard de la vente de ce bien-fonds peuvent se poursuivre même si la période précédant l'enregistrement du certificat pendant laquelle les arriérés d'impôts étaient dus est inférieure à celle précisée au paragraphe 344 (1) de la *Loi de 2006 sur la cité de Toronto*.

(2) Si un certificat d'arriérés d'impôts relatif à un bien-fonds a été enregistré avant le 1er janvier 2007, les démarches entreprises à l'égard de la vente de ce bien-fonds peuvent se poursuivre comme si le certificat avait été enregistré en vertu de la *Loi de 2006 sur la cité de Toronto*.

Entrée en vigueur

29. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du jour de l'entrée en vigueur de l'article 67 de l'annexe B de la *Loi de 2006 modifiant des lois concernant les municipalités*.

ANNEXE 1
CERTIFICAT D'ARRIÉRÉS D'IMPÔTS

Le certificat d'arriérés d'impôts contient les renseignements suivants :

1. Une mention indiquant que le certificat se rapporte à un bien-fonds situé dans la cité.
2. L'adresse municipale du bien-fonds ou, en l'absence d'adresse, l'endroit où il est situé.
3. Une déclaration du trésorier attestant ce qui suit :
    i. le montant des arriérés d'impôts dus le 31 décembre de l'année pertinente et le fait qu'au moins une partie de ce montant et tous impôts fonciers additionnels et frais demeurent dus à la cité,
    ii. le fait que le bien-fonds décrit dans le certificat fera l'objet d'une vente publique si le coût d'annulation n'est pas payé dans l'année qui suit la date de l'enregistrement du certificat.
4. Le nom du trésorier et la date de la déclaration.
5. Un avis énonçant ce qui suit :
    i. le fait que le délai accordé pour payer le coût d'annulation peut être prorogé si la cité autorise la conclusion d'un accord de prorogation avec le propriétaire du bien-fonds avant l'expiration du délai d'un an,
    ii. le fait que le coût d'annulation sera calculé à la date du paiement des arriérés d'impôts à la cité et peut être supérieur au montant indiqué dans le certificat,
    iii. le fait que s'il n'y a aucun adjudicataire à l'issue de la vente publique, le bien-fonds est dévolu à la cité sur enregistrement d'un avis de dévolution,

iv. les titre et adresse de la personne à qui peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.

6. La description légale du bien-fonds.

ANNEXE 2
CERTIFICAT D'ANNULATION DES ARRIÉRÉS D'IMPÔTS

Le certificat d'annulation des arriérés d'impôts visé au paragraphe 346 (2), 349 (6) ou 353 (3) ou (6) de la Loi ou au paragraphe 22 (2) du règlement contient les renseignements suivants :

1. Une mention indiquant que le certificat se rapporte à un bien-fonds situé dans la cité.
2. L'adresse municipale du bien-fonds ou, en l'absence d'adresse, l'endroit où il est situé.
3. Une déclaration du trésorier attestant ce qui suit :
   i. le certificat d'arriérés d'impôts enregistré le (*date de l'enregistrement*) sous le numéro (*numéro de l'acte*) est annulé à l'égard du bien-fonds décrit dans le certificat d'annulation des arriérés d'impôts,
   ii. le coût d'annulation (*choisir A ou B, selon le cas*) :
      A. demeure impayé et un nouveau certificat d'arriérés d'impôts peut être enregistré,
      B. a été payé le (*date du paiement*),
   iii. si le coût d'annulation a été payé, il l'a été par ou au nom d'une des personnes suivantes (*choisir A ou B, selon le cas*) :
      A. le propriétaire du bien-fonds ou son conjoint ou une personne qui n'avait pas droit à l'avis prévu au paragraphe 345 (1) de la *Loi de 2006 sur la cité de Toronto* et, en conséquence, il n'y a pas de privilège sur le bien-fonds décrit dans le présent document à l'égard du paiement,
      B. une personne, autre que le propriétaire du bien-fonds ou son conjoint, qui avait droit à l'avis prévu au paragraphe 345 (1) de la *Loi de 2006 sur la cité de Toronto* ou un cessionnaire d'une telle personne et, par suite du paiement, (*nom et adresse de la personne*) a un privilège sur le bien-fonds pour la somme de (*montant du privilège*), lequel privilège prend rang avant l'intérêt de toute personne à qui un avis a été envoyé en application de l'article 345 de cette loi.
4. Le nom du trésorier et la date de la déclaration.
5. Les titre et adresse de la personne à qui peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.
6. La description légale du bien-fonds.

ANNEXE 3
ACTE D'ADJUDICATION

L'acte d'adjudication et la déclaration de conformité s'y rapportant, prévus à l'alinéa 350 (5) a) et au paragraphe 350 (6) de la Loi respectivement, contiennent les renseignements suivants :

1. Une mention indiquant que l'acte d'adjudication se rapporte à un bien-fonds situé dans la cité.
2. L'adresse municipale du bien-fonds ou, en l'absence d'adresse, l'endroit où il est situé.
3. Une déclaration portant que, en vertu de la *Loi de 2006 sur la cité de Toronto*, par l'enregistrement de l'acte d'adjudication, est dévolu au destinataire du transfert le domaine en fief simple sur le bien-fonds, y compris tous les droits, privilèges et dépendances qui s'y rapportent, libre des autres domaines et intérêts, à l'exception de ce qui suit :
   i. les servitudes et les clauses restrictives qui se rattachent au bien-fonds,
   ii. les domaines et intérêts de la Couronne du chef du Canada ou de l'Ontario autres que ceux acquis par la Couronne du chef de l'Ontario pour cause de déshérence ou de déchéance en application de la *Loi sur les sociétés par actions* ou de la *Loi sur les personnes morales*,
   iii. tout intérêt ou titre acquis par possession adversative par les propriétaires de biens-fonds attenants avant l'enregistrement de l'acte d'adjudication.
4. Une déclaration portant que, par l'enregistrement de l'acte d'adjudication, est dévolu au destinataire du transfert tout intérêt sur un bien-fonds contigu acquis par possession adversative avant l'enregistrement ou le titre de propriété d'un tel bien-fonds ainsi acquis, si la personne qui a acquis à l'origine cet intérêt ou ce titre l'a acquis par suite de la possession du bien-fonds décrit dans l'acte d'adjudication.

5. Une déclaration du trésorier attestant ce qui suit :
    i. un certificat d'arriérés d'impôts a été enregistré sous le numéro (*numéro de l'acte*) à l'égard du bien-fonds au moins un an avant l'annonce de la mise en vente du bien-fonds,
    ii. les avis ont été envoyés et les déclarations solennelles faites en conformité, pour l'essentiel, avec les dispositions applicables de la *Loi de 2006 sur la cité de Toronto*, de la *Loi de 2001 sur les municipalités*, de la *Loi sur les ventes pour impôts municipaux*, telle qu'elle existait avant le 1er janvier 2003, et de leurs règlements d'application,
    iii. le coût d'annulation n'a pas été payé dans l'année qui suit la date de l'enregistrement du certificat d'arriérés d'impôts,
    iv. aucun accord de prorogation n'était en vigueur lors de l'annonce de la mise en vente du bien-fonds,
    v. la mise en vente du bien-fonds a été annoncée en conformité, pour l'essentiel, avec les dispositions applicables de la *Loi de 2006 sur la cité de Toronto*, de la *Loi de 2001 sur les municipalités* et de leurs règlements d'application,
    vi. le cas échéant, la cité a adopté un règlement en vertu du paragraphe 350 (3) de la *Loi de 2006 sur la cité de Toronto* ou du paragraphe 379 (3) de la *Loi de 2001 sur les municipalités*, selon le cas, en vue d'exclure les maisons mobiles de la vente du bien-fonds.
6. Le cas échéant, une déclaration du trésorier attestant que le ministère du Développement du Nord et des Mines a avisé la cité que le bien-fonds décrit dans le présent acte d'adjudication (*choisir i ou ii, selon le cas*) :
    i. est assujetti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 355 de la *Loi de 2006 sur la cité de Toronto*, l'enregistrement du présent document entraîne la séparation des droits de surface des droits miniers,
    ii. n'est pas assujetti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 355 de la *Loi de 2006 sur la cité de Toronto*, l'enregistrement du présent document n'entraîne pas de séparation des droits de surface des droits miniers.
7. Les titre et adresse de la personne à qui peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.
8. La description légale du bien-fonds.

ANNEXE 4
AVIS DE DÉVOLUTION

L'avis de dévolution et la déclaration de conformité s'y rapportant, prévus à l'alinéa 350 (5) b) et au paragraphe 350 (6) de la Loi respectivement, contiennent les renseignements suivants :

1. Une mention indiquant que l'avis se rapporte à un bien-fonds situé dans la cité.
2. L'adresse municipale du bien-fonds ou, en l'absence d'adresse, l'endroit où il est situé.
3. Une déclaration portant que l'enregistrement est effectué en application de la *Loi de 2006 sur la cité de Toronto*, que, en application de cette loi, la cité a tenté de vendre le bien-fonds décrit dans l'avis de dévolution pour arriérés d'impôts, sans toutefois trouver d'adjudicataire, et que, en conséquence, le bien-fonds décrit dans l'avis de dévolution lui est dévolu par l'enregistrement de l'avis.
4. Une déclaration portant que, en vertu de la *Loi de 2006 sur la cité de Toronto*, par l'enregistrement de l'avis de dévolution, est dévolu à la cité le domaine en fief simple sur le bien-fonds, y compris tous les droits, privilèges et dépendances qui s'y rapportent, libre des autres domaines et intérêts, y compris les domaines et intérêts de la Couronne du chef de l'Ontario, à l'exception de ce qui suit :
    i. les servitudes et les clauses restrictives qui se rattachent au bien-fonds, y compris celles au profit de la Couronne du chef de l'Ontario,
    ii. les domaines et intérêts de la Couronne du chef du Canada,
    iii. tout intérêt ou titre acquis par possession adversative par les propriétaires de biens-fonds attenants, y compris la Couronne du chef de l'Ontario, avant l'enregistrement de l'avis de dévolution.
5. Une déclaration portant que, par l'enregistrement de l'avis de dévolution, est dévolu à la cité tout intérêt sur un bien-fonds contigu acquis par possession adversative avant l'enregistrement ou le titre de propriété d'un tel bien-fonds ainsi acquis, si la personne qui a acquis à l'origine cet intérêt ou ce titre l'a acquis par suite de la possession du bien-fonds décrit dans l'avis.

6. Une déclaration du trésorier attestant ce qui suit :
    i. un certificat d'arriérés d'impôts a été enregistré sous le numéro (*numéro de l'acte*) à l'égard du bien-fonds au moins un an avant l'annonce de la mise en vente du bien-fonds,
    ii. les avis ont été envoyés et les déclarations solennelles faites en conformité, pour l'essentiel, avec les dispositions applicables de la *Loi de 2006 sur la cité de Toronto*, de la *Loi de 2001 sur les municipalités*, de la *Loi sur les ventes pour impôts municipaux*, telle qu'elle existait avant le 1er janvier 2003, et de leurs règlements d'application,
    iii. le coût d'annulation n'a pas été payé dans l'année qui suit la date de l'enregistrement du certificat d'arriérés d'impôts,
    iv. aucun accord de prorogation n'était en vigueur lors de l'annonce de la mise en vente du bien-fonds,
    v. la mise en vente du bien-fonds a été annoncée en conformité, pour l'essentiel, avec les dispositions applicables de la *Loi de 2006 sur la cité de Toronto*, de la *Loi de 2001 sur les municipalités* et de leurs règlements d'application,
    vi. le cas échéant, la cité a adopté un règlement en vertu du paragraphe 350 (3) de la *Loi de 2006 sur la cité de Toronto* ou du paragraphe 379 (3) de la *Loi de 2001 sur les municipalités*, selon le cas, en vue d'exclure les maisons mobiles de la vente du bien-fonds.
7. Le cas échéant, une déclaration du trésorier attestant que le ministère du Développement du Nord et des Mines a avisé la cité que le bien-fonds décrit dans le présent avis (*choisir i ou ii, selon le cas*) :
    i. est assujetti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 355 de la *Loi de 2006 sur la cité de Toronto*, l'enregistrement du présent avis entraîne la séparation des droits de surface des droits miniers,
    ii. n'est pas assujetti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 355 de la *Loi de 2006 sur la cité de Toronto*, l'enregistrement du présent avis n'entraîne pas de séparation des droits de surface des droits miniers.
8. Les titre et adresse de la personne à qui peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.
9. La description légale du bien-fonds.

FORMULE 1
AVIS D'ENREGISTREMENT D'UN CERTIFICAT D'ARRIÉRÉS D'IMPÔTS

Loi de 2006 sur la cité de Toronto

La cité de Toronto

Destinataire : .....

Adresse : .....

Objet : *(Description du bien-fonds; le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)*

1. Un certificat d'arriérés d'impôts, dont copie est ci-jointe, a été enregistré le ..... 20..... sous le numéro d'acte..... à l'égard du titre du bien-fonds qui y est visé.
2. Si vous avez droit au présent avis en application de la *Loi de 2006 sur la cité de Toronto* et que vous payez le coût d'annulation, vous aurez un privilège sur le bien-fonds pour la somme versée, à condition d'en être ni le propriétaire ni son conjoint, lequel privilège prend rang avant l'intérêt de toute autre personne à qui un avis est envoyé en application de cette loi.
3. Si, à la fin du délai d'un an qui suit la date de l'enregistrement du certificat d'arriérés d'impôts, le coût d'annulation demeure impayé et qu'aucun accord de prorogation n'est en vigueur, le bien-fonds fera l'objet d'une vente publique.
4. Le trésorier n'est pas tenu de se renseigner ni de se faire une opinion sur la valeur du bien-fonds avant de tenir une vente en application de la *Loi de 2006 sur la cité de Toronto*. Il n'a pas non plus l'obligation d'obtenir le meilleur prix pour le bien-fonds.
5. Vous pouvez revendiquer un droit sur une part du produit de la vente du bien-fonds en présentant une requête à la Cour supérieure de justice dans l'année qui suit la consignation au tribunal, par le trésorier, du produit de la vente, déduction faite du coût d'annulation.
6. S'il n'y a aucun adjudicataire à l'issue de la vente publique, le bien-fonds est dévolu à la cité sur enregistrement d'un avis de dévolution.
7. Les demandes de renseignements concernant les questions visées par le présent avis peuvent être adressées à :

Cité de Toronto

Titre : .....

Adresse : .....

.....

.....

Fait à ..... le ..... 20.....

....

Signature du trésorier ou de l'autre fonctionnaire ou employé autorisé à donner le présent avis — Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

FORMULE 2
DÉCLARATION SOLENNELLE SUR L'ENVOI D'UN AVIS

Loi de 2006 sur la cité de Toronto

Concernant le titre du bien-fonds décrit ci-dessous et situé dans

.....

de .....

Je, ..., ... de .....
Titre

de ....., déclare solennellement ce qui suit :

Conformément à l'article 345 de la *Loi de 2006 sur la cité de Toronto*, un avis de l'enregistrement d'un certificat d'arriérés d'impôts à l'égard du bien-fonds décrit dans le présent document a été envoyé à chacune des parties intéressées dont les nom et adresse figurent ci-dessous, à la date indiquée en regard de leur nom respectif.

Nom et adresse des parties intéressées et date de la mise à la poste de l'avis :

Nom	Nature de l'intérêt	Adresse	Date de la mise à la poste
1.			
2.			
3.			

Adresse municipale du bien-fonds : .....

Description légale du bien-fonds : .....

Et je fais la présente déclaration solennelle la croyant vraie en toute conscience et sachant qu'elle a la même valeur et le même effet que si elle était faite sous serment et en vertu de la *Loi sur la preuve au Canada*.

Déclaration faite devant moi .....

à .....

le .... 20.....

.....
Commissaire, etc.

.....
Trésorier ou fonctionnaire ou employé autorisé de la cité de Toronto

.....
Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

FORMULE 3
DERNIER AVIS

Loi de 2006 sur la cité de Toronto

La cité de Toronto

Destinataire : .....

Adresse : .....

Objet : *(Description du bien-fonds; le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)*

1. À titre de personne à laquelle a été envoyé un avis de l'enregistrement d'un certificat d'arriérés d'impôts à l'égard du bien-fonds décrit ci-dessus, vous êtes avisée par la présente que le coût d'annulation demeure impayé et qu'aucun accord de prorogation n'est en vigueur.
2. La vente publique du bien-fonds sera annoncée, à moins que, avant le ..... 20 ....., ne soit payé le coût d'annulation ou ne soit conclu un accord de prorogation entre, d'une part, la cité et, d'autre part, le propriétaire du bien-fonds, son conjoint, un créancier hypothécaire ou un locataire qui occupe le bien-fonds.
3. Le trésorier n'est pas tenu de se renseigner ni de se faire une opinion sur la valeur du bien-fonds avant de tenir une vente en application de la *Loi de 2006 sur la cité de Toronto*. Il n'a pas non plus l'obligation d'obtenir le meilleur prix pour le bien-fonds.
4. Les demandes de renseignements concernant le présent avis peuvent être adressées à :

Cité de Toronto

Titre : .....

Adresse : .....

.....

.....

Fait à ..... le ..... 20 .....

....

Signature du trésorier ou de l'autre fonctionnaire ou employé autorisé à donner le présent avis — Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

FORMULE 4
DÉCLARATION SOLENNELLE SUR L'ENVOI D'UN DERNIER AVIS

Loi de 2006 sur la cité de Toronto

La cité de Toronto

Concernant le titre du bien-fonds décrit ci-dessous et situé dans

.....

de .....

Je, ..., ... de .....
Titre

de ..... , déclare solennellement ce qui suit :

Conformément à l'article 350 de la *Loi de 2006 sur la cité de Toronto*, un dernier avis ayant trait au bien-fonds suivant a été envoyé à chacune des parties intéressées dont les nom et adresse figurent ci-dessous, à la date indiquée en regard de leur nom respectif :

Description du bien-fonds (Le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)

Nom et adresse des parties intéressées et date de la mise à la poste de l'avis :

Nom	Nature de l'intérêt	Adresse	Date de la mise à la poste
1.			
2.			
3.			

Et je fais la présente déclaration solennelle la croyant vraie en toute conscience et sachant qu'elle a la même valeur et le même effet que si elle était faite sous serment et en vertu de la *Loi sur la preuve au Canada*.

Déclaration faite devant moi .....

à ....
Trésorier ou fonctionnaire ou employé

le .... 20..... autorisé de la cité de Toronto

....
Commissaire, etc. Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

FORMULE 5
CONSIGNATION AU TRIBUNAL — DÉCLARATION DES FAITS

Loi de 2006 sur la cité de Toronto

Au greffier local de la Cour supérieure de justice à (*endroit où siège le tribunal dans le comté ou le district où est situé le bien-fonds*)

.....

Avis vous est donné que, conformément à l'article 350 de la *Loi de 2006 sur la cité de Toronto*, le bien-fonds décrit ci-dessous a été vendu le ..... 20.....

Avis vous est donné en outre que le présent document constitue un exposé fidèle des faits relatifs à la vente du bien-fonds décrit ci-dessous :

1. Description du bien-fonds : .....

   Adresse municipale (le cas échéant) : .....

   .....

   Description légale *(le numéro de parcelle doit être fourni lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)* :

   .....

   Nom du/des propriétaire(s) du bien-fonds à la date de l'enregistrement du certificat d'arriérés d'impôts : .....

   .....

2. Consignation au tribunal

   Montant total de la consignation : ..... $

3. En application de l'article 351 de la *Loi de 2006 sur la cité de Toronto*, quiconque revendique un droit sur une part du produit de la vente peut, par voie de requête présentée à la Cour supérieure de justice dans l'année qui suit la consignation, demander le versement de la somme à laquelle il a droit.
4. À l'expiration de l'année qui suit la date de la consignation au tribunal, celui-ci détermine tout droit à une part du produit de la vente.

(Choisir (i) ou (ii), selon le cas.)

5. (i) À la date de l'enregistrement du certificat d'arriérés d'impôts, le bien-fonds décrit dans le présent document était dévolu à la Couronne pour cause de déshérence ou de déchéance en application de la *Loi sur les sociétés par actions* ou de la *Loi sur les personnes morales*.

   (ii) À la date de l'enregistrement du certificat d'arriérés d'impôts, le bien-fonds décrit dans le présent document n'était pas dévolu à la Couronne pour cause de déshérence ou de déchéance en application de la *Loi sur les sociétés par actions* ou de la *Loi sur les personnes morales*.

Date de la consignation au tribunal : ..... 20.....

Cité de Toronto

Titre : .....

Adresse : .....

.....

.....

FORMULE 6
VENTE DE BIENS-FONDS PAR APPEL D'OFFRES

Loi de 2006 sur la cité de Toronto

La cité de Toronto

Avis est donné qu'un appel d'offres est lancé relativement à l'achat du/des bien(s)-fonds décrit(s) ci-dessous et que les offres seront reçues jusqu'à 15 heures, heure locale, le .....20..... à .....

L'ouverture des offres aura lieu en public le même jour à .....
(heure et lieu)

Description du/des bien(s)-fonds : .....

.....

Montant minimal de l'offre : .....
(*Indiquer le coût d'annulation en date du premier jour de l'annonce.*)

Les offres doivent être rédigées selon la formule prescrite et être accompagnées d'un dépôt d'au moins 20 pour cent de leur montant, sous forme de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie, fait à l'ordre de la cité de Toronto.

Exception faite de ce qui suit, la cité ne fait aucune déclaration à l'égard du/des bien(s)-fonds faisant l'objet de la vente, notamment en ce qui concerne le titre. Il incombe aux acheteurs éventuels de faire les vérifications nécessaires.

Le/les bien(s)-fonds ne comprend/comprennent pas les maisons mobiles qui s'y trouvent. *(Insérer, s'il y a lieu.)*

La vente du/des bien(s)-fonds a été antérieurement annoncée et devait se tenir le ..... 20 ....., mais elle a été reportée. *(Insérer, s'il y a lieu.)*

La *Loi de 2006 sur la cité de Toronto* et les Règles concernant les ventes pour non-paiement des impôts municipaux de Toronto adoptées en application de cette loi régissent la vente. L'adjudicataire est tenu de payer le montant de son offre, les impôts accumulés et les droits de cession immobilière applicables.

La cité n'est pas tenue d'offrir la libre possession à l'adjudicataire.

Pour obtenir des renseignements supplémentaires sur la vente et une copie de la formule d'offre prescrite, s'adresser à :

Cité de Toronto

Titre : .....

Adresse : .....

.....

.....

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

FORMULE 7
OFFRE

Loi de 2006 sur la cité de Toronto

Destinataire : Nom : .....

Adresse : .....

Téléphone : .....

Objet : Vente de : (description du bien-fonds)

1. La présente constitue, à l'égard du bien-fonds décrit ci-dessus, mon/notre offre de l'ordre de ..... $ (..... dollars) conformément aux conditions de la *Loi de 2006 sur la cité de Toronto* et aux Règles concernant les ventes pour non-paiement des impôts municipaux de Toronto.
2. Il est entendu que la présente offre doit parvenir au bureau du trésorier au plus tard à 15 heures, heure locale, le ..... 20..... et que, si elle est acceptée, j'en serai/nous en serons avisé(e)(s).
3. Mon/notre dépôt est joint sous forme de chèque visé, de traite bancaire ou de mandat de ..... $ (.....dollars) fait à l'ordre de la cité de Toronto. Ce dépôt d'au moins 20 pour cent du montant de l'offre sera confisqué si je suis/nous sommes le soumissionnaire retenu et que je ne paie/nous ne payons pas le solde du montant de l'offre, les droits de cession immobilière et les impôts accumulés au plus tard 14 jours après que le trésorier m'/nous a avisé(e)(s) que je suis/nous sommes le plus haut soumissionnaire.

La présente offre est présentée conformément à la *Loi de 2006 sur la cité de Toronto* et aux Règles concernant les ventes pour non-paiement des impôts municipaux de Toronto.

Fait à ....., le ..... 20 .....

Nom du soumissionnaire	Nom du soumissionnaire
Adresse du soumissionnaire	Adresse du soumissionnaire

FORMULE 8
VENTE DE BIENS-FONDS AUX ENCHÈRES PUBLIQUES

Loi de 2006 sur la cité de Toronto

La cité de Toronto

Avis est donné que le/les bien(s)-fonds décrit(s) ci-dessous fera/feront l'objet d'une vente aux enchères à ..... heures le ..... 20..... à .....

.....

Description du/des bien(s)-fonds : .....

.....

Enchère minimale : ..... $
(*Indiquer le coût d'annulation en date du premier jour de l'annonce.*)

Les sommes payables par l'adjudicataire doivent être acquittées en entier au moment de la vente sous forme d'espèces, de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie.

Exception faite de ce qui suit, la cité ne fait aucune déclaration à l'égard du/des bien(s)-fonds faisant l'objet de la vente, notamment en ce qui concerne le titre. Il incombe aux acheteurs éventuels de faire les vérifications nécessaires.

Le/les bien(s)-fonds ne comprend/comprennent pas les maisons mobiles qui s'y trouvent. *(Insérer, s'il y a lieu.)*

La vente du/des bien(s)-fonds a été antérieurement annoncée et devait se tenir le ..... 20 ....., mais elle a été reportée. *(Insérer, s'il y a lieu.)*

La *Loi de 2006 sur la cité de Toronto* et les Règles concernant les ventes pour non-paiement des impôts municipaux de Toronto régissent la vente. L'adjudicataire est tenu de payer le montant de son enchère, les impôts accumulés et les droits de cession immobilière applicables.

La cité n'est pas tenue d'offrir la libre possession à l'adjudicataire.

Pour obtenir des renseignements supplémentaires sur la vente, s'adresser à :

Cité de Toronto

Titre : .....

Adresse : .....

.....

.....

FORMULE 9
RENSEIGNEMENTS CONCERNANT LA LOI SUR LES MINES

Loi de 2006 sur la cité de Toronto

La cité de Toronto

.....

(Adresse municipale ou, en l'absence d'une telle adresse, endroit où est situé le bien-fonds.)

En application de la *Loi de 2006 sur la cité de Toronto*, la cité peut vendre le bien-fonds décrit dans le présent document pour arriérés d'impôts.

Description légale : .....

.....

☐ Le bien-fonds décrit dans le présent document est assujetti à un impôt établi en application de la *Loi sur les mines* et, en conséquence, en application de l'article 355 de la *Loi de 2006 sur la cité de Toronto*, l'enregistrement d'un acte d'adjudication ou d'un avis de dévolution entraîne la séparation des droits de surface des droits miniers.

ou

☐ Le bien-fonds décrit dans le présent document n'est pas assujetti à un impôt établi en application de la *Loi sur les mines* et, en conséquence, en application de l'article 355 de la *Loi de 2006 sur la cité de Toronto*, l'enregistrement d'un acte d'adjudication ou d'un avis de dévolution n'entraîne pas de séparation des droits de surface des droits miniers.

.....

(Signature de l'employé autorisé du ministère du Développement du Nord et des Mines)

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

FORMULE 10
DERNIER AVIS DE NOUVELLE ANNONCE DE MISE EN VENTE

Loi de 2006 sur la cité de Toronto

La cité de Toronto

Destinataire : .....

Adresse : .....

Objet : *(Description du bien-fonds; le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)*

1. À titre de personne à laquelle a été envoyé un avis de l'enregistrement d'un certificat d'arriérés d'impôts à l'égard du bien-fonds décrit ci-dessus, vous êtes avisée par la présente que le coût d'annulation demeure impayé et qu'aucun accord de prorogation n'est en vigueur.
2. Une vente publique du bien-fonds a eu lieu le ..... 20....., sans qu'il y ait eu d'adjudicataire.
3. La vente publique du bien-fonds sera annoncée de nouveau, à moins que, avant le ..... 20 ....., ne soit payé le coût d'annulation ou ne soit conclu un accord de prorogation entre, d'une part, la cité et, d'autre part, le propriétaire du bien-fonds, son conjoint, un créancier hypothécaire ou un locataire qui occupe le bien-fonds.
4. Le trésorier n'est pas tenu de se renseigner ni de se faire une opinion sur la valeur du bien-fonds avant de tenir une vente en application de la *Loi de 2006 sur la cité de Toronto*. Il n'a pas non plus l'obligation d'obtenir le meilleur prix pour le bien-fonds.
5. Les demandes de renseignements concernant le présent avis peuvent être adressées à :

Cité de Toronto

Titre : .....

Adresse : .....

.....

.....

Fait à ..... le ..... 20 .....

....

Signature du trésorier ou de l'autre fonctionnaire ou employé autorisé à donner le présent avis — Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.
Pris le : 21 décembre 2006.

2/07

ONTARIO REGULATION 580/06

made under the

MUNICIPAL ACT, 2001

Made: December 21, 2006
Filed: December 27, 2006
Published on e-Laws: December 29, 2006
Printed in *The Ontario Gazette*: January 13, 2007

Amending O. Reg. 181/03
(Municipal Tax Sales Rules)

Note: Ontario Regulation 181/03 has not previously been amended.

1. Subsection 3 (2) of Ontario Regulation 181/03 is amended by adding "or subsection 22 (2) of this Regulation" after "382 (3) or (6) of the Act".

2. Section 4 of the Regulation is amended by adding the following subsection:

(6) A notice required by subsection 380.1 (2) of the Act shall be in Form 10.

3. Section 22 of the Regulation is revoked and the following substituted:

Postponement of sale

22. (1) If, after a public sale under the Act is advertised in accordance with clause 379 (2) (b) of the Act, the treasurer is of the opinion that completing the sale would be impractical or would be unfair to the bidders or tenderers, the treasurer may postpone the sale and conduct it on a later date after readvertising it in accordance with clause 379 (2) (b) of the Act.

(2) If a public sale is postponed under subsection (1) and the rescheduled sale does not occur within 90 days after the date that was originally advertised for the sale, the treasurer shall immediately register a tax arrears cancellation certificate.

(3) Subsection (2) does not prevent the treasurer from registering a new tax arrears certificate and proceeding under Part XI of the Act.

Returning tenders

22.1 If the treasurer postpones or cancels a sale by public tender, the treasurer shall,

(a) open the sealed envelopes, if he or she has not already done so; and

(b) return to the tenderers any tenders that he or she retains together with the appropriate deposits, if any, and a statement setting out the reason for the return.

4. Section 24 of the Regulation is amended by striking out "Regulation 995 of the Revised Regulations of Ontario, 1990" and substituting "Regulation 995 of the Revised Regulations of Ontario, 1990 (Forms and Records) made under the *Registry Act*".

5. Section 27 of the Regulation is revoked and the following substituted:

Transition

27. (1) If a tax arrears certificate in respect of vacant land has been registered before January 1, 2003 in accordance with clause 3 (1) (b) of the *Municipal Tax Sales Act*, as it read before January 1, 2003, the proceedings in respect of the sale of that land may continue even though the period in which the tax arrears were owing before the registration of the certificate may be less than the period specified in subsection 373 (1) of the *Municipal Act, 2001*.

(2) If a tax arrears certificate in respect of land has been registered before January 1, 2007, the proceedings in respect of the sale of that land may continue as if the certificate had been registered under the Act as amended by the *Municipal Statute Law Amendment Act, 2006*.

6. Subparagraph 5 (ii) of Schedule 1 to the Regulation is amended by striking out "will be higher" and substituting "may be higher".

7. Schedule 2 to the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

A tax arrears cancellation certificate referred to in subsection 375 (2), 378 (6) or 382 (3) or (6) of the Act or subsection 22 (2) of the regulation shall contain the following information:

. . . . .

8. Subparagraph 5 (ii) of Schedule 3 to the Regulation is revoked and the following substituted:

(ii) notices were sent and statutory declarations were made in substantial compliance with the applicable provisions of the *Municipal Act, 2001*, the *Municipal Tax Sales Act*, as it read before January 1, 2003, and the regulations under those Acts,

9. (1) Paragraph 4 of Schedule 4 to the Regulation is revoked and the following substituted:

4. A statement that, by virtue of the *Municipal Act, 2001*, the registration of the notice of vesting vests in the municipality or board 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,

(i) easements and restrictive covenants that run with the land, including those for the benefit of the Crown in right of Ontario,

(ii) any estates and interests of the Crown in right of Canada, and

(iii) 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.

(2) Subparagraph 6 (ii) of Schedule 4 to the Regulation is revoked and the following substituted:

(ii) notices were sent and statutory declarations were made in substantial compliance with the applicable provisions of the *Municipal Act, 2001*, the *Municipal Tax Sales Act*, as it read before January 1, 2003, and the regulations under those Acts,

10. The English version of Form 5 of the Regulation is revoked and the following substituted:

FORM 5
PAYMENT INTO COURT — STATEMENT OF FACTS

Municipal Act, 2001

To the Local Registrar of the Superior Court of Justice at (place at which the Court sits in the county or district in which the land is situate)

.....

Take Notice that pursuant to section 379 of the *Municipal Act, 2001*, the land described below was sold on the .....

..... day of ....., 20.....

And take further notice that this is a true statement of the facts with respect to the sale of the land described below:

1. Description of Land: .....

   Municipal Address (if any): .....

   .....

   Legal Description *(a parcel number must be provided where the land is registered in the land titles system):*

   .....

   Name of land owner(s) on the date that the tax arrears certificate was registered .....

   .....

2. Payment into Court

   Total Amount Paid into Court $ .....

3. Under section 380 of the *Municipal Act, 2001*, any person claiming entitlement to any of the proceeds of sale may apply to the Superior Court of Justice, within one year of payment into court, for payment out of court of the amount to which the person is entitled.

4. The court shall, after one year has passed from the day payment is made into court, determine all of the entitlements to receive payments out of the proceeds of sale.

(Use (i) or (ii), whichever is appropriate)

5. (i) The land described in this document, on the date of registration of the tax arrears certificate was vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act*.

   (ii) The land described in this document, on the date of registration of the tax arrears certificate was not vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act*.

Date of payment into Court: ....., 20 .....

Name	Title
Name of Municipality or Board	
Address and Telephone Number of Municipality or Board	

11. Form 6 of the Regulation is revoked and the following substituted:

FORM 6
SALE OF LAND BY PUBLIC TENDER

Municipal Act, 2001

The .....
(Name of Municipality or Board)

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on ....., 20..... at .....

The tenders will then be opened in public on the same day at .....
(time and place)

Description of Land(s): .....

.....

Minimum Tender Amount: .....
(Set out the cancellation price as of the first day of advertising.)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land(s) to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The land(s) does (do) not include the mobile homes situate on the land(s). *(Insert if applicable.)*

The land(s) was (were) previously advertised for a sale to be held on the ..... day of ....., 20 ....., but the sale was postponed. *(Insert if applicable.)*

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

Title	Name of Municipality or Board
Address of Municipality or Board	

Note: This document need not be registered.

12. Form 8 of the Regulation is revoked and the following substituted:

FORM 8
SALE OF LAND BY PUBLIC AUCTION

Municipal Act, 2001

The .....
(Name of Municipality or Board)

Take Notice that the land(s) described below will be offered for sale by public auction at ..... o'clock on the ..... day of ....., 20 ..... at .....

.....

Description of Land(s): .....

.....

Minimum Bid: .....
(Set out the cancellation price as of the first day of advertising.)

All amounts payable by the successful purchaser shall be payable in full at the time of the sale by cash or money order or by a bank draft or cheque certified by a bank or trust corporation.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land(s) to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The land(s) does (do) not include the mobile homes situate on the land(s). *(Insert if applicable.)*

The land(s) was (were) previously advertised for a sale to be held on the ..... day of ....., 20 ....., but the sale was postponed. *(Insert if applicable.)*

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules. The successful purchaser will be required to pay the amount bid plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale, contact:

Title	Name of Municipality or Board
Address of Municipality or Board	

13. The Regulation is amended by adding the following Form:

FORM 10
FINAL NOTICE OF READVERTISEMENT

Municipal Act, 2001

The .....
(Name of Municipality or Board)

To: .....

Address: .....

Re: *(Description of Land; a parcel number must be provided where the land is registered in the land titles system)*

1. You are hereby notified, as a person to whom a notice of registration of a tax arrears certificate against the land described above was sent, that the cancellation price remains unpaid and that there is no subsisting extension agreement.
2. A public sale of the land was held on the ..... day of ....., 20....., and there was no successful purchaser.
3. The land will be readvertised for public sale unless the cancellation price is paid or an extension agreement is arranged before the ..... day of ....., 20 ....., between the municipality (or board) and the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land.
4. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *Municipal Act, 2001* and the treasurer is not under any duty to obtain the highest or best price for the land.
5. Any inquiry regarding this notice may be directed to:

Title	Name of Municipality or Board
Address of Municipality or Board	

Dated at ..... this ..... day of ....., 20.....

....
Signature of Treasurer or Other Officer or Employee Authorized to Give this Notice — Title

Note: This document need not be registered.

14. This Regulation comes into force on the later of the day it is filed and the day section 156 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 580/06

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉS

pris le 21 décembre 2006
déposé le 27 décembre 2006
publié sur le site Lois-en-ligne le 29 décembre 2006
imprimé dans la *Gazette de l'Ontario* le 13 janvier 2007

modifiant le Règl. de l'Ont. 181/03
(Règles concernant les ventes pour non-paiement des impôts municipaux)

Remarque : Le Règlement de l'Ontario 181/03 n'a pas été modifié antérieurement.

1. Le paragraphe 3 (2) du Règlement de l'Ontario 181/03 est modifié par insertion de «ou au paragraphe 22 (2) du présent règlement» après «382 (3) ou (6) de la Loi».

2. L'article 4 du Règlement est modifié par adjonction du paragraphe suivant :

(6) L'avis exigé par le paragraphe 380.1 (2) de la Loi est rédigé selon la formule 10.

3. L'article 22 du Règlement est abrogé et remplacé par ce qui suit :

Report de la vente

22. (1) Si, après qu'une vente publique prévue par la Loi est annoncée conformément à l'alinéa 379 (2) b) de la Loi, le trésorier estime que l'exécution de la vente serait difficilement réalisable ou serait injuste envers les enchérisseurs ou les soumissionnaires, il peut reporter la vente et la tenir à une date ultérieure après l'avoir annoncée de nouveau conformément au même alinéa.

(2) Si une vente publique est reportée en vertu du paragraphe (1) et que la nouvelle vente n'a pas lieu dans les 90 jours qui suivent la date annoncée initialement pour la vente, le trésorier enregistre immédiatement un certificat d'annulation des arriérés d'impôts.

(3) Le paragraphe (2) n'a pas pour effet d'empêcher le trésorier d'enregistrer un nouveau certificat d'arriérés d'impôts et d'entreprendre les démarches prévues par la partie XI de la Loi.

Retour des offres

22.1 S'il reporte ou annule une vente par appel d'offres, le trésorier fait ce qui suit :

a) il ouvre les enveloppes cachetées, s'il ne l'a pas déjà fait;

b) il retourne aux soumissionnaires les offres retenues et les dépôts appropriés, s'ils en ont versé un, le tout accompagné d'une déclaration énonçant les raisons pour lesquelles leur offre leur est retournée.

4. L'article 24 du Règlement est modifié par substitution de «Règlement 995 des Règlements refondus de l'Ontario de 1990 (Forms and Records) pris en application de la *Loi sur l'enregistrement des actes*» à «Règlement 995 des Règlements refondus de l'Ontario de 1990».

5. L'article 27 du Règlement est abrogé et remplacé par ce qui suit :

Disposition transitoire

27. (1) Si un certificat d'arriérés d'impôts relatif à un terrain nu a été enregistré avant le 1er janvier 2003 conformément à l'alinéa 3 (1) b) de la *Loi sur les ventes pour impôts municipaux*, telle qu'elle existait avant cette date, les démarches entreprises à l'égard de la vente de ce bien-fonds peuvent se poursuivre même si la période précédant l'enregistrement du certificat pendant laquelle les arriérés d'impôts étaient dus est inférieure à celle précisée au paragraphe 373 (1) de la *Loi de 2001 sur les municipalités*.

(2) Si un certificat d'arriérés d'impôts relatif à un bien-fonds a été enregistré avant le 1er janvier 2007, les démarches entreprises à l'égard de la vente de ce bien-fonds peuvent se poursuivre comme si le certificat avait été enregistré en vertu de la Loi, telle qu'elle est modifiée par la *Loi de 2006 modifiant des lois concernant les municipalités.*

6. La sous-disposition 5 (ii) de l'annexe 1 du Règlement est modifiée par substitution de «peut être supérieur» à «sera supérieur».

7. L'annexe 2 du Règlement est modifiée par substitution de ce qui suit au passage qui précède la disposition 1 :

Le certificat d'annulation des arriérés d'impôts visé au paragraphe 375 (2), 378 (6) ou 382 (3) ou (6) de la Loi ou au paragraphe 22 (2) du règlement contient les renseignements suivants :

. . . . .

8. La sous-disposition 5 (ii) de l'annexe 3 du Règlement est abrogée et remplacée par ce qui suit :

(ii) les avis ont été envoyés et les déclarations solennelles faites en conformité, pour l'essentiel, avec les dispositions applicables de la *Loi de 2001 sur les municipalités*, de la *Loi sur les ventes pour impôts municipaux*, telle qu'elle existait avant le 1er janvier 2003, et de leurs règlements d'application,

9. (1) La disposition 4 de l'annexe 4 du Règlement est abrogée et remplacée par ce qui suit :

4. Une déclaration portant que, en vertu de la *Loi de 2001 sur les municipalités*, par l'enregistrement de l'avis de dévolution, est dévolu à la municipalité ou au conseil le domaine en fief simple sur le bien-fonds, y compris tous les droits, privilèges et dépendances qui s'y rapportent, libre des autres domaines et intérêts, y compris les domaines et intérêts de la Couronne du chef de l'Ontario, à l'exception de ce qui suit :

(i) les servitudes et les clauses restrictives qui se rattachent au bien-fonds, y compris celles au profit de la Couronne du chef de l'Ontario,

(ii) les domaines et intérêts de la Couronne du chef du Canada,

(iii) tout intérêt ou titre acquis par possession adversative par les propriétaires de biens-fonds attenants, y compris la Couronne du chef de l'Ontario, avant l'enregistrement de l'avis de dévolution.

(2) La sous-disposition 6 (ii) de l'annexe 4 du Règlement est abrogée et remplacée par ce qui suit :

(ii) les avis ont été envoyés et les déclarations solennelles faites en conformité, pour l'essentiel, avec les dispositions applicables de la *Loi de 2001 sur les municipalités*, de la *Loi sur les ventes pour impôts municipaux*, telle qu'elle existait avant le 1er janvier 2003, et de leurs règlements d'application,

10. La version anglaise de la formule 5 du Règlement est abrogée et remplacée par ce qui suit :

FORM 5
PAYMENT INTO COURT — STATEMENT OF FACTS

Municipal Act, 2001

To the Local Registrar of the Superior Court of Justice at (place at which the Court sits in the county or district in which the land is situate)

.....

Take Notice that pursuant to section 379 of the *Municipal Act, 2001*, the land described below was sold on the .....

..... day of ..... , 20.....

And take further notice that this is a true statement of the facts with respect to the sale of the land described below:

1. Description of Land: .....

   Municipal Address (if any): .....

   .....

   Legal Description *(a parcel number must be provided where the land is registered in the land titles system):*

   .....

   Name of land owner(s) on the date that the tax arrears certificate was registered .....

   .....

2. Payment into Court

   Total Amount Paid into Court $ .....

3. Under section 380 of the *Municipal Act, 2001*, any person claiming entitlement to any of the proceeds of sale may apply to the Superior Court of Justice, within one year of payment into court, for payment out of court of the amount to which the person is entitled.

4. The court shall, after one year has passed from the day payment is made into court, determine all of the entitlements to receive payments out of the proceeds of sale.

(Use (i) or (ii), whichever is appropriate)

5. (i) The land described in this document, on the date of registration of the tax arrears certificate was vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act.*

   (ii) The land described in this document, on the date of registration of the tax arrears certificate was not vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act.*

Date of payment into Court: ....., 20 .....

Name	Title
Name of Municipality or Board	
Address and Telephone Number of Municipality or Board	

11. La formule 6 du Règlement est abrogée et remplacée par ce qui suit :

FORMULE 6
VENTE DE BIENS-FONDS PAR APPEL D'OFFRES

Loi de 2001 sur les municipalités

La/Le .....
(Nom de la municipalité ou du conseil)

Avis est donné qu'un appel d'offres est lancé relativement à l'achat du/des bien(s)-fonds décrit(s) ci-dessous et que les offres seront reçues jusqu'à 15 heures, heure locale, le .....20..... à .....

L'ouverture des offres aura lieu en public le même jour à .....
(heure et lieu)

Description du/des bien(s)-fonds : .....

.....

Montant minimal de l'offre : .....
(*Indiquer le coût d'annulation en date du premier jour de l'annonce.*)

Les offres doivent être rédigées selon la formule prescrite et être accompagnées d'un dépôt d'au moins 20 pour cent de leur montant, sous forme de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie, fait à l'ordre de la municipalité (ou du conseil).

Exception faite de ce qui suit, la municipalité ne fait aucune déclaration à l'égard du/des bien(s)-fonds faisant l'objet de la vente, notamment en ce qui concerne le titre. Il incombe aux acheteurs éventuels de faire les vérifications nécessaires.

Le/les bien(s)-fonds ne comprend/comprennent pas les maisons mobiles qui s'y trouvent. *(Insérer, s'il y a lieu.)*

La vente du/des bien(s)-fonds a été antérieurement annoncée et devait se tenir le ..... 20 ....., mais elle a été reportée. *(Insérer, s'il y a lieu.)*

La *Loi de 2001 sur les municipalités* et les Règles concernant les ventes pour non-paiement des impôts municipaux adoptées en application de cette loi régissent la vente. L'adjudicataire est tenu de payer le montant de son offre, les impôts accumulés et les droits de cession immobilière applicables.

La municipalité n'est pas tenue d'offrir la libre possession à l'adjudicataire.

Pour obtenir des renseignements supplémentaires sur la vente et une copie de la formule d'offre prescrite, s'adresser à :

Titre	Nom de la municipalité ou du conseil
Adresse de la municipalité ou du conseil	

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

12. La formule 8 du Règlement est abrogée et remplacée par ce qui suit :

FORMULE 8
VENTE DE BIENS-FONDS AUX ENCHÈRES PUBLIQUES

Loi de 2001 sur les municipalités

La/Le .....
(Nom de la municipalité ou du conseil)

Avis est donné que le/les bien(s)-fonds décrit(s) ci-dessous fera/feront l'objet d'une vente aux enchères à ..... heures le ..... 20..... à .....

.....

Description du/des bien(s)-fonds : .....

.....

Enchère minimale : ..... $
(*Indiquer le coût d'annulation en date du premier jour de l'annonce.*)

Les sommes payables par l'adjudicataire doivent être acquittées en entier au moment de la vente sous forme d'espèces, de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie.

Exception faite de ce qui suit, la municipalité ne fait aucune déclaration à l'égard du/des bien(s)-fonds faisant l'objet de la vente, notamment en ce qui concerne le titre. Il incombe aux acheteurs éventuels de faire les vérifications nécessaires.

Le/les bien(s)-fonds ne comprend/comprennent pas les maisons mobiles qui s'y trouvent. *(Insérer, s'il y a lieu.)*

La vente du/des bien(s)-fonds a été antérieurement annoncée et devait se tenir le ..... 20 ....., mais elle a été reportée. *(Insérer, s'il y a lieu.)*

La *Loi de 2001 sur les municipalités* et les Règles concernant les ventes pour non-paiement des impôts municipaux régissent la vente. L'adjudicataire est tenu de payer le montant de son enchère, les impôts accumulés et les droits de cession immobilière applicables.

La municipalité n'est pas tenue d'offrir la libre possession à l'adjudicataire.

Pour obtenir des renseignements supplémentaires sur la vente, s'adresser à :

Titre	Nom de la municipalité ou du conseil
Adresse de la municipalité ou du conseil	

13. Le Règlement est modifié par adjonction de la formule suivante :

FORMULE 10
DERNIER AVIS DE NOUVELLE ANNONCE DE MISE EN VENTE

Loi de 2001 sur les municipalités

La/Le .....
(Nom de la municipalité ou du conseil)

Destinataire : .....

Adresse : .....

Objet : *(Description du bien-fonds; le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)*

1. À titre de personne à laquelle a été envoyé un avis de l'enregistrement d'un certificat d'arriérés d'impôts à l'égard du bien-fonds décrit ci-dessus, vous êtes avisée par la présente que le coût d'annulation demeure impayé et qu'aucun accord de prorogation n'est en vigueur.
2. Une vente publique du bien-fonds a eu lieu le ..... 20....., sans qu'il y ait eu d'adjudicataire.
3. La vente publique du bien-fonds sera annoncée de nouveau, à moins que, avant le ..... 20 ....., ne soit payé le coût d'annulation ou ne soit conclu un accord de prorogation entre, d'une part, la municipalité (*ou le conseil*) et, d'autre part, le propriétaire du bien-fonds, son conjoint, un créancier hypothécaire ou un locataire qui occupe le bien-fonds.
4. Le trésorier n'est pas tenu de se renseigner ni de se faire une opinion sur la valeur du bien-fonds avant de tenir une vente en application de la *Loi de 2001 sur les municipalités*. Il n'a pas non plus l'obligation d'obtenir le meilleur prix pour le bien-fonds.
5. Les demandes de renseignements concernant le présent avis peuvent être adressées à :

Titre	Nom de la municipalité ou du conseil
Adresse de la municipalité ou du conseil	

Fait à ..... le ..... 20 .....

....
Signature du trésorier ou de l'autre fonctionnaire, agent ou employé autorisé à donner le présent avis — Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

14. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du jour de l'entrée en vigueur de l'article 156 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités.*

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.
Pris le : 21 décembre 2006.

2/07

ONTARIO REGULATION 581/06

made under the

MUNICIPAL ACT, 2001

Made: December 21, 2006
Filed: December 27, 2006
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Printed in *The Ontario Gazette*: January 13, 2007

FEES AND CHARGES — PRIORITY LIEN STATUS

Certain public utility fees and charges

1. Fees and charges that are imposed by a municipality or local board under the Act for the following services and added to the tax roll under subsection 398 (2) of the Act have priority lien status as described in section 1 of the Act:

1. For the supply of water.
2. For the supply of artificial or natural gas.
3. For the supply of steam or hot water.
4. For the use of a sewage system.

Certain fees and charges, business improvement

2. (1) Fees and charges that are imposed by a municipality or local board under the Act and meet the requirements of paragraphs 1 and 2 of subsection 361 (13) of the Act have priority lien status as described in section 1 of the Act.

(2) Fees and charges described in subsection (1) and imposed before the day this Regulation comes into force have priority lien status effective the day this Regulation comes into force.

Revocation

3. Ontario Regulation 440/02 is revoked.

Commencement

4. This Regulation comes into force on the later of the day it is filed and the day section 148 of Schedule A of the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 581/06

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉS

pris le 21 décembre 2006
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DROITS ET REDEVANCES — STATUT DE PRIVILÈGE PRIORITAIRE

Certains droits et redevances : services publics

1. Les droits et redevances fixés pour les services suivants par une municipalité ou un conseil local en vertu de la Loi et ajoutés au rôle d'imposition en application du paragraphe 398 (2) de celle-ci ont le statut de privilège prioritaire dont il est question à l'article 1 de la Loi :

1. L'approvisionnement en eau.
2. L'approvisionnement en gaz synthétique ou naturel.
3. L'approvisionnement en vapeur ou en eau chaude.
4. L'utilisation d'un système d'égouts.

Certains droits et redevances : aménagement commercial

2. (1) Les droits et redevances qui sont fixés par une municipalité ou un conseil local en vertu de la Loi et qui remplissent les conditions énoncées aux dispositions 1 et 2 du paragraphe 361 (13) de celle-ci ont le statut de privilège prioritaire dont il est question à l'article 1 de la Loi.

(2) Les droits et redevances visés au paragraphe (1) et fixés avant le jour de l'entrée en vigueur du présent règlement ont le statut de privilège prioritaire à compter de ce jour-là.

Abrogation

3. Le Règlement de l'Ontario 440/02 est abrogé.

Entrée en vigueur

4. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 148 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités*.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.
Pris le : 21 décembre 2006.

2/07

ONTARIO REGULATION 582/06

made under the

MUNICIPAL ACT, 2001

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DISSOLUTION OF AND ASSUMPTION OF POWERS OF LOCAL BOARDS

Dissolution of local board

1. (1) If a municipality passes a by-law to dissolve a local board,

(a) the municipality stands in the place of the board for all purposes, on and after the effective date;

(b) the powers of the board vest in the municipality on the effective date;

(c) all rights, claims, undertakings, obligations, assets and liabilities of the board vest in the municipality on the effective date;

(d) the by-laws and resolutions of the board,

(i) are continued as by-laws and resolutions of the municipality, on the effective date, and

(ii) remain in force until repealed or amended;

(e) the board ceases to exist on the effective date; and

(f) if the board is a corporation, it is dissolved on the effective date.

(2) The effective date for the purposes of subsection (1) is the day the by-law comes into force.

(3) If a municipality passes a by-law to dissolve a local board of the municipality and one or more other municipalities, each municipality stands in the place of the board for the purposes of that municipality on the day the by-law comes into force, and subsection (1) applies with necessary modifications.

Assumption of powers from local board

2. (1) If a municipality passes a by-law to assume one or more powers from a local board,

(a) the municipality stands in the board's place for the purpose of exercising the assumed powers, on and after the effective date;

(b) the assumed powers vest in the municipality on the effective date;

(c) all rights, claims, undertakings and obligations, assets and liabilities of the board pertaining to the assumed powers vest in the municipality on the effective date; and

(d) the board's by-laws and resolutions pertaining to the exercise of the assumed powers,

(i) are continued as by-laws and resolutions of the municipality, on the effective date, and

(ii) remain in force until repealed or amended.

(2) The effective date for the purposes of subsection (1) is the day the by-law comes into force.

(3) If a municipality passes a by-law to assume one or more powers from a local board of the municipality and one or more other municipalities, each municipality stands in the place of the board for the purpose of exercising the assumed powers on the day the by-law comes into force, and subsection (1) applies with necessary modifications.

(4) Subsections (1), (2) and (3) do not apply to police villages.

Certain bodies to be local boards

3. For the purposes of this Regulation,

(a) a police village is a local board of the municipalities within which it is located;

(b) The Hamilton Entertainment and Convention Facilities Inc. is a local board of the City of Hamilton; and

(c) The Centre in The Square Inc. is a local board of The Corporation of the City of Kitchener.

Revocation

4. Ontario Regulation 214/96 is revoked.

Commencement

5. This Regulation comes into force on the later of the day it is filed and the day section 90 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 582/06

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉS

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DISSOLUTION DE CONSEILS LOCAUX ET PRISE EN CHARGE DE LEURS POUVOIRS

Dissolution d'un conseil local

1. (1) Si une municipalité adopte un règlement en vue de dissoudre un conseil local :

a) elle remplace le conseil à toutes fins à la date d'effet et par la suite;

b) les pouvoirs du conseil lui sont dévolus à la date d'effet;

c) les droits, réclamations, engagements et obligations ainsi que l'actif et le passif du conseil lui sont dévolus à la date d'effet;

d) les règlements et les résolutions du conseil :

(i) sont prorogés en tant que règlements et résolutions de la municipalité à la date d'effet,

(ii) demeurent en vigueur jusqu'à ce qu'ils soient abrogés ou modifiés;

e) le conseil cesse d'exister à la date d'effet;

f) si le conseil est une personne morale, celle-ci est dissoute à la date d'effet.

(2) Pour l'application du paragraphe (1), la date d'effet est le jour de l'entrée en vigueur du règlement municipal.

(3) Si une municipalité adopte un règlement en vue de dissoudre un conseil local de la municipalité et d'une ou de plusieurs autres municipalités, chaque municipalité remplace le conseil à ses fins le jour de l'entrée en vigueur du règlement et le paragraphe (1) s'applique alors avec les adaptations nécessaires.

Prise en charge des pouvoirs d'un conseil local

2. (1) Si une municipalité adopte un règlement en vue de prendre en charge un ou plusieurs pouvoirs d'un conseil local :

a) elle remplace le conseil à la date d'effet et par la suite aux fins de l'exercice des pouvoirs pris en charge;

b) les pouvoirs pris en charge lui sont dévolus à la date d'effet;

c) les droits, réclamations, engagements et obligations ainsi que l'actif et le passif du conseil qui sont liés aux pouvoirs pris en charge lui sont dévolus à la date d'effet;

d) les règlements et les résolutions du conseil liés à l'exercice des pouvoirs pris en charge :

(i) sont prorogés en tant que règlements et résolutions de la municipalité à la date d'effet,

(ii) demeurent en vigueur jusqu'à ce qu'ils soient abrogés ou modifiés.

(2) Pour l'application du paragraphe (1), la date d'effet est le jour de l'entrée en vigueur du règlement municipal.

(3) Si une municipalité adopte un règlement en vue de prendre en charge un ou plusieurs pouvoirs d'un conseil local de la municipalité et d'une ou de plusieurs autres municipalités, chaque municipalité remplace le conseil le jour de l'entrée en vigueur du règlement aux fins de l'exercice des pouvoirs pris en charge et le paragraphe (1) s'applique alors avec les adaptations nécessaires.

(4) Les paragraphes (1), (2) et (3) ne s'appliquent pas aux villages partiellement autonomes.

Assimilation à des conseils locaux

3. Pour l'application du présent règlement :

a) un village partiellement autonome est un conseil local des municipalités dans lesquelles il est situé;

b) l'organisme appelé *The Hamilton Entertainment and Convention Facilities Inc.* est un conseil local de la cité de Hamilton;

c) l'organisme appelé *The Centre in The Square Inc.* est un conseil local de la cité de Kitchener.

Abrogation

4. Le Règlement de l'Ontario 214/96 est abrogé.

Entrée en vigueur

5. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 90 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités.*

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

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2/07

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made under the

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LICENSING POWERS

Conditions and limitations

1. (1) A municipality does not have power, in a business licensing by-law,

(a) to impose any condition with respect to the sale or service of liquor, as defined in the *Liquor Licence Act*, as a requirement of obtaining, continuing to hold or renewing a licence issued by the municipality;

(b) to provide for a system of licenses with respect to,

(i) a courier business in which parcels and documents are conveyed in vehicles, other than buses and cabs, that are used for hire, or

(ii) the owners or drivers of vehicles used in a courier business described in subclause (i);

(c) to provide for a system of licenses with respect to,

(i) a transportation business in which property is conveyed in motor vehicles, other than buses, cabs and tow trucks, that are used for hire, or

(ii) the owners or drivers of motor vehicles used in a transportation business described in subclause (i);

(d) to impose any condition with respect to motor vehicles used in a transportation business described in subclause (c) (i);

(e) to impose, as a requirement of obtaining, continuing to hold or renewing a licence, any condition respecting containers for alcoholic beverages, including a condition requiring the vendor of alcoholic beverages to establish, operate or maintain a system or facilities for the return of containers for alcoholic beverages;

(f) to provide for a system of licenses with respect to,

(i) the business of trading in real estate, or

(ii) persons registered under the *Real Estate and Business Brokers Act, 2002* who are carrying on business as brokers, salespersons or brokerages;

(g) to provide for a system of licenses with respect to electricians, master electricians or electrical contractors;

(h) to impose on any business or individual carrying on or engaged in a trade, other occupation or skill set any condition that requires an individual carrying on or engaged in the trade, other occupation or skill set to complete examinations in relation to, or obtain any certificate issued by or on behalf of the municipality in relation to, his or her competence to perform the trade, other occupation or skill set if the individual holds a certificate in that trade, occupation or skill set under the *Trades Qualification and Apprenticeship Act* or the *Apprenticeship and Certification Act, 1998*.

(2) In clause (1) (f), the following terms have the same meaning as in section 1 of the *Real Estate and Business Brokers Act, 2002*:

1. Broker.
2. Brokerage.
3. Real estate.
4. Salesperson.
5. Trade.

Ottawa, plumbing trade

2. (1) The City of Ottawa does not have power to pass a business licensing by-law to impose on any individual carrying on or engaged in the trade of plumbing any condition that requires the individual to complete examinations in relation to, or obtain any certificate issued by or on behalf of the city in relation to, his or her competence to perform plumbing work and act in a supervisory capacity on a construction site where plumbing work is being performed as a condition of obtaining, continuing to hold or renewing a licence as a plumber if,

(a) the individual has successfully completed the examination of skills related to managing construction work required by the Quebec Building Board in the category of specialized contractor, subcategory 4285.14 plumbing contractor; and

(b) the individual has obtained a certificate from the director of the Jobs Protection Office of the Ministry of Labour confirming that the requirement in clause (a) has been met.

(2) The restriction on the power to pass by-laws set out in subsection (1) applies irrespective of whether the by-law characterizes the licences as being for master plumbers or uses other terms categorizing licences by the level of seniority or experience.

Revocation

3. Ontario Regulation 243/02 is revoked.

Commencement

4. This Regulation comes into force on the later of the day it is filed and the day section 82 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 583/06

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POUVOIRS EN MATIÈRE DE PERMIS

Conditions et restrictions

1. (1) Une municipalité n'a pas le pouvoir, dans le cadre d'un règlement sur les permis d'entreprise, de faire ce qui suit :

a) imposer des conditions relativement à la vente ou au service d'alcool, au sens de la *Loi sur les permis d'alcool*, pour l'obtention, la conservation ou le renouvellement d'un permis délivré par la municipalité;

b) prévoir un régime de permis à l'égard, selon le cas :

(i) d'une entreprise de messagerie où des colis et des documents sont transportés dans des véhicules, autres que des autobus et des taxis, utilisés à des fins de location,

(ii) des propriétaires ou des chauffeurs de véhicules utilisés par une entreprise de messagerie visée au sous-alinéa (i);

c) prévoir un régime de permis à l'égard, selon le cas :

(i) d'une entreprise de transport où des biens sont transportés dans des véhicules automobiles, autres que des autobus, des taxis et des dépanneuses, utilisés à des fins de location,

(ii) des propriétaires ou des chauffeurs de véhicules automobiles utilisés par une entreprise de transport visée au sous-alinéa (i);

d) imposer des conditions relativement aux véhicules automobiles utilisés par une entreprise de transport visée au sous-alinéa c) (i);

e) imposer des conditions, pour l'obtention, la conservation ou le renouvellement d'un permis, relativement aux contenants de boissons alcoolisées, y compris une condition exigeant du vendeur de telles boissons qu'il établisse, exploite ou maintienne un système ou des installations pour le retour de ces contenants;

f) prévoir un régime de permis à l'égard, selon le cas :

(i) de l'entreprise qui consiste à mener des opérations portant sur des biens immobiliers,

(ii) des personnes inscrites en vertu de la *Loi de 2002 sur le courtage commercial et immobilier* qui exploitent une entreprise en qualité de courtiers, d'agents immobiliers ou de maisons de courtage;

g) prévoir un régime de permis à l'égard des électriciens, des maîtres électriciens ou des entrepreneurs en électricité;

h) imposer à une entreprise ou à un particulier qui exerce un métier, une autre profession ou un ensemble de compétences des conditions exigeant que le particulier qui l'exerce passe des examens de compétence, ou qu'il obtienne un certificat délivré par la municipalité ou en son nom à cet égard, s'il est titulaire d'un certificat pour ce métier, cette profession ou cet ensemble de compétences visé par la *Loi sur la qualification professionnelle et l'apprentissage des gens de métier* ou la *Loi de 1998 sur l'apprentissage et la reconnaissance professionnelle*.

(2) À l'alinéa (1) f), les termes suivants s'entendent au sens que leur donne l'article 1 de la *Loi de 2002 sur le courtage commercial et immobilier* :

1. Courtier.
2. Maison de courtage.
3. Bien immobilier.
4. Agent immobilier.
5. Mener des opérations.

Ottawa : métier de plombier

2. (1) La ville d'Ottawa n'a pas le pouvoir d'adopter un règlement sur les permis d'entreprise pour imposer au particulier qui exerce le métier de plombier des conditions exigeant qu'il passe des examens, ou qu'il obtienne un certificat délivré par la ville ou en son nom, à l'égard de sa compétence pour effectuer des travaux de plomberie et pour exercer des fonctions de supervision sur un chantier de construction où sont effectués de tels travaux, pour l'obtention, la conservation ou le renouvellement d'un permis de plombier si :

a) d'une part, il a réussi l'examen d'aptitudes ayant trait à la gestion de travaux de construction exigé par la Régie du bâtiment du Québec dans la catégorie d'entrepreneur spécialisé, sous-catégorie 4285.14 entrepreneur en plomberie;

b) d'autre part, il a obtenu du directeur du Bureau de protection des emplois du ministère du Travail un certificat confirmant qu'il a été satisfait à l'exigence énoncée à l'alinéa a).

(2) La restriction prévue au paragraphe (1) relativement au pouvoir d'adopter des règlements municipaux s'applique, que le règlement municipal désigne les permis en tant que permis de maître plombier ou qu'il utilise d'autres termes pour catégoriser les permis selon l'ancienneté ou l'expérience.

Abrogation

3. Le Règlement de l'Ontario 243/02 est abrogé.

Entrée en vigueur

4. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 82 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités*.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

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2/07

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made under the

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FEES AND CHARGES

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Limitation re Crown

1. A municipality and a local board do not have power under the Act to impose fees or charges,

(a) on a class of person that is comprised solely of the Crown; or

(b) on the Crown,

(i) for ensuring court security under section 137 of the *Police Services Act* or otherwise, or

(ii) for escorting and conveying persons in custody.

Capital costs

2. (1) A municipality and a local board do not have power under the Act to impose fees or charges to obtain revenue to pay capital costs, if as a result of development charges by-laws or front-ending agreements under the *Development Charges Act, 1997* or a predecessor of that Act that was passed or entered into before the imposition of the fees or charges, payments have been, will be or could be made to the municipality or local board to pay those costs.

(2) For the purpose of subsection (1),

"capital costs" has the same meaning as it has in the *Development Charges Act, 1997*; ("dépenses en immobilisations")

"payments" do not include amounts the municipality or local board has refunded or is required to refund under the *Development Charges Act, 1997*. ("paiements")

Planning applications

3. A municipality and a local board do not have power under the Act to impose fees or charges for the processing of applications made in respect of planning matters under the *Planning Act*.

Elections

4. (1) A municipality and a local board do not have power to impose fees or charges on another municipality or local board under the Act that relate to the conduct of an election under the *Municipal Elections Act, 1996*.

(2) Subsection (1) does not apply to the power of a municipality or local board to impose fees or charges on another municipality or local board that relate to the conduct of an election under the *Municipal Elections Act, 1996* to obtain the opinion of the electors on a question the other municipality or local board requires to be submitted under subsection 8 (1) or (2) of that Act.

Taxes for school purposes

5. A municipality and a local board do not have power to impose fees or charges on the Crown or on a school board under the Act that relate to the collection of real property taxes for school purposes.

Taxes for upper-tier purposes

6. A municipality and a local board do not have power to impose fees or charges on an upper-tier municipality under the Act that relate to the collection of real property taxes for the purposes of the upper-tier municipality.

Board of management

7. A board of management established by a municipality for an improvement area under section 204 of the Act may impose fees or charges under the Act only on the following classes of persons:

1. Owners of rateable property in the improvement area for which the board of management was established, if the property is in a prescribed business property class for the purposes of sections 204 to 214 of the Act.
2. Tenants of property described in paragraph 1.

Telecommunications services and activities

8. (1) A municipality and a local board do not have power under the Act to impose a fee or charge on a person who owns or operates a telecommunications business carrying on business in Ontario for services or activities, costs payable or the use of property with respect to wires, cables, poles, conduits, equipment, machinery or other works that,

(a) are or will be located on a municipal highway; and

(b) are or will be used as part of the telecommunications business.

(2) For the purpose of subsection (1),

"telecommunications" has the same meaning as in subsection 2 (1) of the *Telecommunications Act* (Canada).

Electricity and gas services and activities

9. A municipality and a local board do not have power under the Act to impose a fee or charge on a generator, transmitter, distributor or retailer, as these terms are defined in section 2 of the *Electricity Act, 1998*, or on a producer, gas distributor, gas transmitter or storage company, as these terms are defined in section 3 of the *Ontario Energy Board Act, 1998*, for services or activities, costs payable or the use of property with respect to wires, cables, poles, conduits, pipes, equipment, machinery or other works that,

(a) are or will be located on a municipal highway; and

(b) are or will be used as part of the business of the generator, transmitter, distributor, retailer, producer, gas distributor, gas transmitter or storage company, as the case may be.

Fees or charges, permits for works described in ss. 8 and 9

10. Nothing in subsection 8 (1) or section 9 prevents the imposition of fees or charges to recover the municipality's or local board's reasonable costs for issuing permits with respect to the works described in those provisions,

(a) to place the works on a municipal highway; and

(b) to cut the pavement of or otherwise dig up a municipal highway for the works.

Revocation

11. Ontario Regulation 244/02 is revoked.

Commencement

12. This Regulation comes into force on the later of the day it is filed and the day section 171 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 584/06

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉS

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DROITS ET REDEVANCES

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Restriction : Couronne

1. La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer des droits ou des redevances :

a) soit à l'égard d'une catégorie de personnes constituée uniquement de la Couronne;

b) soit à l'égard de la Couronne pour, selon le cas :

(i) assurer la sécurité des tribunaux aux termes de l'article 137 de la *Loi sur les services policiers* ou autrement,

(ii) escorter et transporter les détenus.

Dépenses en immobilisations

2. (1) La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer des droits ou des redevances pour obtenir des recettes afin de couvrir des dépenses en immobilisations si des paiements lui ont été faits, le seront ou pourraient l'être pour couvrir ces dépenses, en raison de règlements de redevances d'aménagement ou d'accords initiaux, au sens de la *Loi de 1997 sur les redevances d'aménagement* ou d'une loi qu'elle remplace, qui ont été adoptés ou conclus avant la fixation de ces droits ou redevances.

(2) Les définitions qui suivent s'appliquent au paragraphe (1).

«dépenses en immobilisations» S'entend au sens de la *Loi de 1997 sur les redevances d'aménagement*. («capital costs»)

«paiements» Sont exclues de la présente définition les sommes que la municipalité ou le conseil local a remboursées ou est tenu de rembourser en application de la *Loi de 1997 sur les redevances d'aménagement*. («payments»)

Demandes en matière d'aménagement

3. La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer des droits ou des redevances pour le traitement des demandes en matière d'aménagement présentées en vertu de la *Loi sur l'aménagement du territoire*.

Élections

4. (1) La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer des droits ou des redevances à l'égard d'une autre municipalité ou d'un autre conseil local relativement à la tenue d'élections aux termes de la *Loi de 1996 sur les élections municipales*.

(2) Le paragraphe (1) ne s'applique pas au pouvoir qu'a une municipalité ou un conseil local de fixer des droits ou des redevances à l'égard d'une autre municipalité ou d'un autre conseil local relativement à la tenue, aux termes de la *Loi de 1996 sur les élections municipales*, d'élections visant à obtenir l'opinion des électeurs sur une question que l'autre municipalité ou conseil local demande de leur soumettre en vertu du paragraphe 8 (1) ou (2) de cette loi.

Impôts scolaires

5. La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer des droits ou des redevances à l'égard de la Couronne ou d'un conseil scolaire relativement à la perception des impôts fonciers prélevés aux fins scolaires.

Impôts aux fins du palier supérieur

6. La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer des droits ou des redevances à l'égard d'une municipalité de palier supérieur relativement à la perception des impôts fonciers prélevés aux fins de la municipalité de palier supérieur.

Conseil de gestion

7. Le conseil de gestion constitué par une municipalité pour un secteur d'aménagement en vertu de l'article 204 de la Loi ne peut fixer des droits ou des redevances en vertu de celle-ci qu'à l'égard des catégories suivantes de personnes :

1. Les propriétaires de biens imposables situés dans le secteur d'aménagement pour lequel le conseil de gestion a été constitué, si les biens appartiennent à une catégorie prescrite de biens d'entreprise pour l'application des articles 204 à 214 de la Loi.
2. Les locataires de biens visés à la disposition 1.

Services et activités de télécommunication

8. (1) La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer, à l'égard du propriétaire ou de l'exploitant d'une entreprise de télécommunication qui exerce ses activités en Ontario, des droits ou des redevances au titre de services, d'activités, de coûts payables ou de l'utilisation de biens dans la mesure où ils se rapportent à des fils, des câbles, des poteaux, des conduites, du matériel, des machines ou d'autres ouvrages qui :

a) d'une part, sont ou seront situés sur une voie publique municipale;

b) d'autre part, sont ou seront utilisés dans le cadre de l'entreprise de télécommunication.

(2) La définition qui suit s'applique au paragraphe (1).

«télécommunication» S'entend au sens du paragraphe 2 (1) de la *Loi sur les télécommunications* (Canada).

Services et activités en matière d'électricité et de gaz

9. La Loi ne confère pas à une municipalité ni à un conseil local le pouvoir de fixer des droits ou des redevances à l'égard d'un producteur, d'un transporteur, d'un distributeur ou d'un détaillant, selon la définition que l'article 2 de la *Loi de 1998 sur l'électricité* donne à ces termes, ou d'un producteur, d'un distributeur de gaz, d'un transporteur de gaz ou d'une compagnie de stockage, selon la définition que l'article 3 de la *Loi de 1998 sur la Commission de l'énergie de l'Ontario* donne à ces termes, au titre de services, d'activités, de coûts payables ou de l'utilisation de biens dans la mesure où ils se rapportent à des fils, des câbles, des poteaux, des conduites, des tuyaux, du matériel, des machines ou d'autres ouvrages qui :

a) d'une part, sont ou seront situés sur une voie publique municipale;

b) d'autre part, sont ou seront utilisés dans le cadre de l'entreprise du producteur, du transporteur, du distributeur ou du détaillant ou de celle du producteur, du distributeur de gaz, du transporteur de gaz ou de la compagnie de stockage, selon le cas.

Droits ou redevances : permis pour les ouvrages visés aux art. 8 et 9

10. Le paragraphe 8 (1) ou l'article 9 n'a pas pour effet d'empêcher la fixation de droits ou de redevances pour recouvrer les coûts raisonnables engagés par la municipalité ou le conseil local pour la délivrance de permis à l'égard des ouvrages visés à ces dispositions qui autorisent à faire ce qui suit :

a) placer les ouvrages sur une voie publique municipale;

b) excaver une voie publique municipale, notamment en en découpant la chaussée, aux fins des ouvrages.

Abrogation

11. Le Règlement de l'Ontario 244/02 est abrogé.

Entrée en vigueur

12. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 171 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités*.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

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SERVICES THAT CANNOT BE IDENTIFIED AS A SPECIAL SERVICE

Services that cannot be identified as a special service

1. For the purposes of clause 326 (5) (a) of the Act, the following services are prescribed as services that cannot be identified as a special service under clause 326 (1) (a) of the Act:

1. Health programs and services under Part II of the *Health Protection and Promotion Act*.

Revocation

2. Ontario Regulation 305/02 is revoked.

Commencement

3. This Regulation comes into force on the later of the day it is filed and the day subsection 136 (2) of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 585/06

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SERVICES QUI NE PEUVENT PAS ÊTRE DÉSIGNÉS COMME DES SERVICES SPÉCIAUX

Services qui ne peuvent pas être désignés comme des services spéciaux

1. Pour l'application de l'alinéa 326 (5) a) de la Loi, les services suivants sont prescrits comme services qui ne peuvent pas être désignés comme des services spéciaux en vertu de l'alinéa 326 (1) a) de la Loi :

1. Les programmes et services de santé visés à la partie II de la *Loi sur la protection et la promotion de la santé.*

Abrogation

2. Le Règlement de l'Ontario 305/02 est abrogé.

Entrée en vigueur

3. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur du paragraphe 136 (2) de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités.*

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JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

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Definitions

1. (1) In this Regulation,

"committee of revision" means a committee of revision established under section 19;

"construct" includes reconstruct, extend, enlarge, improve and alter, and "construction" has a corresponding meaning;

"cost", as applied to a work, means capital cost;

"drive approach" means pavement on a highway that is constructed to serve as an approach to a particular lot;

"engineer" includes a person whom the municipality requires or authorizes to perform any duty that this Regulation requires or authorizes an engineer to perform;

"frontage", when used in reference to a lot abutting on a work, means the side or limit of the lot that abuts on the work;

"lifetime", as applied to a work, means its lifetime as estimated by the engineer or, in the case of an appeal, as finally determined by the committee of revision;

"lot" means a parcel of land that is required to be separately assessed under the *Assessment Act*;

"municipality's share of the cost" means the portion of the cost of a work that is,

(a) payable by the municipality, and

(b) not to be specially charged under this Regulation;

"owner" means, with respect to a lot, the person appearing to be its owner by the last returned assessment roll, as most recently revised, in the absence of evidence to the contrary;

"owners' share of the cost" means the portion of the cost of a work that is to be specially charged under this Regulation;

"pavement" means any type of highway surfacing;

"paving" includes laying down or constructing any kind of pavement;

"sewer" includes a sanitary sewer and a storm drain;

"special charge" means a fee or charge imposed under the Act in accordance with this Regulation in respect of the cost of a work undertaken as a local improvement, and "specially charged" has a corresponding meaning;

"value" means, with respect to a lot, its assessed value according to the last returned assessment roll, as most recently revised;

"work" means a capital work.

(2) For greater certainty, the definition of "work" in subsection (1) includes, without limitation,

(a) constructing a highway;

(b) constructing any works for the collection, production, treatment, storage, supply or distribution of water or for the collection, transmission, treatment or disposal of sewage;

(c) paving a highway;

(d) constructing a curb, gutter, sidewalk or retaining wall in, on or along a highway;

(e) constructing a boulevard on a highway;

(f) sodding any part of a highway and planting trees, shrubs and other plants on a highway;

(g) extending a system of gas or heat works, including any related works that may be necessary for supplying gas or heat to the owners of lots for whose benefit the extension is provided;

(h) constructing a park, square or other public place;

(i) constructing a retaining wall, dyke, breakwater, groyne, crib or other shore protection work along a body of water;

(j) constructing and erecting equipment, plant or works on a highway for the purpose of supplying electric light, including standards and underground conduits and wires;

(k) constructing a highway or subway under a railway or another highway;

(l) widening pavement on a highway;

(m) constructing a water service pipe from the water main to the edge of the highway;

(n) constructing a private sewer connection from the main sewer to the edge of the highway;

(o) constructing a drive approach on a highway; and

(p) constructing noise abatement works on a highway.

Scope of local improvement

2. (1) Any work may be undertaken as a local improvement.

(2) The power to undertake a work as a local improvement includes the power to acquire an existing work, and this Regulation applies as if the municipality were undertaking the work so acquired.

(3) If the municipality has power to undertake a private work, under section 23 of the Act or under any other provision of any Act, it may undertake the private work as a local improvement, and this Regulation applies to undertaking the private work as a local improvement as if the municipality were undertaking its own work.

Reduction includes exemption

3. For greater certainty, in this Regulation a reference to reducing a charge or other amount includes reducing it to zero.

Notice

4. (1) Any person or body that is required to give notice under this Regulation shall, except as otherwise provided, give notice in the form, in the manner and at the time that the person or body considers adequate to give reasonable notice.

(2) A notice to an owner for the purposes of subsections 6 (1), 21 (2), 25 (1) and 26 (2) is sufficiently given if it is,

(a) served personally;

(b) sent by mail to the owner's place of business or residence as set out in the municipality's last returned assessment roll, as most recently revised; or

(c) left at or sent by mail to the owner's actual place of business or residence, if known.

Local improvement charges by-law

5. (1) If the municipality has the authority to undertake a work it may, in accordance with this Regulation, pass a by-law to undertake the work as a local improvement for the purpose of raising all or any part of the cost of the work by imposing special charges on,

(a) lots that abut on the work;

(b) lots that do not abut on the work but will be immediately benefited by it; or

(c) a combination of the lots described in clauses (a) and (b).

(2) If the municipality undertakes a work as a local improvement, a special charge imposed with respect to the work in accordance with this Regulation has priority lien status as described in section 1 of the Act.

(3) A by-law for undertaking a work as a local improvement shall specify the estimated cost of the work, the owners' share of the cost and the municipality's share of the cost.

(4) If a by-law has been passed for undertaking a work as a local improvement and the municipality wishes to make a change in the work to be undertaken, it may, with the approval of the Ontario Municipal Board, amend the by-law to provide for undertaking the work it now proposes, and in that case this Regulation, except sections 6, 7 and 8, applies to the altered work as if it had been provided for in the original by-law.

Notice of local improvement charges by-law

6. (1) Before passing a by-law to undertake a work as a local improvement under section 5, the municipality shall give notice of its intention to pass the by-law, to the public and to the owners of the lots liable to be specially charged.

(2) The notice shall include,

(a) the estimated cost of the work;

(b) the estimated lifetime of the work;

(c) the estimated special charges per metre of frontage for the lots liable to be specially charged;

(d) when the special charges described in clause (c) shall be paid;

(e) if the municipality intends to apply to the Ontario Municipal Board under section 8 for approval to undertake the work as a local improvement,

(i) a statement that the municipality intends to apply to the Board for this purpose,

(ii) a description of the right to object, under section 8, to the work being undertaken as a local improvement, and

(iii) the last day for filing an objection under section 8;

(f) if the municipality has received an approval, recommendation or sufficient petition under clause 7 (2) (a), (b) or (c) with respect to the work, a statement of that fact;

(g) if the municipality has not received an approval, recommendation or sufficient petition under clause 7 (2) (a), (b) or (c) with respect to the work,

(i) a description of the right to petition council not to undertake the work as a local improvement,

(ii) the last day for making the petition, and

(iii) the effect of the petition.

Local improvement not to proceed for two years if petition received

7. (1) If, within 30 days after notice is given to the public under section 6, the municipality receives a sufficient petition, as determined under section 10, against undertaking the work as a local improvement, the municipality shall not undertake the work as a local improvement within two years after receiving the petition.

(2) Despite subsection (1), a petition of the owners does not prevent the municipality from undertaking the work as a local improvement if it has received,

(a) the approval of the Ontario Municipal Board under section 8 to undertake the work as a local improvement;

(b) a recommendation from the Minister of Health and Long-Term Care or the board of health for the municipality that the construction of the work is necessary or desirable in the public interest on sanitary grounds; or

(c) a sufficient petition, as determined under section 10, in favour of undertaking the work as a local improvement.

Application to Ontario Municipal Board

8. (1) The municipality may apply to the Ontario Municipal Board for approval to undertake a work as a local improvement and shall provide any information or material that the Board requires in connection with the application.

(2) Within 30 days after the municipality gives notice to the public under section 6 indicating that it intends to apply to the Board for approval under this section, any owner liable to be specially charged may file an objection to the work being undertaken as a local improvement.

(3) The objection shall be filed with the clerk of the municipality and shall set out the objections and the reasons in support of them.

(4) If no objections are filed under this section, the municipality is deemed to have received the Board's approval.

(5) If an objection is filed under this section, the municipality shall forward the objection to the Board, together with the application or as soon after making the application as is reasonable.

(6) The Board shall hold a hearing to consider the application and the objections and may make any order with respect to the work as it considers appropriate.

(7) Once the municipality has given notice under section 6 indicating that it intends to apply to the Board for approval under this section,

(a) the municipality shall not undertake the work as a local improvement until,

(i) the Board's approval has been received or is deemed to have been received, or

(ii) the municipality has given a new notice under section 6 that deals with the work and does not indicate that the municipality intends to apply to the Board under this section; and

(b) the passing of a by-law to authorize undertaking the work as a local improvement is deemed not to be a contravention of this Regulation if the by-law provides that it shall not take effect until the municipality receives the Board's approval.

PETITIONS

Petitions

9. (1) A petition in favour of or against undertaking a work as a local improvement,

(a) shall contain a description of the lot of which each petitioner is the owner, by its assessment roll number as shown on the last returned assessment roll, as most recently revised, or by another description that will enable the clerk of the municipality to identify the lot; and

(b) shall be filed with the clerk, and is deemed to be received by the municipality when it is so filed.

(2) A petition in favour of undertaking a work as a local improvement shall be signed by at least two-thirds of the owners representing at least one-half of the value of the lots liable to be specially charged for the work.

(3) A petition against undertaking a work as a local improvement,

(a) shall be signed by at least a majority of the owners representing at least one-half of the value of the lots liable to be specially charged for the work; and

(b) shall be filed with the clerk within 30 days after notice is given to the public under section 6.

Sufficiency of petition

10. (1) A petition for or against undertaking a work as a local improvement is sufficient if it meets the requirements of section 9 and of this section.

(2) The sufficiency of a petition shall be determined and certified by the clerk of the municipality.

(3) If the clerk has determined and certified the sufficiency of a petition, it is deemed to be a sufficient petition even if, afterwards,

(a) the committee of revision increases or reduces the number of lots to be specially charged; or

(b) there is a change in the assessment of lots to be specially charged.

(4) If the value of a lot cannot, for any reason, be ascertained from the last returned assessment roll, as most recently revised, the clerk shall determine and certify the value for the purposes of this Regulation.

(5) In determining the sufficiency of a petition,

(a) two or more persons who are jointly assessed for a lot shall be treated as one owner only; and

(b) both, if there are two persons, or a majority of them, if there are more than two, must sign the petition in order for the lot to be counted for the purposes of subsection 9 (2) or clause 9 (3) (a).

(6) The clerk's certified determination of the sufficiency of a petition and of the value of a lot are final and binding.

Withdrawal of petition

11. A person who has signed a petition,

(a) may withdraw his or her name from the petition, by filing a written withdrawal with the clerk, before the clerk has certified the sufficiency of the petition;

(b) cannot withdraw his or her name after the clerk has certified the sufficiency of the petition.

How Costs are Borne

Cost of local improvement

12. (1) Except as otherwise provided in this Regulation, for the purposes of raising the cost of undertaking a work as a local improvement, the municipality shall,

(a) determine the municipality's share of the cost, if any; and

(b) specially charge the owners' share of the cost by imposing an equal special charge per metre of frontage,

(i) on the lots that abut directly on the work,

(ii) on lots that do not abut on the work but will be immediately benefited by it, or

(iii) on a combination of lots described in subclauses (i) and (ii).

(2) The following may be included in the cost of a work:

1. Engineering expenses.
2. The cost of advertising and of giving notices.
3. Interest on short and long-term borrowing.
4. Compensation for lands taken for the purposes of the work or injuriously affected by it, and the expenses incurred by the municipality in connection with determining the compensation.
5. The estimated cost of incurring long-term debt, including any discount allowed to the purchasers of the debt.

(3) The special charge per metre of frontage may be different for lots described in subclause (1) (b) (i) than for lots described in subclause (1) (b) (ii).

(4) If lots described in subclause (1) (b) (ii) that are to be specially charged for a work are not equally benefited by the work, the lots shall be divided into as many areas as there are different levels of benefit, so that each area includes all the lots that receive the same level of benefit.

(5) The municipality shall assign the cost of the work that is specially charged among the areas created under subsection (4) in the manner the municipality considers fair, and the portion of the cost to be borne by an area shall be specially charged on the lots in the area by an equal special charge per metre of frontage.

(6) The municipality may provide that the cost of a work to be specially charged on lots is not required to be paid with respect to one or more of the lots that are exempt from taxation.

(7) If any Act, regulation or by-law provides that special charges under this Regulation are not required to be paid with respect to a lot, the following rules apply:

1. The lot is, despite the exemption, subject to this Regulation for all purposes and shall be specially charged. However, the special charges that become payable while the lot remains exempt shall be paid by the municipality and are not collectable from the owner.
2. The owner of the lot may not petition in favour of or against undertaking a work as a local improvement.
3. The owner of the lot and its value shall not be considered in determining the sufficiency of a petition.

Cost of water service pipe, private service connection, drive approach

13. (1) Subject to subsection (2), the cost of a water service pipe, private sewer connection or drive approach that is specially charged shall be specially charged on the particular lot for which it was constructed.

(2) Unless the two sides of a highway are served by separate water mains or sewers, the cost of water service pipes and private sewer connections shall be the cost of the work from the centre of the highway to the edge of the highway, regardless of the location of the water main or sewer.

Deduction of grants, etc. from cost of work

14. The amount of a grant or other contribution in cash to be received by the municipality and to be applied towards the cost of any work shall be deducted from the entire cost of the work, subject to subsection 15 (2).

Municipality's share of cost

15. (1) The municipality's share of the cost of a work shall include any excess cost that is caused by the work being constructed with a greater capacity than is required for the purposes of the lots that are specially charged.

(2) The amount of a grant or other contribution that is to be applied towards any excess cost described in subsection (1) shall be applied to reduce the municipality's share of the cost.

Reductions and increases in special charges

16. (1) If a lot has a flankage and a frontage that abuts on a work and the size and nature of the lot is such that all or part of the work that abuts on the flankage is of no benefit to the lot, a reduction shall be made in the amount to be specially charged in respect of that flankage, sufficient to adjust the amount charged on that lot on a just and equitable basis as compared with the other specially charged lots.

(2) If all or part of a lot is unfit for building purposes, a reduction shall be made in the amount that is to be specially charged on the lot, sufficient to adjust that amount on a just and equitable basis as compared with the amount to be charged on the other specially charged lots that are fit for building purposes.

(3) If a lot has a larger frontage than the threshold described in subsection (4) and will not benefit from a work to the same degree as other lots benefited by the work, a reduction shall be made in the amount to be specially charged on the lot, sufficient to adjust that amount on a just and equitable basis as compared with the other specially charged lots.

(4) The threshold referred to in subsection (3) is,

(a) the number of metres that the municipality specifies by by-law; or

(b) if the matter is not dealt with by by-law, 30 metres.

(5) A reduction or increase shall be made in the amount to be specially charged on a triangular or irregularly shaped lot, sufficient to adjust that amount on a just and equitable basis as compared with the other specially charged lots, having regard to the situation, value and superficial area of the lot.

(6) A reduction or increase required by this section shall be made by deducting from or adding to the total frontage of the lot liable to be specially charged a number of metres sufficient to make the proper reduction or increase, but the whole of the lot shall be charged with the amount to be specially charged on the lot.

(7) The amount of any reduction or increase in the amount to be specially charged on a lot shall be added to or deducted from the municipality's share of the cost.

Reduction in special charges

17. (1) If the municipality is of the opinion that any lot abutting on the work will not benefit from it, or will not benefit from it to the same extent as other lots benefited by the work, the municipality may reduce the amount to be specially charged on that lot, to adjust the amount on a just and equitable basis as compared with the other specially charged lots.

(2) If the municipality reduces the amount to be specially charged to zero, the amount of the reduction in the amount to be specially charged on the lot shall continue to be included in the owners' share of the cost of the work and specially charged on the reduced frontage.

(3) If the municipality reduces the amount to be specially charged to an amount that is greater than zero, the amount of the reduction in the amount to be specially charged on the lot shall be added to the municipality's share of the cost.

(4) A reduction under this section shall be made by deducting from the total frontage of the lot a number of metres sufficient to make the proper reduction, but the whole of the lot shall be charged with the amount, if any, to be specially charged on the lot.

Apportioning special charges if lot subdivided

18. (1) If a lot that is or is to be specially charged is subdivided into two or more new lots, the municipality may apportion the amount described in subsection (2) among the new lots according to the extent of their respective frontages by imposing an equal special charge per metre of frontage.

(2) The amount that may be apportioned under subsection (1) is the sum of,

(a) the special charges that would otherwise have been charged on the original lot; and

(b) any special charges that would, but for this section, become part of the municipality's share of the cost because of any new highway provided for by the subdivision.

(3) Despite subsection (1), if the municipality is of the opinion that the new lots do not all benefit from the work to the same degree, the municipality may apportion the special charges among the new lots in any manner the municipality considers just and equitable, having regard to the relative degree of benefit received by each of the new lots.

(4) Section 21 applies, with necessary modifications, to special charges imposed under subsection (1).

(5) The local improvement roll shall be amended to reflect the changes made under this section.

PROCEDURE FOR IMPOSING SPECIAL CHARGES

Committee of revision

19. (1) The municipality may establish a committee of revision consisting of three or five members appointed by the council.

(2) Every member of the committee shall be a person who is qualified to be elected as a member of the council.

(3) A majority of the members of the committee constitutes a quorum.

Local improvement roll

20. Before a special charge is imposed, the treasurer of the municipality shall prepare a local improvement roll setting out,

(a) the cost of the work;

(b) every lot to be specially charged, the name of the owner and the number of metres of its frontage to be specially charged;

(c) every lot that, but for subsection 12 (7), would be exempt from being specially charged, and the number of metres of its frontage;

(d) the special charges per metre of frontage with which each lot is to be specially charged;

(e) when the special charges described in clause (d) shall be paid; and

(f) the lifetime of the work.

Notice of hearing

21. (1) Before a special charge is imposed, the municipality shall set a time and a place for the committee of revision to hold a hearing about,

(a) objections against the proposed local improvement roll; and

(b) the municipality's proposed revisions to the proposed local improvement roll.

(2) The municipality shall give notice of the hearing to the public and to the owner of every lot to be specially charged.

(3) Any person who owns a lot to be specially charged may object to a special charge by filing an objection, setting out the objection and the reasons in support of it, with the clerk of the municipality not later than seven days before the day set for the hearing.

(4) The municipality may propose a revision to the proposed local improvement roll by filing a proposed revision, setting out the proposed revision and the reasons in support of it, with the clerk not later than seven days before the day set for the hearing.

(5) If no objection or proposed revision is received under this section, the treasurer shall certify the local improvement roll, without a hearing by the committee.

Statement of cost of work

22. (1) Before a special charge is imposed, the engineer and the treasurer of the municipality shall prepare and certify a statement showing the actual cost of the work.

(2) If the final cost of the work is not yet known and, in the opinion of the engineer and treasurer, work whose cost amounts to 75 per cent of the final cost has been completed, the engineer and treasurer shall estimate the actual cost of the work for the purpose of subsection (1).

(3) When an estimate is used as described in subsection (2),

(a) the engineer and the treasurer shall certify the final cost of the work when it is known;

(b) if the final cost as certified under clause (a) is more than the amount set out in the statement or the amount determined by the committee of revision under section 24, the excess shall be borne by the municipality; and

(c) if the final cost as certified under clause (a) is less than the amount set out in the statement or the amount determined by the committee of revision under section 24, the difference shall be applied towards payment of the special charges imposed with respect to the work.

Public access to local improvement roll and statement of cost

23. Copies of the local improvement roll prepared under section 20 and of the statement of cost prepared under section 22,

(a) shall be available for inspection at the office of the clerk of the municipality until the treasurer of the municipality has certified the local improvement roll; and

(b) shall be provided to the committee of revision before the start of any hearing under section 21.

Committee of revision may correct local improvement roll

24. At a hearing held under section 21, the committee of revision may review the proposed local improvement roll and correct it as to any or all of the following matters:

1. The cost of the work.
2. The names of the owners of the lots.
3. The frontage or other measurements of the lots.
4. The amount of the reduction or increase to be made under section 16 or 17 in respect of any lot.
5. The lots that would be exempt from being specially charged, but for subsection 12 (7).
6. The lifetime of the work.
7. The charge per metre of frontage to be imposed on any lot.
8. If all or part of the owners' share of the cost is to be specially charged on lots that do not abut on the work,
    i. the non-abutting lots that are to be specially charged, and
    ii. the amount of the special charge to be imposed on them.

Power of committee of revision to add lot to be specially charged

25. (1) During a hearing held under section 21, if it appears to the committee of revision that any lot that has not been specially charged should be specially charged or, as a result of a proposed revision by the municipality under section 21, a special charge for any lot should be changed, the committee shall adjourn its hearing for at least 14 days and shall cause notice to be given to the owner of the lot.

(2) If the committee of revision determines that a lot should be specially charged, the committee shall determine the amount to be specially charged on the lot.

(3) Despite subsection (1), the committee of revision may, with the written consent of the owner of the lot, dispense with an adjournment or reduce it to less than 14 days.

Special charge imposed if circumstances change

26. (1) If a reduction is made under section 16 or 17 with respect to a lot and circumstances change so that the reduction is no longer warranted, the municipality may impose on the lot the special charge that would originally have been imposed, for the year in which the circumstances change and for the remaining years in which special charges are imposed.

(2) Before an increased special charge is imposed under subsection (1), notice of the proposed special charge shall be given to the owner of the lot.

(3) A person may object to the increase to the special charge on the grounds that the special charge is incorrect or not warranted by filing a written objection, setting out the objection and the reasons in support of it, with the clerk of the municipality within 10 days after notice is given under subsection (2).

(4) The committee of revision shall hold a hearing to consider the objection and may make any decision the municipality could have made.

Committee of revision may reduce special charge in case of gross error

27. (1) The committee of revision may, at any time after the certification of the local improvement roll, reduce any special charge for the current year and the remaining years for which the special charge is imposed if it determines that the special charge is incorrect by reason of any gross or manifest error.

(2) The amount of the reduction shall be borne by the municipality.

Committee of revision cannot change proportion of municipality's and owners' share of costs

28. The committee of revision does not have the authority to change the proportion of the municipality's and the owners' share of the cost, except to the extent that the proportion may be affected by a decision made under section 24, 25, 26 or 27.

Amendments to local improvement roll

29. (1) The treasurer of the municipality shall make any corrections in the local improvement roll that are necessary to give effect to a decision of the committee of revision, and shall certify the corrected roll.

(2) The local improvement roll, when certified by the treasurer under subsection (1) or 21 (5), and the special charges set out in the certified local improvement roll are final and binding, except where otherwise provided in this Regulation.

(3) When the local improvement roll is certified by the treasurer under subsection (1) or 21 (5), the work in respect of which the roll has been prepared and certified is conclusively deemed to have been lawfully undertaken in accordance with this Regulation.

Special charges by-law

30. (1) After the treasurer of the municipality has certified the local improvement roll under section 21 or 29, the municipality shall by by-law provide that,

(a) the amount specially charged on each lot set out in the roll shall be sufficient to raise that lot's share of the cost by a specified number of annual payments; and

(b) a special charge shall be imposed in each year on each lot equal to the amount of the payment payable in that year.

(2) The amount of each annual payment shall be entered in the local improvement roll.

(3) The annual payments with respect to a work shall not extend beyond its lifetime.

Annual payments commuted to one present value payment

31. (1) Despite section 30, the municipality may allow two or more annual payments with respect to a lot to be commuted for a single payment equal to the present value of the annual payments.

(2) For the purpose of calculating the present value, the municipality shall use the rate of interest it considers appropriate.

Agreement between municipalities re joint local improvement

32. (1) Two or more municipalities may enter into an agreement to undertake any work as a joint local improvement.

(2) The agreement may specify,

(a) which municipality will undertake the work;

(b) the manner in which the cost of the work is to be financed;

(c) the proportions in which the amount described in subsection (3) shall be borne by the municipalities respectively; and

(d) the times at which amounts are to be paid from one municipality to another.

(3) The amount mentioned in clause (2) (c) is the portion of the cost of the work that is payable by the municipality that will undertake the work and not to be specially charged under this Regulation.

(4) The municipality that will undertake the work has all the powers and duties in respect of the work that may be exercised or are to be performed by a municipality that undertakes a work as a local improvement and, for the purposes of undertaking the work, it is deemed to lie wholly within and to be under the exclusive jurisdiction of the municipality that will undertake it.

(5) The clerk of the municipality that will undertake the work shall give a copy of the by-law imposing special charges to the clerk of any other municipality where a lot on which special charges have been imposed is located.

(6) The special charges required by the by-law to be imposed and collected in any year on lots in any municipality, other than the municipality that will undertake the work, shall be collected by the treasurer of the municipality in which the lots are located as if the special charges had been imposed by that municipality, and the proceeds of the special charges shall form part of the operating revenues of the municipality collecting them.

(7) A municipality that is a party to an agreement under this section may assume all or a part of the cost of any work undertaken under this section that is to be specially charged on lots in the municipality, and thereafter that cost shall be borne by that municipality.

Special charges do not encumber land

33. (1) Special charges imposed on land under this Regulation do not constitute an encumbrance on the land unless they are unpaid and in arrears.

(2) Subsection (1) applies,

(a) as between vendor and purchaser; and

(b) in respect of a covenant,

(i) against encumbrances,

(ii) for the right to convey, or

(iii) for quiet possession free from encumbrances.

DEBT

Reserve fund for payment of long-term debt

34. (1) If the municipality incurs long-term debt with respect to the cost of undertaking a work as a local improvement, special charges imposed and collected in accordance with this Regulation with respect to the work shall be placed in a reserve fund for the payment of the long-term debt and the fund, including interest, shall not be used for any other purpose until the debt is paid in full.

(2) Subsection (1) does not apply to a present value payment under section 31 if the municipality reduced the amount of the long-term debt it incurred with respect to the work to reflect the present value payment.

Prescribed limits not applicable

35. Debt and financial obligation limits for municipalities prescribed under subsection 401 (4) of the Act do not apply to long-term debt incurred with respect to the owners' share of the cost of a work.

Borrowing or special charges by-law not invalid if local improvement roll certified

36. (1) If the local improvement roll with respect to a work is certified under section 21 or 29, no by-law for borrowing money or imposing special charges with respect to the work shall be quashed, set aside or otherwise found to be invalid because it is illegal or for any other defect in it.

(2) A court in which a proceeding is taken to quash, set aside or otherwise find a by-law described in subsection (1) to be invalid may, on the conditions the court considers appropriate, order the municipality to amend or replace the by-law so that it would be valid even in the absence of that subsection.

(3) The municipality, on the request of any person to whom the municipality has incurred any liability, obligation or debt under a by-law described in subsection (1), may amend or replace the by-law so that it would be valid even in the absence of that subsection.

(4) Every liability, obligation or debt incurred by the municipality under a by-law that is amended in the circumstances described in subsection (2) or (3) is as valid and binding as if the amended or replacement by-law had been in force at the time the liability, obligation or debt was incurred.

TRANSITIONAL PROVISIONS

Transition re *Local Improvement Act*

37. (1) In this section,

"old Act" means the *Local Improvement Act*, as it read on December 31, 2002.

(2) Any matter or proceeding commenced by a municipality under the old Act on or before March 31, 2003,

(a) may be continued after that date; and

(b) if it is continued, shall be continued and finally disposed of as if that Act were still in force.

(3) For the purpose of subsection (2), the undertaking of a work as a local improvement is deemed to have been commenced under the old Act on the earliest of,

(a) the day the municipality passes a by-law to undertake the work as a local improvement;

(b) the first day the municipality gives notice, in Form 1, 2 or 3 of the old Act, of its intention to undertake the work as a local improvement; and

(c) the day a petition in favour of undertaking the work as a local improvement is received by the clerk of the municipality.

Transition re Ontario Regulation 119/03

38. (1) In this section,

"old Regulation" means Ontario Regulation 119/03 (Local Improvement Charges — Priority Lien Status) made under the Act, as it read on the day before this Regulation comes into force.

(2) Any matter or proceeding commenced by a municipality under the old Regulation on or before the day this Regulation comes into force,

(a) may be continued after that date; and

(b) if it is continued, shall be continued and finally disposed of as if the old Regulation were still in force.

(3) For the purpose of subsection (2), the undertaking of a work as a local improvement is deemed to have been commenced under the old Regulation on the day the municipality gave public notice under section 3 of that regulation.

Revocation

39. Ontario Regulation 119/03 is revoked.

Commencement

40. This Regulation comes into force on the later of the day it is filed and the day section 171 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* into force.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.

2/07

ONTARIO REGULATION 587/06

made under the

MUNICIPAL ACT, 2001

Made: December 21, 2006
Filed: December 27, 2006
Published on e-Laws: December 29, 2006
Printed in *The Ontario Gazette*: January 13, 2007

PRESCRIBED MATTERS — SUBSECTION 15 (5) OF ACT

Prescribed matter

1. The following matter is prescribed for the purposes of subsection 15 (5) of the Act:

1. Any matter with respect to which a by-law could have been passed under the Act, other than sections 8 and 11, as it read on the day before section 11 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* came into force.

Commencement

2. This Regulation comes into force on the later of the day it is filed and the day section 11 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 587/06

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉS

pris le 21 décembre 2006
déposé le 27 décembre 2006
publié sur le site Lois-en-ligne le 29 décembre 2006
imprimé dans la *Gazette de l'Ontario* le 13 janvier 2007

QUESTIONS PRESCRITES — PARAGRAPHE 15 (5) DE LA LOI

Question prescrite

1. La question suivante est prescrite pour l'application du paragraphe 15 (5) de la Loi :

1. Toute question à l'égard de laquelle un règlement municipal aurait pu être adopté en vertu de la Loi, sauf de ses articles 8 et 11, telle qu'elle existait la veille de l'entrée en vigueur de l'article 11 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités*.

Entrée en vigueur

2. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 11 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités.*

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.
Pris le : 21 décembre 2006.

2/07

ONTARIO REGULATION 588/06

made under the

MUNICIPAL ACT, 2001

Made: December 21, 2006
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TRANSITIONAL MATTERS UNDER CLAUSE 453 (1) (a) OF THE ACT — DEMOLITION AND CONVERSION OF RESIDENTIAL RENTAL PROPERTIES

Definitions

1. In this Regulation,

"conversion" means conversion to a purpose other than the purpose of a residential rental property;

"effective date" means the day on which section 40 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

Transition rules, demolition

2. (1) A by-law passed under section 99.1 of the Act does not apply with respect to a demolition of a residential rental property if subsection (2) or (3) applies.

(2) This subsection applies if,

(a) a permit in respect of the demolition has been issued under section 8 of the *Building Code Act, 1992* or section 33 of the *Planning Act*; and

(b) the application for the permit was made before the effective date.

(3) This subsection applies if,

(a) an event described in section 4 has taken place;

(b) the request or application under the *Planning Act* or the application under the *Condominium Act, 1998* that led to the event,

(i) was made before the effective date, and

(ii) provides for the demolition, expressly or by necessary implication.

Transition rules, conversion

3. (1) A by-law passed under section 99.1 of the Act does not apply with respect to a conversion of a residential rental property if subsection (2) applies.

(2) This subsection applies if,

(a) an event described in section 4 has taken place; and

(b) the request or application under the *Planning Act* or the application under the *Condominium Act, 1998* that led to the event,

(i) was made before the effective date, and

(ii) provides for the conversion, expressly or by necessary implication.

Events

4. The following are events for the purposes of sections 2 and 3:

1. An official plan is amended, on a request, under section 22 of the *Planning Act.*
2. A zoning by-law is amended, on an application, under section 34 of the *Planning Act*.
3. Plans and drawings are approved under subsection 41 (4) of the *Planning Act*.
4. A minor variance is granted under section 45 of the *Planning Act*.
5. A plan of subdivision is approved under section 51 of the *Planning Act.*
6. A condominium, or exemption from approval for a condominium, is approved under section 9 of the *Condominium Act, 1998*.
7. A consent is granted under section 53 of the *Planning Act*.

Commencement

5. This Regulation comes into force on the later of the day it is filed and the day section 40 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.

2/07

ONTARIO REGULATION 589/06

made under the

CITY OF TORONTO ACT, 2006

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DISSOLUTION OF AND ASSUMPTION OF POWERS OF LOCAL BOARDS

Dissolution of local board

1. (1) If the City passes a by-law to dissolve a local board,

(a) the City stands in the place of the board for all purposes, on and after the effective date;

(b) the board's powers vest in the City on the effective date;

(c) all rights, claims, undertakings, obligations, assets and liabilities of the board vest in the City on the effective date;

(d) the by-laws and resolutions of the board,

(i) are continued as by-laws and resolutions of the City, on the effective date, and

(ii) remain in force until repealed or amended;

(e) the board ceases to exist on the effective date; and

(f) if the board is a corporation, it is dissolved on the effective date.

(2) The effective date for the purposes of subsection (1) is the day the by-law comes into force.

(3) If the City passes a by-law to dissolve a local board of the City and one or more other municipalities, each municipality stands in the place of the board for the purposes of that municipality on the day the by-law comes into force, and subsection (1) applies with necessary modifications.

Assumption of powers from local board

2. (1) If the City passes a by-law to assume one or more powers from a local board,

(a) the City stands in the board's place for the purpose of exercising the assumed powers, on and after the effective date;

(b) the assumed powers vest in the City on the effective date;

(c) all rights, claims, undertakings and obligations, assets and liabilities of the board pertaining to the assumed powers vest in the City on the effective date; and

(d) the board's by-laws and resolutions pertaining to the exercise of the assumed powers,

(i) are continued as by-laws and resolutions of the City, on the effective date, and

(ii) remain in force until repealed or amended.

(2) The effective date for the purposes of subsection (1) is the day the by-law comes into force.

(3) If the City passes a by-law to assume one or more powers from a local board of the City and one or more other municipalities, each municipality stands in the place of the board for the purpose of exercising the assumed powers on the day the by-law comes into force, and subsection (1) applies with necessary modifications.

Toronto Atmospheric Fund, etc.

3. For the purposes of this Regulation, the Toronto Atmospheric Fund and the Toronto Atmospheric Fund Foundation are local boards of the City.

Commencement

4. This Regulation comes into force on the later of the day it is filed and the day section 153 of the *City of Toronto Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 589/06

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DISSOLUTION DE CONSEILS LOCAUX ET PRISE EN CHARGE DE LEURS POUVOIRS

Dissolution d'un conseil local

1. (1) Si la cité adopte un règlement en vue de dissoudre un conseil local :

a) elle remplace le conseil à toutes fins à la date d'effet et par la suite;

b) les pouvoirs du conseil lui sont dévolus à la date d'effet;

c) les droits, réclamations, engagements et obligations ainsi que l'actif et le passif du conseil lui sont dévolus à la date d'effet;

d) les règlements et les résolutions du conseil :

(i) sont prorogés en tant que règlements et résolutions de la cité à la date d'effet,

(ii) demeurent en vigueur jusqu'à ce qu'ils soient abrogés ou modifiés;

e) le conseil cesse d'exister à la date d'effet;

f) si le conseil est une personne morale, celle-ci est dissoute à la date d'effet.

(2) Pour l'application du paragraphe (1), la date d'effet est le jour de l'entrée en vigueur du règlement municipal.

(3) Si la cité adopte un règlement en vue de dissoudre un conseil local de la cité et d'une ou de plusieurs autres municipalités, chaque municipalité remplace le conseil à ses fins le jour de l'entrée en vigueur du règlement et le paragraphe (1) s'applique alors avec les adaptations nécessaires.

Prise en charge des pouvoirs d'un conseil local

2. (1) Si la cité adopte un règlement en vue de prendre en charge un ou plusieurs pouvoirs d'un conseil local :

a) elle remplace le conseil à la date d'effet et par la suite aux fins de l'exercice des pouvoirs pris en charge;

b) les pouvoirs pris en charge lui sont dévolus à la date d'effet;

c) les droits, réclamations, engagements et obligations ainsi que l'actif et le passif du conseil qui sont liés aux pouvoirs pris en charge lui sont dévolus à la date d'effet;

d) les règlements et les résolutions du conseil liés à l'exercice des pouvoirs pris en charge :

(i) sont prorogés en tant que règlements et résolutions de la cité à la date d'effet,

(ii) demeurent en vigueur jusqu'à ce qu'ils soient abrogés ou modifiés.

(2) Pour l'application du paragraphe (1), la date d'effet est le jour de l'entrée en vigueur du règlement municipal.

(3) Si la cité adopte un règlement en vue de prendre en charge un ou plusieurs pouvoirs d'un conseil local de la cité et d'une ou de plusieurs autres municipalités, chaque municipalité remplace le conseil le jour de l'entrée en vigueur du règlement aux fins de l'exercice des pouvoirs pris en charge et le paragraphe (1) s'applique alors avec les adaptations nécessaires.

Toronto Atmospheric Fund

3. Pour l'application du présent règlement, le fonds appelé *Toronto Atmospheric Fund* et la fondation appelée *Toronto Atmospheric Fund Foundation* sont des conseils locaux de la cité.

Entrée en vigueur

4. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 153 de la *Loi de 2006 sur la cité de Toronto.*

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.
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LICENSING POWERS

Conditions and limitations

1. (1) The City does not have power, under paragraph 11 of subsection 8 (2) of the Act,

(a) to impose any condition with respect to the sale or service of liquor, as defined in the *Liquor Licence Act*, as a requirement of obtaining, continuing to hold or renewing a licence issued by the City;

(b) to provide for a system of licenses with respect to,

(i) a courier business in which parcels and documents are conveyed in vehicles, other than buses and cabs, that are used for hire, or

(ii) the owners or drivers of vehicles used in a courier business described in subclause (i);

(c) to provide for a system of licenses with respect to,

(i) a transportation business in which property is conveyed in motor vehicles, other than buses, cabs and tow trucks, that are used for hire, or

(ii) the owners or drivers of motor vehicles used in a transportation business described in subclause (i);

(d) to impose any condition with respect to motor vehicles used in a transportation business described in subclause (c) (i);

(e) to impose, as a requirement of obtaining, continuing to hold or renewing a licence, any condition respecting containers for alcoholic beverages, including a condition requiring the vendor of alcoholic beverages to establish, operate or maintain a system or facilities for the return of containers for alcoholic beverages;

(f) to provide for a system of licenses with respect to,

(i) the business of trading in real estate, or

(ii) persons registered under the *Real Estate and Business Brokers Act, 2002* who are carrying on business as brokers, salespersons or brokerages;

(g) to provide for a system of licenses with respect to electricians, master electricians or electrical contractors;

(h) to impose on any business or individual carrying on or engaged in a trade, other occupation or skill set any condition that requires an individual carrying on or engaged in the trade, other occupation or skill set to complete examinations in relation to, or obtain any certificate issued by or on behalf of the City in relation to, his or her competence to perform the trade, other occupation or skill set if the individual holds a certificate in that trade, occupation or skill set under the *Trades Qualification and Apprenticeship Act* or the *Apprenticeship and Certification Act, 1998*.

(2) In clause (1) (f), the following terms have the same meaning as in section 1 of the *Real Estate and Business Brokers Act, 2002*:

1. Broker.
2. Brokerage.
3. Real estate.
4. Salesperson.
5. Trade.

Commencement

2. This Regulation comes into force on the later of the day it is filed and the day section 119 of the *City of Toronto Act, 2006* comes into force.

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POUVOIRS EN MATIÈRE DE PERMIS

Conditions et restrictions

1. (1) La disposition 11 du paragraphe 8 (2) de la Loi ne confère pas à la cité le pouvoir de faire ce qui suit :

a) imposer des conditions relativement à la vente ou au service d'alcool, au sens de la *Loi sur les permis d'alcool*, pour l'obtention, la conservation ou le renouvellement d'un permis délivré par la cité;

b) prévoir un régime de permis à l'égard, selon le cas :

(i) d'une entreprise de messagerie où des colis et des documents sont transportés dans des véhicules, autres que des autobus et des taxis, utilisés à des fins de location,

(ii) des propriétaires ou des chauffeurs de véhicules utilisés par une entreprise de messagerie visée au sous-alinéa (i);

c) prévoir un régime de permis à l'égard, selon le cas :

(i) d'une entreprise de transport où des biens sont transportés dans des véhicules automobiles, autres que des autobus, des taxis et des dépanneuses, utilisés à des fins de location,

(ii) des propriétaires ou des chauffeurs de véhicules automobiles utilisés par une entreprise de transport visée au sous-alinéa (i);

d) imposer des conditions relativement aux véhicules automobiles utilisés par une entreprise de transport visée au sous-alinéa c) (i);

e) imposer des conditions, pour l'obtention, la conservation ou le renouvellement d'un permis, relativement aux contenants de boissons alcoolisées, y compris une condition exigeant du vendeur de telles boissons qu'il établisse, exploite ou maintienne un système ou des installations pour le retour de ces contenants;

f) prévoir un régime de permis à l'égard, selon le cas :

(i) de l'entreprise qui consiste à mener des opérations portant sur des biens immobiliers,

(ii) des personnes inscrites en vertu de la *Loi de 2002 sur le courtage commercial et immobilier* qui exploitent une entreprise en qualité de courtiers, d'agents immobiliers ou de maisons de courtage;

g) prévoir un régime de permis à l'égard des électriciens, des maîtres électriciens ou des entrepreneurs en électricité;

h) imposer à une entreprise ou à un particulier qui exerce un métier, une autre profession ou un ensemble de compétences des conditions exigeant que le particulier qui l'exerce passe des examens de compétence, ou qu'il obtienne un certificat délivré par la cité ou en son nom à cet égard, s'il est titulaire d'un certificat pour ce métier, cette profession ou cet ensemble de compétences visé par la *Loi sur la qualification professionnelle et l'apprentissage des gens de métier* ou la *Loi de 1998 sur l'apprentissage et la reconnaissance professionnelle*.

(2) À l'alinéa (1) f), les termes suivants s'entendent au sens que leur donne l'article 1 de la *Loi de 2002 sur le courtage commercial et immobilier* :

1. Courtier.
2. Maison de courtage.
3. Bien immobilier.
4. Agent immobilier.
5. Mener des opérations.

Entrée en vigueur

2. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 119 de la *Loi de 2006 sur la cité de Toronto*.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

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SERVICES THAT CANNOT BE IDENTIFIED AS A SPECIAL SERVICE

Services that cannot be identified as a special service

1. For the purposes of clause 287 (5) (a) of the Act, the following services are prescribed as services that cannot be identified as a special service under clause 287 (1) (a) of the Act:

1. Health programs and services under Part II of the *Health Protection and Promotion Act*.

Commencement

2. This Regulation comes into force on the later of the day it is filed and the day section 287 of the Act comes into force.

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SERVICES QUI NE PEUVENT PAS ÊTRE DÉSIGNÉS COMME DES SERVICES SPÉCIAUX

Services qui ne peuvent pas être désignés comme des services spéciaux

1. Pour l'application de l'alinéa 287 (5) a) de la Loi, les services suivants sont prescrits comme services qui ne peuvent pas être désignés comme des services spéciaux en vertu de l'alinéa 287 (1) a) de la Loi :

1. Les programmes et services de santé visés à la partie II de la *Loi sur la protection et la promotion de la santé.*

Entrée en vigueur

2. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 287 de la Loi.

Made by:
Pris par :

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JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

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MINOR RESTRUCTURING

Definitions and interpretation

1. (1) In this Regulation,

"double majority" has the meaning given to that phrase under subsections (2) and (3); ("double majorité")

"part", in relation to an upper-tier municipality, means part of the upper-tier municipality for municipal purposes; ("partie")

"proposal" means a proposal for minor restructuring of municipalities made by the City under subsection 149 (1) of the Act. ("proposition")

(2) A double majority of local municipalities is a majority of the local municipalities with more than half of the electors in all the local municipalities.

(3) For the purposes of subsection (2), the number of electors in a local municipality or an upper-tier municipality, in relation to a proposal, is the number of persons whose names appear on the voters' list, as amended up until the close of voting on voting day at the most recent regular election under the *Municipal Elections Act, 1996* preceding the submission of the proposal to the Minister.

Prescribed types of restructuring

2. (1) The following types of restructuring are prescribed for the purposes of subsection 149 (2) of the Act:

1. Annexing a part of the City to another local municipality.
2. Joining part of the City to an upper-tier municipality.
3. Annexing a part of another local municipality to the City.
4. Separating part of another local municipality from an upper-tier municipality.

(2) Subsection (1) does not include,

(a) a restructuring that results in any part of an upper-tier municipality not being part of a local municipality; or

(b) a restructuring that results in any part of a local municipality,

(i) being part of more than one upper-tier municipality, or

(ii) being part of an upper-tier municipality if any other part of the local municipality is not part of that upper-tier municipality.

Support

3. The following support is necessary for a proposal:

1. The support of a double majority of the group consisting of every local municipality that, as a result of the proposal, would have any part of its boundaries changed.
2. The support of an upper-tier municipality if, as a result of the proposal, a local municipality that is part of the upper-tier municipality would have any part of its boundaries changed.

By-law or resolution

4. A local municipality or upper-tier municipality may support a proposal by by-law or resolution.

Restructuring principle and standard

5. (1) The restructuring principle and standard set out in subsection (2) is established for the purposes of subsections 149 (8) and (9) of the Act.

(2) No minor restructuring is permitted if a municipality that would exist after the minor restructuring would consist of two or more parts that are not contiguous.

Commencement

6. This Regulation comes into force on the later of the day it is filed and the day section 155 of the Act comes into force.

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RESTRUCTURATION MINEURE

Définitions et interprétation

1. (1) Les définitions qui suivent s'appliquent au présent règlement.

«double majorité» S'entend au sens des paragraphes (2) et (3). («double majority»)

«partie» À l'égard d'une municipalité de palier supérieur, s'entend d'une partie de la municipalité aux fins municipales. («part»)

«proposition» Proposition de restructuration mineure de municipalités présentée par la cité en vertu du paragraphe 149 (1) de la Loi. («proposal»)

(2) La double majorité des municipalités locales est la majorité des municipalités locales qui regroupent plus de la moitié des électeurs de l'ensemble des municipalités locales.

(3) Pour l'application du paragraphe (2), le nombre d'électeurs d'une municipalité locale ou d'une municipalité de palier supérieur, en ce qui concerne une proposition, est le nombre de personnes inscrites sur la liste électorale, telle qu'elle est modifiée jusqu'à la clôture du scrutin le jour du scrutin lors des dernières élections ordinaires tenues aux termes de la *Loi de 1996 sur les élections municipales* avant la présentation de la proposition au ministre.

Genres de restructuration prescrits

2. (1) Les genres de restructuration suivants sont prescrits pour l'application du paragraphe 149 (2) de la Loi :

1. L'annexion d'une partie de la cité à une autre municipalité locale.
2. La jonction d'une partie de la cité à une municipalité de palier supérieur.
3. L'annexion d'une partie d'une autre municipalité locale à la cité.
4. La séparation d'une partie d'une autre municipalité locale d'une municipalité de palier supérieur.

(2) Le paragraphe (1) ne comprend pas ce qui suit :

a) la restructuration à la suite de laquelle une partie d'une municipalité de palier supérieur ne fait pas partie d'une municipalité locale;

b) la restructuration à la suite de laquelle une partie d'une municipalité locale :

(i) soit fait partie de plus d'une municipalité de palier supérieur,

(ii) soit fait partie d'une municipalité de palier supérieur si une autre partie de la municipalité locale n'en fait pas partie.

Appui

3. L'appui suivant est nécessaire pour une proposition :

1. L'appui de la double majorité du groupe formé de chaque municipalité locale qui, par suite de la proposition, verrait une partie de ses limites territoriales modifiée.
2. L'appui d'une municipalité de palier supérieur si, par suite de la proposition, une municipalité locale qui fait partie de la municipalité de palier supérieur verrait une partie de ses limites territoriales modifiée.

Règlement municipal ou résolution

4. Une municipalité locale ou une municipalité de palier supérieur peut appuyer une proposition par voie de règlement ou de résolution.

Principe et norme de restructuration

5. (1) Le principe et la norme de restructuration énoncés au paragraphe (2) sont établis pour l'application des paragraphes 149 (8) et (9) de la Loi.

(2) Aucune restructuration mineure n'est permise si une municipalité qui serait créée à la suite de la restructuration était composée de deux parties ou plus qui ne sont pas contiguës.

Entrée en vigueur

6. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 155 de la Loi.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

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PRESCRIBED MATTERS — CLAUSE 12 (5) (i) OF ACT

Prescribed matter

1. The following matter is prescribed for the purposes of clause 12 (5) (i) of the Act:

1. Any matter with respect to which a by-law could have been passed under any of the following as they read on the day before section 12 of the Act came into force:
   i. The *Municipal Act, 2001*, other than sections 8 and 11.
   ii. The *City of Toronto Act, 1997*.
   iii. The *City of Toronto Act, 1997* (No. 2).

Commencement

2. This Regulation comes into force on the later of the day it is filed and the day subsection 4 (2) of Schedule B to the *Municipal Statute Law Amendment Act, 2006* comes into force.

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QUESTIONS PRESCRITES — ALINÉA 12 (5) i) DE LA LOI

Question prescrite

1. La question suivante est prescrite pour l'application de l'alinéa 12 (5) i) de la Loi :

1. Toute question à l'égard de laquelle un règlement municipal aurait pu être adopté en vertu de n'importe laquelle des lois suivantes, telles qu'elles existaient la veille de l'entrée en vigueur de l'article 12 de la Loi :
   i. La *Loi de 2001 sur les municipalités*, sauf ses articles 8 et 11.
   ii. La *Loi de 1997 sur la cité de Toronto*.
   iii. La *Loi de 1997 sur la cité de Toronto* (n° 2).

Entrée en vigueur

2. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur du paragraphe 4 (2) de l'annexe B de la *Loi de 2006 modifiant des lois concernant les municipalités*.

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FEES AND CHARGES — PRIORITY LIEN STATUS

Certain public utility fees and charges

1. Fees and charges that are imposed by the City or a local board (extended definition) under the Act for the following services and added to the tax roll under subsection 264 (2) of the Act have priority lien status as described in section 3 of the Act:

1. For the supply of water.
2. For the supply of artificial or natural gas.
3. For the supply of steam or hot water.
4. For the use of a sewage system.

Certain fees and charges, business improvement

2. (1) Fees and charges that are imposed by the City or a local board (extended definition) under the Act and meet the requirements of paragraphs 1 and 2 of subsection 329 (13) of the Act have priority lien status as described in section 3 of the Act.

(2) Fees and charges described in subsection (1) and imposed before the day this Regulation comes into force have priority lien status effective the day this Regulation comes into force.

Commencement

3. This Regulation comes into force on the later of the day it is filed and the day section 64 of Schedule B of the *Municipal Statute Law Amendment Act, 2006* comes into force.

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DROITS ET REDEVANCES — STATUT DE PRIVILÈGE PRIORITAIRE

Certains droits et redevances : services publics

1. Les droits et redevances fixés pour les services suivants par la cité ou un conseil local (définition élargie) en vertu de la Loi et ajoutés au rôle d'imposition en application du paragraphe 264 (2) de celle-ci ont le statut de privilège prioritaire dont il est question à l'article 3 de la Loi :

1. L'approvisionnement en eau.
2. L'approvisionnement en gaz synthétique ou naturel.
3. L'approvisionnement en vapeur ou en eau chaude.
4. L'utilisation d'un système d'égouts.

Certains droits et redevances : aménagement commercial

2. (1) Les droits et redevances qui sont fixés par la cité ou un conseil local (définition élargie) en vertu de la Loi et qui remplissent les conditions énoncées aux dispositions 1 et 2 du paragraphe 329 (13) de celle-ci ont le statut de privilège prioritaire dont il est question à l'article 3 de la Loi.

(2) Les droits et redevances visés au paragraphe (1) et fixés avant le jour de l'entrée en vigueur du présent règlement ont le statut de privilège prioritaire à compter de ce jour-là.

Entrée en vigueur

3. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 64 de l'annexe B de la *Loi de 2006 modifiant des lois concernant les municipalités.*

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FEES AND CHARGES

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5. Taxes for school purposes
6. Board of management
7. Telecommunications services and activities
8. Electricity and gas services, activities
9. Permits for works described in ss. 7 and 8
10. Commencement

Limitation re Crown

1. The City and a local board (extended definition) do not have power under the Act to impose fees or charges,

(a) on a class of person that is comprised solely of the Crown; or

(b) on the Crown,

(i) for ensuring court security under section 137 of the *Police Services Act* or otherwise, or

(ii) for escorting and conveying persons in custody.

Capital costs

2. (1) The City and a local board (extended definition) do not have power under the Act to impose fees or charges to obtain revenue to pay capital costs, if as a result of development charges by-laws or front-ending agreements under the *Development Charges Act, 1997* or a predecessor of that Act that was passed or entered into before the imposition of the fees or charges, payments have been, will be or could be made to the City or local board (extended definition) to pay those costs.

(2) For the purpose of subsection (1),

"capital costs" has the same meaning as it has in the *Development Charges Act, 1997*; ("dépenses en immobilisations")

"payments" do not include amounts the City or local board (extended definition) has refunded or is required to refund under the *Development Charges Act, 1997*. ("paiements")

Planning applications

3. The City and a local board (extended definition) do not have power under the Act to impose fees or charges for the processing of applications made in respect of planning matters under the *Planning Act.*

Elections

4. (1) The City and a local board (extended definition) do not have power to impose fees or charges on another municipality or local board (extended definition) under the Act that relate to the conduct of an election under the *Municipal Elections Act, 1996*.

(2) Subsection (1) does not apply to the power of the City or a local board (extended definition) to impose fees or charges on another municipality or local board (extended definition) that relate to the conduct of an election under the *Municipal Elections Act, 1996* to obtain the opinion of the electors on a question the other municipality or local board (extended definition) requires to be submitted under subsection 8 (1) or (2) of that Act.

Taxes for school purposes

5. The City and a local board (extended definition) do not have the power to impose fees or charges on the Crown or on a school board under the Act that relate to the collection of real property taxes for school purposes.

Board of management

6. A board of management established by the City for an improvement area under section 204 of the *Municipal Act, 2001*, as continued by section 429 of the *City of Toronto Act, 2006*, may impose fees or charges under the *City of Toronto Act, 2006* only on the following classes of persons:

1. Owners of rateable property in the improvement area for which the board of management was established, if the property is in a prescribed business property class for the purposes of sections 204 to 214 of the *Municipal Act, 2001*, as continued by section 429 of the *City of Toronto Act, 2006*.
2. Tenants of property described in paragraph 1.

Telecommunications services and activities

7. (1) The City and a local board (extended definition) do not have the power under the Act to impose a fee or charge on a person who owns or operates a telecommunications business carrying on business in Ontario for services or activities, costs payable or the use of property with respect to wires, cables, poles, conduits, equipment, machinery or other works that,

(a) are or will be located on a municipal highway; and

(b) are or will be used as part of the telecommunications business.

(2) For the purpose of subsection (1),

"telecommunications" has the same meaning as in subsection 2 (1) of the *Telecommunications Act* (Canada).

Electricity and gas services, activities

8. The City and a local board (extended definition) do not have the power under the Act to impose a fee or charge on a generator, transmitter, distributor or retailer, as these terms are defined in section 2 of the *Electricity Act, 1998*, or on a producer, gas distributor, gas transmitter or storage company, as these terms are defined in section 3 of the *Ontario Energy Board Act, 1998*, for services or activities, costs payable or the use of property with respect to wires, cables, poles, conduits, pipes, equipment, machinery or other works that,

(a) are or will be located on a municipal highway; and

(b) are or will be used as part of the business of the generator, transmitter, distributor, retailer, producer, gas distributor, gas transmitter or storage company, as the case may be.

Permits for works described in ss. 7 and 8

9. Nothing in subsection 7 (1) or section 8 prevents the imposition of fees or charges to recover the City's or local board's (extended definition) reasonable costs for issuing permits with respect to the works described in those provisions,

(a) to place the works on a municipal highway; and

(b) to cut the pavement of or otherwise dig up a municipal highway for the works.

Commencement

10. This Regulation comes into force on the later of the day it is filed and the day section 57 of Schedule B to the *Municipal Statute Law Amendment Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 595/06

pris en application de la

LOI DE 2006 SUR LA CITÉ DE TORONTO

pris le 21 décembre 2006
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Restriction : Couronne

1. La Loi ne confère pas à la cité ni à un conseil local (définition élargie) le pouvoir de fixer des droits ou des redevances :

a) soit à l'égard d'une catégorie de personnes constituée uniquement de la Couronne;

b) soit à l'égard de la Couronne pour, selon le cas :

(i) assurer la sécurité des tribunaux aux termes de l'article 137 de la *Loi sur les services policiers* ou autrement,

(ii) escorter et transporter les détenus.

Dépenses en immobilisations

2. (1) La Loi ne confère pas à la cité ni à un conseil local (définition élargie) le pouvoir de fixer des droits ou des redevances pour obtenir des recettes afin de couvrir des dépenses en immobilisations si des paiements lui ont été faits, le seront ou pourraient l'être pour couvrir ces dépenses, en raison de règlements de redevances d'aménagement ou d'accords initiaux, au sens de la *Loi de 1997 sur les redevances d'aménagement* ou d'une loi qu'elle remplace, qui ont été adoptés ou conclus avant la fixation de ces droits ou redevances.

(2) Les définitions qui suivent s'appliquent au paragraphe (1).

«dépenses en immobilisations» S'entend au sens de la *Loi de 1997 sur les redevances d'aménagement.* («capital costs»)

«paiements» Sont exclues de la présente définition les sommes que la cité ou le conseil local (définition élargie) a remboursées ou est tenu de rembourser en application de la *Loi de 1997 sur les redevances d'aménagement*. («payments»)

Demandes en matière d'aménagement

3. La Loi ne confère pas à la cité ni à un conseil local (définition élargie) le pouvoir de fixer des droits ou des redevances pour le traitement des demandes en matière d'aménagement présentées en vertu de la *Loi sur l'aménagement du territoire*.

Élections

4. (1) La Loi ne confère pas à la cité ni à un conseil local (définition élargie) le pouvoir de fixer des droits ou des redevances à l'égard d'une autre municipalité ou d'un autre conseil local (définition élargie) relativement à la tenue d'élections aux termes de la *Loi de 1996 sur les élections municipales*.

(2) Le paragraphe (1) ne s'applique pas au pouvoir qu'a la cité ou un conseil local (définition élargie) de fixer des droits ou des redevances à l'égard d'une autre municipalité ou d'un autre conseil local (définition élargie) relativement à la tenue, aux termes de la *Loi de 1996 sur les élections municipales*, d'élections visant à obtenir l'opinion des électeurs sur une question que l'autre municipalité ou conseil local demande de leur soumettre en vertu du paragraphe 8 (1) ou (2) de cette loi.

Impôts scolaires

5. La Loi ne confère pas à la cité ni à un conseil local (définition élargie) le pouvoir de fixer des droits ou des redevances à l'égard de la Couronne ou d'un conseil scolaire relativement à la perception des impôts fonciers prélevés aux fins scolaires.

Conseil de gestion

6. Le conseil de gestion constitué par la cité pour un secteur d'aménagement en vertu de l'article 204 de la *Loi de 2001 sur les municipalités*, tel qu'il est prorogé par l'article 429 de la *Loi de 2006 sur la cité de Toronto*, ne peut fixer des droits ou des redevances en vertu de la *Loi de 2006 sur la cité de Toronto* qu'à l'égard des catégories suivantes de personnes :

1. Les propriétaires de biens imposables situés dans le secteur d'aménagement pour lequel le conseil de gestion a été constitué, si les biens appartiennent à une catégorie prescrite de biens d'entreprise pour l'application des articles 204 à 214 de la *Loi de 2001 sur les municipalités*, tels qu'ils continuent de s'appliquer par l'effet de l'article 429 de la *Loi de 2006 sur la cité de Toronto*.
2. Les locataires de biens visés à la disposition 1.

Services et activités de télécommunication

7. (1) La Loi ne confère pas à la cité ni à un conseil local (définition élargie) le pouvoir de fixer, à l'égard du propriétaire ou de l'exploitant d'une entreprise de télécommunication qui exerce ses activités en Ontario, des droits ou des redevances au titre de services, d'activités, de coûts payables ou de l'utilisation de biens dans la mesure où ils se rapportent à des fils, des câbles, des poteaux, des conduites, du matériel, des machines ou d'autres ouvrages qui :

a) d'une part, sont ou seront situés sur une voie publique municipale;

b) d'autre part, sont ou seront utilisés dans le cadre de l'entreprise de télécommunication.

(2) La définition qui suit s'applique au paragraphe (1).

«télécommunication» S'entend au sens du paragraphe 2 (1) de la *Loi sur les télécommunications* (Canada).

Services et activités en matière d'électricité et de gaz

8. La Loi ne confère pas à la cité ni à un conseil local (définition élargie) le pouvoir de fixer des droits ou des redevances à l'égard d'un producteur, d'un transporteur, d'un distributeur ou d'un détaillant, selon la définition que l'article 2 de la *Loi de 1998 sur l'électricité* donne à ces termes, ou d'un producteur, d'un distributeur de gaz, d'un transporteur de gaz ou d'une compagnie de stockage, selon la définition que l'article 3 de la *Loi de 1998 sur la Commission de l'énergie de l'Ontario* donne à ces termes, au titre de services, d'activités, de coûts payables ou de l'utilisation de biens dans la mesure où ils se rapportent à des fils, des câbles, des poteaux, des conduites, des tuyaux, du matériel, des machines ou d'autres ouvrages qui :

a) d'une part, sont ou seront situés sur une voie publique municipale;

b) d'autre part, sont ou seront utilisés dans le cadre de l'entreprise du producteur, du transporteur, du distributeur ou du détaillant ou de celle du producteur, du distributeur de gaz, du transporteur de gaz ou de la compagnie de stockage, selon le cas.

Permis pour les ouvrages visés aux art. 7 et 8

9. Le paragraphe 7 (1) ou l'article 8 n'a pas pour effet d'empêcher la fixation de droits ou de redevances pour recouvrer les coûts raisonnables engagés par la cité ou le conseil local (définition élargie) pour la délivrance de permis à l'égard des ouvrages visés à ces dispositions qui autorisent à faire ce qui suit :

a) placer les ouvrages sur une voie publique municipale;

b) excaver une voie publique municipale, notamment en en découpant la chaussée, aux fins des ouvrages.

Entrée en vigueur

10. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 57 de l'annexe B de la *Loi de 2006 modifiant des lois concernant les municipalités*.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.
Pris le : 21 décembre 2006.

2/07

ONTARIO REGULATION 596/06

made under the

CITY OF TORONTO ACT, 2006

Made: December 21, 2006
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LOCAL IMPROVEMENT CHARGES — PRIORITY LIEN STATUS

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Definitions

1. (1) In this Regulation,

"City's share of the cost" means the portion of the cost of a work that is,

(a) payable by the City, and

(b) not to be specially charged under this Regulation;

"committee of revision" means a committee of revision established under section 19;

"construct" includes reconstruct, extend, enlarge, improve and alter, and "construction" has a corresponding meaning;

"cost", as applied to a work, means capital cost;

"drive approach" means pavement on a highway that is constructed to serve as an approach to a particular lot;

"engineer" includes a person whom the City requires or authorizes to perform any duty that this Regulation requires or authorizes an engineer to perform;

"frontage", when used in reference to a lot abutting on a work, means the side or limit of the lot that abuts on the work;

"lifetime", as applied to a work, means its lifetime as estimated by the engineer or, in the case of an appeal, as finally determined by the committee of revision;

"lot" means a parcel of land that is required to be separately assessed under the *Assessment Act*;

"owner" means, with respect to a lot, the person appearing to be its owner by the last returned assessment roll, as most recently revised, in the absence of evidence to the contrary;

"owners' share of the cost" means the portion of the cost of a work that is to be specially charged under this Regulation;

"pavement" means any type of highway surfacing;

"paving" includes laying down or constructing any kind of pavement;

"sewer" includes a sanitary sewer and a storm drain;

"special charge" means a fee or charge imposed under the Act in accordance with this Regulation in respect of the cost of a work undertaken as a local improvement, and "specially charged" has a corresponding meaning;

"value" means, with respect to a lot, its assessed value according to the last returned assessment roll, as most recently revised;

"work" means a capital work.

(2) For greater certainty, the definition of "work" in subsection (1) includes, without limitation,

(a) constructing a highway;

(b) constructing any works for the collection, production, treatment, storage, supply or distribution of water or for the collection, transmission, treatment or disposal of sewage;

(c) paving a highway;

(d) constructing a curb, gutter, sidewalk or retaining wall in, on or along a highway;

(e) constructing a boulevard on a highway;

(f) sodding any part of a highway and planting trees, shrubs and other plants on a highway;

(g) extending a system of gas or heat works, including any related works that may be necessary for supplying gas or heat to the owners of lots for whose benefit the extension is provided;

(h) constructing a park, square or other public place;

(i) constructing a retaining wall, dyke, breakwater, groyne, crib or other shore protection work along a body of water;

(j) constructing and erecting equipment, plant or works on a highway for the purpose of supplying electric light, including standards and underground conduits and wires;

(k) constructing a highway or subway under a railway or another highway;

(l) widening pavement on a highway;

(m) constructing a water service pipe from the water main to the edge of the highway;

(n) constructing a private sewer connection from the main sewer to the edge of the highway;

(o) constructing a drive approach on a highway; and

(p) constructing noise abatement works on a highway.

Scope of local improvement

2. (1) Any work may be undertaken as a local improvement.

(2) The power to undertake a work as a local improvement includes the power to acquire an existing work, and this Regulation applies as if the City were undertaking the work so acquired.

(3) If the City has power to undertake a private work, under section 19 of the Act or under any other provision of any Act, it may undertake the private work as a local improvement, and this Regulation applies to undertaking the private work as a local improvement as if the City were undertaking its own work.

Reduction includes exemption

3. For greater certainty, in this Regulation a reference to reducing a charge or other amount includes reducing it to zero.

Notice

4. (1) Any person or body that is required to give notice under this Regulation shall, except as otherwise provided, give notice in the form, in the manner and at the time that the person or body considers adequate to give reasonable notice.

(2) A notice to an owner for the purposes of subsections 6 (1), 21 (2), 25 (1) and 26 (2) is sufficiently given if it is,

(a) served personally;

(b) sent by mail to the owner's place of business or residence as set out in the City's last returned assessment roll, as most recently revised; or

(c) left at or sent by mail to the owner's actual place of business or residence, if known.

Local improvement charges by-law

5. (1) If the City has the authority to undertake a work it may, in accordance with this Regulation, pass a by-law to undertake the work as a local improvement for the purpose of raising all or any part of the cost of the work by imposing special charges on,

(a) lots that abut on the work;

(b) lots that do not abut on the work but will be immediately benefited by it; or

(c) a combination of the lots described in clauses (a) and (b).

(2) If the City undertakes a work as a local improvement, a special charge imposed with respect to the work in accordance with this Regulation has priority lien status as described in subsection 3 (7) of the Act.

(3) A by-law for undertaking a work as a local improvement shall specify the estimated cost of the work, the owners' share of the cost and the City's share of the cost.

(4) If a by-law has been passed for undertaking a work as a local improvement and the City wishes to make a change in the work to be undertaken, it may, with the approval of the Ontario Municipal Board, amend the by-law to provide for undertaking the work it now proposes, and in that case this Regulation, except sections 6, 7 and 8, applies to the altered work as if it had been provided for in the original by-law.

Notice of local improvement charges by-law

6. (1) Before passing a by-law to undertake a work as a local improvement under section 5, the City shall give notice of its intention to pass the by-law, to the public and to the owners of the lots liable to be specially charged.

(2) The notice shall include,

(a) the estimated cost of the work;

(b) the estimated lifetime of the work;

(c) the estimated special charges per metre of frontage for the lots liable to be specially charged;

(d) when the special charges described in clause (c) shall be paid;

(e) if the City intends to apply to the Ontario Municipal Board under section 8 for approval to undertake the work as a local improvement,

(i) a statement that the City intends to apply to the Board for this purpose,

(ii) a description of the right to object, under section 8, to the work being undertaken as a local improvement, and

(iii) the last day for filing an objection under section 8;

(f) if the City has received an approval, recommendation or sufficient petition under clause 7 (2) (a), (b) or (c) with respect to the work, a statement of that fact;

(g) if the City has not received an approval, recommendation or sufficient petition under clause 7 (2) (a), (b) or (c) with respect to the work,

(i) a description of the right to petition council not to undertake the work as a local improvement,

(ii) the last day for making the petition, and

(iii) the effect of the petition.

Local improvement not to proceed for two years if petition received

7. (1) If, within 30 days after notice is given to the public under section 6, the City receives a sufficient petition, as determined under section 10, against undertaking the work as a local improvement, the City shall not undertake the work as a local improvement within two years after receiving the petition.

(2) Despite subsection (1), a petition of the owners does not prevent the City from undertaking the work as a local improvement if it has received,

(a) the approval of the Ontario Municipal Board under section 8 to undertake the work as a local improvement;

(b) a recommendation from the Minister of Health and Long-Term Care or the board of health for the City that the construction of the work is necessary or desirable in the public interest on sanitary grounds; or

(c) a sufficient petition, as determined under section 10, in favour of undertaking the work as a local improvement.

Application to Ontario Municipal Board

8. (1) The City may apply to the Ontario Municipal Board for approval to undertake a work as a local improvement and shall provide any information or material that the Board requires in connection with the application.

(2) Within 30 days after the City gives notice to the public under section 6 indicating that it intends to apply to the Board for approval under this section, any owner liable to be specially charged may file an objection to the work being undertaken as a local improvement.

(3) The objection shall be filed with the clerk of the City and shall set out the objections and the reasons in support of them.

(4) If no objections are filed under this section, the City is deemed to have received the Board's approval.

(5) If an objection is filed under this section, the City shall forward the objection to the Board, together with the application or as soon after making the application as is reasonable.

(6) The Board shall hold a hearing to consider the application and the objections and may make any order with respect to the work as it considers appropriate.

(7) Once the City has given notice under section 6 indicating that it intends to apply to the Board for approval under this section,

(a) the City shall not undertake the work as a local improvement until,

(i) the Board's approval has been received or is deemed to have been received, or

(ii) the City has given a new notice under section 6 that deals with the work and does not indicate that the City intends to apply to the Board under this section; and

(b) the passing of a by-law to authorize undertaking the work as a local improvement is deemed not to be a contravention of this Regulation if the by-law provides that it shall not take effect until the City receives the Board's approval.

PETITIONS

Petitions

9. (1) A petition in favour of or against undertaking a work as a local improvement,

(a) shall contain a description of the lot of which each petitioner is the owner, by its assessment roll number as shown on the last returned assessment roll, as most recently revised, or by another description that will enable the clerk of the City to identify the lot; and

(b) shall be filed with the clerk, and is deemed to be received by the City when it is so filed.

(2) A petition in favour of undertaking a work as a local improvement shall be signed by at least two-thirds of the owners representing at least one-half of the value of the lots liable to be specially charged for the work.

(3) A petition against undertaking a work as a local improvement,

(a) shall be signed by at least a majority of the owners representing at least one-half of the value of the lots liable to be specially charged for the work; and

(b) shall be filed with the clerk within 30 days after notice is given to the public under section 6.

Sufficiency of petition

10. (1) A petition for or against undertaking a work as a local improvement is sufficient if it meets the requirements of section 9 and of this section.

(2) The sufficiency of a petition shall be determined and certified by the clerk of the City.

(3) If the clerk has determined and certified the sufficiency of a petition, it is deemed to be a sufficient petition even if, afterwards,

(a) the committee of revision increases or reduces the number of lots to be specially charged; or

(b) there is a change in the assessment of lots to be specially charged.

(4) If the value of a lot cannot, for any reason, be ascertained from the last returned assessment roll, as most recently revised, the clerk shall determine and certify the value for the purposes of this Regulation.

(5) In determining the sufficiency of a petition,

(a) two or more persons who are jointly assessed for a lot shall be treated as one owner only; and

(b) both, if there are two persons, or a majority of them, if there are more than two, must sign the petition in order for the lot to be counted for the purposes of subsection 9 (2) or clause 9 (3) (a).

(6) The clerk's certified determination of the sufficiency of a petition and of the value of a lot are final and binding.

Withdrawal of petition

11. A person who has signed a petition,

(a) may withdraw his or her name from the petition, by filing a written withdrawal with the clerk, before the clerk has certified the sufficiency of the petition;

(b) cannot withdraw his or her name after the clerk has certified the sufficiency of the petition.

HOW COSTS ARE BORNE

Cost of local improvement

12. (1) Except as otherwise provided in this Regulation, for the purposes of raising the cost of undertaking a work as a local improvement, the City shall,

(a) determine the City's share of the cost, if any; and

(b) specially charge the owners' share of the cost by imposing an equal special charge per metre of frontage,

(i) on the lots that abut directly on the work,

(ii) on lots that do not abut on the work but will be immediately benefited by it, or

(iii) on a combination of lots described in subclauses (i) and (ii).

(2) The following may be included in the cost of a work:

1. Engineering expenses.
2. The cost of advertising and of giving notices.
3. Interest on short and long-term borrowing.
4. Compensation for lands taken for the purposes of the work or injuriously affected by it, and the expenses incurred by the City in connection with determining the compensation.
5. The estimated cost of incurring long-term debt, including any discount allowed to the purchasers of the debt.

(3) The special charge per metre of frontage may be different for lots described in subclause (1) (b) (i) than for lots described in subclause (1) (b) (ii).

(4) If lots described in subclause (1) (b) (ii) that are to be specially charged for a work are not equally benefited by the work, the lots shall be divided into as many areas as there are different levels of benefit, so that each area includes all the lots that receive the same level of benefit.

(5) The City shall assign the cost of the work that is specially charged among the areas created under subsection (4) in the manner the City considers fair, and the portion of the cost to be borne by an area shall be specially charged on the lots in the area by an equal special charge per metre of frontage.

(6) The City may provide that the cost of a work to be specially charged on lots is not required to be paid with respect to one or more of the lots that are exempt from taxation.

(7) If any Act, regulation or by-law provides that special charges under this Regulation are not required to be paid with respect to a lot, the following rules apply:

1. The lot is, despite the exemption, subject to this Regulation for all purposes and shall be specially charged. However, the special charges that become payable while the lot remains exempt shall be paid by the City and are not collectable from the owner.

2. The owner of the lot may not petition in favour of or against undertaking a work as a local improvement.

3. The owner of the lot and its value shall not be considered in determining the sufficiency of a petition.

Cost of water service pipe, private service connection, drive approach

13. (1) Subject to subsection (2), the cost of a water service pipe, private sewer connection or drive approach that is specially charged shall be specially charged on the particular lot for which it was constructed.

(2) Unless the two sides of a highway are served by separate water mains or sewers, the cost of water service pipes and private sewer connections shall be the cost of the work from the centre of the highway to the edge of the highway, regardless of the location of the water main or sewer.

Deduction of grants, etc. from cost of work

14. The amount of a grant or other contribution in cash to be received by the City and to be applied towards the cost of any work shall be deducted from the entire cost of the work, subject to subsection 15 (2).

City's share of cost

15. (1) The City's share of the cost of a work shall include any excess cost that is caused by the work being constructed with a greater capacity than is required for the purposes of the lots that are specially charged.

(2) The amount of a grant or other contribution that is to be applied towards any excess cost described in subsection (1) shall be applied to reduce the City's share of the cost.

Reductions and increases in special charges

16. (1) If a lot has a flankage and a frontage that abuts on a work and the size and nature of the lot is such that all or part of the work that abuts on the flankage is of no benefit to the lot, a reduction shall be made in the amount to be specially charged in respect of that flankage, sufficient to adjust the amount charged on that lot on a just and equitable basis as compared with the other specially charged lots.

(2) If all or part of a lot is unfit for building purposes, a reduction shall be made in the amount that is to be specially charged on the lot, sufficient to adjust that amount on a just and equitable basis as compared with the amount to be charged on the other specially charged lots that are fit for building purposes.

(3) If a lot has a larger frontage than the threshold described in subsection (4) and will not benefit from a work to the same degree as other lots benefited by the work, a reduction shall be made in the amount to be specially charged on the lot, sufficient to adjust that amount on a just and equitable basis as compared with the other specially charged lots.

(4) The threshold referred to in subsection (3) is,

(a) the number of metres that the City specifies by by-law; or

(b) if the matter is not dealt with by by-law, 30 metres.

(5) A reduction or increase shall be made in the amount to be specially charged on a triangular or irregularly shaped lot, sufficient to adjust that amount on a just and equitable basis as compared with the other specially charged lots, having regard to the situation, value and superficial area of the lot.

(6) A reduction or increase required by this section shall be made by deducting from or adding to the total frontage of the lot liable to be specially charged a number of metres sufficient to make the proper reduction or increase, but the whole of the lot shall be charged with the amount to be specially charged on the lot.

(7) The amount of any reduction or increase in the amount to be specially charged on a lot shall be added to or deducted from the City's share of the cost.

Reduction in special charges

17. (1) If the City is of the opinion that any lot abutting on the work will not benefit from it, or will not benefit from it to the same extent as other lots benefited by the work, the City may reduce the amount to be specially charged on that lot, to adjust the amount on a just and equitable basis as compared with the other specially charged lots.

(2) If the City reduces the amount to be specially charged to zero, the amount of the reduction in the amount to be specially charged on the lot shall continue to be included in the owners' share of the cost of the work and specially charged on the reduced frontage.

(3) If the City reduces the amount to be specially charged to an amount that is greater than zero, the amount of the reduction in the amount to be specially charged on the lot shall be added to the City's share of the cost.

(4) A reduction under this section shall be made by deducting from the total frontage of the lot a number of metres sufficient to make the proper reduction, but the whole of the lot shall be charged with the amount, if any, to be specially charged on the lot.

Apportioning special charges if lot subdivided

18. (1) If a lot that is or is to be specially charged is subdivided into two or more new lots, the City may apportion the amount described in subsection (2) among the new lots according to the extent of their respective frontages by imposing an equal special charge per metre of frontage.

(2) The amount that may be apportioned under subsection (1) is the sum of,

(a) the special charges that would otherwise have been charged on the original lot; and

(b) any special charges that would, but for this section, become part of the City's share of the cost because of any new highway provided for by the subdivision.

(3) Despite subsection (1), if the City is of the opinion that the new lots do not all benefit from the work to the same degree, the City may apportion the special charges among the new lots in any manner the City considers just and equitable, having regard to the relative degree of benefit received by each of the new lots.

(4) Section 21 applies, with necessary modifications, to special charges imposed under subsection (1).

(5) The local improvement roll shall be amended to reflect the changes made under this section.

PROCEDURE FOR IMPOSING SPECIAL CHARGES

Committee of revision

19. (1) The City may establish a committee of revision consisting of three or five members appointed by the council.

(2) Every member of the committee shall be a person who is qualified to be elected as a member of the council.

(3) A majority of the members of the committee constitutes a quorum.

Local improvement roll

20. Before a special charge is imposed, the treasurer of the City shall prepare a local improvement roll setting out,

(a) the cost of the work;

(b) every lot to be specially charged, the name of the owner and the number of metres of its frontage to be specially charged;

(c) every lot that, but for subsection 12 (7), would be exempt from being specially charged, and the number of metres of its frontage;

(d) the special charges per metre of frontage with which each lot is to be specially charged;

(e) when the special charges described in clause (d) shall be paid; and

(f) the lifetime of the work.

Notice of hearing

21. (1) Before a special charge is imposed, the City shall set a time and a place for the committee of revision to hold a hearing about,

(a) objections against the proposed local improvement roll; and

(b) the City's proposed revisions to the proposed local improvement roll.

(2) The City shall give notice of the hearing to the public and to the owner of every lot to be specially charged.

(3) Any person who owns a lot to be specially charged may object to a special charge by filing an objection, setting out the objection and the reasons in support of it, with the clerk of the City not later than seven days before the day set for the hearing.

(4) The City may propose a revision to the proposed local improvement roll by filing a proposed revision, setting out the proposed revision and the reasons in support of it, with the clerk not later than seven days before the day set for the hearing.

(5) If no objection or proposed revision is received under this section, the treasurer shall certify the local improvement roll, without a hearing by the committee.

Statement of cost of work

22. (1) Before a special charge is imposed, the engineer and the treasurer of the City shall prepare and certify a statement showing the actual cost of the work.

(2) If the final cost of the work is not yet known and, in the opinion of the engineer and treasurer, work whose cost amounts to 75 per cent of the final cost has been completed, the engineer and treasurer shall estimate the actual cost of the work for the purpose of subsection (1).

(3) When an estimate is used as described in subsection (2),

(a) the engineer and the treasurer shall certify the final cost of the work when it is known;

(b) if the final cost as certified under clause (a) is more than the amount set out in the statement or the amount determined by the committee of revision under section 24, the excess shall be borne by the City; and

(c) if the final cost as certified under clause (a) is less than the amount set out in the statement or the amount determined by the committee of revision under section 24, the difference shall be applied towards payment of the special charges imposed with respect to the work.

Public access to local improvement roll and statement of cost

23. Copies of the local improvement roll prepared under section 20 and of the statement of cost prepared under section 22,

(a) shall be available for inspection at the office of the clerk of the City until the treasurer of the City has certified the local improvement roll; and

(b) shall be provided to the committee of revision before the start of any hearing under section 21.

Committee of revision may correct local improvement roll

24. At a hearing held under section 21, the committee of revision may review the proposed local improvement roll and correct it as to any or all of the following matters:

1. The cost of the work.
2. The names of the owners of the lots.
3. The frontage or other measurements of the lots.
4. The amount of the reduction or increase to be made under section 16 or 17 in respect of any lot.
5. The lots that would be exempt from being specially charged, but for subsection 12 (7).
6. The lifetime of the work.
7. The charge per metre of frontage to be imposed on any lot.
8. If all or part of the owners' share of the cost is to be specially charged on lots that do not abut on the work,
   i. the non-abutting lots that are to be specially charged, and
   ii. the amount of the special charge to be imposed on them.

Power of committee of revision to add lot to be specially charged

25. (1) During a hearing held under section 21, if it appears to the committee of revision that any lot that has not been specially charged should be specially charged or, as a result of a proposed revision by the City under section 21, a special charge for any lot should be changed, the committee shall adjourn its hearing for at least 14 days and shall cause notice to be given to the owner of the lot.

(2) If the committee of revision determines that a lot should be specially charged, the committee shall determine the amount to be specially charged on the lot.

(3) Despite subsection (1), the committee of revision may, with the written consent of the owner of the lot, dispense with an adjournment or reduce it to less than 14 days.

Special charge imposed if circumstances change

26. (1) If a reduction is made under section 16 or 17 with respect to a lot and circumstances change so that the reduction is no longer warranted, the City may impose on the lot the special charge that would originally have been imposed, for the year in which the circumstances change and for the remaining years in which special charges are imposed.

(2) Before an increased special charge is imposed under subsection (1), notice of the proposed special charge shall be given to the owner of the lot.

(3) A person may object to the increase to the special charge on the grounds that the special charge is incorrect or not warranted by filing a written objection, setting out the objection and the reasons in support of it, with the clerk of the City within 10 days after notice is given under subsection (2).

(4) The committee of revision shall hold a hearing to consider the objection and may make any decision the City could have made.

Committee of revision may reduce special charge in case of gross error

27. (1) The committee of revision may, at any time after the certification of the local improvement roll, reduce any special charge for the current year and the remaining years for which the special charge is imposed if it determines that the special charge is incorrect by reason of any gross or manifest error.

(2) The amount of the reduction shall be borne by the City.

Committee of revision cannot change proportion of City's and owners' share of costs

28. The committee of revision does not have the authority to change the proportion of the City's and the owners' share of the cost, except to the extent that the proportion may be affected by a decision made under section 24, 25, 26 or 27.

Amendments to local improvement roll

29. (1) The treasurer of the City shall make any corrections in the local improvement roll that are necessary to give effect to a decision of the committee of revision, and shall certify the corrected roll.

(2) The local improvement roll, when certified by the treasurer under subsection (1) or 21 (5), and the special charges set out in the certified local improvement roll are final and binding, except where otherwise provided in this Regulation.

(3) When the local improvement roll is certified by the treasurer under subsection (1) or 21 (5), the work in respect of which the roll has been prepared and certified is conclusively deemed to have been lawfully undertaken in accordance with this Regulation.

Special charges by-law

30. (1) After the treasurer of the City has certified the local improvement roll under section 21 or 29, the City shall by by-law provide that,

(a) the amount specially charged on each lot set out in the roll shall be sufficient to raise that lot's share of the cost by a specified number of annual payments; and

(b) a special charge shall be imposed in each year on each lot equal to the amount of the payment payable in that year.

(2) The amount of each annual payment shall be entered in the local improvement roll.

(3) The annual payments with respect to a work shall not extend beyond its lifetime.

Annual payments commuted to one present value payment

31. (1) Despite section 30, the City may allow two or more annual payments with respect to a lot to be commuted for a single payment equal to the present value of the annual payments.

(2) For the purpose of calculating the present value, the City shall use the rate of interest it considers appropriate.

Agreement between municipalities re joint local improvement

32. (1) The City and one or more other municipalities may enter into an agreement to undertake any work as a joint local improvement.

(2) The agreement may specify,

(a) which municipality will undertake the work;

(b) the manner in which the cost of the work is to be financed;

(c) the proportions in which the amount described in subsection (3) shall be borne by the municipalities respectively; and

(d) the times at which amounts are to be paid from one municipality to another.

(3) The amount mentioned in clause (2) (c) is the portion of the cost of the work that is payable by the municipality that will undertake the work and not to be specially charged under this Regulation.

(4) The municipality that will undertake the work has all the powers and duties in respect of the work that may be exercised or are to be performed by a municipality that undertakes a work as a local improvement and, for the purposes of undertaking the work, it is deemed to lie wholly within and to be under the exclusive jurisdiction of the municipality that will undertake it.

(5) The clerk of the municipality that will undertake the work shall give a copy of the by-law imposing special charges to the clerk of any other municipality where a lot on which special charges have been imposed is located.

(6) The special charges required by the by-law to be imposed and collected in any year on lots in any municipality, other than the municipality that will undertake the work, shall be collected by the treasurer of the municipality in which the lots are located as if the special charges had been imposed by that municipality, and the proceeds of the special charges shall form part of the operating revenues of the municipality collecting them.

(7) A municipality that is a party to an agreement under this section may assume all or a part of the cost of any work undertaken under this section that is to be specially charged on lots in the municipality, and thereafter that cost shall be borne by that municipality.

Special charges do not encumber land

33. (1) Special charges imposed on land under this Regulation do not constitute an encumbrance on the land unless they are unpaid and in arrears.

(2) Subsection (1) applies,

(a) as between vendor and purchaser; and

(b) in respect of a covenant,

(i) against encumbrances,

(ii) for the right to convey, or

(iii) for quiet possession free from encumbrances.

DEBT

Reserve fund for payment of long-term debt

34. (1) If the City incurs long-term debt with respect to the cost of undertaking a work as a local improvement, special charges imposed and collected in accordance with this Regulation with respect to the work shall be placed in a reserve fund for the payment of the long-term debt and the fund, including interest, shall not be used for any other purpose until the debt is paid in full.

(2) Subsection (1) does not apply to a present value payment under section 31 if the City reduced the amount of the long-term debt it incurred with respect to the work to reflect the present value payment.

Borrowing or special charges by-law not invalid if local improvement roll certified

35. (1) If the local improvement roll with respect to a work is certified under section 21 or 29, no by-law for borrowing money or imposing special charges with respect to the work shall be quashed, set aside or otherwise found to be invalid because it is illegal or for any other defect in it.

(2) A court in which a proceeding is taken to quash, set aside or otherwise find a by-law described in subsection (1) to be invalid may, on the conditions the court considers appropriate, order the City to amend or replace the by-law so that it would be valid even in the absence of that subsection.

(3) The City, on the request of any person to whom the City has incurred any liability, obligation or debt under a by-law described in subsection (1), may amend or replace the by-law so that it would be valid even in the absence of that subsection.

(4) Every liability, obligation or debt incurred by the City under a by-law that is amended in the circumstances described in subsection (2) or (3) is as valid and binding as if the amended or replacement by-law had been in force at the time the liability, obligation or debt was incurred.

TRANSITIONAL PROVISIONS

Transition re *Local Improvement Act*

36. (1) In this section,

"old Act" means the *Local Improvement Act*, as it read on December 31, 2002.

(2) Any matter or proceeding commenced by the City under the old Act on or before March 31, 2003,

(a) may be continued after that date; and

(b) if it is continued, shall be continued and finally disposed of as if that Act were still in force.

(3) For the purpose of subsection (2), the undertaking of a work as a local improvement is deemed to have been commenced under the old Act on the earliest of,

(a) the day the City passes a by-law to undertake the work as a local improvement;

(b) the first day the City gives notice, in Form 1, 2 or 3 of the old Act, of its intention to undertake the work as a local improvement; and

(c) the day a petition in favour of undertaking the work as a local improvement is received by the clerk of the City.

Transition re Ontario Regulation 119/03

37. (1) In this section,

"old Regulation" means Ontario Regulation 119/03 (Local Improvement Charges — Priority Lien Status) made under the *Municipal Act, 2001*, as it read on the day before this Regulation comes into force.

(2) Any matter or proceeding commenced by the City under the old Regulation on or before the day this Regulation comes into force,

(a) may be continued after that date; and

(b) if it is continued, shall be continued and finally disposed of as if the old Regulation were still in force.

(3) For the purpose of subsection (2), the undertaking of a work as a local improvement is deemed to have been commenced under the old Regulation on the day the City gave public notice under section 3 of that regulation.

Commencement

38. This Regulation comes into force on the later of the day it is filed and the day section 57 of Schedule B to the *Municipal Statute Law Amendment Act, 2006* of the Act comes into force.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.

2/07

ONTARIO REGULATION 597/06

made under the

CITY OF TORONTO ACT, 2006

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POWERS OF THE MINISTER IN IMPLEMENTING A PROPOSAL FOR MINOR RESTRUCTURING

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Definitions

1. In this Regulation,

"local board" means a local board as defined in section 1 of the *Municipal Affairs Act* but does not include a school board, children's aid society, committee of management or board of management of a home for the aged, conservation authority, board of health, planning board, municipal planning authority or district social services administration board; ("conseil local")

"proposal" means a proposal for minor restructuring of municipalities made by the City under subsection 149 (1) of the Act; ("proposition")

"school board" means a board as defined in subsection 1 (1) of the *Education Act*. ("conseil scolaire")

Purpose

2. For the purposes of subsection 155 (2) of the Act, this Regulation sets out the powers that the Minister may exercise in implementing a proposal.

Powers

3. (1) The Minister may,

(a) annex part of a municipality to another municipality;

(b) separate a part of a local municipality from an upper-tier municipality for municipal purposes;

(c) join part of a local municipality to an upper-tier municipality for municipal purposes.

(2) The exercise of the powers set out in subsection (1) does not have the effect of,

(a) changing, directly or indirectly, the territorial jurisdiction of a school board; or

(b) affecting the application of a school board by-law that imposes education development charges on land undergoing development in a municipality, other than in the following ways:

(i) The rights and duties of a treasurer of a municipality and a municipality under the by-law and Division E of Part IX of the *Education Act* are transferred to the treasurer of the municipality and the municipality that issues building permits on land undergoing development that is subject to the by-law after the proposal comes into effect.

(ii) Amounts received by the treasurer of a municipality under the by-law and Division E of Part IX of the *Education Act* are transferred to the municipality that exists after the proposal comes into effect where the land in respect of which the charge was imposed is located.

(3) Nothing in this Regulation affects the application of section 69 of the *Labour Relations Act, 1995* and section 9 of the *Employment Standards Act, 2000*.

Limitation

4. The Minister may continue, create, amalgamate and dissolve local boards so long as the exercise of the power,

(a) does not result in,

(i) a municipality having more than one local board providing the same service, unless the municipality may, under any Act, have more than one local board providing the same service,

(ii) a municipality having a type of local board other than a type the municipality is required to have or may have under any Act,

(iii) a local board having powers other than powers it has or may have under any Act,

(iv) a municipality that is required to provide police services failing to comply with section 4 of the *Police Services Act*,

(v) a local board having elected members; and

(b) results in a municipality having a local board of a type that the municipality is required to have under any Act.

Boards other than local boards

5. The Minister may establish or continue a board, other than a local board, to provide municipal services, and may establish its composition, but may not provide that its members are to be elected.

Composition of council, municipal service board, city board

6. (1) The Minister may establish the composition of the council of a municipality so long as,

(a) the council has a head and at least four other members;

(b) the members of the council are qualified electors under section 17 of the *Municipal Elections Act, 1996* and are not disqualified from holding the office under any Act;

(c) in the case of a local municipality,

(i) the head of council is elected by general vote, and

(ii) the members of the council are elected in accordance with the *Municipal Elections Act, 1996*; and

(d) in the case of an upper-tier municipality,

(i) the composition of the council is in accordance with paragraphs 2, 3, 5 and 6 of subsection 218 (1) of the *Municipal Act, 2001*, and

(ii) if the members of the council are elected, the election is held in accordance with the *Municipal Elections Act, 1996*.

(2) The Minister may establish the composition of a municipal service board, subject to the rules set out in subsections 196 (2) and (3) of the *Municipal Act, 2001*.

(3) The Minister may establish the composition of a city board, subject to the rules set out in subsections 141 (2) and (3) of the Act.

Qualifications, title

7. The Minister may,

(a) provide for qualifications that must be satisfied in order for a member of a council of a municipality to act in the place of the head of the council; and

(b) set out the title of a member who acts as described in clause (a).

Votes

8. The Minister may,

(a) provide for the number of votes a member of the council of a municipality has on council; and

(b) provide that members of the council have different numbers of votes with respect to different matters.

Wards

9. The Minister may,

(a) establish wards for a municipality; and

(b) alter or dissolve the wards of a municipality.

Transfer of assets, etc.

10. Subject to section 4, the Minister may transfer assets and liabilities, rights and obligations of municipalities and local boards to other municipalities and local boards and determine the amount a municipality or local board shall pay to another municipality or local board in settlement of the transfer.

Requirements and restrictions in relation to certain matters

11. (1) The Minister may impose, on the council of a municipality that is affected by a proposal, requirements, restrictions or both in relation to the following:

1. Financial matters.
2. The application of savings resulting from budgetary controls.
3. The establishment and maintenance of reserves and reserve funds.
4. Payments from a municipality or local board to a municipality or local board.
5. Spending on specified municipal services and contributions to other municipalities for specified municipal services that benefit the contributing municipality.
6. The sale of assets and the use of the proceeds.
7. Adjustments to the tax rates for taxpayers in any part of the municipality in respect of transit, police services, parks, roads, conservation authorities and ferry services.
8. The hiring of employees.
9. The establishment and composition of committees for transitional purposes.
10. The provisions of the procedure by-law governing the calling, place and proceedings of meetings.

(2) Requirements and restrictions under paragraph 1 of subsection (1) may apply only in the year in which the order imposing them becomes effective and in the following year.

(3) Requirements and restrictions under paragraph 10 of subsection (1) do not affect the council's authority to subsequently amend the procedure by-law.

Requirement for review

12. The Minister may require the council of a municipality to review any matter at a time specified by the Minister.

Official plans, by-laws, resolutions

13. (1) Subject to section 4 and subsections (2), (3) and (4), the Minister may provide for the continuation, cessation, extension or otherwise of official plans, by-laws and resolutions of municipalities and local boards in a geographic area to which a proposal applies.

(2) Official plans and zoning by-laws pertaining to an area to which a proposal applies shall be deemed to be official plans and zoning by-laws of municipalities and local boards in which the area is located after the proposal comes into effect, until they are amended or repealed under the *Planning Act*.

(3) By-laws passed under section 2 of the *Development Charges Act, 1997* shall not be made to apply to a greater area than that to which they applied before the proposal came into effect.

(4) By-laws or resolutions that could not be lawfully repealed by the council of a municipality or a local board shall not be repealed under subsection (1).

Interim council

14. (1) If a proposal comes into effect at any time other than at the end of the regular term of office of a council of a municipality, the Minister may provide for and establish the composition of an interim council of a municipality whose members shall hold office until the end of the regular term of office.

(2) Subsection (1) is subject to clauses 6 (1) (a) and (b).

(3) The members of an interim council shall be determined,

(a) by holding a by-election under section 65 of the *Municipal Elections Act, 1996*, but no such by-election shall be held in a regular municipal election year; or

(b) by designating members of the councils of the municipalities any part of which exist in the geographic area before the proposal comes into effect.

(4) The Minister may,

(a) shorten the regular term of office of a council of a municipality or local board to the date on which an interim council or local board takes office;

(b) extend the regular term of office of a council of a municipality or local board to the earlier of the date a proposal comes into effect or January 1 of the year following a regular municipal election.

Special provisions during election year

15. (1) If a proposal comes into effect during a regular municipal election year as provided in section 19, the Minister may make special provisions for holding the regular municipal election under the *Municipal Elections Act, 1996* in that year.

(2) If a proposal comes into effect between December 1 of a regular municipal election year and January 1 of the following year, both inclusive, the Minister may provide for holding the regular municipal election in accordance with the *Municipal Elections Act, 1996* as if the municipalities, school boards and local boards that will exist after the proposal comes into effect were already in existence.

Powers re taxes

16. (1) The Minister may provide for the phase-in of shifts in real property taxes occurring as a result of an order made under section 149 of the Act.

(2) The Minister may provide for tax rate adjustments that apply to taxpayers in any area of a municipality in respect of debts, deficits, surpluses, reserves or reserve funds of municipalities and local boards created before a proposal comes into effect.

Arbitration

17. The Minister may provide in an order that issues arising out of its interpretation be resolved by arbitration in accordance with the *Arbitration Act, 1991* or by another method specified in the order.

Restricted acts

18. In implementing a proposal, the Minister may order that a municipality affected by the proposal,

(a) shall not make,

(i) a restructuring proposal under section 173 of the *Municipal Act, 2001*, or

(ii) a further proposal as defined in section 1; or

(b) may make a proposal described in subclause (a) (i) or (ii) only as the order permits.

Effective date

19. (1) An order of the Minister implementing a proposal shall not come into effect between January 2 and November 30, both inclusive, in a regular municipal election year, except as described in subsection (2).

(2) An order under subsection (1) may come into effect at any time between January 2 and July 1, both inclusive, in a regular municipal election year if,

(a) no local municipal wards that existed on January 1 in the year are being changed;

(b) no new local municipal ward is being created, other than a ward that consists solely of the entire area of one or more,

(i) local municipal wards that existed on January 1 of the year, or

(ii) local municipalities that existed and had no wards on January 1 of the year;

(c) no local municipality that existed on January 1 of the year is being split; and

(d) all local municipalities and local municipal wards remain wholly within one or more of the geographic areas to which trustee positions are distributed in that year under a regulation made under clause 58.1 (2) (k) of the *Education Act*.

Commencement

20. This Regulation comes into force on the later of the day it is filed and the day sections 149 and 150 of the Act come into force.

RÈGLEMENT DE L'ONTARIO 597/06

pris en application de la

LOI DE 2006 SUR LA CITÉ DE TORONTO

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POUVOIRS DU MINISTRE POUR LA MISE EN OEUVRE D'UNE PROPOSITION DE RESTRUCTURATION MINEURE

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Définitions

1. Les définitions qui suivent s'appliquent au présent règlement.

«conseil local» Conseil local au sens de l'article 1 de la *Loi sur les affaires municipales*, à l'exception d'un conseil scolaire, d'une société d'aide à l'enfance, du comité de gestion ou conseil de gestion d'un foyer pour personnes âgées, d'un office de protection de la nature, d'un conseil de santé, d'un conseil d'aménagement, d'un office d'aménagement municipal ou d'un conseil d'administration de district des services sociaux. («local board»)

«conseil scolaire» Conseil au sens du paragraphe 1 (1) de la *Loi sur l'éducation*. («school board»)

«proposition» Proposition de restructuration mineure de municipalités présentée par la cité en vertu du paragraphe 149 (1) de la Loi. («proposal»)

Objet

2. Pour l'application du paragraphe 155 (2) de la Loi, le présent règlement énonce les pouvoirs que le ministre peut exercer pour mettre en oeuvre une proposition.

Pouvoirs

3. (1) Le ministre peut faire ce qui suit :

a) annexer une partie d'une municipalité à une autre municipalité;

b) séparer une partie d'une municipalité locale d'une municipalité de palier supérieur aux fins municipales;

c) joindre une partie d'une municipalité locale à une municipalité de palier supérieur aux fins municipales.

(2) L'exercice des pouvoirs énoncés au paragraphe (1) n'a pas pour effet, selon le cas :

a) de modifier, directement ou indirectement, le territoire de compétence d'un conseil scolaire;

b) de porter atteinte à l'application d'un règlement administratif d'un conseil scolaire qui impose des redevances d'aménagement scolaires sur un bien-fonds qui fait l'objet de travaux d'aménagement dans une municipalité, sauf de l'une ou l'autre des façons suivantes :

(i) Les droits et les devoirs que le règlement administratif et la section E de la partie IX de la *Loi sur l'éducation* attribuent au trésorier d'une municipalité et à une municipalité sont transférés au trésorier de la municipalité et à la municipalité qui, après l'entrée en vigueur de la proposition, délivre les permis de construire liés aux biens-fonds qui font l'objet de travaux d'aménagement et sont assujettis au règlement administratif.

(ii) Les sommes reçues par le trésorier d'une municipalité en application du règlement administratif et de la section E de la partie IX de la *Loi sur l'éducation* sont versées à la municipalité qui existe après l'entrée en vigueur de la proposition et où se trouvent les biens-fonds visés par les redevances.

(3) Le présent règlement n'a pas pour effet de porter atteinte à l'application de l'article 69 de la *Loi de 1995 sur les relations de travail* et de l'article 9 de la *Loi de 2000 sur les normes d'emploi*.

Restriction

4. Le ministre peut proroger, créer, fusionner et dissoudre des conseils locaux pourvu que l'exercice de ce pouvoir :

a) d'une part, n'ait pas pour effet :

(i) de doter une municipalité de plusieurs conseils locaux fournissant le même service, à moins qu'elle n'y soit autorisée en vertu d'une loi,

(ii) de doter une municipalité d'un type de conseil local autre que le type dont elle doit ou peut être dotée en application d'une loi,

(iii) de doter un conseil local de pouvoirs autres que ceux qu'il a ou peut avoir en vertu d'une loi,

(iv) de faire en sorte qu'une municipalité qui doit fournir des services policiers ne se conforme pas à l'article 4 de la *Loi sur les services policiers*,

(v) de faire en sorte qu'un conseil local soit composé de membres élus;

b) d'autre part, ait pour effet de doter une municipalité d'un type de conseil local dont elle doit être dotée en application d'une loi.

Conseil autre qu'un conseil local

5. Le ministre peut créer ou proroger un conseil, autre qu'un conseil local, chargé de fournir des services municipaux et en fixer la composition, mais ne peut pas prévoir que ses membres doivent être élus.

Composition du conseil municipal, d'une commission de services municipaux et d'une commission municipale

6. (1) Le ministre peut fixer la composition du conseil d'une municipalité pourvu que les conditions suivantes soient réunies :

a) le conseil a un président et au moins quatre autres membres;

b) les membres du conseil ont les qualités requises pour être électeurs en application de l'article 17 de la *Loi de 1996 sur les élections municipales* et ne sont pas inhabiles à occuper cette charge en application d'une loi quelconque;

c) dans le cas d'une municipalité locale :

(i) le président du conseil est élu au scrutin général,

(ii) les membres du conseil sont élus conformément à la *Loi de 1996 sur les élections municipales*;

d) dans le cas d'une municipalité de palier supérieur :

(i) la composition du conseil est conforme aux dispositions 2, 3, 5 et 6 du paragraphe 218 (1) de la *Loi de 2001 sur les municipalités*,

(ii) si les membres du conseil sont élus, les élections se tiennent conformément à la *Loi de 1996 sur les élections municipales*.

(2) Le ministre peut fixer la composition d'une commission de services municipaux sous réserve des règles énoncées aux paragraphes 196 (2) et (3) de la *Loi de 2001 sur les municipalités*.

(3) Le ministre peut fixer la composition d'une commission municipale sous réserve des règles énoncées aux paragraphes 141 (2) et (3) de la Loi.

Qualités requises et titre

7. Le ministre peut faire ce qui suit :

a) prévoir les qualités que doit posséder un membre du conseil d'une municipalité pour pouvoir remplacer le président du conseil;

b) préciser le titre du membre qui remplace le président comme le prévoit l'alinéa a).

Voix

8. Le ministre peut faire ce qui suit :

a) prévoir le nombre de voix dont dispose un membre du conseil d'une municipalité;

b) prévoir que les membres du conseil disposent d'un nombre de voix différent à l'égard de questions différentes.

Quartiers électoraux

9. Le ministre peut faire ce qui suit :

a) constituer des quartiers électoraux pour une municipalité;

b) modifier ou dissoudre les quartiers électoraux d'une municipalité.

Transfert des actifs et autres

10. Sous réserve de l'article 4, le ministre peut transférer les actifs, les passifs, les droits et les obligations de municipalités et de conseils locaux à d'autres municipalités et conseils locaux et fixer la somme qu'une municipalité ou un conseil local doit verser à une autre municipalité ou à un autre conseil local en règlement du transfert.

Exigences et restrictions à l'égard de certaines questions

11. (1) Le ministre peut imposer des exigences ou des restrictions, ou les deux, à l'égard de ce qui suit au conseil d'une municipalité visée par une proposition :

1. Les questions financières.
2. L'affectation des économies résultant des contrôles budgétaires.
3. La constitution et le maintien de réserves et de fonds de réserve.
4. Les versements qu'une municipalité ou un conseil local doit faire à une municipalité ou à un conseil local.
5. Les dépenses à l'égard de services municipaux déterminés et les contributions à d'autres municipalités pour des services municipaux déterminés dont la municipalité qui fait la contribution tire un avantage.
6. La vente d'éléments d'actif et l'affectation du produit.
7. Les redressements des taux d'imposition visant les contribuables d'une partie quelconque de la municipalité effectués à l'égard des transports en commun, des services policiers, des parcs, des routes, des offices de protection de la nature et des services de traversier.
8. L'engagement d'employés.
9. La création de comités aux fins de la transition et leur composition.
10. Les dispositions du règlement de procédure régissant la convocation, le lieu et le déroulement des réunions.

(2) Les exigences et les restrictions visées à la disposition 1 du paragraphe (1) ne peuvent s'appliquer que pendant l'année au cours de laquelle l'arrêté qui les impose entre en vigueur et pendant l'année suivante.

(3) Les exigences et les restrictions visées à la disposition 10 du paragraphe (1) ne portent pas atteinte au pouvoir qu'a le conseil de modifier le règlement de procédure ultérieurement.

Examen exigé

12. Le ministre peut exiger que le conseil d'une municipalité examine toute question au moment qu'il précise.

Plans officiels, règlements et résolutions

13. (1) Sous réserve de l'article 4 et des paragraphes (2), (3) et (4), le ministre peut prévoir la prorogation, la cessation, la prolongation ou autre des plans officiels, des règlements et des résolutions des municipalités et des conseils locaux d'une zone géographique visée par une proposition.

(2) Les plans officiels et les règlements de zonage relatifs à un secteur visé par une proposition sont réputés des plans officiels et des règlements de zonage des municipalités et des conseils locaux dont relève le secteur après l'entrée en vigueur de la proposition, jusqu'à ce qu'ils soient modifiés ou abrogés en application de la *Loi sur l'aménagement du territoire*.

(3) Les règlements municipaux adoptés en vertu de l'article 2 de la *Loi de 1997 sur les redevances d'aménagement* ne doivent pas viser un secteur plus grand que celui auquel ils s'appliquaient avant l'entrée en vigueur de la proposition.

(4) Les règlements ou les résolutions que le conseil d'une municipalité ou un conseil local ne pouvait légalement abroger ne peuvent être abrogés en vertu du paragraphe (1).

Conseil intérimaire

14. (1) Si une proposition entre en vigueur à un moment autre que la fin du mandat ordinaire du conseil d'une municipalité, le ministre peut prévoir un conseil intérimaire dont les membres occupent leur charge jusqu'à la fin du mandat ordinaire et en fixer la composition.

(2) Le paragraphe (1) est assujetti aux alinéas 6 (1) a) et b).

(3) Les membres du conseil intérimaire se déterminent, selon le cas :

a) par la tenue d'une élection partielle en application de l'article 65 de la *Loi de 1996 sur les élections municipales*, une telle élection ne devant toutefois pas se tenir au cours d'une année d'élections municipales ordinaires;

b) par la désignation de membres des conseils des municipalités dont une partie quelconque se trouve dans la zone géographique avant l'entrée en vigueur de la proposition.

(4) Le ministre peut faire ce qui suit :

a) abréger le mandat ordinaire du conseil d'une municipalité ou d'un conseil local et le faire terminer à la date où commence le mandat du conseil ou conseil local intérimaire;

b) prolonger le mandat ordinaire du conseil d'une municipalité ou d'un conseil local jusqu'à la date d'entrée en vigueur d'une proposition ou jusqu'au 1er janvier de l'année qui suit les élections municipales ordinaires, si cette date lui est antérieure.

Dispositions spéciales au cours d'une année d'élections

15. (1) Si une proposition entre en vigueur au cours d'une année d'élections municipales ordinaires conformément à l'article 19, le ministre peut prendre des dispositions spéciales afin de tenir les élections municipales ordinaires au cours de cette année-là conformément à la *Loi de 1996 sur les élections municipales*.

(2) Si une proposition entre en vigueur entre, inclusivement, le 1er décembre d'une année d'élections municipales ordinaires et le 1er janvier de l'année suivante, le ministre peut prévoir la tenue des élections municipales ordinaires conformément à la *Loi de 1996 sur les élections municipales* comme si les municipalités, les conseils scolaires et les conseils locaux qui existeront après l'entrée en vigueur de la proposition existaient déjà.

Pouvoirs : impôts

16. (1) Le ministre peut prévoir l'introduction progressive de toute modification des impôts fonciers qui survient par suite d'un arrêté pris en vertu de l'article 149 de la Loi.

(2) Le ministre peut prévoir des redressements des taux d'imposition qui s'appliquent aux contribuables d'un secteur quelconque d'une municipalité à l'égard des dettes, des déficits, des excédents, des réserves ou des fonds de réserve de municipalités et de conseils locaux constitués avant l'entrée en vigueur de la proposition.

Arbitrage

17. Le ministre peut prévoir dans un arrêté que toute question découlant de son interprétation soit réglée par arbitrage conformément à la *Loi de 1991 sur l'arbitrage* ou par une autre méthode déterminée dans l'arrêté.

Restrictions

18. Pour mettre en oeuvre une proposition, le ministre peut ordonner qu'une municipalité visée par la proposition, selon le cas :

a) ne doit présenter :

(i) ni une proposition de restructuration en vertu de l'article 173 de la *Loi de 2001 sur les municipalités*,

(ii) ni une autre proposition au sens de l'article 1;

b) ne peut présenter une proposition visée au sous-alinéa a) (i) ou (ii) que selon ce que permet l'arrêté.

Date d'entrée en vigueur

19. (1) L'arrêté du ministre qui met en oeuvre une proposition ne doit pas entrer en vigueur entre, inclusivement, le 2 janvier et le 30 novembre d'une année d'élections municipales ordinaires, sauf comme le prévoit le paragraphe (2).

(2) L'arrêté visé au paragraphe (1) peut entrer en vigueur entre, inclusivement, le 2 janvier et le 1er juillet d'une année d'élections municipales ordinaires si les conditions suivantes sont remplies :

a) aucune modification n'est apportée aux quartiers électoraux d'une municipalité locale qui existaient le 1er janvier de l'année;

b) aucun nouveau quartier électoral d'une municipalité locale n'est créé, autre qu'un quartier qui est constitué uniquement de la totalité du territoire :

(i) soit d'un ou de plusieurs quartiers d'une municipalité locale qui existaient le 1er janvier de l'année,

(ii) soit d'une ou de plusieurs municipalités locales qui existaient, mais n'avaient aucun quartier, le 1er janvier de l'année;

c) aucune municipalité locale qui existait le 1er janvier de l'année n'est divisée;

d) les municipalités locales et les quartiers électoraux d'une municipalité locale demeurent entièrement dans les limites d'une ou plusieurs zones géographiques entre lesquelles les postes de conseillers scolaires sont répartis cette année-là en application d'un règlement pris en application de l'alinéa 58.1 (2) k) de la *Loi sur l'éducation*.

Entrée en vigueur

20. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur des articles 149 et 150 de la Loi.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.
Pris le : 21 décembre 2006.

2/07

ONTARIO REGULATION 598/06

made under the

CITY OF TORONTO ACT, 2006

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MUNICIPAL AND SCHOOL CAPITAL FACILITIES — AGREEMENTS AND TAX EXEMPTIONS

Definitions

1. In this Regulation,

"housing project" means a project or part of a project designed to provide or facilitate the provision of residential accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto;

"housing unit" includes a unit in a housing project owned or rented by an occupant;

"municipal capital facilities" and "school capital facilities" include land, as defined in the *Assessment Act*, works, equipment, machinery and related systems and infrastructures.

Exemption from taxation under s. 256 (6) of the Act

2. (1) For the purpose of exempting land from taxation under subsection 252 (6) of the Act, the City may enter into an agreement under subsection 252 (1) of the Act for the provision of the following classes of municipal capital facilities:

1. Facilities used by the council.
2. Facilities used for the general administration of the City.
3. City roads, highways and bridges.
4. City local improvements and public utilities, except facilities for the generation of electricity.
5. City facilities related to the provision of telecommunications, transit and transportation systems.
6. City facilities for water, sewers, sewage, drainage and flood control.
7. City facilities for the collection and management of waste and garbage.
8. City facilities related to policing, fire-fighting and by-law enforcement.
9. City facilities for the protection, regulation and control of animals.
10. City facilities related to the provision of social and health services, including homes under the *Homes for the Aged and Rest Homes Act*.
11. City facilities for public libraries.
12. City facilities that combine the facilities described in paragraphs 1 to 11.
13. Parking facilities ancillary to facilities described in any of paragraphs 1 to 12.
14. City community centres.
15. Parking facilities ancillary to facilities described in paragraph 14.
16. City facilities used for cultural, recreational or tourist purposes.
17. City general parking facilities and parking facilities ancillary to facilities described in paragraph 16.
18. City housing project facilities.

(2) No municipal capital facilities other than those in the classes described in subsection (1) may be granted tax exemptions under subsection 252 (6) of the Act.

Eligible municipal capital facilities

3. (1) The classes of municipal capital facilities that are eligible for a tax exemption subsection 2 (1) of this Regulation are also eligible for municipal capital facilities for the purpose of assistance under subsection 252 (3) of the Act and development charges exemptions under subsection 252 (7) of the Act.

(2) No municipal capital facilities other than those in the classes described in subsection 2 (1) of this Regulation are eligible for assistance under subsection 252 (3) or development charge exemptions under subsection 252 (7) of the Act.

Contiguous lands

4. Municipal capital facilities may be the subject of a tax exemption under subsection 252 (6) of the Act even if they are contiguous with or part of land or works that are not municipal capital facilities.

Restrictions, local community activities

5. For the purposes of sections 2 and 3, the City may enter into an agreement respecting municipal capital facilities described in paragraphs 14 and 15 of subsection 2 (1) only if,

(a) the municipal capital facilities are primarily used for local community activities; and

(b) the council has declared by resolution that the municipal capital facilities are for the purposes of the City and are for a public use.

Restrictions, cultural facilities, etc.

6. (1) For the purposes of sections 2 and 3, the City may enter into an agreement respecting municipal capital facilities described in paragraphs 16 and 17 of subsection 2 (1) only if,

(a) the City or another municipality or a public sector entity described in subsection (2) owns or agrees to purchase or will own on reversion of the property, the municipal capital facilities, including the land where they are situate; and

(b) the council has declared by resolution that the municipal capital facilities are for the purposes of the City and are for public use.

(2) The following are public sector entities for the purposes of clause (1) (a):

1. The Crown.
2. A local board as defined in section 1 of the *Municipal Affairs Act*.
3. A university in Ontario that is authorized to operate as described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*.
4. A college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.

Restrictions, municipal housing facilities

7. (1) For the purposes of sections 2 and 3, the City may enter into an agreement respecting municipal capital facilities described in paragraph 18 of subsection 2 (1) only if,

(a) before the by-law authorizing the agreement is enacted, the City has enacted a municipal housing facility by-law that complies with subsection (2);

(b) the City has determined that all the housing units to be provided as part of the municipal capital facilities fall within the definition of "affordable housing" contained in the municipal housing facility by-law; and

(c) the City is a delivery agent under the *Ontario Works Act, 1997* authorized to operate and manage housing projects under the *Social Housing Reform Act, 2000*.

(2) A municipal housing facility by-law enacted by the City shall contain at least the following:

1. A definition of "affordable housing".
2. Policies regarding public eligibility for the housing units to be provided as part of the municipal capital facilities.
3. A summary of the provisions that agreements respecting municipal capital facilities described in paragraph 18 of subsection 2 (1) are required to contain.

School boards

8. Under subsection 252 (12) of the Act, a school board may exempt from taxation as a school capital facility anything that the school board is authorized to provide under the *Education Act* or the *Day Nurseries Act*.

Commencement

9. This Regulation comes into force on the later of the day it is filed and the day section 257 of the *City of Toronto Act 2006* comes into force.

2/07

ONTARIO REGULATION 599/06

made under the

MUNICIPAL ACT, 2001

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MUNICIPAL SERVICES CORPORATIONS

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Definitions

1. In this Regulation,

"private person" means a person who is not a municipality, the Province of Ontario, Canada or an agent of any of them;

"public sector entity" means,

(a) a municipality,

(b) the Crown in right of Ontario,

(c) the Crown in right of Canada, or

(d) a combination of them;

"wholly-owned corporation" means,

(a) a corporation all of whose shares are owned by a municipality or by a municipality and one or more other public sector entities, and

(b) a corporation in which a municipality, by itself or together with one or more other public sector entities, has an entitlement to all of the voting rights allocated to the members of the corporation.

Exercise of s. 203 (1) powers

2. (1) A municipality in exercising the powers referred to in subsection 203 (1) of the Act in relation to a corporation shall do so in accordance with this Regulation.

(2) Sections 7, 12, 13, 14 and 15 apply to a municipality in relation to a corporation only if the municipality uses or expects to use a power referred to in section 3 or subsection 4 (2), (3) or 5 (1) in relation to the corporation.

(3) Sections 17 to 22 apply to a corporation only if a municipality uses or expects to use a power referred to in section 3 or subsection 4 (2), (3) or 5 (1) in relation to the corporation.

GENERAL POWERS IN RELATION TO CORPORATIONS FOR MUNICIPALITIES

Power to establish corporations

3. A municipality may use the power to referred to in paragraph 1 of subsection 203 (1) of the Act to establish a corporation only if the municipality by itself, or together with one or more other public sector entities, establishes the corporation and,

(a) the corporation's purpose is to provide a system, service or thing that the municipality itself could provide; or

(b) the establishment of the corporation is expressly authorized by this Regulation.

Powers in relation to incorporators, members, directors, officers

4. (1) A municipality may use the powers referred to in paragraph 2 of subsection 203 (1) of the Act to nominate or authorize a person to act as a director or officer of a corporation in relation to any corporation whether incorporated under this or any other Act.

(2) A municipality may use the power referred to in paragraph 2 of subsection 203 (1) of the Act to nominate or authorize a person to act as an incorporator of a corporation only if the corporation is one the municipality may establish under this Regulation.

(3) A municipality may use the power referred to in paragraph 3 of subsection 203 (1) of the Act to nominate or authorize a person to act as a member of a corporation only if the corporation is established by a public sector entity and it carries on business in the municipality or in the municipality and another municipality.

Powers in relation to securities of corporations

5. (1) Subject to section 14 of this Regulation, a municipality may use the powers referred to in paragraphs 4 and 5 of subsection 203 (1) of the Act to acquire, hold, dispose of, guarantee and otherwise deal with securities of a corporation only if the corporation is established by a public sector entity and the corporation carries on business in the municipality or in the municipality and another municipality.

(2) Nothing in this Regulation restricts the powers of a municipality to provide assistance under an exception to subsections 106 (1) and (2) of the Act, make a grant under section 107 of the Act, or make an investment or undertake other financial activities under Part XIII of the Act.

DUTIES OF MUNICIPALITY

Business case study

6. A municipality shall adopt a business case study before it uses the powers referred to in section 3, 4 or 5 to,

(a) establish a corporation either alone or with one or more other public sector entities;

(b) purchase securities in a corporation established by one or more public sector entities other than the municipality;

(c) become a member of a corporation established by one or more public sector entities other than the municipality; or

(d) submit, with respect to a corporation for which a study was undertaken under clause (a), (b) or (c), or cause a corporation for which a study was undertaken under clause (a), (b) or (c) to submit, articles of amendment or any other articles or supplementary letters patent.

Asset transfer policies

7. (1) A municipality shall adopt and maintain policies on asset transfers to corporations.

(2) A municipality shall not transfer any of its assets to a corporation before the municipality adopts the policies referred to in subsection (1).

Public participation

8. Before establishing a corporation under section 3, a municipality shall consult with the public about the proposal to establish the corporation.

Economic development corporations

9. (1) If a municipality establishes a corporation for the sole purpose of providing one or more economic development services, the municipality may also designate the corporation as a "designated economic development corporation".

(2) Despite section 21 of this Regulation, if a municipality designates a corporation under subsection (1), the corporation is a local board of the municipality for the purposes of section 326 of the Act.

(3) Economic development services provided by and for the purposes of a corporation designated by a municipality under subsection (1) are prescribed as special services for the purposes of clause 326 (1) (a) of the Act.

(4) In this section,

"economic development services" means,

(a) the promotion of the municipality for any purpose, including by the collection and dissemination of information and the development of economic development strategic plans,

(b) the acquisition, development and disposal of sites in the municipality for residential, industrial, commercial and institutional uses,

(c) provision of public transportation systems,

(d) provision of residential housing,

(e) provision of general parking facilities,

(f) providing a counselling service to or encouraging the establishment and initial growth of small businesses operating or proposing to operate in the municipality,

(g) undertaking community improvement consistent with a community improvement plan approved by the municipality under subsection 28 (4) of the *Planning Act*,

(h) improvement, beautification and maintenance of municipally-owned land, buildings and structures in an area designated by the municipality beyond the standard provided at the expense of the municipality generally, and promotion of any area of the municipality as a business or shopping area,

(i) provision of facilities for amusement or for conventions and visitors' bureaus,

(j) provision of culture and heritage systems.

Holding corporations

10. (1) A municipality may use the powers referred to in paragraphs 1 to 5 of subsection 203 (1) of the Act in relation to a corporation incorporated for the purpose of holding shares in one or more other corporations only if,

(a) the corporation is established by the municipality or the municipality and one or more other municipalities;

(b) the articles of incorporation of the corporation restrict the ownership of any and all voting and non-voting shares in the corporation to the municipality or to the municipality and one or more other municipalities; and

(c) the articles of incorporation of the corporation restrict the powers of the corporation to those necessary to acquire, hold, dispose of and otherwise deal with,

(i) shares of one or more corporations established under any Act by the municipality,

(ii) shares of one or more corporations established under any Act by another municipality that the municipality has agreed to allow to carry on business in the municipality, or

(iii) any combination of shares described in subclauses (i) and (ii).

(2) In subclauses (1) (c) (i) and (ii),

"corporation" means a corporation other than a corporation established by a municipality for the purpose of holding shares in one or more other corporations.

RULES FOR MUNICIPALITY

Prohibited use of powers in relation to corporations

11. (1) Despite section 3, subsections 4 (2), (3) and 5 (1) of this Regulation, a municipality shall not use any of the powers referred to in paragraphs 1 to 5 of subsection 203 (1) of the Act in relation to a corporation if the business or activities of the corporation include doing anything that the municipality or any of its local boards may do or are required to do under any of the following Acts:

1. *Ambulance Act.*
2. *Child and Family Services Act.*
3. *Fire Protection and Prevention Act, 1997.*
4. *Health Protection and Promotion Act.*
5. *Homes for the Aged and Rest Homes Act.*
6. *Police Services Act.*
7. *Provincial Offences Act.*
8. *Public Libraries Act.*
9. *Ontario Works Act, 1997.*

(2) Despite subsection (1), a municipality may use the powers referred to in paragraphs 1 to 5 of subsection 203 (1) of the Act in relation to a corporation that carries on business or activities in connection with a municipality, local board, public hospital, university, college or school board operating under any of the Acts listed in that subsection, but only if the business or activities of the corporation in connection with those entities are restricted to the provision of administrative services to them.

(3) Despite section 3 and subsections 4 (2), (3) and 5 (1) of this Regulation, a municipality shall only use the powers referred to in paragraphs 1 to 5 of subsection 203 (1) of the Act in relation to a corporation that carries on any business or activities in connection with a nursing home under the *Nursing Homes Act* or a charitable home for the aged under the *Charitable Institutions Act* if,

(a) the business or activities of the corporation are restricted to the construction, operation, maintenance and ownership, including ownership of land, of facilities that are new when the corporation first carries on its business with respect to them; and

(b) in the case of a charitable home for the aged, it is approved under the *Charitable Institutions Act*.

(4) Despite section 3 and subsections 4 (2), (3) and 5 (1) of this Regulation, a municipality shall not use any of the powers referred to in paragraphs 1 to 5 of subsection 203 (1) of the Act in relation to corporation if the business or activities of the corporation include requiring a person to pay an administrative penalty in respect of the person's failure to comply with any by-law of the municipality or any other municipality respecting the parking, standing or stopping of vehicles.

Conditions for incorporation

12. (1) If a municipality proposes to transfer an asset to a corporation and the Province of Ontario has contributed funds for the purchase or improvement of the asset, the municipality shall give notice of the proposal to every Minister that made all or part of the contribution on behalf of the Province.

(2) A Minister who receives a notice under subsection (1) may accept the valuation of the treasurer of the municipality or may otherwise determine the value of the contribution and shall notify the municipality in writing within six months of the receipt of the notice as to the requirement for repayment or to indicate the release of the Province's interest in the asset being transferred or the proceeds of the transfer.

(3) A municipality may transfer an asset to which the notice requirement in subsection (1) applies if one of the following conditions is met:

1. Six months have passed since the municipality gave any notices required by this section and no response has been received from the Province within that period.
2. The Province has notified the municipality of its acceptance of the valuation by the treasurer and of any requirement for repayment.
3. The Province has notified the municipality of its rejection of the valuation by the treasurer, of its own valuation and of any requirement for repayment.
4. The Province has notified the municipality that it releases its interest in the asset being transferred or in the proceeds of the transfer.

No assignment

13. A municipality shall not assign or transfer any right granted to it in any agreement between the municipality and the Province of Ontario to a corporation without first obtaining the consent of the Minister responsible for the agreement.

Debt instruments

14. (1) A municipality may use the powers referred to in paragraphs 4 and 5 of subsection 203 (1) of the Act to acquire, hold, dispose of, guarantee and otherwise deal with bonds, debentures, promissory notes, mortgages and similar evidences of indebtedness of a corporation that may issue shares only if the debt would be incurred by reason of the transfer of a municipal property asset to the corporation.

(2) In this section,

"municipal property asset" means an asset of the municipality that is land, equipment or other goods.

Assistance to corporation

15. (1) Despite section 106 of the Act, a municipality may provide assistance to a corporation,

(a) if the corporation is a wholly-owned corporation and is limited by its articles or letters patent to providing services to the owners or members of the corporation; or

(b) if the purpose of the assistance is to subsidize the cost of public transportation facilities or services or public access to recreational and cultural facilities.

(2) The types of assistance that may be provided under subsection (1) are,

(a) giving, lending or selling any property of a municipality, including money;

(b) guaranteeing borrowing;

(c) providing the services of employees of or persons under contract with a municipality.

(3) The assistance provided under clause (2) (a), (b) or (c) need not be at fair market value.

(4) The treasurer shall prepare a statement of the value of any grant to a corporation or an estimate of the fair market value of any other assistance provided at less than fair market value to a corporation under this section.

RULES FOR CORPORATIONS

Territorial operation of corporation

16. (1) A corporation may only operate within the boundaries of a municipality with the agreement of the municipality.

(2) Despite subsection (1), a corporation may operate within the boundaries of an upper-tier municipality without the agreement of any lower-tier municipality that forms part of that upper-tier municipality for municipal purposes if the corporation's purpose is to provide a system, service or thing that the upper-tier municipality itself could provide.

(3) Despite subsection (1), a corporation may operate within the boundaries of a lower-tier municipality that forms part of an upper-tier municipality for municipal purposes without the agreement of the upper-tier municipality if the corporation's purpose is to provide a system, service or thing that the lower-tier municipality itself could provide.

(4) This section applies to any corporation established by,

(a) a municipality using the power referred to in paragraph 1 of subsection 203 (1) of the Act;

(b) the City of Toronto using the power referred to in paragraph 1 of subsection 148 (1) of the *City of Toronto Act, 2006*;

(c) the Province of Ontario together with one or more municipalities referred to in clause (a) or (b);

(d) the Crown in right of Canada together with one or more municipalities referred to in clause (a) or (b); or

(e) any combination of clauses (a), (b), (c) and (d).

Amendments to corporate documents

17. (1) A corporation shall not make an amendment to its articles of incorporation or letters patent or to any subsequent articles or supplementary letters patent if the amendment would permit the corporation,

(a) to carry on a purpose other than a purpose that would be permitted by section 3;

(b) to carry on any business or activities that would include doing anything that the municipality or any of its local boards could do or be required to under any of the Acts mentioned in subsection 11 (1), except the business or activity of providing administrative services permitted by subsection 11 (2); or

(c) to carry on any business or activities that would include doing anything inconsistent with subsection 11 (3) or (4).

(2) A corporation shall not submit articles of amendment or any other articles or supplementary letters patent under any Act unless the municipality has first adopted a business case study in relation to the proposed amendment, articles or supplementary letters patent.

Limitations on actions of corporation

18. (1) A corporation shall not act as an incorporator of another corporate body that is incorporated under any Act.

(2) A corporation may only invest in securities prescribed under section 418 of the Act and, for the purpose of this subsection, any regulation made under that section of the Act applies to the corporation as if it were a municipality.

(3) Despite section 10 and subsection (2), to expand or otherwise carry on its purposes, a corporation may acquire all of the voting and non-voting shares of,

(a) another corporation established by one or more municipalities;

(b) a body corporate incorporated under any Act if the articles of incorporation of the body corporate restrict the powers or limit the objects of the body corporate to carrying on one or more of the purposes set out in clause 3 (a).

(4) A body corporate, the shares of which have been acquired under subsection (3), must be dissolved and its remaining assets and liabilities transferred to the acquiring corporation within one year of the date of the acquisition of the shares.

(5) If any purpose or business of a corporation includes the provision of a public utility for water or sewage,

(a) the corporation shall not issue shares or give voting rights attached to the shares to a private person if it is a share corporation or, if it is a non-share corporation, it shall allocate voting rights to a member of the corporation only if the member is not a private person; and

(b) the corporation shall not transfer to a private person any asset that is part or all of a municipal drinking-water system or of a sewage works unless the board of directors of the corporation has declared, by resolution, that the asset is no longer needed for the purposes of the system.

(6) If any purpose or business of a corporation includes a program for the supervision, encouragement and guidance of recreational activity for persons under the age of 18, the corporation shall not issue shares or give voting rights attached to the shares to a private person if it is a share corporation or, if it is a non-share corporation, it shall allocate voting rights to a member of the corporation only if the member is not a private person.

(7) In this section,

"municipal drinking-water system" has the same meaning as in the *Safe Drinking Water Act, 2002*;

"sewage works" has the same meaning as in the *Ontario Water Resources Act*.

Deemed members

19. The directors and officers of a corporation shall be deemed to be members for the purposes of the *Municipal Conflict of Interest Act*.

Deemed institutions

20. A corporation that is a wholly-owned corporation or a corporation whose business or activities include the provision of administrative services to any municipality, local board, public hospital, university, college or school board is deemed to be an institution for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.

Status of corporation

21. (1) A corporation is not a local board for the purposes of any Act.

(2) Despite subsection (1), a corporation shall be deemed to be a local board for purposes of subsection 270(2) of the Act, and for the purposes of the *Environmental Assessment Act*, the *Municipal Conflict of Interest Act*, the *Emergency Management and Civil Protection Act*, and subsection 56.2 (3) of the *Capital Investment Plan Act, 1993*.

(3) Despite subsection (1), if a corporation is wholly-owned, it shall be deemed to be a local board for the purposes of the *Development Charges Act, 1997*.

Result of non-compliance

22. Any of the following matters may be considered sufficient cause under any Act to cancel the certificate of incorporation of a corporation or the letters patent or supplementary letters patent of a corporation:

1. The corporation does not meet the requirements of this Regulation.
2. A certificate is issued under the *Business Corporations Act* or any other Act under which a municipality establishes a corporation that is inconsistent with this Regulation.
3. Letters patent or supplementary letters patent are granted under any Act that are inconsistent with this Regulation.
4. The corporation acts outside the purposes to which it is restricted by its articles or letters patent.
5. The fact that the municipality did not comply with the requirements of section 12 in relation to the incorporation.

Revocation

23. Ontario Regulation 168/03 is revoked.

Commencement

24. This Regulation comes into force on the later of the day section 88 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force and the day this Regulation is filed.

2/07

ONTARIO REGULATION 600/06

made under the

MUNICIPAL ACT, 2001

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Revoking O. Reg. 388/05
(Term Debentures Authorized under Section 452 of the Act)

Note: Ontario Regulation 388/05 has not previously been amended.

1. Ontario Regulation 388/05 is revoked.

2. This Regulation comes into force on the later of the day section 8 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force and the day this Regulation is filed.

2/07

ONTARIO REGULATION 601/06

made under the

MUNICIPAL ACT, 2001

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Revoking O. Reg. 157/03
(Cross Border Leases Relating to Toronto Transit)

Note: Ontario Regulation 157/03 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Ontario Regulation 157/03 is revoked.

2/07

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Amending O. Reg. 204/03
(Powers of the Minister or a Commission in Implementing a Restructuring Proposal)

Note: Ontario Regulation 204/03 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) Subsection 8 (2) of Ontario Regulation 204/03 is amended by striking out "subsection 195 (3) of the Act" and substituting "subsections 196 (2) and (3) of the Act".

(2) Section 8 of the Regulation is amended by adding the following subsection:

(3) The Minister may establish the composition of a city board, as defined in the *City of Toronto Act, 2006*, subject to the rules set out in subsections 141 (2) and (3) of that Act.

2. Section 11 of the Regulation is revoked and the following substituted:

Wards

11. The Minister or a commission may,

(a) establish wards for a municipality; and

(b) alter or dissolve the wards of a municipality.

3. Subsection 16 (2) of the Regulation is revoked.

4. The Regulation is amended by adding the following section:

Requirement for review

16.1 The Minister or a commission may require the council of a municipality to review any matter at a time specified by the Minister or commission.

5. (1) Subsection 26 (1) of the Regulation is amended by striking out "under this Regulation" and substituting "under section 173 or 175 of the Act".

(2) Subsection 26 (2) of the Regulation is revoked and the following substituted:

(2) The Minister or a commission may provide for tax rate adjustments that apply to taxpayers in any area of a municipality in respect of debts, deficits, surpluses, reserves or reserve funds of municipalities and local boards created before the restructuring proposal comes into effect.

6. Section 29 of the Regulation is amended by adding the following paragraph:

1.1 Make a proposal for minor restructuring under section 149 of the *City of Toronto Act, 2006*.

7. (1) Subject to subsections (2), (3) and (4), this Regulation comes into force on the day it is filed.

(2) Subsection 1 (1) comes into force on the later of the day this Regulation is filed and the day section 87 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force.

(3) Subsection 1 (2) comes into force on the later of the day this Regulation is filed and the day subsections 141 (2) and (3) of the *City of Toronto Act, 2006* come into force.

(4) Section 5 comes into force on the later of the day this Regulation is filed and the day section 149 of the *City of Toronto Act, 2006* comes into force.

RÈGLEMENT DE L'ONTARIO 602/06

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉS

pris le 21 décembre 2006
déposé le 27 décembre 2006
publié sur le site Lois-en-ligne le 29 décembre 2006
imprimé dans la *Gazette de l'Ontario* le 13 janvier 2007

modifiant le Règl. de l'Ont. 204/03
(Pouvoirs du ministre ou d'une commission pour la mise en oeuvre d'une proposition de restructuration)

Remarque : Le Règlement de l'Ontario 204/03 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. (1) Le paragraphe 8 (2) du Règlement de l'Ontario 204/03 est modifié par substitution de «aux paragraphes 196 (2) et (3) de la Loi» à «au paragraphe 195 (3) de la Loi».

(2) L'article 8 du Règlement est modifié par adjonction du paragraphe suivant :

(3) Le ministre peut fixer la composition d'une commission municipale, au sens de la *Loi de 2006 sur la cité de Toronto*, sous réserve des règles énoncées aux paragraphes 141 (2) et (3) de cette loi.

2. L'article 11 du Règlement est abrogé et remplacé par ce qui suit :

Quartiers électoraux

11. Le ministre ou une commission peut faire ce qui suit :

a) constituer des quartiers électoraux pour une municipalité;

b) modifier ou dissoudre les quartiers électoraux d'une municipalité.

3. Le paragraphe 16 (2) du Règlement est abrogé.

4. Le Règlement est modifié par adjonction de l'article suivant :

Examen exigé

16.1 Le ministre ou une commission peut exiger que le conseil d'une municipalité examine toute question au moment que précise le ministre ou la commission.

5. (1) Le paragraphe 26 (1) du Règlement est modifié par substitution de «en vertu de l'article 173 ou 175 de la Loi» à «en vertu du présent règlement».

(2) Le paragraphe 26 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) Le ministre ou une commission peut prévoir des redressements des taux d'imposition qui s'appliquent aux contribuables d'un secteur quelconque d'une municipalité à l'égard des dettes, des déficits, des excédents, des réserves ou des fonds de réserve de municipalités et de conseils locaux constitués avant l'entrée en vigueur de la proposition de restructuration.

6. L'article 29 du Règlement est modifié par adjonction de la disposition suivante :

1.1 Présenter une proposition de restructuration mineure en vertu de l'article 149 de la *Loi de 2006 sur la cité de Toronto.*

7. (1) Sous réserve des paragraphes (2), (3) et (4), le présent règlement entre en vigueur le jour de son dépôt.

(2) Le paragraphe 1 (1) entre en vigueur le jour du dépôt du présent règlement ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 87 de l'annexe A de la *Loi de 2006 modifiant des lois concernant les municipalités*.

(3) Le paragraphe 1 (2) entre en vigueur le jour du dépôt du présent règlement ou, s'il lui est postérieur, le jour de l'entrée en vigueur des paragraphes 141 (2) et (3) de la *Loi de 2006 sur la cité de Toronto.*

(4) L'article 5 entre en vigueur le jour du dépôt du présent règlement ou, s'il lui est postérieur, le jour de l'entrée en vigueur de l'article 149 de la *Loi de 2006 sur la cité de Toronto.*

2/07

ONTARIO REGULATION 603/06

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MUNICIPAL AND SCHOOL CAPITAL FACILITIES — AGREEMENTS AND TAX EXEMPTIONS

Definitions

1. In this Regulation,

"housing project" means a project or part of a project designed to provide or facilitate the provision of residential accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto;

"housing unit" includes a unit in a housing project owned or rented by an occupant;

"municipal capital facilities" and "school capital facilities" include land, as defined in the *Assessment Act*, works, equipment, machinery and related systems and infrastructures.

Exemption from taxation under s. 110 (6) of the Act

2. (1) For the purpose of exempting land from taxation under subsection 110 (6) of the Act, a municipality may enter into an agreement under subsection 110 (1) of the Act for the provision of the following classes of municipal capital facilities:

1. Facilities used by the council.
2. Facilities used for the general administration of the Municipality.
3. Municipal roads, highways and bridges.
4. Municipal local improvements and public utilities, except facilities for the generation of electricity.
5. Municipal facilities related to the provision of telecommunications, transit and transportation systems.
6. Municipal facilities for water, sewers, sewage, drainage and flood control.
7. Municipal facilities for the collection and management of waste and garbage.
8. Municipal facilities related to policing, fire-fighting and by-law enforcement.
9. Municipal facilities for the protection, regulation and control of animals.
10. Municipal facilities related to the provision of social and health services, including homes under the *Homes for the Aged and Rest Homes Act*.
11. Municipal facilities for public libraries.

12. Municipal facilities that combine the facilities described in paragraphs 1 to 11.

13. Parking facilities ancillary to facilities described in any of paragraphs 1 to 12.

14. Municipal community centres.

15. Parking facilities ancillary to facilities described in paragraph 14.

16. Municipal facilities used for cultural, recreational or tourist purposes.

17. Municipal general parking facilities and parking facilities ancillary to facilities described in paragraph 16.

18. Municipal housing project facilities.

(2) No municipal capital facilities other than those in the classes described in subsection (1) may be granted tax exemptions under subsection 110 (6) of the Act.

Eligible municipal capital facilities

3. (1) The classes of municipal capital facilities described in section 2 of this Regulation are also eligible municipal capital facilities for the purpose of assistance under subsection 110 (3) of the Act and development charges exemptions under subsection 110 (7) of the Act.

(2) No municipal capital facilities other than those in the classes described in subsection 2 (1) of this Regulation are eligible for assistance under subsection 110 (3) of the Act or development charge exemptions under subsection 110 (7) of the Act.

Contiguous lands

4. Municipal capital facilities may be the subject of a tax exemption under subsection 110 (6) of the Act even if they are contiguous with or part of land or works that are not municipal capital facilities.

Restrictions, local community activities

5. For the purposes of sections 2 and 3, a municipality may enter into an agreement respecting municipal capital facilities described in paragraphs 14 and 15 of subsection 2 (1) only if,

(a) the municipal capital facilities are primarily used for local community activities; and

(b) the council has declared by resolution that the municipal capital facilities are for the purposes of the municipality and are for public use.

Restrictions, cultural facilities, etc.

6. (1) For the purposes of sections 2 and 3, a municipality may enter into an agreement respecting municipal capital facilities described in paragraphs 16 and 17 of subsection 2 (1) only if,

(a) the municipality or another municipality or a public sector entity described in subsection (2) owns or agrees to purchase or will own on reversion of the property, the municipal capital facilities, including the land where they are situate; and

(b) the council has declared by resolution that the municipal capital facilities are for the purposes of the municipality and are for public use.

(2) The following are public sector entities for the purposes of clause (1) (a):

1. The Crown.

2. A local board as defined in section 1 of the *Municipal Affairs Act.*

3. A university in Ontario that is authorized to operate as described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*.

4. A college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.

Restrictions, municipal housing facilities

7. (1) For the purposes of sections 2 and 3, a municipality may enter into an agreement respecting municipal capital facilities described in paragraph 18 of subsection 2 (1) only if,

(a) before the by-law authorizing the agreement is enacted, the municipality has enacted a municipal housing facility by-law that complies with subsection (2);

(b) the municipality has determined that all the housing units to be provided as part of the municipal capital facilities fall within the definition of "affordable housing" contained in the municipal housing facility by-law; and

(c) the municipality is a delivery agent under the *Ontario Works Act, 1997* authorized to operate and manage housing projects under the *Social Housing Reform Act, 2000.*

(2) A municipal housing facility by-law shall contain at least the following:

1. A definition of "affordable housing".
2. Policies regarding public eligibility for the housing units to be provided as part of the municipal capital facilities.
3. A summary of the provisions that agreements respecting municipal capital facilities described in paragraph 18 of subsection 2 (1) are required to contain.

School boards

8. Under subsection 110 (12) of the Act, a school board may exempt from taxation as a school capital facility anything that the school board is authorized to provide under the *Education Act*, the *Day Nurseries Act*, the *Public Libraries Act*, the *Community Recreation Centres Act* or *The Essex County French-language Secondary School Act, 1977*.

Revocation

9. Ontario Regulation 46/94 is revoked.

Commencement

10. This Regulation comes into force on the later of the day section 50 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force and the day this Regulation is filed.

2/07

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made under the

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Amending O. Reg. 653/05
(Debt-Related Financial Instruments and Financial Agreements)

Note: Ontario Regulation 653/05 has not previously been amended.

1. Subsection 1 (2) of Ontario Regulation 653/05 is amended by adding "be" after "reasonably".

2. Section 8 of the Regulation is revoked and the following substituted:

Lease financing agreements, capital undertakings

8. (1) A municipality may enter lease financing agreements for the purpose of obtaining long-term financing of a capital undertaking of the municipality.

(2) If a lease financing agreement described in subsection (1) includes terms that require, or may require, the municipality to make payments after the expiry of the term for which the council authorizing the agreement was elected, sections 9, 10 and 11 apply to the agreement.

(3) A lease financing agreement must include a schedule of all fixed payments, if any, required by the agreement and that may be required by any extension or renewal of the agreement.

3. This Regulation comes into force on the later of the day section 8 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force and the day this Regulation is filed.

2/07

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Amending O. Reg. 276/02
(Bank Loans)

Note: Ontario Regulation 276/02 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Paragraph 3 of section 5 of Ontario Regulation 276/02 is revoked and the following substituted:

3. Subsection 405 (2).

2. This Regulation comes into force on the later of the day section 8 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force and the day this Regulation is filed.

2/07

ONTARIO REGULATION 606/06

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Amending O. Reg. 247/01
(Variable Interest Rate Debentures and Foreign Currency Borrowing)

Note: Ontario Regulation 247/01 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Clause 4 (3) (b) of Ontario Regulation 247/01 is revoked and the following substituted:

(b) is no longer in compliance with a rating or requirement under section 6;

2. Clause 11 (4) (b) of the Regulation is revoked and the following substituted:

(b) is no longer in compliance with a rating or requirement under section 10;

3. This Regulation comes into force on the later of the day section 8 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force and the day this Regulation is filed.

2/07

ONTARIO REGULATION 607/06

made under the

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Amending O. Reg. 438/97
(Eligible Investments and Related Financial Agreements)

Note: Ontario Regulation 438/97 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) Subparagraphs 1 v.1 and v.2 of section 2 of Ontario Regulation 438/97 are revoked and the following substituted:

v.1 a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,

v.2 the board of governors of a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*,

(2) Paragraph 3 of section 2 of the Regulation is revoked and the following substituted:

3. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid no later than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,

i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada),

ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*, or

iii. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.

3.1 Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,

i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada),

ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*,

iii. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.

(3) Paragraph 4 of section 2 of the Regulation is revoked and the following substituted:

4. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by an institution listed in paragraph 3.

(4) Subparagraphs 5 i and ii of section 2 of the Regulation are revoked and the following substituted:

i. a post-secondary educational institution that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,

ii. the board of governors of a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, or

2. Subsection 3 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(1) A municipality shall not invest in a security under subparagraph 1 v.1, v.2, vi.1, vi.2 or vi.3 or paragraph 3.1 or 4 of section 2 unless,

. . . . .

3. Clauses 4.1 (2) (c) and (d) of the Regulation are revoked and the following substituted:

(c) a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*;

(d) the board of governors of a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;

4. This Regulation comes into force on the later of the day section 8 of Schedule A to the *Municipal Statute Law Amendment Act, 2006* comes into force and the day this Regulation is filed.

2/07

ONTARIO REGULATION 608/06

made under the

PLANNING ACT

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DEVELOPMENT PERMITS

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Schedule 1 Information and material to be provided in an application for approval of a development permit

Definition

1. (1) In this Regulation,

"development" means,

(a) the construction, erection or placing of one or more buildings or structures on land,

(b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,

(c) the laying out and establishment of,

(i) a commercial parking lot,

(ii) sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Act,

(iii) sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the Act, or

(iv) sites for the location of three or more trailers as defined in subsection 168 (5) of the *Municipal Act, 2001*,

(d) site alteration, including but not limited to,

(i) alteration of the grade of land, and

(ii) placing or dumping fill, or

(e) the removal of vegetation.

(2) Subsection (1) applies instead of the definition of "development" in subsection 41 (1) of the Act or subsection 114 (1) of the *City of Toronto Act, 2006*.

Development permit system

2. The council of a local municipality may by by-law establish a development permit system within the municipality for any area or areas set out in the by-law.

Conditions re official plan

3. (1) The council shall not pass a development permit by-law for any area in the municipality unless, before the passing of the by-law, the official plan in effect in the municipality,

(a) identifies the area as a proposed development permit area;

(b) sets out the scope of the authority that may be delegated and any limitations on the delegation, if the council intends to delegate any authority under the development permit by-law; and

(c) for each proposed development permit area identified under clause (a),

(i) contains a statement of the municipality's goals, objectives and policies in proposing a development permit system for the area,

(ii) sets out the types of criteria that may be included in the development permit by-law for determining whether any class of development or any use of land may be permitted by development permit, and

(iii) sets out the types of conditions that may be included in the development permit by-law in accordance with clause 4 (2) (i) and subsections 4 (4), (5) and (6).

(2) The types of criteria described in subclause (1) (c) (ii) and the types of conditions described in subclause (1) (c) (iii) shall be in accordance with the goals, objectives and policies described in subclause (1) (c) (i).

(3) For greater certainty, subsection (1) is subject to subsection 24 (2) of the Act.

(4) The official plan may,

(a) set out information and materials that are required, in addition to those set out in Schedule 1, in an application for a development permit; and

(b) exempt any class of development or any use of land from any of the requirements of Schedule 1, but only if the official plan sets out what information and materials are to be provided in an application that falls within that class or use.

(5) The official plan may contain policies relating to the application of paragraph 5 of subsection 4 (5), respecting conditions requiring the provision of specified facilities, services and matters in exchange for a specified height or density of development, which may be within the ranges set out under clause 4 (2) (c) or outside those ranges as set out under clause 4 (3) (f).

Development permit by-law

4. (1) Section 34 of the Act, section 113 of the *City of Toronto Act, 2006* and the regulations made under those sections apply, with necessary modifications, to the making of a development permit by-law, and the by-law is deemed to be a by-law passed under section 34 of the Act, except as set out in this Regulation.

(2) A development permit by-law shall,

(a) contain a description of the area to which the by-law applies, which shall be within the boundaries of an area identified in the official plan as a proposed development permit area;

(b) set out and define the permitted uses of land;

(c) set out a list of minimum and maximum standards for development;

(d) set out any internal review procedures regarding decisions made under subsection 10 (8);

(e) set out the manner in which notice shall be given, under subsection 10 (12), of decisions made under subsection 10 (8);

(f) provide that a development permit may be amended as described in the by-law;

(g) provide that an agreement referred to in paragraph 7 of subsection (5) may be amended as described in the by-law;

(h) provide that an agreement referred to in section 6 may be amended in the same way as an agreement referred to in paragraph 7 of subsection (5);

(i) if the council wishes to impose conditions in making decisions under subsection 10 (8), outline the conditions;

(j) if the council is delegating any authority under the by-law, set out the scope of the authority that is delegated and any limitations on the delegation; and

(k) state that the placement of a portable classroom on a school site of a district school board is exempt from the requirement for a development permit if the school site was in existence on January 1, 2007, in accordance with section 16.

(3) A development permit by-law may, in addition to the matters set out in subsection 34 (1) of the Act,

(a) prohibit any development or change of use of land unless a development permit is obtained;

(b) set out and define classes of development;

(c) exempt any defined class of development or use of land from the requirement for a development permit;

(d) set out a list of classes of development or uses of land that may be permitted if the criteria set out in the official plan and in the by-law have been met;

(e) set out criteria that the council shall use in making decisions under subsection 10 (8); and

(f) set out a range of possible variations from the standards referred to in clause (2) (c) that may be authorized in connection with the issuing of a development permit.

(4) A condition that is outlined for the purposes of clause (2) (i),

(a) shall be of a type that is permitted by the official plan;

(b) shall be reasonable for and related to the appropriate use of the land; and

(c) shall not conflict with federal and provincial statutes and regulations.

(5) Some examples of conditions that may be outlined for the purposes of clause (2) (i) are:

1. A condition that is permitted by section 34, 40, 41 or 42 of the Act or by section 113 or 114 of the *City of Toronto Act, 2006*.
2. A condition that is related to the removal or restoration of vegetation.
3. A condition that is related to site alteration, including but not limited to,
   i. alteration or restoration of the grade of land, and
   ii. placing or dumping fill.
4. A condition that is related to ongoing monitoring requirements that are considered necessary for the protection of,
   i. public health and safety, or
   ii. the natural environment.
5. A condition that requires the provision of specified facilities, services and matters in exchange for a specified height or density of development, which may be within the ranges set out under clause (2) (c) or outside those ranges as set out under clause (3) (f).
6. With respect to land described in paragraph 3, 3.1 or 3.2 of subsection 34 (1) of the Act, a condition that is related to the matters that would otherwise be prohibited under those paragraphs.
7. A condition requiring the owner of the land to enter into one or more agreements with the municipality respecting one or more other conditions imposed under clause 10 (8) (c), (d) or (e).

(6) A condition described in paragraph 5 of subsection (5) may be imposed only if,

(a) the official plan sets out policies relating to the application of that paragraph;

(b) the by-law specifically identifies the area of the municipality in respect of which a condition described in that paragraph may be imposed; and

(c) the by-law establishes a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height or density of development that may be allowed.

Agreement between municipality and owner

5. (1) An agreement referred to in paragraph 7 of subsection 4 (5) may be registered against the land to which it applies, and the municipality is entitled to enforce it against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

(2) The ability to impose a condition referred to in paragraph 7 of subsection 4 (5) is in addition to the powers set out in clauses 41 (7) (c) and (c.1) of the Act and in clauses 114 (11) (c) and (d) of the *City of Toronto Act, 2006.*

Pre-existing agreements under s. 41 of Act or s. 114 of *City of Toronto Act, 2006*

6. When an agreement has been entered into by a municipality under section 41 of the Act or section 114 of the *City of Toronto Act, 2006*, and afterwards a development permit by-law that applies to the same land as the agreement comes into force under this Regulation,

(a) the agreement continues to be valid and binding; and

(b) the agreement may be amended as if it were an agreement referred to in paragraph 7 of subsection 4 (5).

Notice of proposed by-law

7. In addition to the requirements set out in section 6 of Ontario Regulation 545/06 (Zoning By-laws, Holding By-laws and Interim Control By-laws) made under the Act, written notice of a proposed development permit by-law shall contain,

(a) a description of the purpose and effect of the development permit system in the municipality;

(b) a description of the proposed development permit area or areas;

(c) a statement that an appeal to the Municipal Board against a decision on a development permit application may be made only by the owner of the land to which the application relates; and

(d) a description of any internal review procedures contained in the by-law.

Non-application of certain provisions of Act and *City of Toronto Act, 2006*

8. (1) Subsection 34 (21) and section 45 of the Act do not apply to a development permit by-law.

(2) Section 37 and subsections 41 (2), (3) and (13) of the Act and subsections 114 (2), (3) and (17) of the *City of Toronto Act, 2006* do not apply to land subject to a development permit by-law.

Commencement of by-law

9. (1) A development permit by-law comes into force on,

(a) the day after the last day for filing a notice of appeal, if there are no appeals; or

(b) the day after the day on which all the appeals are disposed of by the Municipal Board, or such later date as the Board may otherwise order, subject to subsection (2).

(2) If there are appeals that have not yet been disposed of, the Municipal Board may, on its own initiative or on the motion of any person or public body, make an order providing that any part of the development permit by-law that is not in issue in such an appeal is deemed to have come into force on,

(a) the day after the last day for filing a notice of appeal; or

(b) such later date as the Board may otherwise order.

(3) On the day the development permit by-law comes into force, all by-laws passed under section 34 of the Act are deemed to be repealed with respect to the area covered by the development permit by-law.

(4) If subsection (2) applies, the relevant parts of by-laws passed under section 34 of the Act are deemed to be repealed with respect to the area covered by the part of the development permit by-law that is deemed to have come into force early.

Application for development permit

10. (1) An owner of land or the owner's authorized agent may apply to the council of the municipality for a development permit with respect to land subject to a development permit by-law.

(2) An application for a development permit shall contain the information and material set out in Schedule 1, except as provided in subsection 3 (4).

(3) The council may require that additional information and materials be included in an application for a development permit, as described in clause 3 (4) (a).

(4) Until the council has received the information and material referred to in subsections (2) and (3), if any, and any fee under section 69 of the Act,

(a) the council may refuse to accept or further consider the application; and

(b) the 45-day period referred to in subsection 12 (1) does not begin.

(5) When an applicant applies for a development permit, the applicant or the municipality may make a motion for directions to have the Municipal Board determine,

(a) whether the information and material required under subsections (2) and (3) have in fact been provided; or

(b) whether a requirement made under subsection (3) is reasonable.

(6) The council shall consider the application for a development permit,

(a) when the information and material and fee have been received as described in subsection (4); or

(b) when the Municipal Board makes a determination to that effect under subsection (5).

(7) If the Municipal Board makes the determination described in clause (6) (b), the 45-day period referred to in subsection 12 (1) is counted from the day on which the information, material and fee referred to in subsection (4) had all been received.

(8) On considering the application, the council may,

(a) refuse the application;

(b) approve the application and issue a development permit with no conditions attached;

(c) approve the application and require that conditions be met before issuing a development permit;

(d) approve the application and issue a development permit with conditions attached; or

(e) approve the application, require that conditions be met before issuing a development permit and, when the conditions have been met, issue a development permit with conditions attached.

(9) A condition that is imposed under clause (8) (c), (d) or (e) shall meet the following requirements:

1. The condition shall be clear, precise and quantifiable.

2. The condition shall include a clear statement of whether it must be complied with before construction, renovation or change of use of a building.

3. The condition shall not deal with the following aspects of buildings and structures:

   i. interior design,

   ii. the layout of interior areas, other than interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

   iii. the manner of construction and construction standards.

(10) When the council attaches a condition to a development permit under clause (8) (d) or (e), it may require that the fulfilment of the condition be secured in a way that is satisfactory to the council.

(11) The council, in considering an application for a development permit, may confer with any persons or public bodies that the council considers to have an interest in the application.

(12) Within 15 days after the council makes a decision under subsection (8), written notice of the decision, including reasons and any conditions imposed, shall be given to the applicant and to each person or public body that filed a written request to be informed of the decision with the clerk of the municipality.

(13) Section 41 of the Act or section 114 of the *City of Toronto Act, 2006* applies, with necessary modifications, to an application for a development permit, except as otherwise provided in this Regulation.

(14) Subsections 41 (6), (12) and (12.1) of the Act and subsections 114 (10), (15) and (16) of the *City of Toronto Act, 2006* do not apply to an application for a development permit.

Motion for directions re fulfillment of condition

11. In the case of a decision under clause 10 (8) (c), (d) or (e) the applicant may, at any time, make a motion for directions to have the Municipal Board determine whether a specified condition has been fulfilled.

Appeal to O.M.B.

12. (1) If the council fails to make a decision under subsection 10 (8) within 45 days after the date on which the information and material and fee are received as described in subsection 10 (4) or (7), the applicant may appeal to the Municipal Board against the failure to make a decision.

(2) The applicant may appeal any decision made under subsection 10 (8) to the Municipal Board no later than 20 days after the day notice of the decision is given.

(3) The appeal may be made by filing with the clerk of the municipality a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the *Ontario Municipal Board Act*.

Duties of clerk

13. On receiving a notice of appeal under section 12, the clerk of the municipality shall ensure that,

(a) a record is compiled that includes,

   (i) the original or a true copy of the application,

(ii) a copy of the development permit by-law, certified by the clerk,

(iii) a copy of any decision of council relating to the application, certified by the clerk, and

(iv) an affidavit or sworn declaration by an employee of the municipality that the notice requirements of subsection 10 (12) have been complied with; and

(b) the notice of appeal, the record and the fee are forwarded to the Municipal Board within 15 days after the notice of appeal is received under section 12.

Decision of O.M.B.

14. (1) On an appeal under section 12, the Municipal Board,

(a) shall hold a hearing and determine the matter in issue; and

(b) may make any decision that the council could have made under subsection 10 (8).

(2) The Municipal Board's decision is final.

(3) If the Municipal Board orders that a development permit be issued, the council shall issue it, except that if the Municipal Board imposes conditions, the development permit shall not be issued until,

(a) in the case of conditions that are required to be met before the development permit is issued, the council is satisfied that the conditions have been met;

(b) in the case of conditions that are attached to the development permit, their fulfillment has been secured in a way that is satisfactory to the council.

(4) Subsection 10 (12) applies to orders of the Municipal Board, with necessary modifications.

Delegation by council

15. (1) If clauses 3 (1) (b) and 4 (2) (j) have been complied with, the council may delegate the authority described in subsection (2) to,

(a) a committee appointed by the council, including a committee of the council; or

(b) an employee of the municipality, identified by name or position.

(2) The authority that may be delegated is authority to,

(a) make any decision that the council is authorized to make under subsection 10 (8); and

(b) enter into agreements referred to in paragraph 7 of subsection 4 (5).

(3) The authority delegated as described in clause (2) (a) or (b) or as described in both clauses may be made subject to any limitations that are set out in the delegation.

Exemption

16. The placement of a portable classroom on a school site of a district school board is exempt from the requirement for a development permit if the school site was in existence on January 1, 2007.

Transition

17. (1) In this section,

"development permit by-law" means By-law 2004-180 of the Township of Lake of Bays, including any amendments made before the day this Regulation comes into force.

(2) Until the council of the Township of Lake of Bays revokes the development permit by-law and replaces it in accordance with this Regulation,

(a) despite the revocation of Ontario Regulation 246/01, the development permit by-law continues to be in force, shall be interpreted and may be amended as if that regulation were still in force;

(b) the council may amend the development permit by-law to extend its application to any area within the Township of Lake of Bays in addition to the land described in section 3 of Schedule 1 to Ontario Regulation 246/01.

Revocation

18. Ontario Regulation 246/01 is revoked.

Commencement

19. This Regulation comes into force on the later of the day it is filed and the day sections 113 and 114 of the *City of Toronto Act, 2006* come into force.

SCHEDULE 1
INFORMATION AND MATERIAL TO BE PROVIDED IN AN APPLICATION FOR APPROVAL OF A DEVELOPMENT PERMIT

1. The name, address, telephone number and, if applicable, the e-mail address of the owner of the subject land, and of the agent if the applicant is an authorized agent.

2. The current designation of the subject land in the applicable official plan and the land uses that the designation authorizes.

3. Whether a variation is requested within the provisions set out in the development permit by-law.

4. Whether the proposed use is,

(a) a permitted use; or

(b) a use that may be permitted subject to criteria as set out in the development permit by-law.

5. If the answer to section 3 or clause 4 (b) is yes, a statement regarding how the applicable criteria have been addressed.

6. A description of the subject land, including such information as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and street names and numbers.

7. The frontage, depth and area of the subject land, in metric units.

8. Whether access to the subject land is,

(a) by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way; or

(b) by water.

9. If access to the subject land is by water only, the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

10. The existing uses of the subject land.

11. Whether there are any buildings or structures on the subject land.

12. If the answer to section 11 is yes, the following information for each building or structure:

(a) the type of building or structure; and

(b) in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.

13. The proposed uses of the subject land.

14. Whether any buildings or structures are proposed to be built on the subject land.

15. If the answer to section 14 is yes, the following information for each proposed building or structure:

(a) the type of building or structure; and

(b) in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.

16. Whether the proposed building or structure is within an area described in the official plan and development permit by-law as an area within which plans and drawings under subsection 41 (4) or (5) of the Act or subsection 114 (5) or (9) of the *City of Toronto Act, 2006* may be required.

17. One or both of the following, as required by the development permit by-law:

1. Plans that show the location of all buildings and structures to be erected, the location of all facilities and works to be provided in conjunction with the buildings and structures, and the location of all facilities and works required under clause 41 (7) (a) of the Act or clause 114 (11) (a) of the *City of Toronto Act, 2006*, including facilities designed to have regard for accessibility for persons with disabilities.

2. Drawings that show plan, elevation and cross-section views for each building to be erected and 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 the proposed building, and its sustainable design, but only to the extent that it is a matter of exterior design, if the official plan contains provisions relating to such matters,

v. the sustainable design elements on any adjoining highway under a municipality'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, and

vi. facilities designed to have regard for accessibility for persons with disabilities.

18. Plans and drawings referred to in section 17 shall not include the following:

1. Interior design.

2. The layout of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in subparagraph 2 iii of section 17.

3. The manner of construction and standards for construction.

19. If known,

(a) the date the subject land was acquired by the current owner;

(b) the date any existing buildings or structures on the subject land were constructed; and

(c) the length of time that the existing uses of the subject land have continued.

20. Whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.

21. Whether sewage disposal is provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.

22. Whether storm drainage is provided by sewers, ditches, swales or other means.

23. If known,

(a) whether the subject land has ever been the subject of an application under the Act for approval of a plan of subdivision or a consent;

(b) if the answer to clause (a) is yes, the file number and status of the application;

(c) whether the subject land has ever been the subject of an application under section 34 or 45 of the Act; and

(d) if the answer to clause (c) is yes, the file number and status of the application.

24. A sketch showing, in metric units,

(a) the boundaries and dimensions of the subject land;

(b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front yard lot line, rear yard lot line and side yard lot lines;

(c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,

(i) are located on the subject land and on land that is adjacent to it, and

(ii) in the applicant's opinion, may affect the application;

(d) the current uses of land that is adjacent to the subject land;

(e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;

(f) if access to the subject land is by water only, the location of the parking and docking facilities to be used; and

(g) the location and nature of any easement or restrictive covenant affecting the subject land.

25. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

2/07

ONTARIO REGULATION 609/06

made under the

CITY OF TORONTO ACT, 2006

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CITY SERVICES CORPORATIONS

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Definitions

1. (1) In this Regulation,

"private person" means a person who is not a municipality, the Province of Ontario, Canada or an agent of any of them;

"public sector entity" means,

(a) the City,

(b) one or more other municipalities,

(c) the Crown in right of Ontario,

(d) the Crown in right of Canada, or

(e) a combination of them;

"wholly-owned corporation" means,

(a) a corporation all of whose shares are owned by the City or by the City and one or more other public sector entities, and

(b) a corporation in which the City, by itself or together with one or more other public sector entities, has an entitlement to all of the voting rights allocated to the members of the corporation.

Exercise of s. 148 (1) powers

2. (1) The City in exercising the powers referred to in subsection 148 (1) of the Act in relation to a corporation shall do so in accordance with this Regulation.

(2) Sections 7, 12, 13, 14 and 15 apply to the City in relation to a corporation only if the City uses or expects to use a power referred to in section 3 or in subsection 4 (2), (3) or 5 (1) in relation to the corporation.

(3) Sections 17 to 22 apply to a corporation only if the City uses or expects to use a power referred to in section 3 or in subsection 4 (2), (3) or 5 (1) in relation to the corporation.

GENERAL POWERS IN RELATION TO CORPORATIONS FOR THE CITY

Power to establish corporations

3. The City may use the power to referred to in paragraph 1 of subsection 148 (1) of the Act to establish a corporation only if the City by itself, or together with one or more other public sector entities, establishes the corporation and,

(a) the corporation's purpose is to provide a system, service or thing that the City itself could provide; or

(b) the establishment of the corporation is expressly authorized by this Regulation.

Powers in relation to incorporators, members, directors, officers

4. (1) The City may use the powers referred to in paragraph 2 of subsection 148 (1) of the Act to nominate or authorize a person to act as a director or officer of a corporation in relation to any corporation whether incorporated under this or any other Act.

(2) The City may use the power referred to in paragraph 2 of subsection 148 (1) of the Act to nominate or authorize a person to act as an incorporator of a corporation only if the corporation is one the City may establish under this Regulation.

(3) The City may use the power referred to in paragraph 3 of subsection 148 (1) of the Act to nominate or authorize a person to act as a member of a corporation only if the corporation is established by a public sector entity and it carries on business in the City or in the City and another municipality.

Powers in relation to securities of corporations

5. (1) Subject to section 14 of this Regulation, the City may use the powers referred to in paragraphs 4 and 5 of subsection 148 (1) of the Act to acquire, hold, dispose of, guarantee and otherwise deal with securities of a corporation only if the corporation is established by a public sector entity and the corporation carries on business in the City or in the City and another municipality.

(2) Nothing in this Regulation restricts the powers of the City to provide assistance under an exception to subsections 82 (1) and (2) of the Act, make a grant under section 83 of the Act, or make an investment or undertake other financial activities under Part VIII of the Act.

DUTIES OF CITY

Business case study

6. The City shall adopt a business case study before it uses the powers referred to in section 3, 4 or 5 to,

(a) establish a corporation either alone or with one or more other public sector entities;

(b) purchase securities in a corporation established by one or more public sector entities other than the City;

(c) become a member of a corporation established by one or more public sector entities other than the City; or

(d) submit, with respect to a corporation for which a study was undertaken under clause (a), (b) or (c), or cause a corporation for which a study was undertaken under clause (a), (b) or (c) to submit, articles of amendment or any other articles or supplementary letters patent.

Asset transfer policies

7. (1) The City shall adopt and maintain policies on asset transfers to corporations.

(2) The City shall not transfer any of its assets to a corporation before the City adopts the policies referred to in subsection (1).

Public participation

8. Before establishing a corporation under section 3, the City shall consult with the public about the proposal to establish the corporation.

Economic development corporations

9. (1) If the City establishes a corporation for the sole purpose of providing one or more economic development services, the City may also designate the corporation as a "designated economic development corporation".

(2) Despite section 21 of this Regulation, if the City designates a corporation under subsection (1), the corporation is a local board of the City for the purposes of section 287 of the Act.

(3) Economic development services provided by and for the purposes of a corporation designated by the City under subsection (1) are prescribed as special services for the purposes of clause 287 (1) (a) of the Act.

(4) In this section,

"economic development services" means,

(a) the promotion of the City for any purpose, including by the collection and dissemination of information and the development of economic development strategic plans,

(b) the acquisition, development and disposal of sites in the City for residential, industrial, commercial and institutional uses,

(c) provision of public transportation systems,

(d) provision of residential housing,

(e) provision of general parking facilities,

(f) providing a counselling service to or encouraging the establishment and initial growth of small businesses operating or proposing to operate in the City,

(g) undertaking community improvement consistent with a community improvement plan approved by the City under subsection 28 (4) of the *Planning Act*,

(h) improvement, beautification and maintenance of municipally-owned land, buildings and structures in an area designated by the City beyond the standard provided at the expense of the City generally, and promotion of any area of the City as a business or shopping area,

(i) provision of facilities for amusement or for conventions and visitors' bureaus,

(j) provision of culture and heritage systems.

Holding corporations

10. (1) The City may use the powers referred to in paragraphs 1 to 5 of subsection 148 (1) of the Act in relation to a corporation incorporated for the purpose of holding shares in one or more other corporations only if,

(a) the corporation is established by the City or the City and one or more other municipalities;

(b) the articles of incorporation of the corporation restrict the ownership of any and all voting and non-voting shares in the corporation to the City or to the City and one or more other municipalities; and

(c) the articles of incorporation of the corporation restrict the powers of the corporation to those necessary to acquire, hold, dispose of and otherwise deal with,

(i) shares of one or more corporations established under any Act by the City,

(ii) shares of one or more corporations established under any Act by another municipality that the City has agreed to allow to carry on business in the City, or

(iii) any combination of shares described in subclauses (i) and (ii).

(2) In subclauses (1) (c) (i) and (ii),

"corporation" means a corporation other than a corporation established by a municipality for the purpose of holding shares in one or more other corporations.

RULES FOR CITY

Prohibited use of powers in relation to corporations

11. (1) Despite section 3 and subsections 4 (2), (3) and 5 (1) of this Regulation, the City shall not use any of the powers referred to in paragraphs 1 to 5 of subsection 148 (1) of the Act in relation to a corporation if the business or activities of the corporation include doing anything that the City or any of its local boards may do or are required to do under any of the following Acts:

1. *Ambulance Act*.
2. *Child and Family Services Act.*
3. *Fire Protection and Prevention Act, 1997*.
4. *Health Protection and Promotion Act.*

5. *Homes for the Aged and Rest Homes Act*.
6. *Police Services Act.*
7. *Provincial Offences Act.*
8. *Public Libraries Act*.
9. *Ontario Works Act, 1997*.

(2) Despite subsection (1), the City may use the powers referred to in paragraphs 1 to 5 of subsection 148 (1) of the Act in relation to a corporation that carries on business or activities in connection with a municipality, local board, public hospital, university, college or school board operating under any of the Acts listed in that subsection, but only if the business or activities of the corporation in connection with those entities are restricted to the provision of administrative services to them.

(3) Despite section 3 and subsections 4 (2), (3) and 5 (1) of this Regulation, the City shall only use the powers referred to in paragraphs 1 to 5 of subsection 148 (1) of the Act in relation to a corporation that carries on any business or activities in connection with a nursing home under the *Nursing Homes Act* or a charitable home for the aged under the *Charitable Institutions Act* if,

(a) the business or activities of the corporation are restricted to the construction, operation, maintenance and ownership, including ownership of land, of facilities that are new when the corporation first carries on its business with respect to them; and

(b) in the case of a charitable home for the aged, it is approved under the *Charitable Institutions Act*.

(4) Despite section 3 and subsections 4 (2), (3) and 5 (1) of this Regulation, the City shall not use any of the powers referred to in paragraphs 1 to 5 of subsection 148 (1) of the Act in relation to a corporation if the business or activities of the corporation include requiring a person to pay an administrative penalty in respect of the person's failure to comply with any by-law of the City or any other municipality respecting the parking, standing or stopping of vehicles.

Conditions for incorporation

12. (1) If the City proposes to transfer an asset to a corporation and the Province of Ontario has contributed funds for the purchase or improvement of the asset, the City shall give notice of the proposal to every Minister that made all or part of the contribution on behalf of the Province.

(2) A Minister who receives a notice under subsection (1) may accept the valuation of the treasurer of the City or may otherwise determine the value of the contribution and shall notify the City in writing within six months of the receipt of the notice as to the requirement for repayment or to indicate the release of the Province's interest in the asset being transferred or the proceeds of the transfer.

(3) The City may transfer an asset to which the notice requirement in subsection (1) applies if one of the following conditions is met:

1. Six months have passed since the City gave any notices required by this section and no response has been received from the Province within that period.
2. The Province has notified the City of its acceptance of the valuation by the treasurer and of any requirement for repayment.
3. The Province has notified the City of its rejection of the valuation by the treasurer, of its own valuation and of any requirement for repayment.
4. The Province has notified the City that it releases its interest in the asset being transferred or in the proceeds of the transfer.

No assignment

13. The City shall not assign or transfer any right granted to it in any agreement between the City and the Province of Ontario to a corporation without first obtaining the consent of the Minister responsible for the agreement.

Debt instruments

14. (1) The City may use the powers referred to in paragraphs 4 and 5 of subsection 148 (1) of the Act to acquire, hold, dispose of, guarantee and otherwise deal with bonds, debentures, promissory notes, mortgages and similar evidences of indebtedness of a corporation that may issue shares only if the debt would be incurred by reason of the transfer of a municipal property asset to the corporation.

(2) In this section,

"municipal property asset" means an asset of the City that is land, equipment or other goods.

Assistance to corporation

15. (1) Despite section 82 of the Act, the City may provide assistance to a corporation,

(a) if the corporation is a wholly-owned corporation and is limited by its articles or letters patent to providing services to the owners or members of the corporation; or

(b) if the purpose of the assistance is to subsidize the cost of public transportation facilities or services or public access to recreational and cultural facilities.

(2) The types of assistance that may be provided under subsection (1) are,

(a) giving, lending or selling any property of the City, including money;

(b) guaranteeing borrowing;

(c) providing the services of employees of or persons under contract with the City.

(3) The assistance provided under clause (2) (a), (b) or (c) need not be at fair market value.

(4) The treasurer shall prepare a statement of the value of any grant to a corporation or an estimate of the fair market value of any other assistance provided at less than fair market value to a corporation under this section.

RULES FOR CORPORATIONS

Territorial operation of corporation

16. (1) A corporation may only operate within the boundaries of a municipality with the agreement of the municipality.

(2) Despite subsection (1), a corporation may operate within the boundaries of an upper-tier municipality without the agreement of any lower-tier municipality that forms part of that upper-tier municipality for municipal purposes if the corporation's purpose is to provide a system, service or thing that the upper-tier municipality itself could provide.

(3) Despite subsection (1), a corporation may operate within the boundaries of a lower-tier municipality that forms part of an upper-tier municipality for municipal purposes without the agreement of the upper-tier municipality if the corporation's purpose is to provide a system, service or thing that the lower-tier municipality itself could provide.

(4) This section applies to a corporation established by,

(a) the City using the power referred to in paragraph 1 of subsection 148 (1) of the Act;

(b) one or more other municipalities using the power referred to in paragraph 1 of subsection 203 (1) of the *Municipal Act, 2001*;

(c) the Crown in right of Ontario together with one or more municipalities referred to in clause (a) or (b);

(d) the Crown in right of Canada together with one or more municipalities referred to in clause (a) or (b); or

(e) any combination of clauses (a), (b), (c) and (d).

Amendments to corporate documents

17. (1) A corporation shall not make an amendment to its articles of incorporation or letters patent or to any subsequent articles or supplementary letters patent if the amendment would permit the corporation,

(a) to carry on a purpose other than a purpose that would be permitted by section 3;

(b) to carry on any business or activities that would include doing anything that the City or any of its local boards could do or be required to under any of the Acts mentioned in subsection 11 (1), except the business or activity of providing administrative services permitted by subsection 11 (2); or

(c) to carry on any business or activities that would include doing anything inconsistent with subsection 11 (3) or (4).

(2) A corporation shall not submit articles of amendment or any other articles or supplementary letters patent under any Act unless the City has first adopted a business case study in relation to the proposed amendment, articles or supplementary letters patent.

Limitations on actions of corporation

18. (1) A corporation shall not act as an incorporator of another corporate body that is incorporated under any Act.

(2) A corporation may only invest in securities prescribed under section 256 of the Act and, for the purpose of this subsection, any regulation made under that section of the Act applies to the corporation as if it were the City.

(3) Despite section 10 and subsection (2), to expand or otherwise carry on its purposes, a corporation may acquire all of the voting and non-voting shares of,

(a) another corporation established by one or more municipalities; or

(b) a body corporate incorporated under any Act if the articles of incorporation of the body corporate restrict the powers or limit the objects of the body corporate to carrying on one or more of the purposes set out in clause 3 (a).

(4) A body corporate, the shares of which have been acquired under subsection (3), must be dissolved and its remaining assets and liabilities transferred to the acquiring corporation within one year of the date of the acquisition of the shares.

(5) If any purpose or business of a corporation includes the provision of a public utility for water or sewage,

(a) the corporation shall not issue shares or give voting rights attached to the shares to a private person if it is a share corporation or, if it is a non-share corporation, it shall allocate voting rights to a member of the corporation only if the member is not a private person; and

(b) the corporation shall not transfer to a private person any asset that is part or all of a municipal drinking-water system or of a sewage works unless the board of directors of the corporation has declared, by resolution, that the asset is no longer needed for the purposes of the system.

(6) If any purpose or business of a corporation includes a program for the supervision, encouragement and guidance of recreational activity for persons under the age of 18, the corporation shall not issue shares or give voting rights attached to the shares to a private person if it is a share corporation or, if it is a non-share corporation, it shall allocate voting rights to a member of the corporation only if the member is not a private person.

(7) In this section,

"municipal drinking-water system" has the same meaning as in the *Safe Drinking Water Act, 2002*;

"sewage works" has the same meaning as in the *Ontario Water Resources Act*.

Deemed members

19. The directors and officers of a corporation shall be deemed to be members for the purposes of the *Municipal Conflict of Interest Act.*

Deemed institutions

20. A corporation that is a wholly-owned corporation or a corporation whose business or activities include the provision of administrative services to any municipality, local board, public hospital, university, college or school board is deemed to be an institution for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act.*

Status of corporation

21. (1) A corporation is not a local board for the purposes of any Act.

(2) Despite subsection (1), a corporation shall be deemed to be a local board for purposes of subsection 212 (2) of the Act, and for the purposes of the *Environmental Assessment Act*, the *Municipal Conflict of Interest Act*, the *Emergency Management and Civil Protection Act*, and subsection 56.2 (3) of the *Capital Investment Plan Act, 1993*.

(3) Despite subsection (1), if a corporation is wholly-owned, it shall be deemed to be a local board for the purposes of the *Development Charges Act, 1997*.

Result of non-compliance

22. Any of the following matters may be considered sufficient cause under any Act to cancel the certificate of incorporation of a corporation or the letters patent or supplementary letters patent of a corporation:

1. The corporation does not meet the requirements of this Regulation.
2. A certificate is issued under the *Business Corporations Act* or any other Act under which the City establishes a corporation that is inconsistent with this Regulation.
3. Letters patent or supplementary letters patent are granted under any Act that are inconsistent with this Regulation.
4. The corporation acts outside the purposes to which it is restricted by its articles or letters patent.
5. The fact that the City did not comply with the requirements of section 12 in relation to the incorporation.

Commencement

23. This Regulation comes into force on the later of the day section 148 of the *City of Toronto Act, 2006* comes into force and the day this Regulation is filed.

2/07

ONTARIO REGULATION 610/06

made under the

CITY OF TORONTO ACT, 2006

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Definitions

1. In this Regulation,

"bank loan" means a loan made by a bank listed in Schedule I, II or III to the *Bank Act* (Canada), a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act* or a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies, and includes,

(a) a syndicated bank loan, and

(b) a banker's acceptance, whether or not it is discounted, if

(i) it is drawn as a bill of exchange under the *Bills of Exchange Act* (Canada), and

(ii) it is accepted by a bank to which the *Bank Act* (Canada) applies;

"currency risk" means the financial risk for the City associated with issuing debentures or revenue bonds in any currency because of fluctuations in rates of exchange between the Canadian dollar and other currencies;

"foreign currency debenture" or "foreign currency revenue bond" means a debenture or revenue bond, as the case may be, expressed and payable in a foreign currency;

"interest rate risk" means the financial risk associated with issuing debentures, bank loans or revenue bonds because of fluctuations in interest rates;

"person" includes a firm or partnership within the meaning of the *Partnerships Act*;

"revenue bond" means,

(a) an agreement entered into by the City for the borrowing of money whereby the City secures its obligations under the agreement,

(i) with an interest in fees, charges or any other revenues that are not tax revenues of the City, or

(ii) with an interest in any other property of the City, or

(b) a tax increment financing revenue bond;

"syndicated bank loan" means a bank loan between the City and an institution listed in the definition of "bank loan" where the financing for the bank loan is obtained through a syndicated bank financing agreement in which each of the institutions that is a party to the agreement agrees to contribute a portion of the amount of the bank loan being given to the City under the syndicated bank loan agreement;

"tax increment financing revenue bond" means an agreement entered into by the City for the borrowing of money whereby the City secures its obligations under the agreement with both,

(a) an amount of taxes that are a "municipal tax increment" as defined in the *Tax Increment Financing Act, 2006*, and

(b) payments by the Minister of Finance to the City under a financing agreement authorized under clause 3 (1) (c) of the *Tax Increment Financing Act, 2006.*

"treasurer" means the City treasurer;

"variable interest rate debenture" or "variable interest rate bank loan", as the case may be, means a debenture or bank loan that provides for one or more variations in the rate of interest payable on the principal of the debt, whether or not by reference to a method or standard for determining changes to interest rates, but does not include an extendible or retractable term debenture where a change of interest rate is authorized by by-law, a debenture issued or bank loan agreement entered to refund an outstanding debenture or bank loan at maturity, or a change of interest rate authorized by a debenture by-law where council is of the opinion the change is necessary because the debentures remain unsold.

Financial activities

2. The City shall undertake the financial activities described in paragraphs 1 to 4 of section 245 of the Act in accordance with this Regulation.

PART I
LONG-TERM AND CURRENT BORROWING

GENERAL

Long-term borrowing

3. The City may borrow money for the purpose of obtaining long-term financing of any capital work of the City by,

(a) issuing debentures;

(b) issuing revenue bonds;

(c) entering bank loan agreements.

Temporary borrowing for long-term debt

4. (1) The City may authorize temporary borrowing for a capital work or permanent improvement to be financed in whole or in part by the issue of debentures or by entering bank loan agreements if,

(a) it has approved the issue of debentures or entering a bank loan for a capital work; or

(b) it has approved the issue of debentures or entering a bank loan for a capital work or permanent improvement for another municipality or a school board.

(2) The City shall only authorize temporary borrowing for a work or improvement under subsection (1) if,

(a) the City applies the proceeds of the borrowing only for the purposes for which the debentures are to be issued or the bank loan entered; or

(b) the other municipality or school board, as the case may be, agrees with the City to only apply the proceeds of the borrowing for the purposes for which the debentures are to be issued or the bank loan entered.

(3) The City shall not require any lender to be responsible for ensuring the proceeds of temporary borrowing under subsection (1) are used for the capital work or permanent improvement for which the temporary borrowing was authorized.

(4) If the City has approved the issue of debentures for another municipality or a school board but has not sold them, it may authorize the municipality or board to use the debentures as security for temporary borrowing to meet expenditures made by the municipality or board in connection with the capital work or permanent improvement to be financed in whole or in part by the debentures.

Borrowing for current expenditures

5. (1) At any time during a fiscal year, the City may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amount council considers necessary to meet the current expenditures of the City for the year, including amounts required in the year for,

(a) sinking and retirement funds;

(b) principal and interest due on any debt of the City;

(c) school purposes;

(d) other purposes that the City, by law, is required to provide for; and

(e) the amount of principal and interest payable by a person or municipality primarily liable for a debt, if the City has guaranteed the debt and the debt is in default.

(2) Except with the approval of the Ontario Municipal Board, the total amount borrowed at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed,

(a) from January 1 to September 30 in the year, 50 per cent of the total estimated revenues of the City as set out in the budget adopted or readopted for the year; and

(b) from October 1 to December 31 in the year, 25 per cent of the total estimated revenues of the City as set out in the budget adopted or readopted for the year.

(3) Until the budget is adopted in a year, the limits upon borrowing under subsection (2) shall temporarily be calculated using the estimated revenues of the City set out in the budget adopted or readopted for the previous year.

(4) In subsections (2) and (3), estimated revenues do not include revenues derivable or derived from,

(a) any borrowing, including through any issue of debentures;

(b) a surplus, including arrears of taxes, fees or charges, or a transfer from the capital fund, reserve funds or reserves.

(5) The City shall not make any lender responsible for establishing the necessity of temporary borrowing under this section or the manner in which the borrowing is used.

Long-term borrowing for other municipalities and school boards

6. (1) If any Act authorizes one or more other municipalities and the City to provide money for any capital work jointly, the City may borrow money for that purpose by issuing debentures or entering bank loans.

(2) The City may borrow money for the purposes of a school board under section 246 of the Act by issuing debentures or entering bank loans.

(3) The City shall not issue a debenture or enter a bank loan under subsection (1) or authorize another municipality to issue a debenture or enter a bank loan for a joint capital work of the City and the other municipality unless the debenture or loan is a joint and several obligation of the City and the other municipality.

(4) The City shall not issue a debenture or enter a bank loan under subsection (2) unless the debenture or loan is a joint and several obligation of the City and the school board.

Principal and interest payments

7. (1) A debenture or bank loan by-law passed by the City,

(a) shall provide for raising in each year as part of the general levy the amounts of principal and interest payable in each year under the by-law to the extent that the amounts have not been provided for,

(i) by other taxes or by fees or charges levied or imposed on persons or property by a by-law of any municipality, or

(ii) by the amounts payable to the City by a school board in each year in relation to the repayment of the debenture or bank loan where the City has borrowed for the purposes of the school board under subsection 6 (2);

(b) shall provide for repayment of the principal in annual instalments and payment of the interest on the unpaid balance in one or more instalments in each year;

(c) may provide for instalments of combined principal and interest; and

(d) despite clause (b), may provide that instalments of principal, interest or both are not payable during the period of construction of a work for which the debenture or bank loan debt was incurred, as estimated by city council, but not to exceed five years.

(2) A revenue bond by-law passed by the City,

(a) shall provide for raising in each year the amounts of principal and interest payable in each year under the by-law;

(b) shall provide for repayment of the principal in annual instalments and payment of the interest on the unpaid balance in one or more instalments in each year;

(c) may provide for instalments of combined principal and interest; and

(d) despite clause (b), may provide that instalments of principal, interest or both are not payable during the period of construction of a work for which the revenue bond debt was incurred, as estimated by city council, but not to exceed five years.

(3) The total amount of principal and interest that must be raised in a year under clause (1) (a) does not include any outstanding amount of principal specified as payable on the maturity date of a debenture or bank loan if one or more refinancing debentures or bank loans are issued by the City on or before the maturity date in respect of the outstanding principal.

(4) The total amount of principal and interest that must be raised in a year under clause (2) (a) does not include any outstanding amount of principal specified as payable on the maturity date of a revenue bond if one or more refinancing revenue bonds are issued by the City on or before the maturity date in respect of the outstanding principal.

(5) The City shall not reduce the amount recoverable for a debenture or revenue bond even if the debenture or revenue bond is negotiated at a discount by the City.

Dates of debentures and revenue bonds

8. The City may date debentures or revenue bonds before the issuing by-law is passed if the by-law provides for the first amount for repayment being raised in the year in which the debentures or bonds are dated or in the next year.

Consolidating debenture and revenue bond by-laws

9. (1) The City may by by-law provide for the issue of one series of debentures,

(a) for two or more capital works if the City has not passed debenture by-laws to authorize the borrowing; or

(b) if the City has passed separate debenture by-laws authorizing borrowing for two or more capital works but has not sold any of the debentures.

(2) The City may by by-law provide for the issue of one series of revenue bonds,

(a) for two or more capital works if the City has not passed revenue bond by-laws to authorize the borrowing; or

(b) if the City has passed separate revenue bond by-laws authorizing borrowing for two or more capital works but has not sold any of the bonds.

(3) A by-law under subsection (1) or (2),

(a) shall recite or otherwise refer to any separate by-laws it consolidates; and

(b) may authorize the issue of debentures or bonds, as the case may be, in one series even if the principal and interest of some of the debentures or bonds is payable on different dates than the payment dates for other debentures or bonds in the series.

Provisions in by-laws for debentures and revenue bonds

10. (1) The City may provide in a debenture by-law,

(a) that all or a portion of the debentures are sinking fund debentures which have the principal payable on a fixed date;

(b) that a portion of the debentures are term debentures which have,

(i) the principal payable on a fixed date, and

(ii) a retirement fund for the repayment of the principal which does not require payment into it to begin until after the principal of the other debentures issued under the by-law become payable; or

(c) that a retirement fund be established for the repayment of the principal amount of a class or classes of its debentures other than sinking fund or term debentures.

(2) The City may provide in a revenue bond by-law,

(a) that all or a portion of the revenue bonds are sinking fund bonds which have the principal payable on a fixed date;

(b) that a portion of the revenue bonds are term bonds which have,

(i) the principal payable on a fixed date, and

(ii) a retirement fund for the repayment of the principal which does not require payment into it to begin until after the principal of the other bonds issued under the by-law become payable; or

(c) that a retirement fund be established for the repayment of the principal amount of a class or classes of its revenue bonds other than sinking fund or term bonds.

(3) A by-law passed under this section shall provide for the following amounts:

1. In respect of a sinking fund by-law, an estimated amount in each year for the sinking fund which, with interest compounded annually, will be sufficient to pay the principal of the debentures or revenue bonds at maturity.

2. In respect of a term debenture or revenue bond by-law, in each year that a payment is made into the retirement fund, an estimated amount in each year for the retirement fund which, with interest compounded annually, will be sufficient to pay the principal of the debentures or bonds at maturity.

3. In respect of a retirement fund by-law for a class of debentures or revenue bonds other than a sinking fund or term debenture or revenue bond, in each year an amount equal to or greater than the amount that would have been required for the repayment of the principal of the debentures or bonds in that year if the principal had been payable in equal annual instalments and the debentures or bonds had been issued for the maximum period authorized by the City for the repayment of the debt for which the debentures or bonds were issued.

(4) An amount required to be provided in a year under subsection (3) shall be deemed to be an amount of principal payable in the year for the purposes of clause 7 (1) (a) or (2) (b), as the case may be.

(5) Despite clauses 7 (1) (b) and (2) (b), a by-law under subsection (1) or (2) is not required to provide for repayment of the principal in annual instalments.

(6) On or before December 31 in each year, the city auditor shall certify the balance in each sinking and retirement fund of the City for the year.

(7) If the balance certified is less than the amount required in the year for the repayment of the sinking or retirement fund debentures or revenue bonds for which the fund was established, the City shall pay an amount sufficient to make up the deficiency into the sinking or retirement fund.

Sinking fund committee

11. A sinking fund committee of the City,

(a) shall manage the sinking fund and retirement funds established by the City;

(b) shall invest money in those funds in any securities that the City is permitted to invest in, including approving or not approving any investment or disposition of that investment; and

(c) may apply amounts or balances in a sinking or retirement fund to other sinking or retirement funds.

Revenue bonds

12. The City shall not secure a borrowing evidenced by a revenue bond,

(a) with debentures or other securities issued by the City or with interest on or other revenue payable from them; or

(b) by means of the creation or assignment of an interest in real property of the City, including a mortgage, charge or lease of that real property, other than,

(i) an interest in a fixture, or

(ii) an assignment of a right to payment under a mortgage, charge or lease where the assignment does not convey or transfer the City's interest in the real property.

Bank loan agreements

13. (1) The City shall not enter into a bank loan agreement unless the agreement,

(a) sets out the amount of money to be borrowed; and

(b) provides that the agreement shall not be assigned without the prior written consent of the City.

(2) The City shall not enter into a bank loan agreement that provides for the giving of any security by the City for the debt.

(3) The City shall not enter a bank loan agreement unless the bank loan ranks concurrently and equally in respect of payment of principal and interest with all other bank loans and debentures of the City.

(4) If the City borrows money through a bank loan for a school board or another municipality, the City shall not require the interest payable in default on the loan by the school board or other municipality to the City to exceed 15 per cent per year.

(5) If the City borrows money through a bank loan for a school board or another municipality, the borrowing by-law shall provide for the raising as part of the general levy the amounts payable under the by-law in any previous year to the extent the amounts have not been paid over to the City by the school board or other municipality in accordance with the by-law.

(6) This section does not apply to a bank loan agreement entered into by the City for the purposes authorized by section 4 or 5.

Construction financing

14. If the City passes a by-law under clause 7 (1) (d) or (2) (d) providing that instalments of principal or interest, or both, are not payable during the period of construction of an undertaking for which the debt was incurred, the City shall do so only in accordance with sections 15 and 16.

Statement of policies and goals

15. (1) Before the City passes a by-law under clause 7 (1) (d) or 7 (2) (d), the council shall adopt a statement of policies and goals related to construction financing.

(2) In preparing the statement under subsection (1), the council shall consider,

(a) the fixed and estimated costs to the City;

(b) whether the costs of the proposed financing for the construction of the undertaking are lower than other methods of financing available to the City;

(c) a detailed estimate with respect to the terms of the City's expectations of revenue generation from the undertaking, once constructed;

(d) the risks to the City if the undertaking is not constructed or completed within the period of construction as estimated by the council; and

(e) the financial and other risks for the City.

Report on outstanding long-term debt

16. (1) If the City has any outstanding debt under clause 7 (1) (d) or (2) (d) in a fiscal year, the treasurer shall prepare and present to the council once in that fiscal year, or more frequently if the council so provides, a detailed report on all of that debt.

(2) The report under subsection (1) shall contain,

(a) a description of the estimated proportion of the total debt of the City under clause 7 (1) (d) or (2) (d) to the total long-term debt of the City and a description of the change, if any, in that estimated proportion since the previous year's report;

(b) a statement by the treasurer as to whether, in his or her opinion, all debt under clause 7 (1) (d) or (2) (d) of the Act was issued in accordance with the statement of policies and goals relating to construction financing adopted by the City;

(c) an update of the detailed estimate made under clause 15 (2) (c) with respect to the terms of the City's expectations of revenue generation from the undertaking;

(d) a record of the date of the repayment of each instalment of principal, interest or both principal and interest made during the period of construction of the undertaking for which the debt under clause 7 (1) (d) or (2) (d) was issued;

(e) a statement of the outstanding instalments of principal, interest or both principal and interest repayable during the currency of the debt issued under clause 7 (1) (d) or (2) (d) that will be due and payable in each year; and

(f) such other information as the council may require or that, in the opinion of the treasurer, should be included.

INTEREST ON LONG-TERM DEBT

Non-application

17. Sections 18 to 27 do not apply to a bank loan agreement entered into by the City for the purposes authorized by section 4 or 5.

Fixed rate of interest

18. (1) A by-law for the issue of debentures or to enter a bank loan agreement shall specify a fixed rate of interest, unless the by-law is made under section 19.

(2) A by-law for the issue of revenue bonds shall specify a fixed rate of interest.

(3) The City may amend a debenture or revenue bond by-law before the debentures or bonds are sold to provide for,

(a) a different rate of interest;

(b) a change in the amount to be raised annually because of the different interest rate; and

(c) other changes in any by-law necessary to give effect to the amending by-law.

(4) For the purposes of subsection (3), the use of debentures as security for temporary borrowing does not prevent the City from passing by-laws under subsection (3) with respect to those debentures.

Variable rate

19. (1) Subject to this section and sections 20 to 23, the City may pass by-laws for the issue of debentures or the entering of bank loans providing for variations in the rate of interest or classes of rates of interest.

(2) A by-law passed under subsection (1) may provide for raising or paying an estimated amount in a year.

(3) The estimated amount may vary from year to year.

Condition

20. (1) The City shall not issue a debenture or enter a bank loan agreement with a variable interest rate if the total amount of principal to be financed under the debenture or bank loan plus the total outstanding principal of all other variable interest rate bank loans and variable interest rate debentures of the City would exceed 15 per cent of the total outstanding principal of all undertaking or work indebtedness of the City plus the total amount of principal to be financed under the debenture.

(2) The amounts in subsection (1) may be estimated by the treasurer.

(3) In this section,

"outstanding principal" means,

(a) for a debenture or revenue bond with a sinking or retirement fund for the debenture or revenue bond, the difference between the principal amount of the debenture or revenue bond and the amount in the sinking or retirement fund,

(b) any principal amount of a bank loan, debenture or revenue bond, other than a debenture or revenue bond described in clause (a) that has not been repaid,

(c) any principal amount of temporary borrowing or advances for an undertaking to be financed by or through long-term debt that has not been repaid;

"undertaking or work indebtedness" means bank loan, revenue bond or debenture debt and temporary borrowing or advances for an undertaking to be financed by or through long-term debt.

Agreements

21. (1) Subject to subsection (3), the City, if it has issued or plans to issue a variable interest rate debenture or plans to enter or has entered a variable interest rate bank loan agreement, may enter interest rate exchange agreements for the debenture or bank loan.

(2) If the City has issued or plans to issue a fixed interest rate debenture or revenue bond, it may enter interest rate exchange agreements for the debenture or bond only if the debenture or bond is also a foreign currency debenture or bond.

(3) The City shall enter one or more replacement interest rate exchange agreements for an executed interest rate exchange agreement if a person other than the City who is party to the agreement or an assignee,

(a) becomes bankrupt within the meaning of any bankruptcy or insolvency Act in force in Ontario;

(b) is no longer in compliance with a rating or requirement under section 23;

(c) defaults under the agreement; or

(d) assigns the agreement or rights under the agreement to any person without the consent of the City.

(4) Any interest rate exchange agreement or agreements for a debenture, bank loan or revenue bond shall, when read together, provide for the reduction of interest rate risk with respect to all or a portion of the interest payable under the debenture, bank loan or bond.

(5) Any interest rate exchange agreement or agreements for a debenture, bank loan or revenue bond shall, when read together, require any amount of interest addressed by the agreement or agreements and payable by the City to any person under the agreement or agreements to be expressed as a specific and fixed Canadian currency amount.

Rating

22. On the date the City issues a variable interest rate debenture or enters a variable interest rate bank loan, either the City itself or all of its long-term debt obligations must be rated,

(a) by Dominion Bond Rating Service Limited as "AA(Low)" or higher;

(b) by Fitch Ratings as "AA-" or higher;

(c) by Moody's Investors Service, Inc. as "Aa3" or higher; or

(d) by Standard and Poor's as "AA-" or higher.

Restriction

23. The City may only enter an interest rate exchange agreement with,

(a) a person who has one or more debt obligations which on the date the agreement is entered are rated,

(i) by Dominion Bond Rating Service Limited as "AA(Low)" or higher,

(ii) by Fitch Ratings as "AA-" or higher,

(iii) by Moody's Investors Service, Inc. as "Aa3" or higher, or

(iv) by Standard and Poor's as "AA-" or higher; or

(b) a person whose obligations under the agreement are unconditionally guaranteed by a person described in clause (a).

FOREIGN CURRENCY BORROWING

Prescribed currencies

24. (1) The City may issue foreign currency debentures in the foreign currencies in the following foreign currencies:

1. Dollars of Australia.
2. Francs of France.
3. Marks of Germany.
4. Yen of Japan.
5. Guilder of the Netherlands.
6. Francs of Switzerland.
7. Sterling money of the United Kingdom.
8. Dollars of the United States of America.
9. The euro currency adopted by member states of the European Union.

(2) The City may issue foreign currency revenue bonds in dollars of the United States of America.

Conditions for foreign currency debenture

25. The City may only issue a foreign currency debenture or revenue bond if,

(a) it enters one or more foreign currency exchange agreements for the debenture or revenue bond on or before the date it issues the debenture or bond; and

(b) on the date the debenture or revenue bond is issued, either the City itself or all of its long-term debt obligations are rated,

(i) by Dominion Bond Rating Service Limited as "AA(Low)" or higher,

(ii) by Fitch Ratings as "AA-" or higher,

(iii) by Moody's Investors Service, Inc. as "Aa3" or higher, or

(iv) by Standard and Poor's as "AA-" or higher.

Restriction

26. (1) The City may only enter a foreign currency exchange agreement with,

(a) a person who has one or more debt obligations which on the date the agreement is entered are rated,

(i) by Dominion Bond Rating Service Limited as "AA(Low)" or higher,

(ii) by Fitch Ratings as "AA-" or higher,

(iii) by Moody's Investors Service, Inc. as "Aa3" or higher, or

(iv) by Standard and Poor's as "AA-" or higher; or

(b) a person whose obligations under the agreement are unconditionally guaranteed by a person described in clause (a).

(2) The City may only enter a foreign currency exchange agreement for a foreign currency debenture or revenue bond.

Conditions for foreign currency exchange agreement

27. (1) Any foreign currency exchange agreement or agreements for a debenture or revenue bond shall, when read together, provide for the reduction of currency risk with respect to the entire amount of principal and interest payable under the debenture or revenue bond.

(2) Any foreign currency exchange agreement or agreements for a debenture or revenue bond shall, when read together, require any amount payable by the City to any person under the agreement or agreements to be expressed as a Canadian currency amount.

(3) Subject to subsection (4), the City may only enter a foreign currency exchange agreement for a debenture or revenue bond on or before the date the debenture or revenue bond is issued.

(4) The City shall enter a replacement foreign currency exchange agreement for an executed foreign currency exchange agreement if a person other than the City who is party to the agreement or an assignee,

(a) becomes bankrupt within the meaning of any bankruptcy or insolvency Act in force in Ontario;

(b) is no longer in compliance with a rating or requirement under section 26;

(c) defaults under the agreement; or

(d) assigns the agreement or rights under the agreement to any person without the consent of the City.

REPORTS TO COUNCIL

Reports to council

28. (1) If the City has any outstanding borrowing with a variable rate of interest in a fiscal year, or any subsisting interest rate or foreign currency exchange agreements applicable to them, the treasurer of the City shall prepare and present to the council once in that fiscal year, or more frequently if the council so desires, a detailed report on the borrowing.

(2) In subsection (1),

"borrowing" means a borrowing evidenced by a debenture, revenue bond or bank loan agreement referred to in section 3.

PART II
LEASE FINANCING AGREEMENTS

Lease financing agreements

29. (1) The City may enter lease financing agreements for the purpose of obtaining long-term financing of a capital undertaking of the City.

(2) Sections 30 to 34 apply to any lease financing agreement the City enters for the purpose of financing a capital undertaking if the agreement requires or may require the City to make payments after the expiry of the term for which the council authorizing the agreement was elected.

(3) For the purposes of sections 31 and 32, a lease financing agreement has a material impact if the costs or risks associated with the agreement could reasonably be expected to have a significant impact on the financing decisions of the City.

Schedule of fixed payments

30. A lease financing agreement must include a schedule of all fixed payments, if any, required by the agreement and that may be required by any extension or renewal of the agreement.

Statement of policies and goals

31. (1) Before the City passes a by-law authorizing a lease financing agreement, the council shall adopt a statement of policies and goals relating to the use of lease financing agreements.

(2) The statement of policies and goals,

(a) must include a discussion of the financial and other risks to the City of using lease financing agreements; and

(b) may provide for a category of lease financing agreements composed of agreements which, in the opinion of both the council and the treasurer, would not result in a material impact.

Advice to council

32. (1) Before the City enters into a lease financing agreement, the council shall,

(a) have the treasurer prepare a report with a recommendation, assessing, in the opinion of the treasurer, the costs and financial and other risks associated with the proposed agreement, including,

(i) a comparison between the fixed and estimated costs and the risks associated with the proposed agreement and those associated with other methods of financing,

(ii) a statement summarizing, as may be applicable, the effective rate or rates of financing for the agreement, the ability for agreement payment amounts to vary, and the methods or calculations, including possible financing rate changes, that may be used to establish that variance under the agreement,

(iii) a statement summarizing any contingent payment obligations under the agreement that in the opinion of the treasurer would result in a material impact, including agreement termination provisions, equipment loss, equipment replacement options and guarantees and indemnities,

(iv) a summary of the assumptions applicable to any possible variations in the agreement payment and contingent payment obligations, and

(v) any other matters the treasurer or council considers advisable;

(b) obtain legal advice and financial advice with respect to the proposed agreement;

(c) consider if the scope of the proposed transaction warrants obtaining legal advice or financial advice with respect to the proposed agreement that is from a source independent of the source of the advice mentioned in clause (b); and

(d) consider and give its assessment of the report prepared under clause (a), including whether, in its opinion, the costs of financing for the proposed agreement are lower than other methods of financing available to the City, and whether the risks associated with the proposed agreement are reasonable.

(2) The costs and risks associated with a proposed lease financing agreement in a report made under subsection (1) shall be assessed as of the date the report is made.

(3) At any time after a report under subsection (1) is made, but before the proposed lease financing agreement is entered into, if the treasurer becomes of the opinion that a changed circumstance with respect to the proposed agreement may result in a material impact, the treasurer shall as soon as is reasonably possible update the report and present the updated report to the council.

(4) A report made under subsection (1) shall summarize the information required by that subsection for the entire term of the proposed lease financing agreement, including any possible extensions or renewals.

(5) Despite this section, the City may enter into a lease financing agreement without complying with the requirements of subsection (1) if,

(a) the statement of policies and goals for lease financing agreements includes the category referred to in clause 31 (2) (b); and

(b) in the opinion of the treasurer and the council, the proposed agreement is within that category, and its costs and risks, in combination with all the other agreements of that category entered into or proposed to be entered into in that year by the City, would not result in a material impact for the City.

(6) In this section,

"costs" includes the costs of any advice obtained under clauses (1) (b) and (c).

Report to council

33. If the City has one or more lease financing agreements subsisting in a fiscal year, the treasurer shall prepare and present to council once in that fiscal year, or more often if the council so desires, a detailed report containing the information described in section 34.

Contents of report

34. The detailed report mentioned in section 33 shall contain,

(a) a description of the estimated proportion of the total financing arrangements of the City that is undertaken through lease financing agreements to the total long-term debt of the City and a description of the change, if any, in that estimated proportion since the previous year's report;

(b) a statement by the treasurer as to whether, in his or her opinion, all lease financing agreements were made in accordance with the statement of leasing policies and goals adopted by the City; and

(c) any other information that the council may require or that, in the opinion of the treasurer, should be recorded.

PART III
DEBT RELATED FINANCIAL INSTRUMENTS

Definitions

35. (1) In this Part,

"bond forward agreement" means a financial agreement described in section 36;

"commodity" means, whether in the original or a processed state, an agricultural product, a forest product, a product of the sea, a mineral, a metal, a hydrocarbon fuel, electricity, a precious stone or other gem and other physical goods but does not include chattel paper, a document of title, an instrument, money or securities;

"commodity price hedging agreement" means a financial agreement described in section 39.

BOND FORWARD AGREEMENTS

Bond forward agreements

36. (1) If the City has passed a by-law authorizing the issue or refinancing of debentures denominated in Canadian currency, the City may enter a bond forward agreement in order to minimize the cost or risk associated with the debentures because of fluctuations in interest rates.

(2) A bond forward agreement shall provide for the following matters:

1. Borrowing and selling one or more debt instruments issued by the Government of Canada or the Province of Ontario ("government debt instruments").

2. Buying back the government debt instruments.

3. Specifying a settlement day, which is a specified future date or the date on which a specified future event occurs.

4. Requiring a settlement payment to be payable on the settlement day if there is a difference between the price at which the government debt instruments are sold as described in paragraph 1 and the price at which they are bought back as described in paragraph 2.

5. Specifying that delivery of a document evidencing the government debt instrument is not required under the agreement.

(3) The City shall not enter a bond forward agreement if the total value of the principal of the government debt instruments borrowed and sold as described in paragraph 1 of subsection (2) exceeds the total value of the principal of the debentures whose cost or risk the agreement is intended to minimize.

(4) If the City enters a bond forward agreement the City shall monitor the value of the government debt instruments described in paragraph 1 of subsection (2) on each business day after the agreement is executed and before the settlement day described in paragraph 3 of subsection (1), but the City shall not obtain the information about the value of the instruments from any person who has a financial interest in the agreement or in the instruments.

(5) The City shall not enter a bond forward agreement under which the settlement day described in paragraph 3 of subsection (2) is 60 days or more after the day on which the agreement is executed.

(6) The City shall not enter a bond forward agreement under which the settlement payment exceeds the difference in price described in paragraph 4 of subsection (2).

(7) The City shall not enter a bond forward agreement except with a bank listed in Schedule I, II or III to the *Bank Act* (Canada) and only if the bank's long-term debt obligations on the day the agreement is entered are rated,

(a) by Dominion Bond Rating Service as "A(high)" or higher;

(b) by Fitch Ratings as "A+" or higher;

(c) by Moody's Investors Service Inc. as "A1" or higher; or

(d) by Standard and Poor's as "A+" or higher.

(8) The City shall not sell or lend a bond forward agreement.

(9) If the bond forward agreement relates to debentures to be issued or refinanced for the purposes of another municipality, the City and the other interested municipalities may enter one or more agreements relating to the costs of the bond forward agreement and relating to other matters arising from the bond forward agreement.

(10) The City shall not use the proceeds from a bond forward agreement except for the following purposes:

1. To pay the interest or repay the principal of the debentures to which the agreement relates.

2. For any purpose for which the debentures were issued.

3. To pay the interest or repay the principal of any outstanding temporary borrowing under section 4 in connection with the debentures.

4. To pay the interest or repay the principal of any other outstanding borrowing by the City for a capital expenditure.

Statement of policies and goals re bond forward agreements

37. (1) Before the City passes a by-law authorizing a bond forward agreement, the council shall adopt a statement of policies and goals relating to the use of bond forward agreements.

(2) The council shall consider the following matters when preparing the statement of policies and goals:

1. The types of projects for which bond forward agreements are appropriate.

2. The fixed costs and estimated costs to the City resulting from the use of such agreements.

3. A detailed estimate of the expected results of using such agreements.

4. Risk control measures relating to such agreements, such as,

   i. credit exposure limits based on credit ratings and on the degree of regulatory oversight and the regulatory capital of the other party to the agreement,

   ii. standard agreements, and

   iii. ongoing monitoring with respect to the agreements.

5. The financial and other risks to the City that would exist with, and without, the use of such agreements.

Report on bond forward agreements

38. (1) If the City has entered any bond forward agreements in a fiscal year, the treasurer shall prepare and present to the council once in that fiscal year, or more frequently if the council so desires, a detailed report on all of those agreements.

(2) The report must contain the following information and documents:

1. A statement comparing the expected and actual results of using bond forward agreements during the period of the report.
2. A statement by the treasurer indicating whether, in his or her opinion, all of the bond forward agreements entered during the period of the report are consistent with the City's statement of policies and goals relating to the use of bond forward agreements.
3. Such other information as the council may require.
4. Such other information as the treasurer considers appropriate to include in the report.

COMMODITY PRICE HEDGING AGREEMENTS

Commodity price hedging agreements

39. (1) If the City has entered, or plans to enter, an agreement under Part II of the Act for the supply of a commodity required for a City system, the City may enter into one or more financial agreements to minimize the cost or financial risk associated with incurring debt for the commodity.

(2) The financial agreement must fix, directly or indirectly, or enable the City to fix the price or range of prices to be paid by the City for the future delivery of some or all of the commodity or the future cost to the City of an equivalent quantity of the commodity.

(3) Subject to subsection (4), the City shall not sell or otherwise dispose of the financial agreement or any interest of the City in the agreement.

(4) The City may sell or otherwise dispose of the financial agreement or an interest of the City in the agreement if, in the opinion of the treasurer, the sale or disposition is in the best interests of the City and if either of the following conditions is satisfied:

1. The sale or disposition is part of a transaction for the sale of real property by the City relating to a change in the use of the property by the City.
2. The City has ceased to carry on any activity relating to the City system for which the commodity was being acquired.

Statement of policies and goals

40. (1) Before the City passes a by-law authorizing a commodity price hedging agreement, the council shall adopt a statement of policies and goals relating to the use of financial agreements to address commodity pricing and costs.

(2) The council shall consider the following matters when preparing the statement of policies and goals:

1. The types of projects for which commodity price hedging agreements are appropriate.
2. The fixed costs and estimated costs to the City resulting from the use of such agreements.
3. Whether the future price or cost to the City of the applicable commodities will be lower or more stable than they would be without the agreements.
4. A detailed estimate of the expected results of using such agreements.
5. The financial and other risks to the City that would exist with, and without, the use of such agreements.
6. Risk control measures relating to such agreements, such as,
    i. credit exposure limits based on credit ratings and on the degree of regulatory oversight and the regulatory capital of the other party to the agreement,
    ii. standard agreements, and
    iii. ongoing monitoring with respect to the agreements.

Report on commodity price hedging agreements

41. (1) If the City has any subsisting commodity price hedging agreements in a fiscal year, the treasurer shall prepare and present to the council once in that fiscal year, or more frequently if the council so desires, a detailed report on all of those agreements.

(2) The report must contain the following information and documents:

1. A statement about the status of the agreements during the period of the report, including a comparison of the expected and actual results of using the agreements.
2. A statement by the treasurer indicating whether, in his or her opinion, all of the agreements entered during the period of the report are consistent with the City's statement of policies and goals relating to the use of financial agreements to address commodity pricing and costs.
3. Such other information as the council may require.
4. Such other information as the treasurer considers appropriate to include in the report.

PART IV
ELIGIBLE INVESTMENTS AND RELATED FINANCIAL AGREEMENTS

ELIGIBLE INVESTMENTS

Eligible investments

42. The following are prescribed for the purposes of paragraphs 1 and 4 of section 245 of the Act as securities in which the City may invest:

1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by,
   i. Canada or a province or territory of Canada,
   ii. an agency of Canada or a province or territory of Canada,
   iii. a country other than Canada,
   iv. a municipality in Canada including the City, if it is making the investment,
   v. the Ontario Strategic Infrastructure Financing Authority,
   vi. a school board or similar entity in Canada,
   vii. a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,
   viii. the board of governors of a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*,
   ix. a local board as defined in the *Municipal Affairs Act* (but not including a school board or a municipality) or a conservation authority established under the *Conservation Authorities Act*,
   x. a board of a public hospital within the meaning of the *Public Hospitals Act*,
   xi. a non-profit housing corporation incorporated under section 13 of the *Housing Development Act*,
   xii. a local housing corporation as defined in section 2 of the *Social Housing Reform Act, 2000*, or
   xiii. the Municipal Finance Authority of British Columbia.
2. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if,
   i. the bond, debenture or other evidence of indebtedness is secured by the assignment, to a trustee, as defined in the *Trustee Act*, of payments that Canada or a province or territory of Canada has agreed to make or is required to make under a federal, provincial or territorial statute, and
   ii. the payments referred to in subparagraph i are sufficient to meet the amounts payable under the bond, debenture or other evidence of indebtedness, including the amounts payable at maturity.
3. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid no later than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
   i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada),
   ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*, or
   iii. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.
4. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
   i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada),
   ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*,
   iii. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.

5. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by an institution listed in paragraph 4.
6. Short-term securities, the terms of which provide that the principal and interest shall be fully repaid no later than three days after the day the investment was made, that are issued by,
   i. a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,
   ii. the board of governors of a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, or
   iii. a board of a public hospital within the meaning of the *Public Hospitals Act*.
7. Bonds, debentures, promissory notes, other evidence of indebtedness or other securities issued or guaranteed by the International Bank for Reconstruction and Development.
8. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by a supranational financial institution or a supranational governmental organization, other than the International Bank for Reconstruction and Development.
9. Asset-backed securities, as defined in subsection 50 (1) of Regulation 733 of the Revised Regulations of Ontario, 1990 (General) made under the *Loan and Trust Corporations Act.*
10. Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than five years after the date on which the City makes the investment.
11. Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than one year and no later than five years after the date on which the City makes the investment.
12. Negotiable promissory notes or commercial paper, other than asset-backed securities, maturing one year or less from the date of issue, if that note or commercial paper has been issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
13. Shares issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
14. Bonds, debentures, promissory notes and other evidences of indebtedness of a corporation incorporated under section 142 of the *Electricity Act, 1998.*
15. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if the City first acquires the bond, debenture, promissory note or other evidence of indebtedness as a gift in a will and the gift is not made for a charitable purpose.
16. Securities of a corporation, other than those described in paragraph 15, if the City first acquires the securities as a gift in a will and the gift is not made for a charitable purpose.
17. Shares of a corporation if,
   i. the corporation has a debt payable to the City,
   ii. under a court order, the corporation has received protection from its creditors,
   iii. the acquisition of the shares in lieu of the debt is authorized by the court order, and
   iv. the treasurer is of the opinion that the debt will be uncollectible by the City unless the debt is converted to shares under the court order.

Rating

43. (1) The City shall not invest in a security under subparagraph iii, vii, viii, x, xi or xii of paragraph 1 of section 42 or under paragraph 4 or 5 of section 42 unless the bond, debenture, promissory note or evidence of indebtedness is rated,

(a) by Dominion Bond Rating Service Limited as "AA(low)" or higher;

(b) by Fitch Ratings as "AA-" or higher;

(c) by Moody's Investors Services Inc. as "Aa3" or higher; or

(d) by Standard and Poor's as "AA-" or higher.

(2) The City shall not invest in a security under paragraph 8 of section 42 unless the security is rated,

(a) by Dominion Bond Rating Service Limited as "AAA";

(b) by Fitch Ratings as "AAA";

(c) by Moody's Investors Services Inc. as "Aaa"; or

(d) by Standard and Poor's as "AAA".

(3) The City shall not invest in an asset-backed security under paragraph 9 of section 42 that matures more than one year from the date of issue unless the security is rated,

(a) by Dominion Bond Rating Service Limited as "AAA";

(b) by Fitch Ratings as "AAA";

(c) by Moody's Investors Services Inc. as "Aaa"; or

(d) by Standard and Poor's as "AAA".

(4) The City shall not invest in an asset-backed security under paragraph 9 of section 42 that matures one year or less from the date of issue unless the security is rated,

(a) by Dominion Bond Rating Service Limited as "R-1(high)";

(b) by Fitch Ratings as "F1+";

(c) by Moody's Investors Services Inc. as "Prime-1"; or

(d) by Standard and Poor's as "A-1+".

(5) The City shall not invest in a security under paragraph 10 of section 42 unless the security is rated,

(a) by Dominion Bond Rating Service Limited as "A" or higher;

(b) by Fitch Ratings as "A" or higher;

(c) by Moody's Investors Services Inc. as "A2"; or

(d) by Standard and Poor's as "A".

(6) The City shall not invest in a security under paragraph 11 of section 42 unless the security is rated,

(a) by Dominion Bond Rating Service Limited as "AA(low)" or higher;

(b) by Fitch Ratings as "AA-" or higher;

(c) by Moody's Investors Services Inc. as "Aa3" or higher; or

(d) by Standard and Poor's as "AA-" or higher.

(7) The City shall not invest in a security under paragraph 12 of section 42 unless the promissory note or commercial paper is rated,

(a) by Dominion Bond Rating Service Limited as "R-1(mid)" or higher;

(b) by Fitch Ratings as "F1+";

(c) by Moody's Investors Services Inc. as "Prime-1"; or

(d) by Standard and Poor's as "A-1+".

(8) If an investment made under paragraph 9 or 12 of section 42 falls below the standard required under subsection (3), (4) or (7), as the case may be, the City shall sell the investment within 30 days after the day the investment falls below the standard.

(9) The City shall not invest in a security under paragraph 14 of section 42 unless, at the time the investment is made and as long as it continues, the investment ranks, at a minimum, concurrently and equally in respect of payment of principal and interest with all unsecured debt of the corporation.

(10) The City shall not invest in a security under paragraph 14 of section 42 unless, at the time the investment is made, the total amount of the City's investment in debt of any corporation incorporated under section 142 of the *Electricity Act, 1998* that would result after the proposed investment is made does not exceed the total amount of investment in debt, including any interest accrued on such debt, of the City in such a corporation that existed on the day before the day the proposed investment is to be made.

(11) Any investment made under paragraph 14 of section 42, including any refinancing, renewal or replacement thereof, may not be held for longer than a total of 10 years from the date such investment is made.

(12) Subsections (9), (10) and (11) do not prevent the City from holding or disposing of a security described in paragraph 14 of section 42 issued by a corporation incorporated under section 142 of the *Electricity Act, 1998*, if the City acquired the security through a transfer by-law or otherwise under that Act.

(13) The City shall sell an investment described in paragraph 15 or 16 of section 42 within 90 days after ownership of the investment vests in the City.

(14) If an investment described in subsection (1), (2), (5) or (6) falls below the standard required by the subsection, the City shall sell the investment within 90 days after the day the investment falls below the standard.

Investment limit

44. (1) The City shall not invest more then 25 per cent of the total amount in all sinking and retirement funds of the City, as estimated by its treasurer on the date of the investment, in short-term debt issued or guaranteed by the City.

(2) In this section,

"short-term debt" means any debt, the terms of which provide that the principal and interest of the debt shall be fully repaid no later than 364 days after the debt is incurred.

Conditions

45. (1) The City shall not invest in a security under paragraph 9 of section 42 or in a promissory note or commercial paper under paragraph 12 of section 42 unless, on the date that the investment is made,

(a) the City itself is rated, or all of the City's long-term debt obligations are rated,

(i) by Dominion Bond Rating Service Limited as "AA(low)" or higher,

(ii) by Fitch Ratings as "AA-" or higher,

(iii) by Moody's Investors Services Inc. as "Aa3" or higher, or

(iv) by Standard and Poor's as "AA–" or higher; or

(b) the City has entered into an agreement with the Local Authority Services Limited and the CHUMS Financing Corporation to act together as the City's agent for the investment in that security, promissory note or commercial paper.

(2) The City shall not invest in a security under paragraph 10 or 13 of section 42 unless, on the date the investment is made, the City has entered into an agreement with the Local Authority Services Limited and the CHUMS Financing corporation to act together as the City's agent for the investment in the security.

(3) An investment made under clause (1) (b) must be made in the public sector group of funds of the Local Authority Services Limited and the CHUMS Financing Corporation with,

(a) another municipality;

(b) a public hospital;

(c) a university in Ontario that is authorized to operate as described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*;

(d) a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;

(e) a school board; or

(f) any agent of an institution listed in clauses (a) to (e).

School purposes

46. The City shall not invest in a security issued or guaranteed by a school board or similar entity unless the money raised by issuing the security is to be used for school purposes.

Canadian dollars

47. (1) The City shall not invest in a security that is expressed or payable in any currency other than Canadian dollars.

(2) Subsection (1) does not prevent the City from continuing an investment, made before this Regulation comes into force, that is expressed and payable in the currency of the United States of America or the United Kingdom.

Statement of policies and goals

48. (1) Before the City invests in a security prescribed under this Regulation, the council shall, if it has not already done so, adopt a statement of the City's investment policies and goals.

(2) In preparing the statement of the City's investment policies and goals under subsection (1), the council shall consider,

(a) the City's risk tolerance and the preservation of its capital;

(b) the City's need for a diversified portfolio of investments; and

(c) obtaining legal advice and financial advice with respect to the proposed investments.

(3) In preparing the statement of the City's investment policies and goals under subsection (1) for investments made under paragraph 14 of section 42, the council shall consider its plans for the investment and how the proposed investment would affect the interest of City taxpayers.

Investment report

49. (1) If the City has an investment in a security listed in section 42, the council shall require the treasurer to prepare and provide to the council, each year or more frequently as specified by the council, an investment report.

(2) The investment report referred to in subsection (1) shall contain,

(a) a statement about the performance of the portfolio of investments of the City during the period covered by the report;

(b) a description of the estimated proportion of the total investments of the City that are invested in its own long-term and short-term securities to the total investment of the City and a description of the change, if any, in that estimated proportion since the previous year's report;

(c) a statement by the treasurer as to whether or not, in his or her opinion, all investments are consistent with the investment policies and goals adopted by the City;

(d) a record of the date of each transaction in or disposal of its own securities, including a statement of the purchase and sale price of each security; and

(e) such other information that the council may require or that, in the opinion of the treasurer, should be included.

(3) Upon disposition of any investment made under paragraph 14 of section 42, the council shall require the treasurer to prepare and provide to the council a report detailing the proposed use of funds realized in the disposition.

Inconsistencies, treasurer's duty

50. If an investment made by the City is, in the treasurer's opinion, not consistent with the investment policies and goals adopted by the City, the treasurer shall report the inconsistency to the council of the City within 30 days after becoming aware of it.

Investments pre March 6, 1997

51. (1) Despite this Regulation, an investment by the City in bonds, debentures or other indebtedness of a corporation made before March 6, 1997 may be continued if the bond, debenture or other indebtedness is rated,

(a) by Dominion Bond Rating Service Limited as "AA(low)" or higher;

(b) by Fitch Ratings as "AA-" or higher;

(c) by Moody's Investors Services Inc. as "Aa3" or higher; or

(d) by Standard and Poor's as "AA-" or higher.

(2) If the rating of an investment continued under subsection (1) falls below the standard required by that subsection, the City shall sell the investment within 90 days after the day the investment falls below the standard.

FORWARD RATE AGREEMENTS

Forward rate agreements

52. (1) If the City enters into an agreement to make an investment on a future date in a security prescribed by section 42, the City may enter one or more forward rate agreements with a bank listed in Schedule I, II or III to the *Bank Act* (Canada) in order to minimize the cost or risk associated with the investment because of fluctuations in interest rates.

(2) A forward rate agreement shall provide for the following matters:

1. Specifying a forward amount, which is the principal amount of the investment or that portion of the principal amount to which the agreement relates.
2. Specifying a settlement day, which is a specified future date.
3. Specifying a forward rate of interest, which is a notional rate of interest applicable on the settlement day.
4. Specifying a reference rate of interest, which is the market rate of interest payable on a specified future date on an acceptance issued by a bank listed in Schedule I, II or III to the *Bank Act* (Canada).
5. Requiring a settlement payment to be payable on the settlement day if the forward rate and the reference rate of interest are different.

(3) The City shall not enter a forward rate agreement if the forward amount described in paragraph 1 of subsection (2) for the investment whose cost or risk the agreement is intended to minimize, when added to all forward amounts under other forward rate agreements, if any, relating to the same investment, would exceed the total amount of the principal of the investment.

(4) The City shall not enter a forward rate agreement unless the settlement day under the agreement is within 12 months of the day on which the agreement is executed.

(5) The City shall not enter a forward rate agreement if the settlement payment described in paragraph 5 of subsection (2) exceeds the difference between the amount of interest that would be payable on the forward amount calculated at the forward rate of interest for the period for which the investment was made and the amount that would be payable calculated at the reference rate of interest.

(6) The City shall not enter a forward rate agreement except with a bank listed in Schedule I, II or III to the *Bank Act* (Canada) and only if the bank's long-term debt obligations on the day the agreement is entered are rated,

(a) by Dominion Bond Rating Service as "A(high)" or higher;

(b) by Fitch Ratings as "A+" or higher;

(c) by Moody's Investors Service Inc. as "A1" or higher; or

(d) by Standard and Poor's as "A+" or higher.

Statement of policies and goals

53. (1) Before the City passes a by-law authorizing a forward rate agreement, the council shall adopt a statement of policies and goals relating to the use of forward rate agreements.

(2) The council shall consider the following matters when preparing the statement of policies and goals:

1. The types of investments for which forward rate agreements are appropriate.
2. The fixed costs and estimated costs to the City resulting from the use of such agreements.
3. A detailed estimate of the expected results of using such agreements.
4. The financial and other risks to the City that would exist with, and without, the use of such agreements.
5. Risk control measures relating to such agreements, such as,
    i. credit exposure limits based on credit ratings and on the degree of regulatory oversight and the regulatory capital of the other party to the agreement,
    ii. standard agreements, and
    iii. ongoing monitoring with respect to the agreements.

Reports to council

54. (1) If the City has any subsisting forward rate agreements in a fiscal year, the treasurer shall prepare and present to the council once in that fiscal year, or more frequently if the council so desires, a detailed report on all of those agreements.

(2) The report must contain the following information and documents:

1. A statement about the status of the forward rate agreements during the period of the report, including a comparison of the expected and actual results of using the agreements.
2. A statement by the treasurer indicating whether, in his or her opinion, all of the forward rate agreements entered during the period of the report are consistent with the City's statement of policies and goals relating to the use of forward rate agreements.
3. Such other information as the council may require.
4. Such other information as the treasurer considers appropriate to include in the report.

JOINT INVESTMENTS WITH OTHER MUNICIPALITIES

Joint investments

55. The City may enter an agreement for the investment of money with any other municipality or with,

(a) a public hospital;

(b) a university in Ontario that is authorized to operate as described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*;

(c) a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;

(d) a local board as defined in the *Municipal Affairs Act*;

(e) a school board; or

(f) any agent of an institution described in clauses (a) to (e).

Commencement

56. This Regulation comes into force on the later of the day section 256 of the *City of Toronto Act, 2006* comes into force and the day this Regulation is filed.

2/07

ONTARIO REGULATION 611/06

made under the

CITY OF TORONTO ACT, 2006

Made: December 21, 2006
Filed: December 27, 2006
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ADMINISTRATIVE PENALTIES

Definitions

1. In this Regulation,

"administrative penalty by-law" means a by-law establishing a system of administrative penalties and described in clause 3 (1) (a);

"designated by-law" means a by-law with respect to parking, standing or stopping of vehicles that is designated by the City as a by-law to which the City's system of administrative penalties applies and, if only a part of a by-law is designated, includes only the designated part of the by-law.

Application

2. This Regulation applies to administrative penalties that are required by the City in respect of the parking, standing or stopping of vehicles and referred to in section 81 of the Act.

General condition

3. (1) The City shall not exercise its power, referred to in section 81 of the Act, to require a person to pay an administrative penalty unless the City,

(a) has passed a by-law establishing a system of administrative penalties that meets the requirements of this Regulation;

(b) has designated the by-laws respecting parking, standing or stopping of vehicles, or the parts of such by-laws, to which the system of administrative penalties applies; and

(c) has met any other requirements of this Regulation.

(2) The purpose of the system of administrative penalties established by the City shall be to assist the City in regulating the flow of traffic and use of land, including highways, by promoting compliance with its by-laws respecting the parking, standing or stopping of motor vehicles.

(3) The City shall not designate a by-law relating to the City's system of disabled parking as a by-law to which the system of administrative penalties applies.

Non-application of *Provincial Offences Act*

4. The *Provincial Offences Act* does not apply to the contravention of a designated by-law.

Liability of owner

5. (1) If a vehicle has been left parked, standing or stopped in contravention of a designated by-law, the owner of the vehicle shall, upon issuance of a penalty notice in accordance with the administrative penalty by-law, be liable to pay an administrative penalty in an amount specified in the administrative penalty by-law.

(2) For the purposes of subsection (1), the owner of a vehicle shall be deemed to be,

(a) the person whose name appears on the permit for the vehicle; and

(b) if the vehicle permit consists of a vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion.

Monetary limit

6. The amount of an administrative penalty established by the City shall,

(a) not be punitive in nature;

(b) not exceed the amount reasonably required to promote compliance with a designated by-law; and

(c) not exceed $100.

Administration of system of administrative penalties

7. The City shall develop standards relating to the administration of the system of administrative penalties which shall include,

(a) policies and procedures to prevent political interference in the administration of the system;

(b) guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur;

(c) policies and procedures regarding financial management and reporting; and

(d) procedures for the filing and processing of complaints made by the public with respect to the administration of the system.

Procedural requirements

8. (1) The administrative penalty by-law passed by the City shall include the following procedural requirements:

1. The owner of a vehicle must be provided with reasonable notice that an administrative penalty is payable under the administrative penalty by-law.
2. The individual issuing a penalty notice in respect of the contravention of a designated by-law is not allowed to accept payment in respect of the penalty.
3. A person who receives a penalty notice shall be given the right to request a review of the administrative penalty by a screening officer appointed by the City for that purpose.
4. The screening officer may cancel, affirm or vary the penalty, including any fee imposed under section 12, upon such grounds as are set out in the administrative penalty by-law.
5. A person who receives notice of the decision of the screening officer shall, in such circumstances as may be specified in the administrative penalty by-law, be given the right to a review of the screening officer's decision by a hearing officer appointed by the City for that purpose.
6. The hearing officer shall not make a determination with respect to a review of the screening officer's decision unless he or she has given the person who requested the review an opportunity to be heard.
7. The hearing officer may cancel, affirm or vary the decision of the screening officer upon such grounds as are set out in the administrative penalty by-law.
8. Procedures must be established to allow a person to obtain an extension of time in which to request a review by a screening officer, or a review by a hearing officer, on such grounds as may be specified in the administrative penalty by-law.
9. Procedures must be established to permit persons to obtain an extension of time for payment of the penalty on such conditions as may be specified in the administrative penalty by-law.
10. The procedures established under paragraphs 8 and 9 shall provide for a suspension of the enforcement mechanisms available under sections 9, 10 and 11 in relation to the administrative penalty if an extension of time has been granted.
11. Procedures must be established to permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees referred to in section 12, if requiring the person to do so would cause undue hardship.

(2) The appointment of the hearing officer shall be consistent with the conflict of interest guidelines referred to in clause 7 (b) and the hearing officer shall conduct hearings in an impartial manner.

(3) Neither a screening officer nor a hearing officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

(4) The *Statutory Powers Procedure Act* applies to a review by a hearing officer.

(5) The decision of a hearing officer is final.

Enforcement

9. (1) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City has the right to enforce payment of the amount in default in accordance with this section.

(2) The City may file a certificate of default in a court of competent jurisdiction and, once filed, the certificate is deemed to be an order of the court and may be enforced in the same manner as an order of the court.

(3) A certificate of default shall be in the form approved by the Attorney General.

(4) Costs incurred in obtaining and enforcing the deemed order shall be added to the order and collected under the order.

(5) A certificate of default shall not be filed more than two years after the date on which the administrative penalty first became due and payable.

(6) One certificate of default may be filed with the court in respect of two or more administrative penalties imposed on the same person.

(7) If, after a certificate of default has been filed with the court, every penalty to which the certificate relates is paid in full, the City shall,

(a) notify the court in writing; and

(b) if a writ of execution has been filed with the sheriff, notify the sheriff in writing.

Plate denial

10. (1) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City may notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid.

(2) Subsection (1) applies only to the permit related to the vehicle to which the administrative penalty relates.

Other enforcement measures

11. (1) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City may adopt, in addition to the enforcement measures described in sections 9 and 10, such other enforcement measures as may be permitted under the Act.

(2) The other enforcement measures referred to in subsection (1) shall not be punitive in nature.

Administrative fees

12. (1) Subject to subsection (2), the City may charge administrative fees, in the amounts specified in the by-law, as follows:

1. If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City,
   i. late payment fees, and
   ii. fees in respect of amounts paid by the City to obtain documents or information about the vehicle or the owner of the vehicle.
2. A fee in respect of the failure of a person to appear at the time and place scheduled for a hearing by a hearing officer.
3. Any other fee or charge that may be imposed by the City in respect of the administration of the administrative penalty system under section 259 of the Act.

(2) No fee may be charged in relation to obtaining a review before a screening officer or a hearing officer.

(3) The fees described in subsection (1) do not form part of the administrative penalty for the purpose of calculating the monetary limits described in section 6.

(4) The fees described in subsection (1) may be added to the administrative penalties in default and the additional amount may be included in the amount to be collected in accordance with the enforcement measures adopted by the City under sections 9, 10 and 11.

(5) If a person has paid any of the fees described in subsection (1) in respect of an administrative penalty and the penalty is subsequently cancelled by a screening officer or a hearing officer, the City shall refund the fees in full to the person.

Availability of by-laws

13. The City shall ensure that the administrative penalty by-law is made available to the public in such manner as it sees fit at no cost.

Commencement

14. This Regulation comes into force on the later of the day that section 118 of the Act comes into force and the day it is filed.

RÈGLEMENT DE L'ONTARIO 611/06

pris en application de la

LOI DE 2006 SUR LA CITÉ DE TORONTO

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PÉNALITÉS ADMINISTRATIVES

Définitions

1. Les définitions qui suivent s'appliquent au présent règlement.

«règlement municipal désigné» Règlement municipal sur le stationnement, l'immobilisation ou l'arrêt de véhicules qui est désigné par la cité comme règlement municipal auquel s'applique son système de pénalités administratives ou la partie d'un tel règlement qui est désignée. («designated by-law»)

«règlement municipal sur les pénalités administratives» Règlement municipal visé à l'alinéa 3 (1) a) qui établit un système de pénalités administratives. («administrative penalty by-law»)

Champ d'application

2. Le présent règlement s'applique aux pénalités administratives, visées à l'article 81 de la Loi, qu'exige la cité à l'égard du stationnement, de l'immobilisation ou de l'arrêt de véhicules.

Condition générale

3. (1) La cité ne doit pas exercer son pouvoir, visé à l'article 81 de la Loi, d'exiger qu'une personne paie une pénalité administrative, à moins qu'elle n'ait fait ce qui suit :

a) elle a adopté un règlement municipal établissant un système de pénalités administratives qui satisfait aux exigences du présent règlement;

b) elle a désigné les règlements municipaux sur le stationnement, l'immobilisation ou l'arrêt de véhicules, ou les parties de tels règlements, auxquels s'applique le système de pénalités administratives;

c) elle a satisfait aux autres exigences du présent règlement.

(2) Le système de pénalités administratives qu'établit la cité a pour objet de l'aider à réglementer le débit de la circulation et l'utilisation des biens-fonds, y compris les voies publiques, en encourageant l'observation de ses règlements municipaux sur le stationnement, l'immobilisation ou l'arrêt de véhicules.

(3) La cité ne doit pas désigner un règlement municipal se rapportant à son système de stationnement pour personnes handicapées comme règlement municipal auquel s'applique le système de pénalités administratives.

Non-application de la Loi sur les infractions provinciales

4. La *Loi sur les infractions provinciales* ne s'applique pas à la contravention à un règlement municipal désigné.

Responsabilité du propriétaire

5. (1) Si un véhicule est stationné, immobilisé ou arrêté en contravention à un règlement municipal désigné, le propriétaire est passible d'une pénalité administrative, selon le montant précisé dans le règlement municipal sur les pénalités administratives, sur délivrance d'un avis de pénalité conforme à celui-ci.

(2) Pour l'application du paragraphe (1), le propriétaire d'un véhicule est réputé être :

a) soit la personne dont le nom figure sur le certificat d'immatriculation du véhicule;

b) soit, si le certificat d'immatriculation du véhicule se compose d'une partie relative au véhicule et d'une partie-plaque et que le nom de différentes personnes figure sur chaque partie, la personne dont le nom figure sur la partie-plaque.

Limites pécuniaires

6. Le montant d'une pénalité administrative fixé par la cité ne doit être :

a) ni de nature punitive;

b) ni supérieur au montant qui est raisonnablement nécessaire pour encourager l'observation d'un règlement municipal désigné;

c) ni supérieur à 100 $.

Administration du système de pénalités administratives

7. La cité élabore des normes relatives à l'administration du système de pénalités administratives qui comprennent ce qui suit :

a) des politiques et des procédures pour empêcher l'ingérence politique dans l'administration du système;

b) des lignes directrices pour définir ce qui constitue un conflit d'intérêts relativement à l'administration du système, pour empêcher de tels conflits et pour y remédier, le cas échéant;

c) des politiques et des procédures en matière de gestion et d'information financières;

d) des procédures pour le dépôt et le traitement des plaintes du public portant sur l'administration du système.

Exigences en matière de procédure

8. (1) Le règlement municipal sur les pénalités administratives qu'adopte la cité comprend les exigences suivantes en matière de procédure :

1. Le propriétaire du véhicule reçoit un avis raisonnable du fait qu'une pénalité administrative est payable en application du règlement municipal.
2. La personne qui délivre l'avis de pénalité pour contravention à un règlement municipal désigné n'est pas autorisée à accepter de paiement à l'égard de la pénalité.
3. Quiconque reçoit un avis de pénalité a le droit de demander qu'un agent d'examen nommé à cette fin par la cité examine la pénalité administrative.
4. L'agent d'examen peut annuler, confirmer ou modifier la pénalité, y compris les frais imposés en vertu de l'article 12, pour les motifs énoncés dans le règlement municipal.
5. Quiconque reçoit un avis de la décision de l'agent d'examen a droit, dans les circonstances que précise le règlement municipal, à un réexamen de la décision de celui-ci par un agent enquêteur nommé à cette fin par la cité.
6. L'agent enquêteur ne doit pas se prononcer sur le réexamen de la décision de l'agent d'examen à moins d'avoir donné à la personne qui a demandé l'examen l'occasion d'être entendue.
7. L'agent enquêteur peut annuler, confirmer ou modifier la décision de l'agent d'examen pour les motifs énoncés dans le règlement municipal.
8. Des procédures sont établies pour permettre à une personne d'obtenir une prorogation du délai accordé pour demander un examen par un agent d'examen, ou un réexamen par un agent enquêteur, pour les motifs que précise le règlement municipal.
9. Des procédures sont établies pour permettre à une personne d'obtenir une prorogation du délai de paiement de la pénalité, aux conditions que précise le règlement municipal.
10. Les procédures établies en application des dispositions 8 et 9 prévoient la suspension des mécanismes d'exécution prévus aux articles 9, 10 et 11 à l'égard de la pénalité administrative si une prorogation du délai a été accordée.
11. Des procédures sont établies pour permettre à une personne d'être dispensée du paiement de la totalité ou d'une partie de la pénalité administrative, y compris des frais administratifs visés à l'article 12, si le fait d'exiger le paiement lui causerait un préjudice indu.

(2) La nomination de l'agent enquêteur est compatible avec les lignes directrices en matière de conflits d'intérêts visés à l'alinéa 7 b); l'agent tient les audiences de manière impartiale.

(3) Ni l'agent d'examen ni l'agent enquêteur n'a compétence pour examiner des questions se rapportant à la validité d'une loi, d'un règlement ou d'un règlement municipal, ni à son applicabilité ou à son effet sur le plan constitutionnel.

(4) La *Loi sur l'exercice des compétences légales* s'applique au réexamen effectué par l'agent enquêteur.

(5) La décision de l'agent enquêteur est définitive.

Exécution

9. (1) Si une pénalité administrative n'est pas payée dans les 15 jours qui suivent sa date d'exigibilité, la cité a le droit de procéder au paiement forcé du montant en défaut conformément au présent article.

(2) La cité peut déposer un certificat de défaut devant un tribunal compétent et, dès son dépôt, le certificat est réputé être une ordonnance du tribunal et est exécutoire au même titre.

(3) Le certificat de défaut est rédigé selon la formule qu'approuve le procureur général.

(4) Les frais engagés pour obtenir et exécuter l'ordonnance réputée telle sont ajoutés à l'ordonnance et perçus aux termes de celle-ci.

(5) Le certificat de défaut ne doit pas être déposé plus de deux ans après la date d'exigibilité de la pénalité administrative.

(6) Un seul certificat de défaut peut être déposé auprès du tribunal à l'égard de deux pénalités administratives ou plus imposées à la même personne.

(7) Si, après le dépôt d'un certificat de défaut auprès du tribunal, chacune des pénalités auxquelles se rapporte le certificat est entièrement payée, la cité :

a) en avise le tribunal par écrit;

b) en avise le shérif par écrit, si un bref d'exécution a été déposé auprès de celui-ci.

Refus : plaque d'immatriculation

10. (1) Si une pénalité administrative n'est pas payée dans les 15 jours qui suivent sa date d'exigibilité, la cité peut aviser le registrateur des véhicules automobiles du défaut de paiement et celui-ci doit alors refuser de valider le certificat d'immatriculation de la personne nommée dans l'avis de défaut et de lui délivrer un nouveau certificat d'immatriculation jusqu'à ce qu'elle paie la pénalité.

(2) Le paragraphe (1) ne s'applique qu'au certificat d'immatriculation du véhicule auquel se rapporte la pénalité administrative.

Autres mesures d'exécution

11. (1) Si une pénalité administrative n'est pas payée dans les 15 jours qui suivent sa date d'exigibilité, la cité peut prendre, en plus des mesures d'exécution visées aux articles 9 et 10, les autres mesures d'exécution que permet la Loi.

(2) Les autres mesures d'exécution visées au paragraphe (1) ne doivent pas être de nature punitive.

Frais administratifs

12. (1) Sous réserve du paragraphe (2), la cité peut exiger des frais administratifs, selon les montants que précise le règlement municipal, comme suit :

1. Si une pénalité administrative n'est pas payée dans les 15 jours qui suivent sa date d'exigibilité, elle peut exiger :
   i. d'une part, des frais de paiement tardif,
   ii. d'autre part, des frais à l'égard des montants qu'elle a payés pour obtenir des documents ou des renseignements concernant le véhicule ou son propriétaire.
2. Des frais à l'égard du défaut de comparution d'une personne aux date, heure et lieu fixés pour la tenue d'une audience devant un agent enquêteur.
3. Les droits ou redevances que la cité peut fixer au titre de l'administration du système de pénalités administratives en vertu de l'article 259 de la Loi.

(2) Il est interdit d'exiger des frais pour l'obtention d'un examen devant un agent d'examen ou d'un réexamen devant un agent enquêteur.

(3) Les frais visés au paragraphe (1) ne font pas partie de la pénalité administrative aux fins du calcul des limites pécuniaires visées à l'article 6.

(4) Les frais visés au paragraphe (1) peuvent être ajoutés aux pénalités administratives en défaut et le montant additionnel peut être compris dans le montant à percevoir conformément aux mesures d'exécution prises par la cité en application des articles 9, 10 et 11.

(5) Si une personne a payé les frais visés au paragraphe (1) à l'égard d'une pénalité administrative et qu'un agent d'examen ou un agent enquêteur annule la pénalité par la suite, la cité lui rembourse la totalité des frais.

Mise à disposition des règlements municipaux

13. La cité veille à ce que le règlement municipal sur les pénalités administratives soit mis gratuitement à la disposition du public de la manière qu'elle juge appropriée.

Entrée en vigueur

14. Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 118 de la Loi ou, s'il lui est postérieur, le jour de son dépôt.

2/07

ONTARIO REGULATION 612/06

made under the

CITY OF TORONTO ACT, 2006

Made: December 29, 2006
Filed: December 29, 2006
Published on e-Laws: January 2, 2007
Printed in *The Ontario Gazette*: January 13, 2007

MINIMUM MAINTENANCE STANDARDS FOR HIGHWAYS IN THE CITY OF TORONTO

Definitions

1. (1) In this Regulation,

"cm" means centimetres;

"day" means a 24-hour period;

"motor vehicle" has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*, except that it does not include a motor assisted bicycle;

"non-paved surface" means a surface that is not a paved surface;

"paved surface" means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion;

"roadway" has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*;

"shoulder" means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;

"surface" means the top of a roadway or shoulder.

(2) For the purposes of this Regulation, every highway or part of a highway under the City's jurisdiction is classified in the Table to this section as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average annual daily traffic on it.

(3) For the purposes of subsection (2) and the Table to this section, the average annual daily traffic on a highway or part of a highway under the City's jurisdiction shall be determined,

(a) by counting and averaging the daily two-way traffic on the highway or part of the highway for the previous calendar year; or

(b) by estimating the average daily two-way traffic on the highway or part of the highway in accordance with accepted traffic engineering methods.

TABLE
CLASSIFICATION OF HIGHWAYS

Average Annual Daily Traffic (number of motor vehicles)	Posted or Statutory Speed Limit (kilometres per hour)						
	91 - 100	81 - 90	71 - 80	61 - 70	51 - 60	41 - 50	1 - 40
15,000 or more	1	1	1	2	2	2	2
12,000 - 14,999	1	1	1	2	2	3	3
10,000 - 11,999	1	1	2	2	3	3	3
8,000 - 9,999	1	1	2	3	3	3	3
6,000 - 7,999	1	2	2	3	3	3	3
5,000 - 5,999	1	2	2	3	3	3	3
4,000 - 4,999	1	2	3	3	3	3	4
3,000 - 3,999	1	2	3	3	3	4	4
2,000 - 2,999	1	2	3	3	4	4	4
1,000 - 1,999	1	3	3	3	4	4	5
500 - 999	1	3	4	4	4	4	5
200 - 499	1	3	4	4	5	5	5
50 - 199	1	3	4	5	5	5	5
0 - 49	1	3	6	6	6	6	6

Application

2. (1) This Regulation sets out the minimum standards of repair for highways under the City's jurisdiction for the purpose of clause 42 (3) (c) of the Act.

(2) The minimum standards of repair set out in this Regulation are applicable only in respect of motor vehicles using the highways.

(3) This Regulation does not apply to Class 6 highways.

MINIMUM STANDARDS

Routine patrolling

3. (1) The minimum standard for the frequency of routine patrolling of highways is set out in the Table to this section.

(2) Routine patrolling shall be carried out by driving on or by electronically monitoring the highway to check for conditions described in this Regulation.

(3) Routine patrolling is not required between sunset and sunrise.

TABLE
ROUTINE PATROLLING FREQUENCY

Class of Highway	Patrolling Frequency
1	3 times every 7 days
2	2 times every 7 days
3	once every 7 days
4	once every 14 days
5	once every 30 days

Snow accumulation

4. (1) The minimum standard for clearing snow accumulation is,

(a) while the snow continues to accumulate, to deploy resources to clear the snow as soon as practicable after becoming aware of the fact that the snow accumulation on a roadway is greater than the depth set out in the Table to this section; and

(b) after the snow accumulation has ended and after becoming aware that the snow accumulation is greater than the depth set out in the Table to this section, to clear the snow accumulation in accordance with subsections (2) and (3) or subsections (2) and (4), as the case may be, within the time set out in the Table.

(2) The snow accumulation must be cleared to a depth less than or equal to the depth set out in the Table.

(3) The snow accumulation must be cleared from the roadway to within a distance of 0.6 metres inside the outer edges of the roadway.

(4) Despite subsection (3), for a Class 4 highway with two lanes or a Class 5 highway with two lanes, the snow accumulation on the roadway must be cleared to a width of at least five metres.

(5) This section,

(a) does not apply to that portion of the roadway designated for parking; and

(b) only applies during the season when the City performs winter highway maintenance.

(6) In this section,

"snow accumulation" means the natural accumulation of new fallen snow or wind-blown snow that covers more than half a lane width of a roadway.

TABLE
SNOW ACCUMULATION

Class of Highway	Depth	Time
1	2.5 cm	4 hours
2	5 cm	6 hours
3	8 cm	12 hours
4	8 cm	16 hours
5	10 cm	24 hours

Icy roadways

5. (1) The minimum standard for treating icy roadways is,

(a) to deploy resources to treat an icy roadway as soon as practicable after becoming aware that the roadway is icy; and

(b) to treat the icy roadway within the time set out in the Table to this section after becoming aware that the roadway is icy.

(2) This section only applies during the season when the City performs winter highway maintenance.

TABLE
ICY ROADWAYS

Class of Highway	Time
1	3 hours
2	4 hours
3	8 hours
4	12 hours
5	16 hours

Potholes

6. (1) If a pothole exceeds both the surface area and depth set out in Table 1, 2 or 3 to this section, as the case may be, the minimum standard is to repair the pothole within the time set out in Table 1, 2 or 3, as appropriate, after becoming aware of the fact.

(2) A pothole is deemed to be repaired if its surface area or depth is less than or equal to that set out in Table 1, 2 or 3, as appropriate.

TABLE 1
POTHOLES ON PAVED SURFACE OF ROADWAY

Class of Highway	Surface Area	Depth	Time
1	600 cm²	8 cm	4 days
2	800 cm²	8 cm	4 days
3	1000 cm²	8 cm	7 days
4	1000 cm²	8 cm	14 days
5	1000 cm²	8 cm	30 days

TABLE 2
POTHOLES ON NON-PAVED SURFACE OF ROADWAY

Class of Highway	Surface Area	Depth	Time
3	1500 cm²	8 cm	7 days
4	1500 cm²	10 cm	14 days
5	1500 cm²	12 cm	30 days

TABLE 3
POTHOLES ON PAVED OR NON-PAVED SURFACE OF SHOULDER

Class of Highway	Surface Area	Depth	Time
1	1500 cm²	8 cm	7 days
2	1500 cm²	8 cm	7 days
3	1500 cm²	8 cm	14 days
4	1500 cm²	10 cm	30 days
5	1500 cm²	12 cm	60 days

Shoulder drop-offs

7. (1) If a shoulder drop-off is deeper, for a continuous distance of 20 metres or more, than the depth set out in the Table to this section, the minimum standard is to repair the shoulder drop-off within the time set out in the Table after becoming aware of the fact.

(2) A shoulder drop-off is deemed to be repaired if its depth is less than or equal to that set out in the Table.

(3) In this section,

"shoulder drop-off" means the vertical differential, where the paved surface of the roadway is higher than the surface of the shoulder, between the paved surface of the roadway and the paved or non-paved surface of the shoulder.

TABLE
SHOULDER DROP-OFFS

Class of Highway	Depth	Time
1	8 cm	4 days
2	8 cm	4 days
3	8 cm	7 days
4	8 cm	14 days
5	8 cm	30 days

Cracks

8. (1) If a crack on the paved surface of a roadway is greater, for a continuous distance of three metres or more, than both the width and depth set out in the Table to this section, the minimum standard is to repair the crack within the time set out in the Table after becoming aware of the fact.

(2) A crack is deemed to be repaired if its width or depth is less than or equal to that set out in the Table.

TABLE
CRACKS

Class of Highway	Width	Depth	Time
1	5 cm	5 cm	30 days
2	5 cm	5 cm	30 days
3	5 cm	5 cm	60 days
4	5 cm	5 cm	180 days
5	5 cm	5 cm	180 days

Debris

9. (1) If there is debris on a roadway, the minimum standard is to deploy resources, as soon as practicable after becoming aware of the fact, to remove the debris.

(2) In this section,

"debris" means any material or object on a roadway,

(a) that is not an integral part of the roadway or has not been intentionally placed on the roadway by the City, and

(b) that is reasonably likely to cause damage to a motor vehicle or to injure a person in a motor vehicle.

Luminaires

10. (1) For conventional illumination, if three or more consecutive luminaires on a highway are not functioning, the minimum standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact.

(2) For conventional illumination and high mast illumination, if 30 per cent or more of the luminaires on any kilometre of highway are not functioning, the minimum standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact.

(3) Despite subsection (2), for high mast illumination, if all of the luminaires on consecutive poles are not functioning, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires.

(4) Despite subsections (1), (2) and (3), for conventional illumination and high mast illumination, if more than 50 per cent of the luminaires on any kilometre of a Class 1 highway with a speed limit of 90 kilometres per hour or more are not functioning, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires.

(5) Luminaires are deemed to be repaired,

(a) for the purpose of subsection (1), if the number of non-functioning consecutive luminaires does not exceed two;

(b) for the purpose of subsection (2), if more than 70 per cent of luminaires on any kilometre of highway are functioning;

(c) for the purpose of subsection (3), if one or more of the luminaires on consecutive poles are functioning;

(d) for the purpose of subsection (4), if more than 50 per cent of luminaires on any kilometre of highway are functioning.

(6) Subsections (1), (2) and (3) only apply to,

(a) Class 1 and Class 2 highways; and

(b) Class 3, Class 4 and Class 5 highways with a posted speed of 80 kilometres per hour or more.

(7) In this section,

"conventional illumination" means lighting, other than high mast illumination, where there are one or more luminaires per pole;

"high mast illumination" means lighting where there are three or more luminaires per pole and the height of the pole exceeds 20 metres;

"luminaire" means a complete lighting unit consisting of,

(a) a lamp, and

(b) parts designed to distribute the light, to position or protect the lamp and to connect the lamp to the power supply.

TABLE
LUMINAIRES

Class of Highway	Time
1	7 days
2	7 days
3	14 days
4	14 days
5	14 days

Signs

11. (1) If any sign of a type listed in subsection (2) is illegible, improperly oriented or missing, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair or replace the sign.

(2) This section applies to the following types of signs:

1. Checkerboard.
2. Curve sign with advisory speed tab.
3. Do not enter.
4. One Way.
5. School Zone Speed Limit.
6. Stop.
7. Stop Ahead.
8. Stop Ahead, New.
9. Traffic Signal Ahead, New.
10. Two-Way Traffic Ahead.
11. Wrong Way.
12. Yield.
13. Yield Ahead.
14. Yield Ahead, New.

Regulatory or warning signs

12. (1) If a regulatory or warning sign other than a sign listed in subsection 11 (2) is illegible, improperly oriented or missing, the minimum standard is to repair or replace the sign within the time set out in the Table to this section after becoming aware of the fact.

(2) In this section,

"regulatory sign" and "warning sign" have the same meanings as in the *Manual of Uniform Traffic Control Devices* published in 1985 by the Ministry of Transportation.

TABLE
REGULATORY AND WARNING SIGNS

Class of Highway	Time
1	7 days
2	14 days
3	21 days
4	30 days
5	30 days

Traffic control signal systems

13. (1) If a traffic control signal system is defective in any way described in subsection (2), the minimum standard is to deploy resources as soon as practicable after becoming aware of the defect to repair the defect or replace the defective component of the traffic control signal system.

(2) This section applies if a traffic control signal system is defective in any of the following ways:

1. One or more displays show conflicting signal indications.
2. The angle of a traffic control signal or pedestrian control indication has been changed in such a way that the traffic or pedestrian facing it does not have clear visibility of the information conveyed or that it conveys confusing information to traffic or pedestrians facing other directions.
3. A phase required to allow a pedestrian or vehicle to safely travel through an intersection fails to occur.
4. There are phase or cycle timing errors interfering with the ability of a pedestrian or vehicle to safely travel through an intersection.
5. There is a power failure in the traffic control signal system.
6. The traffic control signal system cabinet has been displaced from its proper position.
7. There is a failure of any of the traffic control signal support structures.
8. A signal lamp or a pedestrian control indication is not functioning.
9. Signals are flashing when flashing mode is not a part of the normal signal operation.

(3) Despite subsection (1) and paragraph 8 of subsection (2), if the posted speed of all approaches to the intersection or location of the non-functioning signal lamp or pedestrian control indication is less than 80 kilometres per hour and the signal that is not functioning is a green or a pedestrian "walk" signal, the minimum standard is to repair or replace the defective component by the end of the next business day.

(4) In this section and section 14,

"cycle" means a complete sequence of traffic control indications at a location;

"display" means the illuminated and non-illuminated signals facing the traffic;

"indication" has the same meaning as in the *Highway Traffic Act*;

"phase" means a part of a cycle from the time where one or more traffic directions receive a green indication to the time where one or more different traffic directions receive a green indication;

"power failure" means a reduction in power or a loss in power preventing the traffic control signal system from operating as intended;

"traffic control signal" has the same meaning as in the *Highway Traffic Act*;

"traffic control signal system" has the same meaning as in the *Highway Traffic Act*.

Traffic control signal system sub-systems

14. (1) The minimum standard is to inspect, test and maintain the following traffic control signal system sub-systems every 12 months:

1. The display sub-system, consisting of traffic signal and pedestrian crossing heads, physical support structures and support cables.
2. The traffic control sub-system, including the traffic control signal cabinet and internal devices such as timer, detection devices and associated hardware, but excluding conflict monitors.
3. The external detection sub-system, consisting of detection sensors for all vehicles, including emergency and railway vehicles and pedestrian push- buttons.

(2) The minimum standard is to inspect, test and maintain conflict monitors every five to seven months and at least twice a year.

(3) In this section,

"conflict monitor" means a device that continually checks for conflicting signal indications and responds to a conflict by emitting a signal.

Bridge deck spalls

15. (1) If a bridge deck spall exceeds both the surface area and depth set out in the Table to this section, the minimum standard is to repair the bridge deck spall within the time set out in the Table after becoming aware of the fact.

(2) A bridge deck spall is deemed to be repaired if its surface area or depth is less than or equal to that set out in the Table.

(3) In this section,

"bridge deck spall" means a cavity left by one or more fragments detaching from the paved surface of the roadway or shoulder of a bridge.

TABLE
BRIDGE DECK SPALLS

Class of Highway	Surface Area	Depth	Time
1	600 cm²	8 cm	4 days
2	800 cm²	8 cm	4 days
3	1,000 cm²	8 cm	7 days
4	1,000 cm²	8 cm	7 days
5	1,000 cm²	8 cm	7 days

Surface discontinuities

16. (1) If a surface discontinuity, other than a surface discontinuity on a bridge deck, exceeds the height set out in the Table to this section, the minimum standard is to repair the surface discontinuity within the time set out in the Table after becoming aware of the fact.

(2) If a surface discontinuity on a bridge deck exceeds 5 cm, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the surface discontinuity on the bridge deck.

(3) In this section,

"surface discontinuity" means a vertical discontinuity creating a step formation at joints or cracks in the paved surface of the roadway, including bridge deck joints, expansion joints and approach slabs to a bridge.

TABLE
SURFACE DISCONTINUITIES

Class of Highway	Height	Time
1	5 cm	2 days
2	5 cm	2 days
3	5 cm	7 days
4	5 cm	21 days
5	5 cm	21 days

COMMENCEMENT

Commencement

17. This Regulation comes into force on the later of January 1, 2007 and the day this Regulation is filed.

Made by:

DONNA H. CANSFIELD
Minister of Transportation

Date made: December 29, 2006.

2/07

ONTARIO REGULATION 613/06

made under the

MUNICIPAL ACT, 2001

Made: December 29, 2006
Filed: December 29, 2006
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Printed in *The Ontario Gazette*: January 13, 2007

Amending O. Reg. 239/02
(Minimum Maintenance Standards for Municipal Highways)

Note: Ontario Regulation 239/02 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. The Table to section 1 of Ontario Regulation 239/02 is revoked and the following substituted:

TABLE
CLASSIFICATION OF HIGHWAYS

Average Annual Daily Traffic (number of motor vehicles)	Posted or Statutory Speed Limit (kilometres per hour)						
	91 - 100	81 - 90	71 - 80	61 - 70	51 - 60	41 - 50	1 - 40
15,000 or more	1	1	1	2	2	2	2
12,000 - 14,999	1	1	1	2	2	3	3
10,000 - 11,999	1	1	2	2	3	3	3
8,000 - 9,999	1	1	2	3	3	3	3
6,000 - 7,999	1	2	2	3	3	3	3
5,000 - 5,999	1	2	2	3	3	3	3
4,000 - 4,999	1	2	3	3	3	3	4
3,000 - 3,999	1	2	3	3	3	4	4
2,000 - 2,999	1	2	3	3	4	4	4
1,000 - 1,999	1	3	3	3	4	4	5
500 - 999	1	3	4	4	4	4	5
200 - 499	1	3	4	4	5	5	5
50 - 199	1	3	4	5	5	5	5
0 - 49	1	3	6	6	6	6	6

2. Subsection 17 (1) of the Regulation is revoked and the following substituted:

(1) The Minister of Transportation shall conduct a review of this Regulation and Ontario Regulation 612/06 (Minimum Maintenance Standards for Highways in the City of Toronto) made under the *City of Toronto Act, 2006* every five years.

3. This Regulation comes into force on the later of January 1, 2007 and the day this Regulation is filed.

Made by:

DONNA H. CANSFIELD
Minister of Transportation

Date made: December 29, 2006.

2/07

ONTARIO REGULATION 614/06

made under the

CITY OF TORONTO ACT, 2006

Made: December 21, 2006
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TRANSITIONAL MATTERS UNDER CLAUSE 432 (1) (a) OF THE ACT — DEMOLITION AND CONVERSION OF RESIDENTIAL RENTAL PROPERTIES

Definitions

1. In this Regulation,

"conversion" means conversion to a purpose other than the purpose of a residential rental property;

"effective date" means the day on which section 111 of the Act comes into force.

Transition rules, demolition

2. (1) A by-law passed under section 111 of the Act does not apply with respect to a demolition of a residential rental property if subsection (2) or (3) applies.

(2) This subsection applies if,

(a) a permit in respect of the demolition has been issued under section 8 of the *Building Code Act, 1992* or section 33 of the *Planning Act*; and

(b) the application for the permit was made before the effective date.

(3) This subsection applies if,

(a) an event described in section 4 has taken place;

(b) the request or application under the *Planning Act* or the application under the *Condominium Act, 1998* that led to the event,

(i) was made before the effective date, and

(ii) provides for the demolition, expressly or by necessary implication.

Transition rules, conversion

3. (1) A by-law passed under section 111 of the Act does not apply with respect to a conversion of a residential rental property if subsection (2) applies.

(2) This subsection applies if,

(a) an event described in section 4 has taken place; and

(b) the request or application under the *Planning Act* or the application under the *Condominium Act, 1998* that led to the event,

(i) was made before the effective date, and

(ii) provides for the conversion, expressly or by necessary implication.

Events

4. The following are events for the purposes of sections 2 and 3:

1. An official plan is amended, on a request, under section 22 of the *Planning Act.*
2. A zoning by-law is amended, on an application, under section 34 of the *Planning Act*.
3. Plans and drawings are approved under subsection 41 (4) of the *Planning Act*.
4. A minor variance is granted under section 45 of the *Planning Act*.
5. A plan of subdivision is approved under section 51 of the *Planning Act.*
6. A condominium, or exemption from approval for a condominium, is approved under section 9 of the *Condominium Act, 1998*.

7. A consent is granted under section 53 of the *Planning Act*.

Commencement

5. This Regulation comes into force on the later of the day it is filed and the day section 111 of the *City of Toronto Act, 2006* comes into force.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: December 21, 2006.

2/07

NOTE: The Table of Regulations – Legislative History Overview and other tables related to regulations can be found at the e-Laws website (www.e-Laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site by clicking on Statutes and associated Regulations under Consolidated Law.

REMARQUE : On trouve le Sommaire de l'historique législatif des règlements et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés en cliquant sur le lien Lois et règlements d'application sous la rubrique «Textes législatifs codifiés».

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TEXTE D'INFORMATION POUR LA GAZETTE DE L'ONTARIO

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INFORMATION TEXT FOR ONTARIO GAZETTE

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The Ontario Gazette is published every Saturday. Advertisements/notices must be received no later than 3 pm on Thursday, 9 days before publication of the issue in which they should appear. For weeks including Easter Monday, November 11th or a statutory holiday allow an extra day. For the Christmas/New Year holiday schedule please contact the Gazette at (416) 326-5310 or by email at GazettePubsOnt@mgs.gov.on.ca

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