

City of Toronto Act, 1997 (No. 2)

S.O. 1997, CHAPTER 26

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**PART I
GENERAL**

DEFINITIONS

Interpretation

1. (1) In this Act,

“city” means the City of Toronto incorporated by the *City of Toronto Act, 1997*; (“cité”)

“local board” has the same meaning as in the *City of Toronto Act, 1997*; (“conseil local”)

“Metro” means The Municipality of Metropolitan Toronto under the Metro Act; (“communauté urbaine”)

“Metro Act” means the *Municipality of Metropolitan Toronto Act*; (“loi sur la communauté urbaine”)

“Metro Council” means the Metropolitan Council under the Metro Act; (“conseil de la communauté urbaine”)

“old area municipality” means an old municipality other than Metro; (“ancienne municipalité de secteur”)

“old councils” has the same meaning as in the *City of Toronto Act, 1997*; (“anciens conseils”)

“old municipalities” has the same meaning as in the *City of Toronto Act, 1997*; (“anciennes municipalités”)

“urban area” has the same meaning as in the *City of Toronto Act, 1997*. (“zone urbaine”) 1997, c. 26, s. 1 (1).

References to council

(2) In this Act, a reference to a council is a reference to the council of the city, unless the context indicates otherwise. 1997, c. 26, s. 1 (2).

DELEGATION

Delegation of powers of council

2. (1) The council may, by by-law, authorize a city employee to exercise the council’s powers under any of the following provisions of the *Municipal Act*, as those provisions read on December 31, 2002:

1. Paragraphs 107, 108, 109 and 110 of section 210.
2. Subsection 308 (3).
3. Subsection 312 (2) and clauses 312 (4) (a) and (b). 1997, c. 26, s. 2 (1); 2002, c. 17, Sched. F, Table.

Conditions

(2) The by-law may impose conditions on the exercise of the delegated power. 1997, c. 26, s. 2 (2).

Conflict

(3) The by-law applies despite any other Act. 1997, c. 26, s. 2 (3).

Hearing

(4) A person who objects to a decision made by the employee under the by-law is entitled to be heard by the council, which may confirm, rescind or vary the decision. 1997, c. 26, s. 2 (4).

PENSIONS AND BENEFITS

Pensions, benefits

3. (1) In this section,

“benefits” includes,

- (a) life, accident, liability, health, hospital or other insurance benefits,
- (b) liability, medical, health, hospital, sick leave, holiday or similar benefits or gratuities,
- (c) retirement allowances, severances or incentives, and
- (d) gratuities in respect of work-related injuries or death; (“avantages sociaux”)

“employee” means,

- (a) employees and retired employees, both as defined in paragraph 46 of section 207 of the *Municipal Act*, as it read on December 31, 2002, and
- (b) former employees. (“employé”) 1997, c. 26, s. 3 (1); 2002, c. 17, Sched. F, Table.

Rights preserved

(2) Nothing in this Act or the *City of Toronto Act, 1997* affects the rights that any of the following persons have with respect to pensions or benefits on December 31, 1997:

- 1. Employees of an old municipality or one of its local boards.
- 2. Members or former members of an old council, or of a local board of an old municipality.
- 3. Persons entitled, under paragraph 50 of section 207 of the *Municipal Act*, to benefits from an old municipality or one of its local boards.
- 4. The beneficiaries of persons referred to in paragraphs 1, 2 and 3. 1997, c. 26, s. 3 (2).

Plans and funds continued

(3) Subject to any other Act, all pension and benefit plans and funds that meet the following conditions are continued:

- 1. They exist on December 31, 1997 and would, but for the *City of Toronto Act, 1997*, continue to exist on January 1, 1998.
- 2. They are established under the authority of a general or special Act.
- 3. They provide for pensions or benefits for persons listed in subsection (2). 1997, c. 26, s. 3 (3).

Administrative bodies continued

(4) Every board, committee or other body established to administer a plan or fund that is continued by subsection (3) is likewise continued. 1997, c. 26, s. 3 (4).

Future changes

(5) This section does not affect any power that the city or any of its local boards may have to make changes with respect to a pension or benefit plan or fund, including changes affecting the rights of persons listed in subsection (2), by agreement or as otherwise allowed by law. 1997, c. 26, s. 3 (5).

Amending pension by-laws

4. (1) The council may, by by-law, amend a by-law passed under clause 24 (3) (b) of the Metro Act, as it read on December 31, 1997, or under a predecessor of that clause. 1997, c. 26, s. 4 (1).

Two-thirds majority for amendment

(2) A by-law under subsection (1) requires an affirmative vote of two-thirds of the members of council who are present and voting. 1997, c. 26, s. 4 (2).

Local boards, pension contributions

5. When a pension plan established under clause 24 (3) (b) of the Metro Act, or under a predecessor of that clause, applies to an employee of a local board of the city, the local board shall,

- (a) deduct from the employee’s remuneration, by instalments, the amounts the plan requires him or her to contribute, and pay them to the city treasurer; and
- (b) pay to the city treasurer the employer contributions that the plan requires in respect of the employee. 1997, c. 26, s. 5.

Corporate status of certain plan and fund

6. The Metropolitan Toronto Pension Plan and the Metropolitan Toronto Police Benefit Fund established under the Metro Act and continued by subsection 3 (3) of this Act shall be deemed to be bodies corporate, but only for the purposes of acquiring, holding and disposing of land to carry out their objects. 1997, c. 26, s. 6.

Accrued benefits, former plan

7. (1) Subsection (2) applies if an employee of the city or of one of its local boards was, on December 31, 1997, a member of a pension plan established by Metro by virtue of,

- (a) an election under subsection 24 (5) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection; or
- (b) an agreement under clause 24 (3) (c) of the Metro Act, as it read on December 31, 1997, or a predecessor of that clause. 1997, c. 26, s. 7 (1).

Same

- (2) When the employee's services with the city or local board terminate,
 - (a) the employee or his or her beneficiaries are entitled to all the benefits under the pension plan of the former employer referred to in subsection 24 (9) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection, accrued up to the date the employee became a member of the plan established by Metro; and
 - (b) for the purpose of determining eligibility for those accrued benefits, the employee's service with the city or local board (and, up to December 31, 1997, with Metro or its local board) shall be deemed to be service with the former employer. 1997, c. 26, s. 7 (2).

Transfer from other plan

(3) An employee who became a member of the pension plan of Metro or one of its local boards in accordance with subsection 24 (5) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection, is entitled to elect to transfer money to that plan from the pension plan of the former employer, in accordance with subsection 117 (5) of the *Municipal Act*, as it read on December 31, 2002. 1997, c. 26, s. 7 (3); 2002, c. 17, Sched. F, Table.

Same

(4) Subsection (3) applies even if the employee would not be entitled to a refund of contributions from the pension plan of the former employer; on the transfer, the employee and his or her beneficiaries cease to have any rights under the pension plan of the former employer. 1997, c. 26, s. 7 (4).

Same

(5) If the employee elects under subsection (3), the money shall be transferred when his or her service with the city or local board ends, subject to subsection (6). 1997, c. 26, s. 7 (5).

Same

- (6) The money may be transferred earlier,
 - (a) at the option of the Toronto Transit Commission or the Toronto Police Services Board, as the case may be, if it or its predecessor is the former employer;
 - (b) at the city's option, in all other cases. 1997, c. 26, s. 7 (6).

Certain members of police force

(7) Subsection (2) also applies to every person who was, on December 31, 1997, a member of the Toronto Police Force to whom subsection 204 (2) of the Metro Act, as it read on that day, applied. 1997, c. 26, s. 7 (7).

Application of S.O. 1975, c.116, s. 1

(8) Section 1 of *The City of Toronto Act, 1975 (No. 1)* continues to apply to an employee of the city or of one of its local boards who was, on December 31, 1997, entitled to elect under that section. 1997, c. 26, s. 7 (8).

Right to elect preserved

8. (1) An employee of the city or of one of its local boards who had, on December 31, 1997, the right to elect under subsection 24 (5) of the Metro Act as it read on that date continues to have that right. 1997, c. 26, s. 8 (1).

Effect of election

- (2) Subsections 7 (2) to (6) apply if the employee exercises the right to elect. 1997, c. 26, s. 8 (2).

Plans other than OMERS plan

9. A person who was, on December 31, 1997, an employee of an old municipality or one of its local boards and a member of a pension plan other than the one established under the *Ontario Municipal Employees Retirement System Act* and becomes an employee of the city or one of its local boards on January 1, 1998, remains a member of that other plan; the *Ontario Municipal Employees Retirement System Act* does not apply in respect of the person. 1997, c. 26, s. 9.

Contributions to pensions of craft tradespersons

10. (1) Despite section 9 of the *Ontario Municipal Employees Retirement System Act*, the city may make contributions in accordance with a collective agreement to provide pensions for persons it employs as craft tradespersons. 1997, c. 26, s. 10 (1).

Non-application of OMERS

(2) The *Ontario Municipal Employees Retirement System Act* does not apply to the contributions referred to in subsection (1). 1997, c. 26, s. 10 (2).

Toronto Fire Department Superannuation and Benefit Fund

11. Despite any other Act, the Toronto Fire Department Superannuation and Benefit Fund shall be deemed not to be a fraternal society for the purposes of the *Insurance Act*. 1997, c. 26, s. 11.

Effect of certain by-laws

12. (1) A by-law passed under subsection 1 (2) of the *City of Toronto Act, 1988 (No. 3)* shall be deemed not to adversely affect the pensions, other benefits and privileges of members of any plan administered by a committee referred to in that subsection. 1997, c. 26, s. 12 (1).

Same

(2) Despite subsection (1), section 26 of the *Pension Benefits Act* applies to any amendment of a plan referred to in subsection (1) that would result in a reduction of pension benefits accruing after the effective date of the amendment or would otherwise adversely affect the rights or obligations of a person entitled to payment under the plan. 1997, c. 26, s. 12 (2).

Supplementary pensions, council members

13. (1) The council may pass by-laws to provide pensions for members of council, and their surviving spouses, same-sex partners and children, in respect of current and prior service on the council. 1997, c. 26, s. 13 (1); 1999, c. 6, s. 8 (1).

Amount

(2) A pension under subsection (1) may be in an amount not exceeding 1.5 per cent of pensionable earnings, multiplied by the total number of years and part of a year of credited service, up to a maximum of 70 per cent of pensionable earnings when combined with any pension payable under the *Ontario Municipal Employees Retirement System Act* and any pension payable under a by-law made under section 25 of the *Metro Act*, as it read on December 31, 1997, or a predecessor of that section. 1997, c. 26, s. 13 (2).

Definitions

(3) In subsection (2),

“credited service” and “pensionable earnings” have the same meaning as in Regulation 890 (General) of the Revised Regulations of Ontario, 1990, made under the *Ontario Municipal Employees Retirement System Act*. (“années de service reconnues”, “gains ouvrant droit à pension”) 1997, c. 26, s. 13 (3).

Prior service

(4) The by-law may provide that a member shall contribute up to 50 per cent of any payments required in respect of prior service, and that the payments may be on a deferred basis. 1997, c. 26, s. 13 (4).

Amendments

(5) The by-law may be amended to vary the amounts of the pensions or of the contributions referred to in subsection (4). 1997, c. 26, s. 13 (5).

Two-thirds majority for amendment

(6) The by-law and any amendment to it require an affirmative vote of two-thirds of the members of council who are present and voting. 1997, c. 26, s. 13 (6).

Administration

(7) The city and the Ontario Municipal Employees Retirement Board, or any other qualified person, may enter into agreements to administer pensions under subsection (1). 1997, c. 26, s. 13 (7).

Deductions

(8) The city shall deduct from a member's remuneration, by instalments, the amount the plan requires him or her to contribute. 1997, c. 26, s. 13 (8).

Non-application of *Ontario Municipal Board Act*

(9) Section 65 of the *Ontario Municipal Board Act* does not apply so as to require Municipal Board approval with respect to pensions provided under this section. 1997, c. 26, s. 13 (9).

PART II WATER AND SEWAGE WORKS

Existing agreements, sewage and land drainage

14. (1) This section applies in respect of any agreement made by an old area municipality to receive sewage or land drainage from another municipality or from a person other than a municipality, if the works and watercourse used or required in carrying out the agreement were assumed by Metro. 1997, c. 26, s. 14 (1).

Power of OMB

(2) Despite anything in the agreement, the Municipal Board may, on the application of the council of the city, the council of the other municipality or the other person, make an order terminating the agreement and adjusting all rights and liabilities under the agreement. 1997, c. 26, s. 14 (2).

Contract, supply of water to other municipalities

15. (1) The city may enter into a contract to supply water to another municipality for its own use or for resale to the inhabitants of that municipality. 1997, c. 26, s. 15 (1).

20-year period

(2) The contract may run for a period not exceeding 20 years and may be renewable for further periods not exceeding 20 years at any one time. 1997, c. 26, s. 15 (2).

No contract with lower-tier municipality

(3) No contract under subsection (1) shall be made with a local municipality of a regional municipality. 1997, c. 26, s. 15 (3).

Restriction

(4) The municipality that is supplied with water under the contract shall not supply or agree to supply any of the water beyond its own boundaries without the approval of the council. 1997, c. 26, s. 15 (4).

Rate for discharge into sewer system

16. The council may, by by-law, charge a rate for water that a person obtains from a private waterworks system and discharges into the city's sewer system. 1997, c. 26, s. 16.

Connecting to city works or watercourse

17. No person shall connect a local work, local watercourse, private drain or private sewer to a city sewage work or watercourse without the approval of the council. 1997, c. 26, s. 17.

Contract, sewage disposal for other municipality

18. (1) The city may enter into a contract to receive and dispose of sewage and land drainage for another municipality. 1997, c. 26, s. 18 (1).

20-year period

(2) The contract may run for a period not exceeding 20 years and may be renewable for further periods not exceeding 20 years at any one time. 1997, c. 26, s. 18 (2).

No contract with lower-tier municipality

(3) No contract under subsection (1) shall be made with a local municipality of a regional municipality. 1997, c. 26, s. 18 (3).

Disposal of liquid or solid waste

19. (1) The council may pass by-laws to provide for the receipt and disposal of liquid or solid waste that is suitable for treatment in the city sewage works and is transported to those works for receipt and disposal. 1997, c. 26, s. 19 (1).

Conditions and charges

(2) A by-law under subsection (1) may prescribe the conditions on which waste mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of it. 1997, c. 26, s. 19 (2).

Same

(3) The by-law may make different conditions and charges applicable in respect of,

(a) different classes of waste;

(b) different classes of persons transporting the waste to the city sewage works. 1997, c. 26, s. 19 (3).

Waste and waste by-products

20. For the purposes of the power conferred on the city by section 208.2 of the *Municipal Act*, “waste and waste by-products” in clause 208.3 (1) (c) of that Act shall be deemed to include domestic and industrial sewage. 1997, c. 26, s. 20.

PART III HIGHWAYS

CONTROLLED-ACCESS ROADS

Controlled-access roads

21. (1) The council may, by by-law, designate any road or part of a road as a controlled-access road, without the approval of the Municipal Board and sections 96 and 97 of the *Public Transportation and Highway Improvement Act*, as those sections read on December 31, 2002, apply with necessary modifications to the city and the controlled-access road. 2002, c. 17, Sched. F, Table.

Non-application

(2) Sections 36 to 39 of the *Municipal Act, 2001* do not apply to the city or to a controlled-access road designated under subsection (1). 2002, c. 17, Sched. F, Table.

STREET VENDING

By-laws re street vending

22. (1) The council may, by by-law,

(a) designate all or part of a highway, including the sidewalk part, as a removal zone;

(b) designate an area in which all highways, or specified parts of them, are removal zones;

(c) prohibit the placing, stopping or parking in a removal zone of any object or vehicle used to sell goods or refreshments or offer them for sale;

(d) designate spaces in removal zones within which, despite clause (c), goods or refreshments may be sold or offered for sale; and

(e) establish a permit system granting the exclusive use of a designated space to the owner of an object or vehicle used to sell goods or refreshments. 1997, c. 26, s. 22 (1).

Contents of by-law

(2) The by-law may,

(a) prescribe the types of goods or refreshments that may be sold or offered for sale, and prohibit any type;

(b) prescribe the types of objects and vehicles permitted in the designated space, and prohibit any type;

(c) establish design criteria for the objects or vehicles permitted in the designated space;

(d) define “goods”, “owner” and “refreshments”; and

(e) exempt any type of vendor from all or part of the by-law. 1997, c. 26, s. 22 (2).

Same, designated space

(3) For the purposes of clauses (2) (a) and (b), the by-law may prescribe different types of goods or refreshments and different types of objects and vehicles for different designated spaces. 1997, c. 26, s. 22 (3).

Same, permits

- (4) The by-law may,
- (a) prescribe conditions for the issuance and use of a permit;
 - (b) establish permit fees, which may vary by location or by type of goods sold;
 - (c) fix the term of the permit, which may vary with each permit;
 - (d) provide for the issuance of identifying markers in connection with the permits, and specify the manner in which they are to be applied;
 - (e) prohibit or restrict the transfer of permits;
 - (f) establish the method of allocating designated spaces;
 - (g) require that the applicant for a permit hold, or be eligible to hold, any applicable licence issued by the Toronto Licensing Commission for selling the goods or refreshments proposed to be sold from the designated space;
 - (h) regulate the hours of operation permitted under the permit, which may vary according to the location of the designated space; and
 - (i) restrict the issuance of defined classes of permits to vendors who are the owners or occupants of abutting property. 1997, c. 26, s. 22 (4).

Suspension, revocation

(5) The council or its committee may suspend or revoke a permit if the conditions for its issuance or use are not complied with or for any other reason specified in the by-law. 1997, c. 26, s. 22 (5).

Hearing

(6) Before suspending or revoking a permit, the council or committee shall give the permit holder an opportunity to be heard. 1997, c. 26, s. 22 (6).

Partial refund

(7) If the council or committee revokes the permit, the permit holder is entitled to a partial refund of the fee paid for the permit, in proportion to the unexpired part of the term for which it was granted. 1997, c. 26, s. 22 (7).

Suspension by official

(8) A municipal official named in the by-law may, without holding a hearing, suspend the designation of all or part of a removal zone, the designation of a space or the operation of a permit, for the period and subject to the conditions specified in the by-law, in connection with,

- (a) the holding of a special event;
- (b) the construction, maintenance or repair of a public highway;
- (c) the installation, maintenance or repair of a public utility or service; or
- (d) pedestrian, vehicular or public safety. 1997, c. 26, s. 22 (8).

Four-week maximum

(9) The suspension period specified for the purposes of subsection (8) shall not exceed four weeks. 1997, c. 26, s. 22 (9).

Enforcement

(10) An authorized person who has reason to believe that an object or vehicle is placed, stopped or parked in a designated space or a removal zone in contravention of the by-law may,

- (a) on producing appropriate identification, require that a valid permit issued by the city be produced for reasonable inspection; and
- (b) if no valid permit is produced, cause the object or vehicle to be moved and stored in a suitable place, after first,

- (i) informing any person in charge of the object or vehicle that it is in a designated space or removal zone contrary to the by-law, and
- (ii) giving the person a receipt for it. 1997, c. 26, s. 22 (10).

Authorized persons

(11) The following are authorized persons for the purpose of subsection (10):

- 1. Police officers and police cadets.
- 2. Municipal by-law enforcement officers.
- 3. Any other persons whom the by-law authorizes to enforce it. 1997, c. 26, s. 22 (11).

Lien for removal, care and storage

(12) All costs and charges incurred for removal, care and storage under the by-law are a lien on the object or vehicle that may be enforced by the city under the *Repair and Storage Liens Act*. 1997, c. 26, s. 22 (12).

60-day period

(13) Despite subsection (12), if the object or vehicle is not claimed by the owner within 60 days after its removal, it becomes the city's property and may be sold; the proceeds shall form part of the city's general funds. 1997, c. 26, s. 22 (13).

Perishable goods or refreshments

(14) Despite subsection (12), any perishable goods or refreshments found in or on the object or vehicle become the city's property on removal, and may be destroyed or given to a charitable institution. 1997, c. 26, s. 22 (14).

BRIDGES AND HIGHWAYS AT MUNICIPAL BOUNDARIES

Bridges, highways

23. (1) This section applies to a bridge or highway that forms or crosses a boundary between the city and a regional municipality and is included in the road systems of both municipalities. 1997, c. 26, s. 23 (1); 2002, c. 17, Sched. F, Table.

Dispute re bridge or highway crossing

(2) The city or the regional municipality may apply to the Municipal Board to determine any dispute between the municipalities as to,

- (a) which of them is responsible for the construction or maintenance of the bridge or highway, or what amounts or proportions they should contribute for its construction or maintenance;
- (b) anything to be done in respect of the bridge or highway. 1997, c. 26, s. 23 (2).

Hearing

(3) The Municipal Board shall fix a day for the hearing of the application and give the clerks of both municipalities 10 days written notice of the hearing. 1997, c. 26, s. 23 (3).

Order

(4) On hearing the dispute, the Municipal Board may make any order in respect of the bridge or highway that it considers proper, including an order fixing the amount or proportion that each municipality shall contribute for its construction or maintenance. 1997, c. 26, s. 23 (4).

Same

- (5) The order is final and conclusive, and binds the municipalities for the period it specifies. 1997, c. 26, s. 23 (5).

**PART IV
TRANSPORTATION**

Definitions

24. In this Part,

“commission” means the Toronto Transit Commission continued by section 25; (“commission”)

“former commission” means The Toronto Transportation Commission. (“ancienne commission”) 1997, c. 26, s. 24.

TTC continued

25. The commission known as Toronto Transit Commission in English and Commission de transport de Toronto in French is continued. 1997, c. 26, s. 25.

Body corporate, members

26. (1) The commission is a body corporate consisting of the number of members that are appointed by by-law of the council. 1997, c. 26, s. 26 (1).

Term of office

(2) A member shall be appointed for a three-year term, except in the case of an appointment under subsection (5), and shall hold office until his or her successor is appointed. 1997, c. 26, s. 26 (2).

Exception, council member

(3) However, a member of the council who is appointed as a member of the commission ceases to be a member of the commission on ceasing to be a member of the council. 1997, c. 26, s. 26 (3).

Reappointment

(4) A member may be reappointed on the expiration of his or her term of office. 1997, c. 26, s. 26 (4).

Filling vacancy

(5) If a member's office becomes vacant during his or her term of office, the council shall immediately appoint another person to hold office for the unexpired remainder of the term. 1997, c. 26, s. 26 (5).

Two-thirds majority for appointment

(6) The appointment of a member requires the affirmative vote of at least two-thirds of the members of the council present and voting. 1997, c. 26, s. 26 (6).

Residency

(7) Only residents of the city are eligible to be appointed as members. 1997, c. 26, s. 26 (7).

Remuneration

(8) The members shall be paid the salary or other remuneration that the council may fix by by-law. 1997, c. 26, s. 26 (8).

Assets and liabilities

27. All assets vested in the commission by the Metro Act or by a contract made under that Act, and all its liabilities created by that Act or by a contract made under that Act, continue to be the commission's assets and liabilities. 1997, c. 26, s. 27.

Pension fund society

28. (1) The Toronto Transit Commission Pension Fund Society, a corporation subject to Part V of the *Corporations Act* and incorporated by letters patent dated January 3, 1940 as the Toronto Transportation Commission Pension Fund Society, is continued under the name of Toronto Transit Commission Pension Fund Society in English and Société de la caisse de retraite de la Commission de transport de Toronto in French. 1997, c. 26, s. 28 (1).

Role of TTC

(2) The commission continues to stand in the place of the former commission in relation to the Toronto Transit Commission Pension Fund Society. 1997, c. 26, s. 28 (2).

Sick benefit plan

29. (1) The commission may provide for weekly sick-pay, special service and medical and surgical benefits, in accordance with this section,

- (a) for its employees, or any class of them, and their spouses, same-sex partners and dependent children; and
- (b) for its retired employees. 1997, c. 26, s. 29 (1); 1999, c. 6, s. 8 (2).

Same

(2) The commission may provide for paying all or part of the cost of those benefits by contract with,

- (a) an insurer licensed under the *Insurance Act*;
- (b) an association registered under the *Prepaid Hospital and Medical Services Act*; or
- (c) the Toronto Transit Commission Sick Benefit Association established under the *Co-operative Corporations Act*. 1997, c. 26, s. 29 (2).

Contributions

- (3) The commission shall make contributions only in respect of,
 - (a) regular employees who have been employed by the commission for at least 60 days, and their spouses, same-sex partners and dependent children;
 - (b) retired employees who reside in Ontario and elect to continue the benefits. 1997, c. 26, s. 29 (3); 1999, c. 6, s. 8 (3).

Temporary and seasonal employees excluded

- (4) The commission shall not make contributions in respect of temporary or seasonal employees. 1997, c. 26, s. 29 (4).

Certain dependants excluded

(5) Except as provided in subsection (6), the commission shall not make contributions in respect of dependants of regular employees other than spouses, same-sex partners and dependent children, or in respect of dependants of retired employees. 1997, c. 26, s. 29 (5); 1999, c. 6, s. 8 (4).

Election, benefits for certain dependants

(6) Special service and medical and surgical benefits may be provided for dependants of regular employees other than spouses, same-sex partners and dependent children, and for dependants of retired employees, if the employees or retired employees so elect and pay the cost of the benefits. 1997, c. 26, s. 29 (6); 1999, c. 6, s. 8 (5).

Restriction, sick-pay benefits

- (7) Sick-pay benefits shall be provided only for active regular employees. 1997, c. 26, s. 29 (7).

Election, increased sick-pay

(8) Increased weekly sick-pay may be provided for employees who so elect and pay the cost of the increase. 1997, c. 26, s. 29 (8).

Administration costs

(9) The commission may assume the cost of administration of the benefits provided under this section. 1997, c. 26, s. 29 (9).

Benefits validated

(10) The sick-pay, special service and medical and surgical benefits provided before January 1, 1961, and the contributions made in relation to those benefits by The Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed to be legal and valid. 1997, c. 26, s. 29 (10).

General functions of TTC

- 30.** (1) The commission,
- (a) shall consolidate and co-ordinate all forms of local passenger transportation within the urban area, except railways incorporated under federal or provincial statutes and taxis, and shall plan for the future development of local passenger transportation in the urban area so as to best serve its inhabitants;
 - (b) has, with respect to the urban area, all the powers with respect to local passenger transportation that the former commission had with respect to any part of the urban area on December 31, 1953;
 - (c) has all the powers of a municipal council with respect to local passenger transportation systems. 1997, c. 26, s. 30 (1).

Exclusivity

(2) The city and the council are not entitled to exercise a power referred to in clause (1) (c), except in accordance with section 35 (Toronto Islands, ferries and buses). 1997, c. 26, s. 30 (2).

Specific functions

- (3) Without restricting the generality of subsection (1), the commission has the following functions:
1. To construct, maintain, operate, extend, alter, repair, control and manage a local passenger transportation system in the urban area by means of surface, underground or overhead railways, tramways and buses, or any other means of local passenger transportation except railways incorporated under federal or provincial statutes and taxes.
 2. To establish new local passenger transportation services in the urban area as and when required and to change, reduce or abolish any services if the commission considers that desirable.
 3. If the commission considers it desirable, to establish, construct, manage and operate parking lots for the parking of vehicles in connection with its local passenger transportation system, and to charge fees for parking there.
 4. Subject to section 31, to fix tolls and fares and establish fare zones so that the commission's revenue shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for maintenance, renewals, depreciation, debt charges and reserves as the commission thinks proper.
 5. To acquire, by purchase, lease or otherwise, and to use any real and personal property for its purposes, subject to subsection (5).
 6. To make requisitions on the city for the money necessary to carry out its powers and duties. However, nothing in this Act divests the council of its authority with reference to providing the money for such works. When the council provides the money, the city treasurer shall pay it out on the commission's certificate.
 7. To engage in the business of providing consulting services in transit-related matters within or outside the urban area, directly or through a subsidiary. However, the commission may not invest more than \$100,000 in the subsidiary's capital stock without the council's consent. 1997, c. 26, s. 30 (3).

Acquisition of land

(4) The city's power to acquire land and personal property for its own purposes includes the power to acquire and use and to sell, lease or otherwise dispose of them for the commission's purposes. 1997, c. 26, s. 30 (4).

Council approval re debentures

(5) The commission shall not acquire property that is to be paid for with money raised by issuing debentures of the city unless the council's approval has first been obtained. 1997, c. 26, s. 30 (5).

Steeles Avenue

(6) For the purposes of paragraphs 1 and 2 of subsection (3), the whole of Steeles Avenue where it is a boundary of the city shall be deemed to be part of the urban area. 1997, c. 26, s. 30 (6).

City contributions, capital and operating costs

- 31.** The city may,
- (a) contribute to the commission's capital costs; and
 - (b) contribute to the commission's operating costs. 1997, c. 26, s. 31; 1999, c. 14, Sched. F, s. 2.

Agreements, local passenger transportation services

32. (1) The commission may enter into an agreement with a municipality situated within 40 kilometres of the urban area, providing that,

- (a) the commission will operate a local passenger transportation service in accordance with the agreement;
- (b) the municipality will pay any operating deficit; and
- (c) the commission will credit any operating surplus to the municipality. 1997, c. 26, s. 32 (1).

By-laws, surplus and deficit

- (2) The council of the municipality may pass by-laws providing that,
- (a) any deficit charged to the municipality shall be payable out of the municipality's general funds, and any surplus shall be credited to them; or

- (b) with the approval of the Municipal Board, any deficit shall be assessed against the rateable property in an area or areas of the municipality defined in the by-law, and any surplus shall be credited to that rateable property. 1997, c. 26, s. 32 (2).

More than one municipality

(3) The commission may enter into an agreement with two or more municipalities, in which case subsections (1) and (2) apply with necessary modifications. 1997, c. 26, s. 32 (3).

Agreement with person other than municipality

- (4) The commission may enter into an agreement with a person other than a municipality providing that,
 - (a) the commission will operate a local passenger transportation service in accordance with the agreement; and
 - (b) the person will pay any operating deficit. 1997, c. 26, s. 32 (4).

Application of certain Acts

33. For the purposes of the *Public Vehicles Act* and the *Truck Transportation Act*, and the regulations with respect to registration fees under the *Highway Traffic Act*, the whole of Steeles Avenue where it is a boundary of the city shall be deemed to be part of the urban area. 1997, c. 26, s. 33.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 33 is amended by the Statutes of Ontario, 2002, chapter 18, Schedule P, section 40 by striking out “and the *Truck Transportation Act*”. See: 2002, c. 18, Sched. P, ss. 40, 46 (1).

Exclusive authority, local passenger transportation services

34. (1) No person other than the commission shall operate a local passenger transportation service within the urban area, except in accordance with an agreement made under subsection (4). 1997, c. 26, s. 34 (1).

Offence

- (2) A person who contravenes subsection (1) is guilty of an offence. 1997, c. 26, s. 34 (2).

Exceptions

- (3) Subsection (1) does not apply in respect of,
 - (a) rickshaws;
 - (b) pedicabs;
 - (c) railways incorporated under federal or provincial statutes;
 - (d) taxis;
 - (e) vehicles used for providing sightseeing tours;
 - (f) vehicles exclusively chartered to transport a group of persons for a specified trip within the urban area, for a group fee;
 - (g) buses owned and operated by a board of education, school board or private school, or operated under a contract with such a board or school;
 - (h) buses owned and operated by a corporation or organization solely for its own purposes, without charging a fee for transportation;
 - (i) ferries to the Toronto Islands;
 - (j) public buses on the Toronto Islands;
 - (k) passenger transportation services operated by the Toronto Area Transit Operating Authority. 1997, c. 26, s. 34 (3).

Agreements

(4) If a person legally operated a local public passenger transportation service wholly inside or partly inside and partly outside the urban area on January 1, 1954, the commission may enter into an agreement with the person authorizing the person to continue to operate all or part of the service for the period and on the conditions specified in the agreement. 1997, c. 26, s. 34 (4).

Toronto Islands, ferry service

35. (1) The city may establish, maintain and operate a ferry service for providing access to the Toronto Islands, and enter into agreements with any person in respect of the ferry service. 1997, c. 26, s. 35 (1).

Same, bus service

(2) The city may establish, maintain and operate a public bus transportation system on the Toronto Islands, and for that purpose may,

- (a) maintain and operate buses for the conveyance of passengers;
- (b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and
- (c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system. 1997, c. 26, s. 35 (2).

Street railway company

36. The commission shall be deemed to be a street railway company for the purposes of *The Railways Act* (being chapter 331 of the Revised Statutes of Ontario, 1950). 1997, c. 26, s. 36.

Annual report

37. Immediately after the end of each calendar year, the commission shall prepare, deliver to the council, and make available to the public,

- (a) a complete audited and certified financial statement of its affairs, including a revenue and expense account, a balance sheet and a profit and loss statement;
- (b) a general report on its operations during the calendar year. 1997, c. 26, s. 37.

Claims against TTC

38. (1) Any claims arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the commission's transportation system and property, or arising from the exercise of any of the commission's powers, shall be made against the commission and not against the city. 1997, c. 26, s. 38 (1).

Capacity to sue and be sued

- (2) The commission may sue and be sued in its own name. 1997, c. 26, s. 38 (2).

Grants, free or reduced rate transportation for elderly

39. The council may make grants to the commission in the amounts and on the conditions the council considers appropriate, to meet the cost of providing transportation free of charge or at a reduced rate for persons who are 65 years of age or older, or for any class or classes of such persons. 1997, c. 26, s. 39.

Tax exemption, subway and other rapid transit

40. (1) So long as any lands and easements owned by the city or by the commission are used by the commission for the purpose of a subway or other rapid transit, or as car yards or shops in connection with the subway or other rapid transit, those lands and easements and any buildings and structures on them are exempt from business and real property taxation, and the commission is not liable for payments under section 27 of the *Assessment Act*. 1997, c. 26, s. 40 (1).

Concessions

(2) Subsection (1) does not apply to concessions operated, rented or leased in subway or rapid transit stations. 1997, c. 26, s. 40 (2).

Deemed exemption

(3) The exemption provided by subsection (1) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*. 1997, c. 26, s. 40 (3).

PART V POLICE

Definition

41. In this Part,

“Board” means the Toronto Police Services Board continued by section 10 of the *City of Toronto Act, 1997*. 1997, c. 26, s. 41.

Composition of Board

42. The council shall be deemed to have applied to the Lieutenant Governor in Council for an increase in the size of the Board under subsection 27 (9) of the *Police Services Act* and the Lieutenant Governor in Council shall be deemed to have approved the application. 1997, c. 26, s. 42.

Additional policing services

43. (1) In addition to performing the policing services prescribed in the *Police Services Act*, the Toronto Police Force may,

- (a) maintain a safety and lifesaving patrol of the waters of Lake Ontario within the limits of the urban area;
- (b) provide lifeguard service on the beaches in the urban area; and
- (c) provide The Toronto Harbour Commissioners with the security and port policing for the Port of Toronto that they may require from time to time. 1997, c. 26, s. 43 (1).

Fees

(2) The Board may charge such fees for the services provided under clauses (1) (b) and (c) as it determines from time to time. 1997, c. 26, s. 43 (2).

Indemnifying members of police force

44. If the subject-matter of an inquiry held by a commission under the *Public Inquiries Act* includes the conduct of a member of the Toronto police force in the performance or purported performance of his or her duties, the council may, to the extent it thinks fit, pay the legal costs incurred by the member in respect of the inquiry. 1997, c. 26, s. 44.

PART VI LAND USE PLANNING

Official plans

45. Every official plan of an old municipality that is in force on December 31, 1997,

- (a) shall be deemed to be an official plan of the city; and
- (b) remains in force, in respect of the part of the urban area to which it applied on December 31, 1997, until the council repeals it or amends it to provide otherwise. 1997, c. 26, s. 45.

PART VII HEALTH AND WELFARE

Board of health established

46. (1) A board of health for the city is established on January 1, 1998 under the name Board of Health for the City of Toronto Health Unit in English and Conseil de santé de la circonscription sanitaire de la cité de Toronto in French. 1997, c. 26, s. 46 (1).

Size

(2) The council shall, by by-law, establish the board’s size in accordance with subsection 49 (2) of the *Health Protection and Promotion Act*. 1997, c. 26, s. 46 (2).

Appointment

(3) Despite subsections 49 (1) and (3) of the *Health Protection and Promotion Act*, all the members of the board shall be appointed by the council. 1997, c. 26, s. 46 (3).

Area of jurisdiction

(4) The board's area of jurisdiction is the urban area. 1997, c. 26, s. 46 (4).

Health Protection and Promotion Act

(5) The board shall be deemed to be a board of health established under the *Health Protection and Promotion Act*. 1997, c. 26, s. 46 (5).

Functions of council

(6) Despite the *Health Protection and Promotion Act*, the council has the following functions with respect to the new board of health:

1. The functions that the board would otherwise have in respect of the appointment, reappointment and dismissal of its medical officer of health and associate medical officers of health.
2. The duty of providing to the board the municipal employees, including public health nurses, that the council considers necessary to carry out the board's functions, including its duties in respect of mandatory health programs and services.
3. The duty of appointing the board's auditor. 1997, c. 26, s. 46 (6).

Dissolution of old boards

47. (1) The boards of health of the old municipalities are dissolved on January 1, 1998. 1997, c. 26, s. 47 (1).

Assets and liabilities

(2) All the assets and liabilities that the boards of health of the old municipalities had on December 31, 1997 are vested in and become assets and liabilities of the Board of Health for the City of Toronto Health Unit on January 1, 1998, without compensation. 1997, c. 26, s. 47 (2).

Extended application

(3) Subsection (2) also applies to all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations. 1997, c. 26, s. 47 (3).

By-laws and resolutions

- (4) Every by-law or resolution of a board of health of an old municipality that is in force on December 31, 1997,
- (a) shall be deemed to be a by-law or resolution of the Board of Health for the City of Toronto Health Unit; and
 - (b) remains in force, in respect of the part of the urban area to which it applied on that day, until the board repeals it or amends it to provide otherwise. 1997, c. 26, s. 47 (4).

Certain by-laws

(5) Nothing in this section authorizes the repeal or amendment of a by-law conferring rights, privileges, franchises, immunities or exemptions that a board of health of an old municipality could not lawfully have repealed or amended. 1997, c. 26, s. 47 (5).

Public hospitals

48. Subject to the *Public Hospitals Act*, the city may establish, erect, equip, maintain and operate a public hospital. 1997, c. 26, s. 48.

Homes for the aged

49. Homes for the aged that the city establishes and maintains under subsection 3 (1) or (2) of the *Homes for the Aged and Rest Homes Act* may be located inside or outside the urban area. 1997, c. 26, s. 49.

Grants, homes for care of elderly persons

50. The council may make grants in aid of the establishment, construction, extension or equipment of homes for the care of elderly persons. 1997, c. 26, s. 50.

Vesting of trust fund

51. (1) The trust fund composed of undisbursed interest accumulated before January 1, 1982 on the trust accounts of residents of Metropolitan Toronto Homes for the Aged is vested in the city. 1997, c. 26, s. 51 (1).

Distribution

(2) The council may, in its absolute discretion, distribute both the fund and interest accruing on it for any purpose, other than the ordinary operation and maintenance of the homes for the aged of the city, that is for the general benefit of their residents. 1997, c. 26, s. 51 (2).

Payments re County of York home

52. (1) The city shall pay to The Regional Municipality of York the cost of maintenance in the County of York home for the aged of every resident who was admitted there because of his or her residence in the urban area. 1997, c. 26, s. 52 (1).

Amount

(2) If the city and The Regional Municipality of York fail to agree on the amount payable by the city, it shall be determined by the Municipal Board. 1997, c. 26, s. 52 (2).

Special welfare assistance

53. The council may pass by-laws to provide money for the health and welfare of the resident poor not otherwise specifically provided for in this Act. 1997, c. 26, s. 53.

Leasing of 186-194 Beverley Street

54. The council may lease the land and premises known as 186-194 Beverley Street to the Toronto Association for Community Living for its use for a nominal amount, for the period and under the conditions the council may determine. 1997, c. 26, s. 54; 2001, c. 13, s. 9.

Regent Park South Nursery School

55. The city may assume and pay 50 per cent of the annual operating deficit of the Regent Park South Nursery School. 1997, c. 26, s. 55.

Ambulance services

56. The council may, subject to the *Ambulance Act* and the regulations made under it,

- (a) acquire, maintain and operate ambulances for the conveyance of persons requiring medical attention to a hospital or other place;
- (b) enter into an agreement with any person for a period not exceeding five years to maintain and operate ambulances for the purpose of conveying persons requiring medical attention to a hospital or other place, at the rates specified in the agreement and on any other conditions, including the payment of an annual subsidy to the person, that are specified in the agreement;
- (c) establish, maintain and operate a central ambulance dispatching system, and enter into an agreement with any person for a period not exceeding five years for that purpose, on the conditions specified in the agreement;
- (d) provide for payment by the city to owners of ambulances of charges for making calls as directed through such central ambulance dispatching system; and
- (e) provide a public education program to make available information about and give instruction in emergency first aid and basic life support techniques, and charge a fee for the program. 1997, c. 26, s. 56.

PART VIII PARKS AND RECREATION

GENERAL

Sale of liquor, etc., in parks

57. (1) The council may let, for the period it considers desirable and on the conditions it specifies,

- (a) the right to sell refreshments in parks; and
- (b) the right to sell liquor, as defined in the *Liquor Licence Act*, in parks. 1997, c. 26, s. 57 (1); 2002, c. 17, Sched. F, Table.

Restrictions

(2) Clause (1) (b) applies only in respect of parks that belonged to Metro on December 31, 1997, and is subject to the *Liquor Licence Act* and the regulations made under it. 1997, c. 26, s. 57 (2).

Added power

(3) The power conferred by subsection (1) is in addition to the powers conferred by the *Municipal Act, 2001*. 1997, c. 26, s. 57 (3); 2002, c. 17, Sched. F, Table.

Exercise of certain powers outside urban area

58. The city may also exercise the powers conferred by paragraphs 52 and 58 of section 207 of the *Municipal Act*, as those paragraphs read on December 31, 2002,

- (a) in an adjoining lower-tier municipality in The Regional Municipality of Durham or The Regional Municipality of Peel;
- (b) in any lower-tier municipality in The Regional Municipality of York. 1997, c. 26, s. 58; 2002, c. 17, Sched. F, Table.

Agreement with conservation authority

59. (1) Subsection (2) applies in respect of land vested in the Toronto and Region Conservation Authority and managed and controlled by the city under an agreement with that body. 1997, c. 26, s. 59 (1).

Powers of city

- (2) The city may,
 - (a) exercise all or any of the powers conferred by subsection 57 (1) and by paragraphs 52 and 58 of section 207 of the *Municipal Act*, as those paragraphs read on December 31, 2002, in respect of the land;
 - (b) lay out, construct and maintain roads on the land;
 - (c) assume the maintenance of all or part of the existing roads;
 - (d) regulate traffic on roads referred to in clauses (b) and (c), subject to the *Highway Traffic Act*;
 - (e) prescribe the rate of speed for motor vehicles driven on those roads, in accordance with subsection 128 (4) of the *Highway Traffic Act*;
 - (f) despite any other Act, exempt the land from municipal taxation for so long as it is managed and controlled by the city and used for park purposes. 1997, c. 26, s. 59 (2); 2002, c. 17, Sched. F, Table.

Tax exemption

(3) A tax exemption under clause (2) (f) shall be deemed to have the same effect as an exemption from taxes under section 3 of the *Assessment Act*. 1997, c. 26, s. 59 (3).

THE GUILD

Operation, continuation of The Guild

60. (1) In this section,

“Board” means the Board of Management of The Guild; (“conseil de gestion”)

“The Guild” means the land and buildings situated in the former Borough of Scarborough and described in Article I of the Indenture of Lease dated June 16, 1978, between The Metropolitan Toronto and Region Conservation Authority, Ravenna Guild Inn Limited, Metro and H. Spencer Clark. (“domaine The Guild”) 1997, c. 26, s. 60 (1).

Acquisition of Guild

(2) The city may purchase, lease or otherwise acquire The Guild from the Toronto and Region Conservation Authority and may operate, manage and maintain the property as a hotel, restaurant, recreational, cultural, conference and seminar facility. 1997, c. 26, s. 60 (2).

Board continued

(3) The corporation without share capital known as the Board of Management of The Guild is continued under the name Board of Management of The Guild in English and Conseil de gestion du domaine The Guild in French; its purposes are the operation, management and maintenance referred to in subsection (2). 1997, c. 26, s. 60 (3).

Application of common provisions

(4) Subsection 67 (1) applies in respect of the Board. 1997, c. 26, s. 60 (4).

Composition

(5) The Board shall consist of 15 members appointed by the council, of whom seven shall be nominees of the Lieutenant Governor in Council. 1997, c. 26, s. 60 (5).

Agreement between council and Board

(6) The agreement between Metro Council and the Board that is in existence on December 31, 1997, entrusting to the Board the operation, management and maintenance of The Guild on certain conditions, is hereby continued as an agreement between the city council and the Board; the agreement may be renewed or amended by a further agreement between the council and the Board. 1997, c. 26, s. 60 (6).

Budget

(7) The Board shall submit to the council its budget for the current year, at the time and in the form the council specifies; the budget is subject to approval, with or without modification, by the council. 1997, c. 26, s. 60 (7).

Same

(8) After the council approves the Board's annual budget, all spending by the Board shall be in accordance with the approved budget in such level of detail as the council determines. 1997, c. 26, s. 60 (8).

Borrowing

(9) With the council's approval, obtained in advance, the Board may borrow money to acquire working capital; however, nothing in this subsection authorizes the Board to issue debentures. 1997, c. 26, s. 60 (9).

Participation in OMERS

(10) The Board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on January 1, 1984. 1997, c. 26, s. 60 (10).

Pension benefits

(11) If any person who was employed by Guildwood Hall on June 15, 1983, and continued to be so employed on December 31, 1983, accepted employment with the Board commencing on January 1, 1984,

- (a) he or she became a member of the Ontario Municipal Employees Retirement System on the transfer date; and
- (b) his or her employment with Guildwood Hall shall be deemed to have been employment with the Board for the purposes of the *Ontario Municipal Employees Retirement System Act*. 1997, c. 26, s. 60 (11).

Same

(12) The Board shall be deemed to have assumed responsibility, as of December 31, 1983, for the accrued pension benefits of any pension plan in existence on that date respecting any employees referred to in subsection (11), and the rights of Guildwood Hall in any such plan are hereby vested in the Board. 1997, c. 26, s. 60 (12).

Same

(13) Nothing in this section requires the Board to provide benefits other than those already earned and funded. 1997, c. 26, s. 60 (13).

EXHIBITION PLACE

Powers, duties re: Exhibition Place

61. (1) In this section and in section 62,

“Exhibition Place” means the land known as Exhibition Park and adjacent land to the south created by fill, which was vested in the city on January 1, 1998 by the *City of Toronto Act, 1997*, except for any interest of the Crown in right of Ontario. 1997, c. 26, s. 61 (1).

Use of Exhibition Place

- (2) Exhibition Place shall be used,
 - (a) for parks and exhibition purposes;
 - (b) for the purposes of trade centres and trade and agricultural fairs such as, but not limited to, the annual Canadian National Exhibition and Royal Agricultural Winter Fair;

- (c) for displays, agricultural activities, sporting events, athletic contests, public entertainments and meetings;
- (d) for highway, electrical transmission or public utility purposes;
- (e) for any other purpose that the council may approve. 1997, c. 26, s. 61 (2).

Canadian National Exhibition

- (3) An exhibition shall be held annually at Exhibition Place. 1997, c. 26, s. 61 (3).

Powers of council

(4) With respect to Exhibition Place, the council has the powers conferred on it by the *Municipal Act, 2001* in respect of culture, parks, recreation and heritage matters and all other powers required for the full and effective use of the land in accordance with subsection (2). 1997, c. 26, s. 61 (4); 2002, c. 17, Sched. F, Table.

Agreements

(5) Without limiting the generality of subsection (4), the city may, for the full and effective use of Exhibition Place in accordance with subsection (2), enter into agreements with The Board of Governors of Exhibition Place, the Canadian National Exhibition Association, the Royal Agricultural Winter Fair or other persons respecting,

- (a) the use, operation and maintenance of all or part of Exhibition Place, including any buildings or structures on the land; and
- (b) any other matter that the council considers desirable. 1997, c. 26, s. 61 (5).

Same

(6) The city may enter into agreements with The Board of Governors of Exhibition Place or the Canadian National Exhibition Association appointing the Board or the Association as its agent to carry out any of the powers of the city under this section; on execution of the agreement, the Board or the Association, as the case may be, is authorized to exercise the powers, subject to any restrictions in the agreement. 1997, c. 26, s. 61 (6).

Board

62. (1) In this section and in section 63,

“Association” means the Canadian National Exhibition Association; (“association”)

“Board” means the corporation continued by subsection (2). (“conseil d’administration”) 1997, c. 26, s. 62 (1).

Board continued

(2) The corporation without share capital known as The Board of Governors of Exhibition Place in English and Conseil d’administration du Parc des expositions in French is continued; its purposes are the operation, management and maintenance of Exhibition Place. 1997, c. 26, s. 62 (2).

Application of common provisions

- (3) Subsection 67 (1) applies in respect of the Board. 1997, c. 26, s. 62 (3).

Composition of Board

- (4) The Board shall consist of the following 13 members:
 - 1. Eleven members appointed by the council, composed of,
 - i. three council members,
 - ii. five persons who may but are not required to be council members, and
 - iii. three persons who are nominated by the Association.
 - 2. The mayor.
 - 3. The president of the Association. 1997, c. 26, s. 62 (4).

Head office

- (5) The Board shall have a head office in the city. 1997, c. 26, s. 62 (5).

General policies

(6) The council may, by by-law, establish general policies to be followed in the operation, management and maintenance of Exhibition Place. 1997, c. 26, s. 62 (6).

Agricultural and Horticultural Organizations Act

(7) For the purposes of the *Agricultural and Horticultural Organizations Act*, the Board shall be deemed to be an organization. 1997, c. 26, s. 62 (7).

Budget

(8) The Board shall submit to the council its budget for the current year, at the time and in the form the council specifies; the budget is subject to approval, with or without modification, by the council. 1997, c. 26, s. 62 (8).

Same

(9) After the council approves the Board's annual budget, all spending by the Board shall be in accordance with the approved budget in such level of detail as the council determines. 1997, c. 26, s. 62 (9).

Borrowing

(10) With the council's approval, obtained in advance, the Board may borrow money to acquire working capital; however, nothing in this subsection authorizes the Board to issue debentures. 1997, c. 26, s. 62 (10).

Agreements

(11) For the purposes of carrying out an agreement between the Association and the city under subsection 61 (5) or (6), the Board may enter into further agreements with the Association allowing it to use,

- (a) the services of any of the Board's employees; or
- (b) equipment belonging to the Board. 1997, c. 26, s. 62 (11).

Municipal Conflict of Interest Act

(12) For the purposes of the *Municipal Conflict of Interest Act*, a member of the Board who is also a member or officer of the Association does not, for that sole reason, have a pecuniary interest in respect of a contract, proposed contract or other matter between the Board and the Association. 1997, c. 26, s. 62 (12).

Former employees of Association or Exhibition Stadium Corporation

63. (1) Every person employed by the Association or the Exhibition Stadium Corporation who accepted employment with the Board under subsection 232 (1) of the Metro Act,

- (a) continues as, or shall be deemed to have become a member of, the Ontario Municipal Employees Retirement System, as the case requires, on the transfer date; and
- (b) with respect to pension benefits accrued before the coming into force of an agreement under subsections 229 (11) and (12) of that Act, shall be deemed, during the course of his or her employment by the Association or the Corporation, to have been employed by the Board. 1997, c. 26, s. 63 (1).

Participation in OMERS

(2) The Board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on October 4, 1982. 1997, c. 26, s. 63 (2).

Sick leave

(3) Any sick leave credits of an employee referred to in subsection (1) standing on the day an agreement is entered into under subsections 229 (11) and (12) of the Metro Act shall be placed to the employee's credit in any sick leave credit plan established by the Board. 1997, c. 26, s. 63 (3).

TORONTO ZOO

Board

64. (1) In this section and in section 65,

“Board” means the Board of Management of the Toronto Zoo; (“conseil de gestion”)

“Society” means the Metropolitan Toronto Zoological Society; (“société”)

“Toronto Zoo” means the zoological garden and related facilities that have been established by Metro Council or that may be established by the city council. (“zoo de Toronto”) 1997, c. 26, s. 64 (1).

Board continued

(2) The corporation without share capital known as the Board of Management of the Metropolitan Toronto Zoo is continued under the name Board of Management of the Toronto Zoo in English and Conseil de gestion du zoo de Toronto in French; its purposes are the operation, management and maintenance of the Toronto Zoo. 1997, c. 26, s. 64 (2).

Application of common provisions

(3) Subsection 67 (1) applies in respect of the Board. 1997, c. 26, s. 64 (3).

Composition

(4) The Board shall be composed of nine members appointed by the council, of whom four shall be nominees of the Society. 1997, c. 26, s. 64 (4).

Animal Acquisition Committee

(5) The Board shall establish an Animal Acquisition Committee; the Society is entitled to appoint one member to the committee and may, with the Board’s approval, appoint a larger number. 1997, c. 26, s. 64 (5).

Other committees

(6) The Board has discretion to establish other committees, assign duties to them and appoint persons (including members of the Society) to be their members. 1997, c. 26, s. 64 (6).

Agreements

(7) The city may enter into agreements with the Board entrusting the operation, management and maintenance of the Toronto Zoo to the Board, on the conditions the council considers proper. 1997, c. 26, s. 64 (7).

General policies

(8) The council may, by by-law, establish general policies to be followed by the Board in the operation, management and maintenance of the Toronto Zoo under an agreement entered into under subsection (7). 1997, c. 26, s. 64 (8).

Taxation

(9) The Board’s occupation, management and control of the Toronto Zoo under the agreement shall be deemed, for the purposes of subsections 59 (2) and (3) of this Act and paragraph 9 of section 3 of the *Assessment Act*, to be occupation, management and control by the city. 1997, c. 26, s. 64 (9).

Municipal Conflict of Interest Act

(10) For the purposes of the *Municipal Conflict of Interest Act*, a member of the Board who is also a member or officer of the Society does not, for that sole reason, have a pecuniary interest in respect of a contract, proposed contract or other matter between the Board and the Society. 1997, c. 26, s. 64 (10).

Former employees of Society

65. (1) For the purposes of pension benefits, every person employed by the Society who accepted employment with the Board under subsection 236 (1) of the Metro Act shall be deemed, during the course of his or her employment by the Society, to have been employed by the Board. 1997, c. 26, s. 65 (1).

Sick leave

(2) Any sick leave credits of an employee referred to in subsection (1) standing on December 31, 1977 shall be placed to the employee’s credit in any sick leave credit plan established by the Board. 1997, c. 26, s. 65 (2).

HUMMINGBIRD CENTRE

Board

66. (1) In this section,

“Board” means The Board of Directors of the Hummingbird Centre for the Performing Arts; (“conseil d’administration”)

“Centre” means the land and building vested in the city known as the Hummingbird Centre, formerly known as the O’Keefe Centre. (“centre”) 1997, c. 26, s. 66 (1).

Board continued

(2) The corporation known as The Board of Management of the O’Keefe Centre is continued under the name The Board of Directors of the Hummingbird Centre for the Performing Arts in English and Conseil d’administration du Centre Hummingbird des arts d’interprétation in French; its purposes are the operation, management and maintenance of the Centre as a theatre and auditorium and as a centre for meetings, receptions and displays. 1997, c. 26, s. 66 (2).

Application of common provisions

(3) Subsection 67 (2) applies in respect of the Board. 1997, c. 26, s. 66 (3).

General policies

(4) The council may, by by-law, establish general policies to be followed by the Board in the operation and management of the Centre. 1997, c. 26, s. 66 (4).

By-law re composition of Board, etc.

(5) The council may, by by-law, establish,

- (a) the size and composition of the Board;
- (b) the qualifications that its members are required to have;
- (c) rules regarding their reappointment;
- (d) procedures for filling vacancies on the Board; and
- (e) the circumstances under which a member’s seat becomes vacant or he or she becomes disqualified from sitting as a member. 1997, c. 26, s. 66 (5).

Not a local board, exceptions

(6) The Board is not a local board of the city, except for the purposes of,

- (a) the *Ontario Municipal Employees Retirement System Act*; and
- (b) section 216 of the *Municipal Act, 2001*. 1997, c. 26, s. 66 (6); 2002, c. 17, Sched. F, Table.

Audit

(7) The Board’s accounts and transactions shall be audited by the city’s auditor. 1997, c. 26, s. 66 (7).

Pensions

(8) The Board may provide pensions for its employees, or any class of them, and their spouses, same-sex partners and children, and may enter into agreements with any person for that purpose. 1997, c. 26, s. 66 (8); 1999, c. 6, s. 8 (6).

Borrowing

(9) The Board shall not borrow money without the approval of the council. 1997, c. 26, s. 66 (9).

Taxation

(10) The Board’s occupation, management and control of the Centre shall be deemed, for the purposes of paragraph 9 of section 3 of the *Assessment Act*, to be occupation, management and control by the city. 1997, c. 26, s. 66 (10).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 66 is repealed by the Statutes of Ontario, 1998, chapter 37, section 22. See: 1998, c. 37, ss. 22, 23 (2).

COMMON PROVISIONS

Common provisions re Guild, Exhibition Park and Zoo boards

67. (1) The following provisions apply in respect of the Board of Management of The Guild continued by subsection 60 (3), The Board of Governors of Exhibition Place continued by subsection 62 (2), and the Board of Management of the Toronto Zoo continued by subsection 64 (2):

1. The board has capacity to sue and be sued in its own name.
2. The board has capacity to enter into contracts, including contracts of employment, in its own name.
3. The board has all powers incidental to its purposes.

4. The board shall have a corporate seal.
5. The members of the board shall elect a chair and may elect a vice-chair from among their number.
6. The city is entitled to any surplus resulting from the board's activities and is responsible for any deficit the board incurs.
7. The *Corporations Act* does not apply to the board.
8. The members of the board appointed by the council shall hold office for a term not exceeding the term of the council that appointed them and until their successors are appointed. Members may be reappointed.
9. The board may enact by-laws regulating its proceedings and governing the conduct and management of its affairs. 1997, c. 26, s. 67 (1).

Same, Hummingbird board

(2) Paragraphs 1 to 6 of subsection (1) also apply in respect of The Board of Directors of the Hummingbird Centre for the Performing Arts continued by subsection 66 (2). 1997, c. 26, s. 67 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed by the Statutes of Ontario, 1998, chapter 37, section 22. See: 1998, c. 37, ss. 22, 23 (2).

PART IX TORONTO PUBLIC LIBRARY BOARD

Library board established

68. (1) A library board for the city is established on January 1, 1998 under the name Toronto Public Library Board in English and Conseil des bibliothèques publiques de Toronto in French. 1997, c. 26, s. 68 (1).

Public Libraries Act

(2) The board shall be deemed to be a public library board established under the *Public Libraries Act*. 1997, c. 26, s. 68 (2).

Dissolution of old boards

69. (1) The library boards of the old municipalities are dissolved on January 1, 1998. 1997, c. 26, s. 69 (1).

Assets and liabilities

(2) All the assets and liabilities that the library boards of the old municipalities had on December 31, 1997 are vested in and become assets and liabilities of the Toronto Public Library Board on January 1, 1998, without compensation. 1997, c. 26, s. 69 (2).

Extended application

(3) Subsection (2) also applies to all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations. 1997, c. 26, s. 69 (3).

By-laws and resolutions

- (4) Every by-law or resolution of a library board of an old municipality that is in force on December 31, 1997,
 - (a) shall be deemed to be a by-law or resolution of the Toronto Public Library Board; and
 - (b) remains in force, in respect of the part of the urban area to which it applied on that day, until the board repeals it or amends it to provide otherwise. 1997, c. 26, s. 69 (4).

Certain by-laws

(5) Nothing in this section authorizes the repeal or amendment of a by-law conferring rights, privileges, franchises, immunities or exemptions that a library board of an old municipality could not lawfully have repealed or amended. 1997, c. 26, s. 69 (5).

Additional functions

- 70.** (1) In addition to its functions under the *Public Libraries Act*, the Toronto Public Library Board shall,
- (a) provide a reference and research service that reflects the unique needs of the urban area;
 - (b) maintain a comprehensive collection of books, periodicals, films and other material for the purpose of clause (a); and

(c) provide library resources and services to the Ontario library community. 1997, c. 26, s. 70 (1).

Special library services board

(2) For the purposes of clause (1) (c), the board shall be deemed to be a special library services board under subsection 40 (1) of the *Public Libraries Act*. 1997, c. 26, s. 70 (2).

Other resources and services

(3) The Minister of Citizenship, Culture and Recreation may specify additional resources and services to be provided by the board. 1997, c. 26, s. 70 (3).

Grants

(4) The Minister of Citizenship, Culture and Recreation may make grants to the board under subsection 40 (1) of the *Public Libraries Act* for the purposes of clause (1) (c) and for the purposes of subsection (3). 1997, c. 26, s. 70 (4).

John Ross Robertson Collection

71. The Toronto Public Library Board has power to maintain the personal property known as the John Ross Robertson Collection, in whatever building of the board it considers appropriate. 1997, c. 26, s. 71.

**PART X
TORONTO HISTORICAL BOARD**

Historical board continued

72. (1) The Toronto Historical Board, incorporated by the Statutes of Ontario, 1958, chapter 160, section 5, is hereby continued under the name Toronto Historical Board in English and Conseil historique de Toronto in French. 1997, c. 26, s. 72 (1).

Objects

(2) The objects of the board are,

(a) the construction, maintenance, control, operation and management of the city's real and personal property of historic interest within,

(i) the area of the former city of Toronto, and

(ii) any other part of the urban area that the council fixes, by by-law; and

(b) any other objects of a similar nature that the council assigns to the board, by by-law. 1997, c. 26, s. 72 (2).

Dissolution of an old board

73. The North York Historical Board, incorporated by the Statutes of Ontario, 1974, chapter 151, sections 1 and 2, is dissolved on January 1, 1998. 1997, c. 26, s. 73.

Acquisition of property, provision of funds

74. (1) The council may acquire real and personal property of historic interest and may provide the necessary funds for the objects of the Toronto Historical Board. 1997, c. 26, s. 74 (1).

Matters reserved to council

(2) The council's powers under subsection (1) shall not be exercised by or delegated to the board. 1997, c. 26, s. 74 (2).

By-law re size, composition, membership

75. (1) The council shall pass a by-law to establish,

(a) the size and composition of the Toronto Historical Board;

(b) the qualifications that its members are required to have;

(c) rules regarding their reappointment;

(d) procedures for filling vacancies on the board;

(e) the circumstances under which a member's seat becomes vacant or a member becomes disqualified from sitting as a member. 1997, c. 26, s. 75 (1).

Other requirements

- (2) The council may, by by-law, require the board to,
- (a) keep minutes of its meetings;
 - (b) allow members of council or any other person appointed for that purpose by the council to inspect any of the board's records;
 - (c) submit an annual budget to the council;
 - (d) ensure that the board's money is properly received, disbursed, accounted for and deposited;
 - (e) subject to clause 76 (1) (g),
 - (i) apply the revenue it receives to the payment of the expenses incurred in the performance of its functions, and
 - (ii) pay to the city any revenue that remains after payment of expenses;
 - (f) keep on deposit with the city treasurer an insurance policy indemnifying the city against public liability and property damage in respect of the properties under the board's control or supervision;
 - (g) submit an annual report to the council, including annual financial statements audited by a person appointed for that purpose under the *Municipal Act, 2001*. 1997, c. 26, s. 75 (2); 2002, c. 17, Sched. F, Table.

Powers of board

- 76.** (1) The Toronto Historical Board may, subject to subsection (2),
- (a) make regulations governing its proceedings, the calling of meetings and the conduct of its members and employees;
 - (b) appoint such employees as it considers necessary;
 - (c) set fees or charges for admission to or use of properties under its control or supervision, and require their payment;
 - (d) fix visiting hours when any of the properties under its supervision may be open;
 - (e) sell or distribute objects and literature of historical significance or interest;
 - (f) sell, within the properties under its control or supervision, souvenirs, articles and refreshments at such prices as it may decide;
 - (g) apply any privately-donated funds to the specific purpose designated by the donor;
 - (h) represent the city in matters of historical significance as the council may assign;
 - (i) mark or supervise the marking of historic sites and properties that the council designates within the urban area;
 - (j) negotiate and enter into agreements with property owners relating to the erection and maintenance of historical markers on their properties;
 - (k) produce, copy and distribute publications and documents relating to the history of the city;
 - (l) carry out such other duties relating to the city's history and development as the council may assign. 1997, c. 26, s. 76 (1).

Restrictions

- (2) The council may, by by-law, impose restrictions on the powers of the board set out in subsection (1). 1997, c. 26, s. 76 (2).

Conflict of interest

77. No member of the Toronto Historical Board or of the council shall have a contract with the board or have a direct or indirect pecuniary interest in any undertaking relating to the board's operations. 1997, c. 26, s. 77.

By-law dissolving board

- 78.** (1) The council may, by by-law, dissolve the Toronto Historical Board. 1997, c. 26, s. 78 (1).

Effect of by-law

(2) When the by-law comes into force, the board ceases to exist and all its assets and liabilities become assets and liabilities of the city. 1997, c. 26, s. 78 (2).

**PART XI
TORONTO LICENSING COMMISSION**

Definition

79. In this Part,

“commission” means the commission continued by section 80. 1997, c. 26, s. 79.

Toronto Licensing Commission continued

80. (1) The Metropolitan Licensing Commission is continued under the name Toronto Licensing Commission in English and Commission de délivrance de permis de Toronto in French. 1997, c. 26, s. 80 (1).

Composition

(2) The commission is composed of,

- (a) the mayor or his or her delegate; and
- (b) two or more persons appointed by the council. 1997, c. 26, s. 80 (2).

Delegation by mayor

(3) The mayor may designate any member of the council to be his or her delegate at any or all of the meetings of the commission. 1997, c. 26, s. 80 (3).

Chair, vice-chair

(4) The members of the commission shall elect a chair and may elect a vice-chair from among their number. 1997, c. 26, s. 80 (4).

Quorum

(5) The council may, by by-law, establish quorum requirements for the commission. 1997, c. 26, s. 80 (5).

Powers

81. (1) The commission has all the powers that may be exercised by a local municipality under the *Municipal Act, 2001* for licensing, regulating and governing teamsters, carters, owners and drivers of cabs, buses, motor or other vehicles used for hire and for fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality. 2002, c. 17, Sched. F, Table.

By-laws re ambulance service

(2) A by-law with respect to licensing, regulating and governing owners and drivers of ambulances that is passed by the commission under Part IV of the *Municipal Act, 2001*, as subsection (1) authorizes, may include provisions,

- (a) for licensing, regulating and governing ambulance attendants and providing for examinations to be passed by ambulance drivers and attendants;
- (b) for requiring owners of ambulances to install and maintain a prescribed means of communication with any central ambulance dispatching system maintained by or for the city, and prescribing the means of communication; and
- (c) for requiring owners and drivers of ambulances to accept and make calls as directed through that central ambulance dispatching system. 1997, c. 26, s. 81 (2); 2002, c. 17, Sched. F, Table.

Other by-laws

(3) The commission may pass by-laws,

- (a) for licensing, regulating and governing taxi-cab brokers;
- (b) for licensing, regulating and governing auctioneers and other persons selling or offering for sale goods by public auction;
- (c) for licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distribution of posters, pictures or handbills that are indecent or tend to corrupt morals;
- (d) for licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles and driving instructors employed in that business; and

- (e) for licensing, regulating and governing,
 - (i) electrical contractors and master electricians, and
 - (ii) plumbing contractors, master plumbers and journeyman plumbers. 1997, c. 26, s. 81 (3).

Same

(4) In by-laws passed under clause (3) (e), the commission may define “electrical contractors”, “master electricians”, “plumbing contractors”, “master plumbers” and “journeyman plumbers”. 1997, c. 26, s. 81 (4).

Further powers

(5) The council may, by by-law, authorize the commission to exercise the powers of a municipality or police services board under an Act specified in the by-law with respect to licensing, regulating, governing, prohibiting or limiting any trade, calling, business or occupation or the persons engaged in it. 1997, c. 26, s. 81 (5).

Power to summon witnesses, etc.

82. (1) In connection with any matter that relates to the execution of its functions, the commission has the same powers as the Ontario Court (General Division) in civil cases,

- (a) to summon witnesses and examine them on oath;
- (b) to enforce their attendance; and
- (c) to compel them to give evidence and produce documents and things. 1997, c. 26, s. 82 (1).

Pre-1957 licences

(2) Subsection (1) applies, with necessary modifications, in respect of any matter that relates to a licence issued before January 1, 1957, by a body that formerly exercised the powers now vested in the commission. 1997, c. 26, s. 82 (2).

Investigation and report re contravention

83. The council may, by resolution, require the commission to investigate an alleged contravention of a by-law of the commission and to report to the council. 1997, c. 26, s. 83.

Additional functions of council

84. (1) The council has the following powers and duties with respect to the part of the urban area that was the City of Toronto incorporated by *The City of Toronto Act, 1834*:

1. The powers and duties conferred on a police service board by the *Municipal Act, 2001* or any other Act.
2. The powers and duties conferred on the Board of Commissioners of Police of that old area municipality by any special Act. 1997, c. 26, s. 84 (1); 2002, c. 17, Sched. F, Table.

Exception

(2) Subsection (1) does not apply to powers and duties that this Act confers on the Toronto Police Services Board or the commission. 1997, c. 26, s. 84 (2).

Application of provisions

85. Section 18 and Parts IV and XIV of the *Municipal Act, 2001* apply, with necessary modifications, to the commission and its by-laws. 2002, c. 17, Sched. F, Table.

Power retained by council

- 86.** (1) Despite section 81, the council may,
- (a) pass any by-law that the commission could pass, including a by-law that the commission is authorized to pass under subsection 81 (5); and
 - (b) repeal all or part of an existing by-law of the commission. 1997, c. 26, s. 86 (1).

Effect of council by-law

- (2) While a council by-law that the commission could otherwise pass is in force,
 - (a) the commission has no power to pass a by-law, to the extent that it would conflict with the council by-law; and

(b) the effect of any by-law previously passed by the commission under the same provision as the council by-law is suspended, to the extent that it conflicts with the council by-law. 1997, c. 26, s. 86 (2).

Application of s. 84

(3) For the purposes of section 84, a power exercised by the council under this section shall be deemed to be a power exercised by the commission. 1997, c. 26, s. 86 (3).

Same

(4) Section 84, in so far as it applies to the passing and enforcement of by-laws and the fixing of fees, applies in respect of a council by-law passed under subsection (1). 1997, c. 26, s. 86 (4).

Remuneration of members

87. The city shall pay to the members of the commission, except the mayor or his or her delegate, the remuneration for their services that the council determines. 1997, c. 26, s. 87.

**PART XII
TORONTO PARKING AUTHORITY**

Parking authority established

88. (1) A parking authority for the city is established on January 1, 1998 under the name of Toronto Parking Authority in English and Office des parcs de stationnement de Toronto in French. 1997, c. 26, s. 88 (1).

Municipal Act, s. 207, par. 57

(2) The parking authority shall be deemed to be a parking authority established under paragraph 57 of section 207 of the *Municipal Act*, as that paragraph read on December 31, 2002, and that paragraph continues to apply with necessary modifications to the parking authority. 1997, c. 26, s. 88 (2); 2002, c. 17, Sched. F, Table.

Dissolution of old parking authorities

89. (1) The parking authorities of the old municipalities are dissolved on January 1, 1998. 1997, c. 26, s. 89 (1).

Assets and liabilities

(2) All the assets and liabilities that the parking authorities of the old municipalities had on December 31, 1997 are vested in and become assets and liabilities of the Toronto Parking Authority on January 1, 1998, without compensation. 1997, c. 26, s. 89 (2).

Extended application

(3) Subsection (2) also applies to all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations. 1997, c. 26, s. 89 (3).

By-laws and resolutions

(4) Every by-law or resolution of a parking authority of an old municipality that is in force on December 31, 1997,

(a) shall be deemed to be a by-law or resolution of the Toronto Parking Authority; and

(b) remains in force, in respect of the part of the urban area to which it applied on that day, until the parking authority repeals it or amends it to provide otherwise. 1997, c. 26, s. 89 (4).

Certain by-laws

(5) Nothing in this section authorizes the repeal or amendment of a by-law conferring rights, privileges, franchises, immunities or exemptions that a parking authority of an old municipality could not lawfully have repealed or amended. 1997, c. 26, s. 89 (5).

By-law re size, composition, membership

90. (1) The council shall pass a by-law to establish,

(a) the size and composition of the Toronto Parking Authority;

(b) the qualifications of its members;

(c) the rules regarding reappointment;

- (d) the procedures for filling vacancies; and
- (e) the circumstances under which a member's seat becomes vacant or a member becomes disqualified from sitting as a member. 1997, c. 26, s. 90 (1).

Additional powers

- (2) The council may, by by-law, give the parking authority power,
 - (a) to enter into agreements for the construction of parking facilities in, under, over or on land that is vested in the city for any purpose;
 - (b) to sell, lease or otherwise dispose of land or buildings, or parts of them, that have been designated for the parking authority's use by a city by-law and are no longer required for the parking authority's purposes;
 - (c) to enter into agreements for the maintenance, operation and management of parking facilities in the urban area;
 - (d) with the consent of the council of the municipality concerned, to enter into agreements for the maintenance, operation and management of parking facilities outside the urban area. 1997, c. 26, s. 90 (2).

Execution of documents

- (3) If the by-law gives the parking authority the power mentioned in clause (2) (b), the city shall execute any documents that are required for the transaction. 1997, c. 26, s. 90 (3).

Additional provisions

- (4) The by-law may include any of the following provisions:
 - 1. Despite clause (a) of paragraph 57 of section 207 of the *Municipal Act*, as the clause read on December 31, 2002, the parking authority may consist of more than three members.
 - 2. This paragraph applies if the city or the parking authority constructs a building or structure on land owned by the city, for the purposes of the parking authority, above or below ground level or both. The city (or, with the council's consent, the parking authority) may construct on, under or in connection with the building or structure any foundations, footings and supports that the city or the parking authority considers necessary for the following purpose: to permit a space above the building or structure that is owned by the city but not required for city or parking authority purposes to be used for the construction of other buildings or structures by any person to whom an interest in the space is transferred.
 - 3. A building that the city or the parking authority constructs as a municipal parking facility may include facilities at basement, street, mezzanine or second floor levels that are not required for city or parking authority purposes. The city or the parking authority may lease those facilities for commercial or administrative purposes.
 - 4. If the by-law gives the parking authority the power mentioned in clause (2) (b), it may also impose limitations and conditions on the exercise of the power as the council considers proper. Without limiting the foregoing, it may provide that the money paid or any other terms of the transaction shall be subject to the council's approval.
 - 5. If the by-law gives the parking authority the power mentioned in clause (2) (b), the money obtained from the transaction shall be paid to the city. The balance remaining after payment of incidental expenses shall be paid into the reserve fund established under clause (d) of paragraph 56 of section 207 of the *Municipal Act*, as that clause read on December 31, 2002.
 - 6. The net revenue obtained under an agreement mentioned in clause (2) (c) shall be paid into the reserve fund established under clause (d) of paragraph 56 of section 207 of the *Municipal Act*, as that clause read on December 31, 2002. 1997, c. 26, s. 90 (4); 2002, c. 17, Sched. F, Table.

By-law dissolving parking authority

- 91.** (1) The council may, by by-law, dissolve the Toronto Parking Authority. 1997, c. 26, s. 91 (1).

Effect of by-law

- (2) When the by-law comes into force, the parking authority ceases to exist and all its assets and liabilities become assets and liabilities of the city. 1997, c. 26, s. 91 (2).

**PART XIII
OTHER LOCAL BOARDS**

GENERAL

Non-application to certain local boards

92. This Part does not apply to the following local boards:

1. The Toronto Transit Commission (Part IV).
2. The Toronto Police Services Board (Part V).
3. The Board of Health for the City of Toronto Health Unit and the boards of health of the old municipalities (Part VII).
4. The Board of Management of The Guild, The Board of Governors of Exhibition Place and The Board of Management of the Toronto Zoo (Part VIII).
5. The Toronto Public Library Board and the library boards of the old municipalities (Part IX).
6. The Toronto Historical Board and the historical boards of the old municipalities (Part X).
7. The Toronto Licensing Commission (Part XI).
8. The Toronto Parking Authority and the parking authorities of the old municipalities (Part XII). 1997, c. 26, s. 92.

Local boards continued

93. (1) The local boards of the old municipalities are continued as local boards of the city. 1997, c. 26, s. 93 (1).

By-laws and resolutions of local boards

(2) Every by-law or resolution of a local board that is in force on December 31, 1997 remains in force, in respect of the part of the urban area to which it applied on that day, until the local board repeals it or amends it to provide otherwise. 1997, c. 26, s. 93 (2).

By-law merging local boards

94. (1) The council may, by by-law, merge two or more local boards continued by subsection 93 (1) into a new local board. 1997, c. 26, s. 94 (1).

By-laws and resolutions of merged local boards

(2) Every by-law or resolution of a local board that is in force on the day on which a by-law passed under subsection (1) and providing for the merger of that local board comes into force,

- (a) shall be deemed to be a by-law or resolution of the new local board; and
- (b) remains in force, in respect of the part of the urban area to which it applied on the day before the by-law passed under subsection (1) comes into force, until the new local board repeals it or amends it to provide otherwise. 1997, c. 26, s. 94 (2).

Same, council by-laws and resolutions relating to local boards

(3) Subsection (2) also applies, with necessary modifications, to by-laws and resolutions of the council that relate to a merged local board. 1997, c. 26, s. 94 (3).

Assets and liabilities

(4) All the assets and liabilities that the merged local boards have immediately before a by-law passed under subsection (1) comes into force are vested in and become assets and liabilities of the new local board on the day the by-law comes into force, without compensation. 1997, c. 26, s. 94 (4).

Extended application

(5) Subsection (4) also applies to all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations. 1997, c. 26, s. 94 (5).

Certain by-laws

(6) Nothing in this section authorizes the repeal or amendment of a by-law conferring rights, privileges, franchises, immunities or exemptions that a merged local board could not lawfully have repealed or amended. 1997, c. 26, s. 94 (6).

PUBLIC UTILITY COMMISSIONS

Transfer to city

95. (1) In this section,

“old public utility commission” means a public utility commission that is dissolved by subsection 28 (3) of the *City of Toronto Act, 1997*. 1997, c. 26, s. 95 (1).

Certain assets and liabilities

(2) Any assets and liabilities controlled and managed by the old public utility commissions on December 31, 1997 that do not relate to the distribution and supply of electrical power are vested in and become assets and liabilities of the city, without compensation. 1997, c. 26, s. 95 (2).

Extended application

(3) Subsection (2) also applies to all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations. 1997, c. 26, s. 95 (3).

By-laws and resolutions

(4) Every by-law or resolution of an old public utility commission that does not relate to the distribution and supply of electrical power and is in force on December 31, 1997,

- (a) shall be deemed to be a by-law or resolution of the city; and
- (b) remains in force in respect of the part of the urban area to which it applied on December 31, 1997, until it is amended or repealed by the city. 1997, c. 26, s. 95 (4).

PART XIV FINANCES

SPECIAL SERVICES AND SPECIAL LOCAL LEVIES

Special services

96. (1) In this section,

“special local levy” means an amount to be raised on all the rateable property within the boundaries of one or more old area municipalities, but not throughout the urban area; (“impôt extraordinaire local”)

“special service” means a service or activity that,

- (a) was being provided or undertaken by one or more old area municipalities on December 31, 1997,
- (b) continues to be provided or undertaken by the city on and after January 1, 1998, and
- (c) is provided or undertaken at a level or in a manner that, in the council’s opinion, confers a benefit on the residents and property owners of the old area municipality or those old area municipalities that is not conferred on those of the rest of the urban area. (“service particulier”) 1997, c. 26, s. 96 (1).

By-laws re special services

- (2) The council may, by by-law,
 - (a) identify a special service;
 - (b) define the basis of determining the additional cost of providing or undertaking the special service;
 - (c) determine whether the additional cost should be raised by a special local levy, in whole or in part, and if in part, determine its proportion of the whole;
 - (d) designate the old area municipality or old area municipalities within whose boundaries the special local levy is to apply; and
 - (e) determine the amount of the special local levy. 1997, c. 26, s. 96 (2).

Restrictions

- (3) The following rules apply to the power conferred by subsection (2):

1. The council may pass a by-law under subsection (2) for the first time for 1998 or for 1999, with respect to a special service.
2. If the council does not pass a by-law under subsection (2) for 1999 with respect to a special service, it does not have power to pass such a by-law with respect to that special service for any year after 1999.
3. If the council passes a by-law under subsection (2) for 1999 with respect to a special service but does not pass such a by-law with respect to that special service for a year after 1999, it does not have power to pass such a by-law with respect to that special service for any subsequent year. 1997, c. 26, s. 96 (3).

Annual special local levy

(4) For each year that a by-law passed under subsection (2) is in force, the council shall pass a corresponding by-law levying a separate tax rate on the assessment in each property class in the designated part of the urban area. 1997, c. 26, s. 96 (4).

Tax rates

(5) The tax rates to be levied under subsection (4) shall be determined in accordance with subsection 312 (6) of the *Municipal Act, 2001* as if the special local levy were a special local municipality levy as defined in subsection 312 (1) of that Act. 2002, c. 17, Sched. F, Table.

TRANSITIONAL TAX RATE ADJUSTMENTS

City of Toronto Act, 1997, s. 2 (5) (b)

97. Sections 98 to 101 apply despite clause 2 (5) (b) of the *City of Toronto Act, 1997*. 1997, c. 26, s. 97.

Special adjustments

98. (1) In this section,

“assets”, when used in reference to an old area municipality, means the assets of that municipality and of its local boards, including,

- (a) any audited surplus as of December 31, 1997, and
- (b) any reserves and reserve funds in existence on that date; (“actif”)

“liabilities”, when used in reference to an old area municipality, means the liabilities of that municipality and of its local boards, including,

- (a) any audited operating deficit as of December 31, 1997, and
- (b) any outstanding debenture debt as of that date. (“passif”) 1997, c. 26, s. 98 (1).

Reduction of separate tax rate

(2) The council may,

- (a) consider the assets of an old area municipality (or any class or classes of them) in comparison with the assets (or a corresponding class or classes of them) of the other old area municipalities; and
- (b) by by-law, apply all or part of the amount of the assets of the old area municipality considered under clause (a) to lower the separate tax rate levied to raise the general local municipality levy that would otherwise apply on the assessment in each property class rateable for local municipal purposes within the boundaries of that old area municipality. 1997, c. 26, s. 98 (2).

Increase of separate tax rate

(3) The council may,

- (a) consider the liabilities of an old area municipality (or any class or classes of them) in comparison with the liabilities (or a corresponding class or classes of them) of the other old area municipalities; and
- (b) by by-law, allocate all or part of the amount of the liabilities of the old area municipality considered under clause (a) to increase the separate tax rate levied to raise the general local municipality levy that would otherwise apply on the assessment in each property class rateable for local municipal purposes within the boundaries of that old area municipality. 1997, c. 26, s. 98 (3).

Restrictions

- (4) The following rules apply to the powers conferred by subsections (2) and (3):
1. The council may pass a by-law under either subsection for the first time for 1998 or for 1999, with respect to the rateable assessment within the boundaries of an old area municipality.
 2. If the council does not pass a by-law under either subsection for 1999 with respect to the rateable assessment within the boundaries of an old area municipality, it does not have power to pass such a by-law with respect to that old area municipality for any year after 1999.
 3. If the council passes a by-law under either subsection for 1999 with respect to the rateable assessment within the boundaries of an old area municipality but does not pass such a by-law with respect to that old area municipality for a year after 1999, it does not have power to pass such a by-law with respect to that old area municipality for any subsequent year.
 4. In any case, the council does not have power to pass a by-law under either subsection for any year after 2005. 1997, c. 26, s. 98 (4).

Application of subs. (2)

99. (1) Subsection (2) applies if the general local municipality levy in 1998 within the boundaries of an old area municipality is higher than it would have been but for the incorporation of the city by the *City of Toronto Act, 1997*, due to pre-existing higher expenditure levels for services in one or more other old area municipalities. 1997, c. 26, s. 99 (1).

Transitional tax rate reductions

(2) The council may, by by-law, lower the separate tax rate that would otherwise apply on the rateable assessment in each property class within the boundaries of that old area municipality. 1997, c. 26, s. 99 (2).

Restrictions

- (3) The following rules apply to the power conferred by subsection (2):
1. The council may pass a by-law for the first time for 1998 or for 1999, with respect to the rateable assessment within the boundaries of an old area municipality.
 2. If the council does not pass a by-law for 1999 with respect to the rateable assessment within the boundaries of an old area municipality, it does not have power to pass such a by-law with respect to that old area municipality for any year after 1999.
 3. If the council passes a by-law for 1999 with respect to the rateable assessment within the boundaries of an old area municipality but does not pass such a by-law with respect to that old area municipality for a year after 1999, it does not have power to pass such a by-law with respect to that old area municipality for any subsequent year.
 4. In any case, the council does not have power to pass a by-law for any year after 2005. 1997, c. 26, s. 99 (3).

Permitted levels of tax rate reductions

(4) Tax rate reductions made under subsection (2) shall be set so that, when they are applied to the applicable assessment rateable for local municipal purposes within the boundaries of the old area municipality, the reduction in the amount of the general local municipality levy that applies within those boundaries does not exceed the product obtained when the following are multiplied together:

1. The amount of the levy increase in 1998 that is due to pre-existing higher expenditure levels for services in one or more other old area municipalities.
2. The percentage that is shown opposite the relevant year in the Table to this section.

TABLE

YEAR	MAXIMUM PERCENTAGE REDUCTION
1998	88
1999	77
2000	66
2001	55
2002	44
2003	33

2004	22
2005	11

1997, c. 26, s. 99 (4).

Inclusion in estimates

100. In 2003, 2004 and 2005, the council shall include in the estimates adopted under section 290 of the *Municipal Act, 2001*,

- (a) the amounts resulting from any tax rate reductions applied in that year under subsections 98 (2) and 99 (2); and
- (b) the amounts resulting from any tax rate increases made in that year under subsection 98 (3). 1997, c. 26, s. 100; 2002, c. 17, Sched. F, Table.

Tax ratios

101. Tax rate reductions under subsections 98 (2) and 99 (2) and tax rate increases under subsection 98 (3) that are made in the same year to the different classes of property shall be in the same proportion to each other as the tax ratios established for those property classes for that year under section 308 of the *Municipal Act, 2001*. 1997, c. 26, s. 101; 2002, c. 17, Sched. F, Table.

DEBENTURES

By-law re agreement for issue and sale of debentures

102. (1) When the council or the Municipal Board has authorized the city to borrow money and issue debentures for its purposes the council may, by by-law, authorize the mayor and treasurer to enter into an agreement or agreements for the issue and sale of debentures, with any person or persons, at any time in the year in which the by-law is passed. 1997, c. 26, s. 102 (1).

Same

- (2) The by-law may impose specified conditions on the authorization. 1997, c. 26, s. 102 (2).

Same

(3) The by-law authorizes the mayor and treasurer to enter into the agreement or agreements on the conditions, including price or prices, that they consider expedient. 1997, c. 26, s. 102 (3).

Maximum amount

(4) The by-law shall set out the maximum amount of money that may be raised by the issue and sale of debentures under the by-law. 1997, c. 26, s. 102 (4).

Report

(5) When an agreement is made under the by-law, the treasurer shall report its terms to the council not later than the second regular council meeting after the agreement is made. 1997, c. 26, s. 102 (5).

Money by-laws

(6) When an agreement is made under the by-law, the council shall pass all necessary money by-laws in accordance with the agreement, Part XIII of the *Municipal Act, 2001* and sections 103, 104 and 105 of this Act. 1997, c. 26, s. 102 (6); 2002, c. 17, Sched. F, Table.

Conflict

- (7) This section applies despite any other general or special Act. 1997, c. 26, s. 102 (7).

Sinking fund committee

103. (1) There shall be a sinking fund committee consisting of,

- (a) the city treasurer, who shall be the committee's chair and treasurer; and
- (b) the number of other members appointed by the council that it considers appropriate. 1997, c. 26, s. 103 (1).

Alternate members

(2) The council may appoint an alternate member for each member appointed under clause (1) (b); the alternate member has power to act if the first member is absent or unable to act. 1997, c. 26, s. 103 (2).

Quorum

(3) A majority of members of the committee are a quorum. 1997, c. 26, s. 103 (3).

Approval requirement

(4) All investments and disposals of investments require the approval of a majority of the members. 1997, c. 26, s. 103 (4).

Remuneration

(5) The members appointed under clause (1) (b) shall be paid, from the city's current fund, the annual remuneration fixed by the council, and the alternate members may be paid remuneration in the same way if the council so determines. 1997, c. 26, s. 103 (5).

Bonding requirement

(6) Section 287 of the *Municipal Act, 2001* applies to the members of the committee with necessary modifications, but the manner and extent of the bonding shall be designated by the city auditor and not by the municipality as provided in clause 287 (1) (a) of that Act. 2002, c. 17, Sched. F, Table.

Sinking fund accounts

104. (1) All sinking fund debentures issued on the same date, payable in the same currency and maturing on the same date shall, even if they are issued under more than one by-law,

- (a) be deemed to be one debt; and
- (b) be represented by one sinking fund account. 1997, c. 26, s. 104 (1).

Bank accounts

- (2) The sinking fund committee shall keep one or more bank accounts, to which the following rules apply:
1. A bank account may contain money belonging to more than one sinking fund account, but a sinking fund account shall not be allocated to more than one bank account.
 2. Each year, the city treasurer shall deposit the money raised for each sinking fund in the appropriate bank account.
 3. All earnings and proceeds from sinking fund investments shall be deposited in the appropriate bank account.
 4. Withdrawals from a bank account require the committee's authorization.
 5. Cheques on a bank account require the signatures of the chair or acting chair and another member of the committee. 1997, c. 26, s. 104 (2).

Control and management of assets

(3) The committee has sole control and management of the assets of the sinking fund or funds, including all bank accounts. 1997, c. 26, s. 104 (3).

Investments

(4) The committee shall invest any money on deposit in a bank account in accordance with section 418 of the *Municipal Act, 2001* and may vary investments at any time. 2002, c. 17, Sched. F, Table.

Earnings credited to sinking fund account

- (5) In each year, an amount calculated as follows shall be credited to every sinking fund account:
1. The amount of earnings from all sinking fund investments in the year shall be determined on an accrual basis.
 2. The amount determined under paragraph 1 shall be multiplied by the amount of the compounded interest for that year with respect to the principal raised up to and including that year for all sinking fund debentures represented by the sinking fund account.
 3. The product obtained under paragraph 2 shall be divided by the amount of the compounded interest for that year with respect to the principal raised up to and including that year for all outstanding sinking fund debentures. 1997, c. 26, s. 104 (5).

Offence

(6) If the treasurer does not comply with paragraph 2 of subsection (2), he or she is guilty of an offence. 1997, c. 26, s. 104 (6).

Anticipated surplus

105. (1) If it appears that the amount in a sinking fund account will, together with the amount to be credited to it under subsection 104 (5) and the levy required by the by-law or by-laws that authorized the issue of the relevant debentures, be more than sufficient to pay the principal of the debt when it matures, the council may reduce the amount of money to be raised with respect to the debt. 1997, c. 26, s. 105 (1).

Actual surplus

- (2) When there is a surplus in a sinking fund account, the sinking fund committee may, subject to the council's approval,
- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
 - (b) authorize the withdrawal of the surplus from the bank account or accounts, to be used for one or more of the purposes described in subsection (3). 1997, c. 26, s. 105 (2).

Purposes

- (3) The purposes referred to in clause (2) (b) are:
- 1. Retirement of unmatured city debentures.
 - 2. Reduction of the next annual levy on account of principal and interest payable with respect to city debentures.
 - 3. Reduction of the amount of debentures to be issued for capital expenditures for which the issue of debentures has been approved.
 - 4. Transfer to the general funds of the city. 1997, c. 26, s. 105 (3).

Retirement fund for term debentures

106. (1) The sinking fund committee shall also administer the retirement fund or funds for term debentures. 1997, c. 26, s. 106 (1).

Application of ss. 103-105

(2) Sections 103, 104 and 105 apply to retirement funds for term debentures, with necessary modifications. 1997, c. 26, s. 106 (2).

REPLACEMENT OF OLD MUNICIPALITIES BY CITY

Unpaid amounts

107. (1) An amount that meets the following conditions is due and payable to the city and may be collected by the city or one of its local boards:

- 1. The amount represents taxes, charges and rates levied under any general or special Act.
- 2. The amount is due and payable to an old municipality or one of its local boards and remains unpaid. 1997, c. 26, s. 107 (1).

Tax sales

(2) The city may continue any procedures for the sale of land under the *Municipal Tax Sales Act* that were begun by an old municipality but not completed on December 31, 1997. 1997, c. 26, s. 107 (2).

Outstanding Metro debentures

108. (1) The city stands in the place of Metro with respect to debentures issued by Metro on which the principal remains unpaid on December 31, 1997; the city is also responsible for payment of any related debt charges payable on or after January 1, 1998. 1997, c. 26, s. 108 (1).

Metro sinking fund debentures

(2) The sinking fund committee has sole control and management of the sinking fund accounts for any sinking fund debentures for which the city becomes responsible under subsection (1). 1997, c. 26, s. 108 (2).

Application of ss. 103-105

(3) Sections 103, 104 and 105 apply to the sinking fund accounts, with necessary modifications. 1997, c. 26, s. 108 (3).

Saving

109. Sections 107 and 108 do not limit the generality of subsections 2 (4), (5) and (6) of the *City of Toronto Act, 1997*. 1997, c. 26, s. 109.

1998 borrowing limit

110. For the purposes of subsection 187 (4) of the *Municipal Act*, the estimated revenues of the city for 1997 are the sum of the estimated revenues of the old municipalities as shown in the estimates adopted for 1997. 1997, c. 26, s. 110.

1998 surplus or operating deficit

111. For the purposes of subsection 367 (3) of the *Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for by the city for 1998 is the aggregate of the audited surpluses or audited operating deficits of the old municipalities as of December 31, 1997. 1997, c. 26, s. 111.

PART XV MISCELLANEOUS

Harbour Commissioners

112. Nothing in this Act affects the powers of The Toronto Harbour Commissioners. 1997, c. 26, s. 112.

Emergency measures

113. When a by-law passed under section 116 of the *Municipal Act, 2001* is in force, the council may pass by-laws,

- (a) with the consent of the local board concerned, for appointing heads of departments and alternates to be members of the Toronto Emergency Measures Organization or any of its committees;
- (b) with the consent of the local board concerned, for training its employees in their functions under the Toronto Emergency Measures Organization;
- (c) for appointing members of the Toronto Emergency Measures Organization, or of any of its committees, to be in charge of the departments or utilities throughout the city that the by-law specifies, in the event of an emergency under the *Emergencies Act* (Canada);
- (d) for acquiring alternative headquarters, outside the city, for the city government;
- (e) for designating evacuation routes and empowering members of the Toronto Police Force to require persons to use them;
- (f) for obtaining and distributing emergency materials, equipment and supplies; and
- (g) for complying with any request of the Government of Canada or Ontario in the event of nuclear attack. 1997, c. 26, s. 113; 2002, c. 17, Sched. F, Table.

Emergency response services

114. The council may pass by-laws and enter into agreements to establish and operate a centralized communications system with other municipalities (including regional and district municipalities and the County of Oxford), local boards of other municipalities and other persons, to provide emergency response services. 1997, c. 26, s. 114.

Agreement for emergency call system

115. (1) The city may enter into an agreement with the Ontario Motor League or any similar organization for the provision and maintenance of an emergency call system on any road. 1997, c. 26, s. 115 (1).

Period, conditions

(2) The agreement may be for the period and on the conditions that council thinks proper. 1997, c. 26, s. 115 (2).

Advertising expenses

116. The council may spend the amount it determines to advertise the advantages of the city as an industrial, business, educational, residential or vacation centre. 1997, c. 26, s. 116.

Undue noise from motor vehicles

117. The council may pass by-laws prohibiting the driving or operating of motor vehicles in the city that create undue noise, and for the purposes of the by-law may define “motor vehicles” and “undue noise”. 1997, c. 26, s. 117.

Payment of damages to employees

118. (1) If the city recovers damages from a third person in respect of an injury to an employee, all or part of the damages may be paid to the employee or, if the employee dies, to one or more of the dependants. 1997, c. 26, s. 118 (1).

Same

(2) Subsection (1) also applies in respect of members of the Toronto Police Force and persons deemed to be city employees for the purposes of the *Workplace Safety and Insurance Act, 1997*. 1997, c. 26, s. 118 (2).

Conditions

(3) The city may impose conditions on the payment. 1997, c. 26, s. 118 (3).

Application

(4) Subsection (1) applies whether the damages were recovered by a court proceeding or otherwise. 1997, c. 26, s. 118 (4).

Conditional powers

119. The Lieutenant Governor in Council may, on the recommendation of the Municipal Board, authorize the city to do anything not specifically provided for in this Act that is considered necessary or advisable to carry out effectively the intent and purposes of this Act and the *City of Toronto Act, 1997*. 1997, c. 26, s. 119.

Regulations

119.1 (1) The Minister of Municipal Affairs and Housing may make regulations providing for and governing the matters to which sections 96 to 101 relate, for 2001 and subsequent years, with respect to property in property classes with respect to which Part XXII.1 of the *Municipal Act* applied before 2001. 1998, c. 3, s. 32 (1).

Conflicts

(2) Section 120 applies with respect to regulations under subsection (1). 1998, c. 3, s. 32 (1).

Conflict with other Acts

120. (1) This Act applies despite any general or special Act and, in the event of any conflict between this Act and another general or special Act, this Act prevails. 1997, c. 26, s. 120.

Exception, tax freezes

(2) Despite subsection (1), sections 96 to 101 do not apply, for any taxation year, with respect to a property class if Part XXII.1 of the *Municipal Act* applied, with respect to 1998, to property in the city in that property class. 1998, c. 3, s. 32 (2).

PART XVI TRANSITIONAL PROVISIONS

SUPPLEMENTARY PENSIONS, MEMBERS OF COUNCIL

Deemed repeal of by-laws

121. Despite clause 2 (7) (a) of the *City of Toronto Act, 1997*, any by-law passed by an old council under subsection 25 (1) of the Metro Act and in existence on December 31, 1997 shall be deemed to be repealed. 1997, c. 26, s. 121.

HIGHWAY-RELATED MATTERS

Proceedings under Part VI of Metro Act

122. Despite its repeal by subsection 28 (1) of the *City of Toronto Act, 1997*, Part VI of the Metro Act, as it read on December 31, 1997, continues to apply to the following:

1. Applications made under subsection 93 (2) of the Metro Act (dispute re bridge or highway) on or before December 31, 1997 and not finally disposed of by that date.

2. Applications for approval made under subsection 97 (2) of that Act (road closing) on or before December 31, 1997 and not finally disposed of by that date.
3. Claims filed under subsection 97 (3) of that Act (injurious affection) on or before December 31, 1997 and not finally disposed of by that date. 1997, c. 26, s. 122.

Street vending permits

123. If the conditions for its issuance or use are complied with, a permit issued by an old municipality under a by-law passed under clause 90.1 (e) of the Metro Act remains in effect for the period for which the old municipality issued it, even if the city council amends or repeals the by-law as described in clause 2 (7) (b) of the *City of Toronto Act, 1997*. 1997, c. 26, s. 123.

MEMBERS OF MUNICIPAL BODIES

Toronto Transit Commission

124. The members of the Toronto Transit Commission who are in office on December 31, 1997 shall remain in office until the city council appoints new members under subsection 26 (1). 1997, c. 26, s. 124.

Board of Health for the City of Toronto Health Unit

125. The persons who are the chairs of the boards of health of the old municipalities on December 31, 1997 shall be the members of the Board of Health for the City of Toronto Health Unit from January 1, 1998 until the council appoints new members. 1997, c. 26, s. 125.

Parks and recreation boards

126. The members of the following boards who are appointed by Metro Council and are in office on December 31, 1997 shall remain in office until the city council appoints new members under subsection 60 (5), paragraph 1 of subsection 62 (4), subsection 64 (4) or subsection 66 (5), as the case may be:

1. Board of Management of The Guild.
2. The Board of Governors of Exhibition Place.
3. Board of Management of the Toronto Zoo.
4. The Board of Directors of the Hummingbird Centre for the Performing Arts. 1997, c. 26, s. 126.

Toronto Public Library Board

127. The persons who are the chairs of the library boards of the old municipalities on December 31, 1997 shall be the members of the Toronto Public Library Board from January 1, 1998 until the council appoints new members. 1997, c. 26, s. 127.

Toronto Historical Board

128. The persons who are members of the Toronto Historical Board on December 31, 1997 shall remain in office until the council appoints new members. 1997, c. 26, s. 128.

Toronto Licensing Commission

129. The persons who are members of the Metropolitan Licensing Commission on December 31, 1997 and were appointed by Metro Council shall be the members of the Toronto Licensing Commission from January 1, 1998 until the city council appoints new members under clause 80 (2) (b). 1997, c. 26, s. 129.

Toronto Parking Authority

130. The persons who are members of the parking authorities of the old municipalities on December 31, 1997 shall be the members of the Toronto Parking Authority from January 1, 1998 until the council appoints new members. 1997, c. 26, s. 130.

Other local boards

131. The persons who are, on December 31, 1997, members of local boards to which Part XIII applies and were appointed by an old council shall remain in office until the council appoints new members. 1997, c. 26, s. 131.

Toronto Hydro-Electric Commission

132. Despite subsection 9 (3) of the *City of Toronto Act, 1997*, the persons who are the chairs of the public utility commissions of the old municipalities on December 31, 1997 shall be the members of the Toronto Hydro-Electric Commission from January 1, 1998 until the council appoints new members. 1997, c. 26, s. 132.

North York Performing Arts Centre Corporation

133. Despite subsection 6 (3) of the *City of North York Act, 1988 (No. 2)*, the members of the board of the North York Performing Arts Centre Corporation who were appointed under clause 6 (2) (b) of that Act and are in office on December 31, 1997 shall remain in office until the city council appoints new members. 1997, c. 26, s. 133.

Toronto District Heating Corporation

134. Despite subsection 4 (2) of *The Toronto District Heating Corporation Act, 1980*, the directors of the Toronto District Heating Corporation who were appointed under clause 3 (a) of that Act and are in office on December 31, 1997 shall remain in office until the city council appoints new members. 1997, c. 26, s. 134.

SINKING FUNDS

Membership continued

135. The persons who are, on December 31, 1997, members of the Metro sinking fund committee appointed under subsection 252 (25) of the Metro Act shall be deemed to have been appointed to the city sinking fund committee under clause 103 (1) (b) of this Act on January 1, 1998, and shall remain in office until the council appoints new members. 1997, c. 26, s. 135.

Permitted investments

136. (1) Until March 6, 1998, subsection 252 (33) of the Metro Act as it read on March 5, 1997 continues to apply to investments that the Metro sinking fund committee made before March 6, 1997. 1997, c. 26, s. 136 (1).

Same

(2) An investment referred to in subsection (1) shall not be continued after March 6, 1998 unless it is a permitted investment under section 167 of the *Municipal Act*. 1997, c. 26, s. 136 (2).

137. OMITTED (AMENDS OR REPEALS OTHER ACTS). 1997, c. 26, s. 137.

138. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1997, c. 26, s. 138.

139. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1997, c. 26, s. 139.

Schedule OMITTED (AMENDS OR REPEALS OTHER ACTS). 1997, c. 26, Sched.