

Authority: Management Committee Item 16.17, as adopted by Metropolitan Council on June 15, 1994; Corporate Administration Committee Item 23.10, as adopted by Metropolitan Council on October 8, 1997; Administration Committee Item 6.13, as adopted by City of Toronto Council on October 26 and 27, 1999; Government Management Committee Item 16.3, as adopted by City of Toronto Council on July 15, 16 and 17, 2008; and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City

Enacted by Council: October 27, 2009

CITY OF TORONTO

BY-LAW No. 1104-2009

To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto.

WHEREAS By-law No. 181-81 of the former Municipality of Metropolitan Toronto, a by-law “To provide pensions and death benefits to members of the Metropolitan Police Force”, as heretofore amended, governs the pension plan known as the “Metropolitan Toronto Police Benefit Fund”; and

WHEREAS it is desired to modify the wording of such by-law to ensure closer harmonization with the wording of the *Pension Benefits Act*, to correct clerical errors appearing in amending By-laws Nos. 66-94, 149-97 and 857-2008, and to make certain clarifications;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. In this by-law,
 - (a) “By-law No. 181-81” means By-law No. 181-81 of the former Municipality as heretofore amended;
 - (b) “former Municipality” means The Municipality of Metropolitan Toronto.
2.
 - (1) Clause 2(1)(b) of amending By-law No. 857-2008 is amended by striking out the text “(1.i)” in the first line thereof and substituting therefor the text “(i.1)”.
 - (2) The following provisions of By-law No. 181-81 are amended by striking out the word “Trustees” wherever same appears therein in each case and substituting therefor the words “Board of Trustees”:
 - (a) clause 1(a) as re-enacted by By-law No. 66-94 of the former Municipality;
 - (b) clauses 1(c) and (g);
 - (c) section 3a as enacted by By-law No. 182-82 of the former Municipality;
 - (d) subsection 6(2);
 - (e) subsection 17(3f) as enacted by By-law No. 95-96 of the former Municipality.
 - (3) Subsection 1(2.1) of By-law No. 181-81 as enacted by By-law No. 857-2008 is amended by striking out the text “subsection 7(2)” where same appears therein and substituting therefor the text “subsections 7(2) and 33(2)”.

- (4) Subsection 3(2.2) of By-law No. 181-81 as enacted by By-law No. 857-2008 and as amended by By-law No. 998-2009 is further amended by relabelling same as subsection 3(2.1).
 - (5) The following provisions of By-law No. 181-81 are amended by striking out the word “their” wherever same appears therein in each case and substituting therefor the word “its”:
 - (a) subsection 3(10) as amended by By-law No. 857-2008;
 - (b) section 3a as enacted by By-law No. 182-82 of the former Municipality, as amended by clause (2)(b) above.
 - (6) Clause 4(10)(b) of By-law No. 181-81 is amended by striking out the last part thereof from and including the words “and refer” where they appear therein to the end.
 - (7) The heading of section 5 of By-law No. 181-81 as enacted by By-law No. 83-94 of the former Municipality is amended by striking out the words “BENEFIT FUND COMMITTEE” in the second line and substituting therefor “BOARD OF TRUSTEES”.
 - (8) Subclause 5(1)(d)(i.1) of By-law No. 181-81 as enacted by By-law No. 857-2008 is amended by adding at the end thereof the text “with an election by the pensioners in accordance with subsection 6(2.1)”.
 - (9) Subsection 5(2.2) of By-law No. 181-81 as enacted by By-law No. 857-2008 is amended by relabelling same as subsection 5(2.1).
 - (10) Subsection 6(2.2) of By-law No. 181-81 as enacted by By-law No. 857-2008 is amended by relabelling same as subsection 6(2.1).
- 3.**
- (1) Subsection 13(7) of By-law No. 181-81 is amended by striking out the words “The Workers’ Compensation Act” where they appear therein and substituting therefor the text “*Workplace Safety and Insurance Act, 1997*”.
 - (2) Subsection 13(8) of By-law No. 181-81 is amended by striking out the text “subsections (5) and (6)” where they appear therein and substituting therefor the text “subsection (5)”.
- 4.**
- (1) Subsection 15(5) of By-law No. 181-81 is amended by striking out the words “Trustees or the Benefit Fund Committee” where they appear therein and substituting therefor the words “Board of Trustees”;
 - (2) Subsection 15(6) of By-law No. 181-81 is repealed.
- 5.**
- (1) Subsection 17(1) of By-law No. 181-81 as heretofore amended is further amended by
 - (a) striking out the words “a pension is” in the first line and substituting therefor “benefits shall be”;

- (b) striking out in the first line of clause (a.1) thereof the text “, not being the member’s widow(er),” and substituting therefor the words “is not the member’s widow(er) but”;
 - (c) labelling the part of clause (a.1) thereof as enacted by By-law No. 66-94 of the former municipality beginning with the word “was” in the first line as subclause (i) and adding immediately following such word the text “, in the case of a retired member, ”;
 - (d) inserting immediately following said subclause (a.1)(i) a new subclause as follows:
 - “(ii) is, in the case of an unretired member, entitled to benefits under the plan pursuant to a domestic contract as defined in Part IV of the *Family Law Act* or an order as to equalization of assets under Part I of that Act”;
- (2) Clause 17(3)(a) of By-law No. 181-81 as heretofore amended is further amended by
- (a) striking out the text “a pension calculated in the manner prescribed in section 11” where it appears in items (i)(A) and (B) thereof and substituting therefor in each case “the annual amount of such pension”; and
 - (b) striking out the text “subsection (3e)” at the end of subclause (ii); thereof and substituting therefor “subsections (3d.1) and (3e)”.
- (3) Clause 17(3)(a.1) of By-law No. 181-81 as enacted by By-law No. 92-95 of the former Municipality is amended by
- (a) labelling as subclause (i) the part thereof following the opening words “to a person described in”;
 - (b) striking out the opening text “clause (1)(a.1)” of such subclause (i) and substituting therefor “subclause (1)(a.1)(i)”; and
 - (c) adding immediately following such subclause (i) a new subclause as follows:
 - “(ii) subclause (1)(a.1)(ii) shall be as called for by the domestic contract or order referred to therein,”; and
 - (d) inserting following such subclause (ii) the text “subject in each case to any applicable limit imposed by the *Pension Benefits Act* and any legally binding benefit waivers.”
- (4) Subsection 17(3d) of By-law No. 181-81 as enacted by By-law No. 92-95 of the former Municipality and subsequently amended is further amended by
- (a) striking out that part thereof from the beginning to and including the text “subsection (3)” where same appears in the text following clause (b), and substituting therefor “If at the time of the member’s death both

- subclauses (3)(a)(i) and (3)(a.1)(i) are applicable, then the last-mentioned subclause shall govern and subclause (3)(a)(i)”;
- (b) relabelling clause (c) thereof as clause (a), striking out the words “under that subsection” where they appear therein and substituting for such words the word “thereunder”; and
- (c) relabelling clause (d) thereof as clause (b), striking out the words “of such person as aforesaid” at the end thereof and substituting for such words the words “under subclause (3)(a.1)(i)”.
- (5) Section 17 of By-law No. 181-81 as heretofore amended is further amended by adding thereto the following new subsection:
- “Same **17.** (3d.1) If at the time of the member’s death subsection (3e) is inapplicable and both subclauses (3)(a)(ii) and (3)(a.1)(ii) are applicable, then the last-mentioned subclause shall govern and subclause (3)(a)(ii) shall apply only to the extent, if any, as calculated by the actuary, that
- (a) the actuarial value of the benefits thereunder, as similarly calculated
- exceeds
- (b) the actuarial value, as similarly calculated, of the benefits under subclause (3)(a.1)(ii),
- provided that all such calculations of the actuary shall be as at the death of the member and shall be approved by the Board of Trustees.”
- (6) Clause 17(3e)(b) of By-law No. 181-81 as enacted by By-law No. 123-93 of the former Municipality is amended by
- (a) inserting at the beginning thereof the words “the sum of”;
- (b) labelling as subclause (i) the remainder of such clause and inserting at the end thereof the text “; and”; and
- (c) adding immediately following such subclause (i) a new subclause as follows:
- “(ii) the actuarial value of any benefits payable pursuant to subclause (3)(a.1)(ii)”.
- (7) Subsection 17(3f) of By-law No. 181-81 as enacted by By-law No. 95-96 of the former Municipality is amended by striking out the words “shall have” in the second line and substituting therefor the text “and a person entitled to a pension under subclause (3)(a.1)(ii) shall in each case have”.

6. Item 24(1)(b)(i)(B) of By-law No. 181-81 as enacted by By-law No. 66-94 of the former Municipality is amended by inserting immediately following the word “earnings” where it appears therein the text “with respect to which the member has made contributions into the fund”.
7. Subclause 24.1(1)(d)(i) of By-law No. 181-81 as enacted by By-law No. 123-93 of the former Municipality and subsequently amended is further amended by striking out the text “subclauses 17(3)(a)(iii) to (v)” where it appears therein and substituting therefor the text “subclause 17(3)(a)(iii)”.
8. Section 28 of By-law No. 181-81 is amended by striking out
 - (a) the words “Trustees or the Benefit Fund Committee” in the first line thereof and substituting therefor the words “Board of Trustees”;
 - (b) the fourth-last word “they” thereof and substituting therefor the word “it”.
9. Subsection 30(2) of By-law No. 181-81 is repealed.
10. Subsection 32i(1) of By-law No. 181-81 as enacted by By-law No. 82-88 of the former Municipality and subsequently amended is further amended by striking out the text “paragraph 8502(f)” where it appears therein and substituting therefor the text “subsection 8504(6)”.
11.
 - (1) Except as provided for in subsections (2) to (7), this by-law shall come into force on the date of its enactment and passing.
 - (2) Sections 2, 4 and 8 and subsection 3(2) shall be deemed to have come into force on the 17th day of July, 2008.
 - (3) Clause 5(1) (a) and section 10 shall be deemed to have come into force on the 1st day of January, 1992.
 - (4) Clauses 5(1)(b) to (d) and 5(3)(a) to (c), subsections 5(2) and (4) and section 10 shall be deemed to have come into force on 1st day of July, 1994.
 - (5) Clause 5(3)(d) and subsections 5(5) to (7) shall be deemed to have come into force on the 10th day of February, 2004.
 - (6) Section 6 shall be deemed to have come into force on the 1st day of January, 1999.
 - (7) Section 7 shall be deemed to have come into force on the 1st day of November, 1999.

ENACTED AND PASSED by an affirmative vote of at least two-thirds of the Members of Council present and voting this 27th day of October, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)