

Chapter L.28

Northern Services Boards Act

Amended by: 1991, c. 15, s. 37; 1997, c. 43, Sched. F, s. 8; 1998, c. 15, Sched. E, s. 15; 1998, c. 16; 1999, c. 6, s. 45; 1999, c. 9, s. 166.

As of April 11, 2000.

PART I LOCAL SERVICES BOARDS

Definitions

1. In this Part,

"Board" means a Local Services Board established under this Part; ("régie")

"Board area" means the geographical area within which the Board may exercise its jurisdiction; ("territoire de la régie")

"inhabitant", except for the purposes of sections 3 and 31, means a permanent resident of a Board area or an owner of property situate in a Board area, who is a Canadian citizen and who has attained the full age of eighteen years; ("habitant")

"Minister" means the Minister of Northern Development and Mines; ("ministre")

"owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper land registry office. ("propriétaire") R.S.O. 1990, c. L.28, s. 1; 1998, c. 16, s. 2.

Application

2. This Part applies only in territory without municipal organization. 1998, c. 16, s. 3.

Definition

3.(1) In this section and in section 31,

"inhabitant" means a permanent resident of a proposed Board area or an owner of property situate in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen years.

Calling of meeting

(2) Any ten inhabitants desiring the establishment of a Local Services Board may in writing authorize and name one of their number to call a meeting of the inhabitants to consider the desirability of establishing a Local Services Board.

Idem

(3) Where the person named does not call a meeting within ten days after being authorized to do so, any person who signed the authorization may call a meeting.

Notice

(4) The notice calling the meeting,

(a) shall be in both English and French in Form 1;

(b) shall set forth by description or drawing the proposed Board area and the place, date, time and purpose of the meeting;

(c) shall be posted up in at least six conspicuous places in the proposed Board area;

(d) shall be sent by registered mail to the Minister; and

(e) may be published in a newspaper having general circulation in the proposed area,

and the day named in the notice shall be at least fourteen days from the date of the last posting or mailing, whichever occurs later.

Meeting

(5) The meeting shall take place at the time and place set forth in the notice, and the person named to call the meeting shall preside at the meeting as chair, but, if the person is absent or declines to act, the inhabitants who are present at the meeting shall elect one of their number to act as chair.

Recording secretary

(6) The chair shall appoint from among the inhabitants present a recording secretary who shall,

(a) record the proceedings of the meeting;

(b) post up copies of the record of the proceedings in at least six conspicuous places in the proposed Board area; and

(c) send a signed copy of the record of the proceedings, including the recommendations agreed upon by the meeting under subsection (8), by registered mail to the Minister.

Voting

(7) Any recommendation or other matter to be determined at the meeting shall be determined by a vote of the majority of the inhabitants present and voting, and the chair shall decide how the voting shall be conducted.

Recommendations

(8) The inhabitants shall make recommendations to the Minister in respect of,

[\(a\)](#) the desirability of establishing a Local Services Board;

[\(b\)](#) the boundaries of the Board area;

[\(c\)](#) the name of the Board;

[\(d\)](#) whether the number of Board members should be three or five;

[\(e\)](#) the powers, chosen from those set out in the Schedule hereto, which the Board should have; and

[\(f\)](#) such other matters as the inhabitants consider appropriate.

Boundaries

[\(9\)](#) The recommended boundaries of the proposed Board area shall not include a greater area than the area described in the notice calling the meeting. R.S.O. 1990, c. L.28, s. 3.

Powers of Minister

[4.](#) (1) Where the Minister receives the recommendations made under section 3, the Minister may by order,

[\(a\)](#) establish a Local Services Board under the name of "The Local Services Board of", under the name of "Régie locale des services publics de" or under both;

[\(b\)](#) establish the boundaries of the Board area;

[\(c\)](#) establish the number of Board members;

[\(d\)](#) establish the term of office of the first Board;

(e) designate the powers from those listed in the Schedule hereto that the Board may exercise;

(f) provide for all matters necessary to conduct the election for the first Board members; and

(g) provide for such other matters as the Minister considers appropriate. R.S.O. 1990, c. L.28, s. 4.

Roads

(2) A Minister's order granting power to a Board with respect to roads in the Board area may also authorize the Board to exercise that power with respect to a road outside the Board area if that road is the extension of a road inside the Board area.

Same

(3) A Minister's order may,

(a) eliminate a local roads area established under the *Local Roads Boards Act* or reduce the size of a local roads area;

(b) dissolve a local roads board;

(c) provide for the disposition of the assets and liabilities of the local roads board as the Minister considers appropriate where the board is dissolved or the size of the local roads area is reduced; and

(d) abolish statute labour and the office of road commissioner under the *Statute Labour Act* in the Board area.

Definition

(4) In subsection (3),

"local roads board" means a board of a local roads area under the *Local Roads Boards Act*, 1998, c. 16, s. 4.

Term of office

5. Except as may be provided for by order of the Minister made under section 4, the term of office of a Board member shall be for one year from the 1st day of October in any year to the 30th day of September in the next year. R.S.O. 1990, c. L.28, s. 5.

Board is corporation

6. (1) A Board is a corporation but the *Corporations Act* does not apply to the Board.

Board not municipality or local board

(2) A Board is not a municipality or a local board for the purposes of any Act. R.S.O. 1990, c. L.28, s. 6.

Powers

7. (1) A Board may exercise the powers designated in the order of the Minister and in the exercise of those powers may do all things and make all arrangements necessary to provide, maintain and improve services in the Board area.

Areas

(2) Where, in the exercise of its powers, a Board provides a service, the Board may,

(a) provide the service to the whole of the Board area or to one or more parts of the Board area designated by the Board; or

(b) provide a different level of the service to different designated parts of the Board area,

provided that no fee shall be charged and no levy shall be imposed in respect of a service or a level of service in any part of the Board area in which the service or the level of service is

not provided.

Review

[\(3\)](#) A Board may at any time apply to the Minister for a review of the powers being exercised by the Board.

Committees

[\(4\)](#) A Board may appoint such committees to advise it in the conduct of its affairs as the Board considers appropriate.

Insurance

[\(5\)](#) A Board shall by by-law contract for insurance against risks that may involve pecuniary loss or liability on the part of the Board and provide for the payment of premiums therefor.

Limitation on actions

[\(6\)](#) No action shall be brought against a Board or any member of a Board for damage caused by any failure by the Board to exercise any of its powers or to provide any service.

Assignment of contracts

[\(7\)](#) A Board may by by-law accept the assignment of any contract or agreement entered into by a corporation incorporated under Part III of the *Corporations Act* where the subject-matter of the contract or agreement is consistent with the powers of the Board. R.S.O. 1990, c. L.28, s. 7.

Acquisition of land

[8.](#) In the exercise of its powers, a Board may acquire land by purchase or lease for its purposes and, when the land is no longer required for the purposes of the Board, dispose of it. R.S.O. 1990, c. L.28, s. 8.

Chair head of Board

[9.](#)(1) The chair is the head of the Board and shall preside at all meetings of the Board.

Absence, etc., of chair

[\(2\)](#) In the absence of the chair, or if the office of the chair is vacant, or if the chair refuses to act, the Board may, from among its members, appoint an acting chair who, during such absence, vacancy or refusal to act, shall act in the place of the chair and preside at the meetings of the Board.

Failure to attend meetings, etc.

[\(3\)](#) If a member of the Board ceases to be an inhabitant, fails to attend any three consecutive meetings of the Board, refuses to act or dies, the remaining Board members may by by-law call a public meeting to elect an inhabitant of the Board area to serve for the remainder of the term of such member and the provisions of subsections 19 (2), (3), (6) and (7) apply. R.S.O. 1990, c. L.28, s. 9.

Quorum

[10.](#)(1) A majority of members of the Board constitutes a quorum.

Voting

[\(2\)](#) The concurrent vote of the majority of the whole number of Board members is necessary to pass any by-law or approve any measure.

Meetings open

[\(3\)](#) All meetings of the Board shall be open to the public. R.S.O. 1990, c. L.28, s. 10.

Procedures

[11.](#) Subject to this Part, the Board may establish its own rules and procedures for transacting the business of the Board. 1998, c. 16, s. 5.

Seal

[12.](#)(1) All by-laws of the Board shall be under seal.

Signing officers

(2) The Board shall by by-law authorize the secretary and one or more members of the Board to be signing officers on behalf of the Board. R.S.O. 1990, c. L.28, s. 12.

No remuneration

13. A Board member shall not be paid any remuneration for the performance of the duties of a Board member. R.S.O. 1990, c. L.28, s. 13.

Secretary

14. (1) The Board shall appoint a secretary,

(a) who may be a member of the Board other than the chair; and

(b) who shall hold office at the pleasure of the Board.

Security

(2) The secretary before entering on the duties of office shall give security in a form and on such terms as the Minister may approve for the faithful performance of such duties and for duly accounting for and paying over all money that comes into the secretary's hands.

Premiums

(3) The premiums in respect of the security shall be paid by the Board. R.S.O. 1990, c. L.28, s. 14 (1-3).

Duties

(4) In addition to the other duties prescribed by this Part, the secretary shall,

(a) attend all meetings of the Board;

(b) keep minutes of such meetings;

[\(c\)](#) ensure that copies of the minutes of meetings are posted up in at least six conspicuous places;

[\(d\)](#) post up notices of meetings called by the Board;

[\(e\)](#) carry on correspondence as directed by the Board;

[\(f\)](#) receive and safely keep all money paid to the Board;

[\(g\)](#) maintain books of account and other records as may be required by the Board or by the Minister; and

[\(h\)](#) perform such other duties as the Board may assign. R.S.O. 1990, c. L.28, s. 14 (4); 1998, c. 16, s. 6.

Honorarium

[15.](#) The Board may pay to the secretary such honorarium as the Board by by-law determines. R.S.O. 1990, c. L.28, s. 15.

Public meetings

[16.](#) A Board shall conduct sufficient public meetings so that the inhabitants may,

[\(a\)](#) participate in a discussion of the current and proposed programs of the Board;

[\(b\)](#) participate in the preparation of the annual estimates of the Board; and

[\(c\)](#) participate in a discussion of the annual audit report. R.S.O. 1990, c. L.28, s. 16.

Notice

17. A notice of a public meeting other than a meeting called under section 3 or 19 shall contain the place, date, time and purpose of the meeting, the signature of the secretary or the person or persons calling the meeting, and copies of the notice shall be posted up in at least six conspicuous places in the Board area at least one week in advance of the meeting. R.S.O. 1990, c. L.28, s. 17.

Improper conduct

18. The chair may expel or exclude from any meeting any person including a Board member for improper conduct at the meeting. R.S.O. 1990, c. L.28, s. 18.

Election meeting

19. (1) In each year, the Board shall call an election meeting of the inhabitants to be held in the Board area after the 1st day of August and before the 30th day of September for the purpose of electing a new Board.

Notice

(2) At least two weeks before the election meeting, the secretary shall post up notice of the place, date and time of the election meeting in at least six conspicuous places in the Board area and shall send a copy of the notice by registered mail to the Minister.

Chair

(3) The chair of the Board shall act as chair of the election meeting.

Failure to call meeting

(4) If the Board fails to call an election meeting before the 10th day of September, the secretary shall immediately call such a meeting by giving notice as provided in subsection (2) and shall act as the chair of the meeting notwithstanding that the chair of the Board attends the meeting.

Idem

(5) If in any year both the Board and the secretary fail to call an election meeting before the 15th day of September, any ten inhabitants may call a meeting and may appoint one of their number to act as chair of the meeting and such inhabitant shall act as chair although the chair of the Board attends the meeting.

Qualifications

[\(6\)](#) Any inhabitant is eligible to be elected as a member of the Board.

Conduct of elections

[\(7\)](#) For all elections after the first election, the Board shall, subject to subsection (8), determine all matters relating to the conduct of elections.

Voting

[\(8\)](#) Voting for the election of members of the Board shall be by way of secret ballot. R.S.O. 1990, c. L.28, s. 19.

Challenge to eligibility

[20.](#) Where the eligibility of any inhabitant to vote or to seek office is challenged, the chair shall require that the inhabitant whose eligibility has been challenged swear an affidavit in English or French before him or her in Form 2 and, where the inhabitant swears such affidavit, the inhabitant may thereupon vote at the meeting or be eligible to seek office. R.S.O. 1990, c. L.28, s. 20; 1998, c. 16, s. 7.

First meeting

[21.](#) The Board shall hold its first meeting after the election meeting not later than the 10th day of October, and at such meeting shall elect one of its members as chair. R.S.O. 1990, c. L.28, s. 21.

Application of provisions

[21.1](#) Subsections 23 (4) and (5) and sections 24, 25 and 26 do not apply with respect to a Board where the Board is in the area of jurisdiction of an area services board established by an order of the Minister under section 38 that provides that the model for funding service delivery in the area of jurisdiction of the area services board is the model set out in section 49. 1998, c. 16, s. 8.

Provincial Land Tax Register

[22.](#) On or before the 15th day of October in each year, the Minister of Finance shall cause to be sent to the secretary of every Board a copy of that portion of the Provincial Land Tax Register showing the lands in the Board area liable to assessment and taxation under the

Provincial Land Tax Act and the amount of the assessment. R.S.O. 1990, c. L.28, s. 22; 1998, c. 16, s. 9.

Annual estimates

23. (1) Before the 1st day of December in each year, the Board shall prepare and, after public discussion, adopt annual estimates of all amounts required for the purposes of the Board for operating and capital expenditures for the current fiscal year.

Matters to be taken into account

(2) In preparing the estimates, the Board shall take into account any surplus from the previous year that will be available in the current year, any operating deficit from the previous year and any debt owing to the Crown payable in the current year.

Contents of estimates

(3) The estimates shall set out,

(a) the amounts to be raised;

(b) the manner in which the amounts are to be raised; and

(c) the rate or rates, if any, which the Board proposes be added to the provincial land tax in the whole or any part of the Board area.

When rates to be added

(4) No rate shall be imposed under the *Provincial Land Tax Act* for the purposes of the Board, unless the rate, the purpose for which it is to be levied, and the area in which the rate is to be levied, are approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose.

Copy to Minister

(5) Before the 10th day of December in each year, the secretary shall send a copy of the estimates and the by-law adopting the estimates to the Minister by registered mail. R.S.O. 1990, c. L.28, s. 23.

Farmland and managed forest land

(6) Commencing in the 1998 taxation year, the rate referred to in clause (3) (c) that is to be levied on farmland and managed forest land is 25 per cent of the rate to be levied on residential land. 1997, c. 43, Sched. F, s. 8; 1999, c. 9, s. 166 (1).

Note: If an amount greater than the amount permitted under subsection (6), as amended by the Statutes of Ontario, 1999, chapter 9, subsection 166 (1), was billed and paid for 1999 before December 14, 1999, the owner shall be given a refund or credit equal to the amount of the excess. See: 1999, c. 9, s. 166 (2).

Regulations

(7) The Minister of Finance may make regulations,

(a) defining "farmland" and "managed forest land" for the purposes of subsection (6); and

(b) providing for a procedure to determine whether land is farmland or managed forest land for the purposes of subsection (6) and, without limiting the generality of the foregoing, the regulations may,

(i) provide for the determination of any matter to be made by a person or body identified in the regulations, and

(ii) provide for a process of appealing such determinations. 1997, c. 43, Sched. F, s. 8.

Payment to Board

24. (1) The Minister shall pay to the Board annually out of money appropriated therefor by the Legislature such amount as the Minister considers appropriate after taking into account the estimates of the Board, the money paid to the Board by the Minister of Finance under section 26, the fees collected by the Board for the supply of services or the use of facilities and such other amounts as by the initiatives of the inhabitants have been raised and granted to the Board. R.S.O. 1990, c. L.28, s. 24 (1); 1998, c. 16, s. 9.

Idem

[\(2\)](#) The Minister may pay to the Board annually out of money appropriated therefor by the Legislature an amount equal to twice the amount that the rate or rates levied under section 26 would produce if levied in respect of the improved Crown land within the Board area. R.S.O. 1990, c. L.28, s. 24 (2).

Rates under *Provincial Land Tax Act*

[25.](#)(1) Where in any year the inhabitants have approved a rate or rates to be levied under the *Provincial Land Tax Act* as provided for in section 23, the Board may by by-law passed before the 1st day of December in that year request the Minister of Finance to levy and collect under that Act in the next ensuing calendar year, such rate or rates in respect of properties taxable under the *Provincial Land Tax Act*. R.S.O. 1990, c. L.28, s. 25 (1); 1998, c. 16, s. 9.

Copy of by-law to Minister of Revenue

[\(2\)](#) The secretary shall send a copy of the by-law passed under subsection (1) to the Minister of Finance by registered mail immediately after the passing of the by-law. R.S.O. 1990, c. L.28, s. 25 (2); 1998, c. 16, s. 9.

Levy under *Provincial Land Tax Act*

[26.](#)(1) Where the Minister of Finance receives a by-law passed under subsection 25 (1), the Minister shall levy in the calendar year for which the by-law was passed the rate or rates set out in the by-law in respect of the property taxable under the *Provincial Land Tax Act* in the whole or such part of the Board area to which the rate or rates apply, and such rate or rates and the amounts imposed are deemed to be a tax and shall be shown on the tax bill for such property as "Taxes for the purposes of The Local Services Board of (or *Impôts prélevés aux fins de la régie locale des services publics de*) ... (naming the Board)", and shall be collected as though it were for all purposes provincial land tax. R.S.O. 1990, c. L.28, s. 26 (1); 1998, c. 16, s. 9.

Exemption

[\(2\)](#) Despite section 3 of the *Provincial Land Tax Act*, land belonging to the Board is exempt from taxation under the *Provincial Land Tax Act*. R.S.O. 1990, c. L.28, s. 26 (2).

Payment to Board

(3) The Minister of Finance shall pay to the Board the amounts collected under subsection (1). R.S.O. 1990, c. L.28, s. 26 (3); 1998, c. 16, s. 9.

Reserves

27. The Board may by by-law establish such reserves from its revenues as the Board considers appropriate for expenditure in a subsequent fiscal year or years. R.S.O. 1990, c. L.28, s. 27.

Debt

28. A Board may incur a debt for the purpose of the Board but shall not incur any debt the payment of which is not provided for in the estimates for the current fiscal year of the Board unless,

(a) it is a debt owed to the Crown in right of Ontario; or

(b) the purpose for which the debt is to be incurred and the amount thereof is approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose and the approval of the Minister to the incurring of the debt is obtained. R.S.O. 1990, c. L.28, s. 28.

Audit

29. (1) A Board shall engage a public accountant to audit its accounts and transactions and to make a report to it annually or more often as the Board requires. 1991, c. 15, s. 37.

Fiscal year

(2) The fiscal year of a Board is the year commencing on the 1st day of October and expiring with the 30th day of September next following.

Copy of report to Minister

(3) The secretary shall send a copy of the annual audit report by registered mail to the Minister.

Examination of report

(4) The secretary shall permit any inhabitant at any reasonable time to examine and copy the audit report.

Audit required by Minister

(5) The Minister may at any time cause the accounts and transactions of a Board to be audited. R.S.O. 1990, c. L.28, s. 29 (2-5).

Minister may dissolve Board

30. Where the Minister determines that a Board is misusing its funds or is not administering its affairs in a proper and straightforward manner or cannot or is unlikely to be able to meet its obligations as they fall due, the Minister may by order,

(a) dissolve the Board and call a new election;

(b) dissolve the Board and assume the powers of the Board; or

(c) dissolve the Board and the Board area and subsection 32 (3) applies to the order. R.S.O. 1990, c. L.28, s. 30.

Proposal to alter boundaries or vary powers

31. (1) Where a Board considers it desirable that the boundaries of the Board area be altered or the powers of the Board be varied, the Board shall put the proposal to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

Notice

(2) Where it is proposed that the Board area be enlarged, the secretary shall post within the area proposed to be added the notice mentioned in subsection (1) and inhabitants in the area proposed to be added may attend the meeting and vote upon the proposal.

Recording of vote

(3) Where it is proposed that the boundaries of a Board area be altered, the secretary shall record separately the vote of the inhabitants within the area that it is proposed to be

added to, or to be removed from, the Board area.

Powers of Minister

(4) Where a majority of the inhabitants present at the meeting vote in favour of a proposal made under subsection (1), the secretary shall forward to the Minister,

(a) a copy of the proposal as approved at the meeting;

(b) a statement of the results of the vote showing the vote of the inhabitants for and against the proposal; and

(c) where it is proposed that the boundaries of the Board be altered, a statement of the vote of the inhabitants of the area it is proposed be added to or removed from the Board area,

and the Minister may make such order as the Minister considers appropriate. R.S.O. 1990, c. L.28, s. 31.

Proposal to dissolve Board

32. (1) Where a Board or any ten inhabitants propose that the Board be dissolved, the proposal shall be put to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

Powers of Minister

(2) Where the majority of inhabitants present at the meeting approve a proposal that the Board be dissolved, the secretary shall send to the Minister a copy of the proposal together with a statement of the vote for and against the proposal, and the Minister, if the Minister considers it appropriate, may by order dissolve the Board and the Board area.

Transfer of assets and liabilities

(3) In an order for dissolution, the Minister may make such provisions with respect to the transfer of liabilities and assets of the Board as the Minister considers appropriate. R.S.O. 1990, c. L.28, s. 32.

Regulations

[33.](#) The Lieutenant Governor in Council may make regulations amending the Schedule hereto. R.S.O. 1990, c. L.28, s. 33.

PART II AREA SERVICES BOARDS

Definitions

[34.](#) In this Part,

"Board" means an area services board established by an order; ("régie")

"Board area" means the geographic area within which a Board may exercise its jurisdiction; ("territoire de la régie")

"council" means the council of a municipality; ("conseil municipal")

"local roads board" means a board of a local roads area under the *Local Roads Boards Act*; ("régie des routes locales")

"Minister" means the Minister of Northern Development and Mines; ("ministre")

"municipality" means a city, town, village or township located in a territorial district with respect to which this Part applies and includes The Regional Municipality of Sudbury; ("municipalité")

"order" means an order under section 38; ("arrêté")

"regulations" means the regulations made under this Part; ("règlements")

"resident" means a person who is a permanent resident of, or a temporary resident having a permanent dwelling in, unorganized territory, who is a Canadian citizen and is at least 18 years of age; ("résident")

"service" means a public service referred to in section 41; ("service")

"unorganized territory" means a geographic area without municipal organization. ("territoire non érigé en municipalité") 1998, c. 16, s. 10.

Application

35. This Part applies with respect to the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming. 1998, c. 16, s. 10.

Purpose of this Part

36. The purposes of this Part are,

(a) to provide for a process which allows the consolidation of service delivery in Northern Ontario to proceed in a timely and efficient manner;

(b) to facilitate the consolidation of service delivery over large geographic areas involving municipalities and unorganized territory;

(c) to facilitate the consolidation of service delivery of a significant nature which may include the elimination of a service delivery agency and the transfer of powers and responsibilities to Boards and changes to systems of funding service delivery; and

(d) to ensure the ongoing delivery of services by Boards. 1998, c. 16, s. 10.

Proposal to establish an area services board

37. (1) One or more municipalities or local services boards or the residents of unorganized territory may make a proposal to establish an area services board for the

consolidation of service delivery by submitting to the Minister a report containing,

(a) a description of the proposal in a form and in such detail as the Minister may require, including,

(i) the boundaries of the proposed Board area,

(ii) the name of the proposed Board,

(iii) the number of Board members and the municipality, municipalities or unorganized territory to be represented by a member,

(iv) the names of proposed members for unorganized territory to be appointed to the first Board,

(v) the additional services under subsection 41 (2) that the proposed Board would provide,

(vi) the degree of support of the municipalities and local services boards and the residents of the unorganized territory in the Board area required to make a proposal to the Minister to amend an order and the manner of determining that support, and

(vii) other matters that the regulations require be dealt with in a proposal or that may be dealt with in an order;

(b) proof in a form satisfactory to the Minister,

(i) that the proposal has the prescribed degree of support of the municipalities and local services boards and of the residents of the unorganized territory in the Board area, and

(ii) that the support was determined in the prescribed manner.

Principles to be considered

(2) The Minister may establish principles that municipalities, local services boards and residents of unorganized territory shall consider when developing a proposal to be submitted to the Minister.

Three-year limit on proposals

(3) No proposal may be made after the third anniversary of the coming into force of this section. 1998, c. 16, s. 10.

Powers of Minister in making order

38. (1) Upon receiving a proposal that meets the requirements of section 37, the Minister may by order,

(a) establish a Board;

(b) establish the boundaries of the Board area;

(c) establish the number of Board members and specify the municipality, municipalities or unorganized territory to be represented by a member;

(d) establish the term of office of the first Board and appoint the member or members to represent unorganized territory on the first Board;

(e) designate the additional services under subsection 41 (2) that the Board shall provide;

(f) postpone the Board's duty to provide a service under subsections 41 (1) and (2) in all or part of the Board area and provide for such phase-in of the duty as the Minister considers appropriate;

(g) designate the service delivery agencies that are affected by the establishment

of the Board, specify the powers or duties that shall no longer be exercised or performed by an affected service delivery agency, provide for the dissolution of a service delivery agency, except a municipality, and provide for the disposition of the assets and liabilities of a service delivery agency;

[\(h\)](#) provide for the system of funding service delivery that will apply in the Board area and the powers in respect of taxation that may be exercised by the Board, including area rating, tax phase-ins, tax deferrals and assessment-related adjustments;

[\(i\)](#) deem the Board to be a service delivery agency for the purposes of an Act or regulation under an Act and, where a provision of an Act or regulation under an Act would not otherwise apply with respect to the Board, specify for the purposes of this Part that the provision shall apply with respect to the Board, with necessary modifications, as specified;

[\(j\)](#) provide for such other matters as the Minister considers appropriate to facilitate the consolidation of service delivery and ensure ongoing service delivery in the Board area.

No derogation

[\(2\)](#) Despite any other provision of this Part, an order,

[\(a\)](#) shall not derogate from standards for the provision of services imposed under any Act; and

[\(b\)](#) shall be consistent with principles of taxation that apply to municipalities.

Amendment of order

[\(3\)](#) The Minister may amend an order as the Minister considers appropriate, at the Board's request or in any other circumstances.

Order conclusive evidence

[\(4\)](#) An order is conclusive evidence that the requirements of section 37 have been met.

Notice of order

(5) The Minister shall give a copy of an order to the proponents of the proposal and the service delivery agencies affected by it.

Publication and public inspection

(6) The Minister shall,

(a) publish a copy of an order, and any amendment to it, in *The Ontario Gazette*;

(b) file a copy of an order, and any amendment to it, with the clerk of each municipality in the Board area and the person in charge of all Ministry offices in the Board area, who shall make it available for public inspection.

Order not a regulation

(7) An order is not a regulation within the meaning of the *Regulations Act*.

Tax consequences of transfer of assets

(8) Where assets are transferred to a Board under this Part, the transfer shall be without consideration and no tax shall be imposed under any Act as a consequence of the transfer. 1998, c. 16, s. 10.

Status of Board

39.(1) Every Board is a corporation without share capital that is composed of its members.

Not a municipal corporation

(2) A Board is not a municipal corporation or a local board of such a corporation. 1998, c. 16, s. 10.

Board members, eligibility

(3) A Board member shall,

[\(a\)](#) be a Canadian citizen;

[\(b\)](#) be at least 18 years old; and

[\(c\)](#) reside in the Board area or be the owner or tenant of land in the Board area, or the spouse or same-sex partner of such a person. 1998, c. 16, s. 10; 1999, c. 6, s. 45 (1).

Definitions

[\(3.1\)](#) In clause (3) (c),

"same-sex partner" means either of two persons of the same sex who live together in a conjugal relationship outside marriage; ("partenaire de même sexe")

"spouse" means,

[\(a\)](#) a spouse as defined in section 1 of the *Family Law Act*, or

[\(b\)](#) either of two persons of the opposite sex who live together in a conjugal relationship outside marriage. ("conjoint") 1999, c. 6, s. 45 (2).

Persons not eligible

[\(4\)](#) An employee of a Board is not eligible to hold office as a Board member.

Municipal members

[\(5\)](#) A Board member who represents a municipality shall be appointed by the council from among their number and, where a Board member represents more than one municipality, he or she shall be appointed by the members of the councils concerned from among their number.

Members for unorganized territory

(6) Except with respect to the first Board, a Board member who represents unorganized territory shall be elected by the residents of the unorganized territory at an election conducted at the same time and in the same manner as a regular election under the *Municipal Elections Act, 1996*.

Term of office

(7) Except with respect to the first Board, the term of office of a Board member is three years and is concurrent with the term of office of members of councils under the *Municipal Elections Act, 1996*.

Vacancy, etc.

(8) If a member who represents one or more municipalities becomes ineligible to hold office as a Board member, fails to attend three consecutive Board meetings without the Board's authorization, resigns or dies, the council or councils that appointed the member shall appoint a replacement member from among their number to serve for the remainder of the member's term.

Same

(9) If a member who represents unorganized territory becomes ineligible to hold office as a Board member, fails to attend three consecutive Board meetings without the Board's authorization, resigns or dies, the other members of the Board shall appoint a replacement from among the residents of the unorganized territory to serve for the remainder of the member's term.

Immunity

(10) No proceeding for damages or otherwise shall be commenced against a member, officer or employee of a Board for any act done in good faith in the performance or intended performance of a duty or authority of the Board or for any alleged neglect or default in the performance in good faith of the duty or authority.

Same

(11) Subsection (10) does not relieve a Board of liability to which it would otherwise be subject in respect of a tort committed by a member, officer or employee of the Board.

Indemnification

(12) Section 252 of the *Municipal Act* applies with necessary modifications with respect to members and former members of the Board.

Non-application of Acts

(13) The *Corporations Act* and the *Corporations Information Act* do not apply with respect to a Board.

Application of Acts

(14) The *Municipal Conflict of Interest Act* applies with respect to a Board and its members in the same manner as it applies with respect to a council and its members.

Same

(15) Subject to any other Act, the *Municipal Freedom of Information and Protection of Privacy Act* applies with respect to a Board in the same manner as it applies with respect to a municipal corporation.

Deemed employer

(16) A Board shall be deemed to be an employer for the purposes of the *Ontario Municipal Employees Retirement System Act*. 1998, c. 16, s. 10.

Procedures

40. (1) Subject to this Part, a Board may establish its own rules and procedures for transacting the business of the Board.

Chair

(2) A Board shall have a chair, to be elected by the members of the Board from among their number, who shall preside at all Board meetings.

Acting chair

(3) In the absence of the chair, or if the office of chair is vacant or the chair refuses to act, the Board may, from among its members, appoint an acting chair who, during such absence, vacancy or refusal to act, shall act in the place of the chair and preside at Board meetings.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Majority vote

(5) The vote of a majority of all members in attendance at a meeting is necessary to pass any by-law or resolution.

Meetings open

(6) All meetings of the Board shall be open to the public unless the Board is of the opinion that the subject-matter being considered is a financial, personal, security or other matter which should not be disclosed in the interests of any person affected or in the public interest.

Meetings conducted by distance communication

(7) A meeting of the Board may be conducted by tele-conference, video-conference or other means of distance communication.

Minutes to be made available

(8) If it is not practicable to open a meeting conducted by distance communication under subsection (7) that would otherwise be open to the public, the public shall be given access to the minutes of the meeting.

Improper conduct

(9) The chair may expel or exclude from any meeting any person, including a Board member, for improper conduct at the meeting. 1998, c. 16, s. 10.

Core services

41. (1) A Board shall provide or ensure the provision of the following services in the Board area, to the extent that a service delivery agency is required by law to provide them or ensure their provision:

- [1.](#) Child care.
- [2.](#) Assistance under the *Ontario Works Act, 1997*.
- [3.](#) Public health services under the *Health Protection and Promotion Act*.
- [4.](#) Social housing.
- [5.](#) Land ambulance service under the *Ambulance Act*.
- [6.](#) Homes for the aged under the *Homes for the Aged and Rest Homes Act*.

Additional services

[\(2\)](#) If required to do so by an order, a Board shall provide or ensure the provision of one or more of the following services to the extent that a service delivery agency is required by law to provide them or ensure their provision:

- [1.](#) Services promoting economic development.
- [2.](#) Airport service.
- [3.](#) Land use planning under the *Planning Act*.
- [4.](#) Administrative functions and prosecutions under Part X of the *Provincial Offences Act*.
- [5.](#) Waste management.
- [6.](#) Police services under the *Police Services Act*.

- [7.](#) Emergency preparedness and response under the *Emergency Plans Act*.
- [8.](#) Roads and bridges.
- [9.](#) Any other service designated by the Minister.

Restriction

[\(3\)](#) An order shall not require the provision of any service mentioned in subsection (2) unless a proposal requesting its inclusion in an order has been made.

Area wide

[\(4\)](#) A Board shall provide the required services throughout the Board area, unless otherwise provided by the order.

Level of service

[\(5\)](#) A Board may provide the required services to the extent it considers appropriate beyond the level of services required by law.

Restriction

[\(6\)](#) No municipality, local board of a municipality or other service delivery agency shall provide the required services,

[\(a\)](#) unless otherwise provided by the order; or

[\(b\)](#) unless the Board enters into an agreement for their provision by the municipality, local board or service delivery agency.

Agreement with other Board

[\(7\)](#) A board may enter into an agreement with another Board for the provision of a required service by that Board in the Board area of the first Board.

Payment

[\(8\)](#) A Board may charge fees in respect of the required services it provides in the Board area.

Non-application of provisions

[\(9\)](#) An order may provide that a Board,

[\(a\)](#) shall not exercise the powers referred to in subsections (5) and (8) in respect of the required services specified in the order; and

[\(b\)](#) shall not enter into an agreement for the provision of a required service by an authority referred to in clause (6) (b), another Board or any other person or entity.

Police services

[\(10\)](#) Where a Board provides police services,

[\(a\)](#) the Board shall be deemed to be a municipality to which subsection 4 (1) of the *Police Services Act* applies; and

[\(b\)](#) subsection 4 (1) of the *Police Services Act* does not apply to any municipality in the Board area.

Administrative functions

[\(11\)](#) The Attorney General and a Board may enter into an agreement under Part X of the *Provincial Offences Act* and, without such an agreement, a board shall not provide the services referred to in paragraph 4 of subsection (2).

Definition

[\(12\)](#) In this section,

"required services" means the services that a Board is required by subsection (1) or (2) to provide. 1998, c. 16, s. 10.

Powers

42. (1) Every Board has the capacity and the rights, powers and privileges of a natural person for the carrying out of its purposes.

Investments, etc.

(2) A Board may make investments, incur debts and establish reserve funds in the same manner as a municipality as defined in the *Municipal Act*.

Restriction

(3) A Board is subject to the same restrictions as a municipality, as defined in the *Municipal Act*, with respect to the granting of bonuses in aid of manufacturing businesses or other industrial or commercial enterprises. 1998, c. 16, s. 10.

Taxation of real property

43. (1) For the purpose of funding service delivery in a Board area, tax may be levied on all real property in the Board area that is liable to assessment and taxation under the *Assessment Act* or the *Provincial Land Tax Act*.

Applicable system of funding service delivery

(2) An order shall provide that the provisions of section 44 or 49 apply for the purpose of funding service delivery in the Board area, except that the provisions of section 44,

(a) shall apply for the purposes of all Boards in 1999 or until such later date as may be determined by regulation of the Minister; and

(b) shall not apply for the purposes of any Boards after a date to be determined by regulation of the Minister.

Transition

[\(3\)](#) Despite subsection (2), an order may provide for such matters as the Minister considers appropriate to facilitate the transition from one system of funding service delivery and taxation to another and achieve the purposes of this Part.

Other Acts

[\(4\)](#) Where a provision of an Act or regulation under an Act would not otherwise apply with respect to the Board, the Province and municipalities, local services boards and local roads boards in the Board area, an order may specify, for the purposes of sections 44 and 49, that the provision shall apply with respect to any of them, with necessary modifications, as specified.

Contracting out, taxation functions

[\(5\)](#) An order may provide that a Board shall not enter into an agreement for the performance of any functions related to taxation, as specified, by any person or entity.

Assessment roll or other list

[\(6\)](#) The Ontario Property Assessment Corporation shall, as soon as practicable, give to the secretary of every Board a copy of any assessment roll under the *Assessment Act* and of any register, roll or list under the *Provincial Land Tax Act* showing the lands in the Board area liable to assessment and taxation and the amount of the assessment. 1998, c. 16, s. 10.

Taxation model 1

[44.](#) (1) A Board shall requisition from each municipality in the Board area and from the Province the amounts required for the Board's purposes in accordance with the apportionment formula established by the Lieutenant Governor in Council.

Levy and collection by municipalities

[\(2\)](#) A municipality shall levy and collect the amounts required to be raised by it for the Board's purposes by using the municipality's tax ratios established under the *Municipal Act* and shall remit the amounts to the Board.

Levy and collection by Minister of Finance in unorganized territory

[\(3\)](#) With respect to unorganized territory in the Board area, the Minister of Finance shall levy and collect the amounts required to be raised by the Province for the Board's purposes under the *Provincial Land Tax Act* and shall remit the amounts to the Board.

Application of sections

[\(4\)](#) Sections 45 to 48 apply for the purposes of this section. 1998, c. 16, s. 10.

Annual estimates

[45.](#) (1) Before December 1 in each year, a Board shall prepare and adopt annual estimates of all amounts required for the purposes of the Board for operating and capital expenditures for the next fiscal year.

Matters to be taken into account

[\(2\)](#) In preparing the estimates, the Board shall take into account any surplus from the previous year that will be available in the next year, any operating deficit from the previous year and any debt falling due within the year.

Contents of estimates

[\(3\)](#) The estimates shall set out,

[\(a\)](#) the amounts to be raised;

[\(b\)](#) the manner in which the amounts are to be raised; and

[\(c\)](#) the amounts, if any, which the Board proposes be added to the provincial land tax and to the levies of municipalities in the Board area.

To whom estimates, etc., sent

[\(4\)](#) Before December 10 in each year, the Board shall send, by registered mail, to the Minister of Finance and to all the municipalities in the Board area a copy of the estimates and the by-law adopting the estimates, and a copy of the Board's funding request. 1998, c. 16, s. 10.

Amounts under *Provincial Land Tax Act* and *Municipal Act*

46. The Board may by by-law passed before December 1 in any year request,

(a) the Minister of Finance to levy and collect under the *Provincial Land Tax Act* in the next calendar year the amounts apportioned to unorganized territory in the Board area; and

(b) the municipalities in the Board area to levy and collect under the *Municipal Act* in the next calendar year the amounts apportioned to municipalities in the Board area. 1998, c. 16, s. 10.

Levy under *Provincial Land Tax Act* and *Municipal Act*

47. (1) The Minister of Finance and the municipalities in the Board area shall, in accordance with subsection 43 (1), levy in the next calendar year the amounts set out in the by-law.

Deemed taxes

(2) The amounts levied under subsection (1) are deemed to be taxes and shall be collected as though they were for all purposes, respectively, provincial land taxes and municipal taxes.

Exemption

(3) Land belonging to the Board is exempt,

(a) from taxation under the *Provincial Land Tax Act* despite section 3 of that Act;

(b) from taxation under section 3 of the *Assessment Act* as if the Board were a municipality.

Payment to Board

(4) The Minister of Finance and the municipalities shall pay the amounts levied under subsection (1) to the Board. 1998, c. 16, s. 10.

When amounts paid to Boards

48.(1) In each calendar year beginning with the year 2000, a municipality in a Board area shall pay amounts levied for Board purposes in the following instalments:

1. Twenty-five per cent of the amount levied for the previous calendar year, on or before March 31.

2. Fifty per cent of the amount levied for the current calendar year less the amount of the instalment under paragraph 1, on or before June 30.

3. Twenty-five per cent of the amount levied for the current calendar year, on or before September 30.

4. The balance of the amount levied for the current calendar year, on or before December 15.

Non-payment on due date

(2) Where an instalment or a part of an instalment is not paid on the due date, the municipality in default shall pay interest to the Board from the date of default to the date that the payment is made, at the rate specified in subsection (4).

Payment ahead of due date

(3) Where, with the consent of the Board, an instalment or a part of an instalment is paid in advance of the due date, the Board shall allow the municipality a discount from the date of payment to the date on which the payment is due, at the rate specified in subsection (4).

Rate of interest

(4) For the purposes of subsections (2) and (3), the rate of interest payable or the rate of discount allowable, as the case may be, is the rate of 15 per cent per year, or such lower rate as the Board may by by-law determine, from the date of default in the case of subsection (2), or from the date of payment in the case of subsection (3).

Agreement

[\(5\)](#) Despite subsection (1), a Board may, by agreement with a majority of the municipalities in the Board area where the municipalities represent at least two-thirds of the assessment in all municipalities in the Board area taxable for the purposes of the Board according to the last returned assessment roll, vary the number of instalments and their amounts and due dates.

Same

[\(6\)](#) Where an agreement is entered into under subsection (5), it applies with respect to all municipalities in the Board area. 1998, c. 16, s. 10.

Taxation model 2

[49.](#) (1) A Board shall determine the tax ratios to be used by the Board and the municipalities in the Board area for all purposes on the basis of the classifications contained in the documents provided under subsection 43 (6).

Tax rates

[\(2\)](#) The Board shall set tax rates to be used by the Board and the municipalities in the Board area for all purposes, except that a municipality may establish its own tax rates for its own purposes under the *Municipal Act*.

Levy and collection by municipalities

[\(3\)](#) The municipalities shall levy and collect the amounts required by the Board and remit those amounts to the Board.

Levy and collection in unorganized territory

[\(4\)](#) With respect to unorganized territory in the Board area, the Board shall levy and collect the amounts required for the Board's purposes.

Requisition by Province and boards

[\(5\)](#) The Province and the local services boards and local roads boards in the Board area shall requisition from the Board the amounts required to fund the services they provide.

Levy and collection by Board

[\(6\)](#) The Board shall levy and collect the amounts required by the Province and remit those amounts to the Province.

Local services and local roads boards

[\(7\)](#) The Board shall levy and collect, from persons in the area of a Local Services Board or a local roads board who are liable to pay tax, the amounts required by those boards and remit those amounts to the boards.

Provincial Land Tax Act

[\(8\)](#) No tax shall be levied or collected in the Board area under the *Provincial Land Tax Act*.

Application of provisions

[\(9\)](#) Sections 51 to 57 apply for the purposes of this section. 1998, c. 16, s. 10.

Different system for establishing tax ratios

[50.](#) An order may provide for a different system of determining tax ratios than that set out in subsection 49 (1) where a proposal requesting the system has been made. 1998, c. 16, s. 10.

Definitions

[51.](#) In sections 52 to 57,

"assessment" means the assessment for real property made under the *Assessment Act* according to the last returned assessment roll; ("évaluation")

"property class" means a class of real property prescribed under the *Assessment Act*; ("catégorie de biens")

"residential/farm property class" means the residential/farm property class prescribed under the *Assessment Act*; ("catégorie des biens résidentiels/agricoles")

"tax rate" means the tax rate to be levied against property expressed as a percentage, to six decimal places, of the assessment of the property. ("taux d'imposition", "taux de l'impôt") 1998, c. 16, s. 10.

Establishment of tax ratios

[52.](#) (1) For the purposes of subsection 49 (1), a set of tax ratios shall be established by the Board in accordance with this section.

What tax ratios are

[\(2\)](#) The tax ratios are the ratios that the tax rate for each property class must be to the tax rate for the residential/farm property class. The tax ratio for the residential/farm property class is 1.

By-law

[\(3\)](#) The Board shall pass a by-law on or before March 15 in each year to establish the tax ratios for that year for the Board and the municipalities in the Board area.

Limitation

[\(4\)](#) A Board shall not pass a by-law under subsection (3) until transition ratios are established for the property classes that apply within the Board area, other than the residential/farm property class, the farmlands property class and the managed forests property class prescribed under the *Assessment Act*.

Ratios are uniform

[\(5\)](#) A by-law under subsection (3) must establish, for each property class, a single tax ratio for the Board and the municipalities in the Board area.

Ratios within prescribed ranges

[\(6\)](#) The tax ratio for a property class must be within the allowable range prescribed in the regulations for the property class.

Exception

[\(7\)](#) Despite subsection (6), the tax ratio for a property class may be outside the

allowable range in the following circumstances:

1. For the first year in which section 49 applies in a Board area, the tax ratio may be,

i. above the range if it is less than or equal to the prescribed transition ratio for the property class, or

ii. below the range if it is greater than or equal to the prescribed transition ratio for the property class.

2. For a subsequent year the tax ratio may be,

i. above the range if it is less than or equal to the tax ratio for the property class for the previous year, or

ii. below the range if it is greater than or equal to the tax ratio for the property class for the previous year.

Regulations, Minister

(8) The Minister may make regulations,

(a) extending the time limit in subsection (3);

(b) requiring Boards to provide the Minister with the information prescribed in the regulations at the times, and in the manner, prescribed in the regulations;

(c) requiring Boards to give notice of the tax ratios established under this section to such persons and in such manner as the regulations prescribe.

Regulations extending time

(9) A regulation under clause (8) (a) extending a time limit may be made even if the time limit has expired.

Regulations, Minister of Finance

(10) The Minister of Finance may make regulations,

(a) prescribing, for the purposes of subsection (6), the allowable ranges for the tax ratios for the property classes;

(b) prescribing transition ratios for the property classes for the purposes of subsection (7) or prescribing a method for determining such ratios;

(c) prescribing average transition ratios for the purposes of subsection (20);

(d) providing for the application of optional property classes in a Board area for the purposes of this section;

(e) despite subsections (6) and (7), requiring Boards to establish, as the tax ratio for the year for each property class specified in the regulations, the ratio specified in the regulations for the property class.

Regulation under cl. (10) (e), municipal request required

(11) A regulation under clause (10) (e) may not be made unless, before the regulation is made, each Board to be specified in the regulation passes a resolution requesting that such a regulation be made, specifying the property classes with respect to which the regulation is to apply and specifying what the tax ratio for each such class shall be.

Regulations can be specific

(12) A regulation under this section may be general or particular in its application and may be limited to specific Boards.

Regulations can be retroactive

[\(13\)](#) A regulation under subsection (10) may be retroactive to a date not earlier than January 1 of the year in which the regulation was made.

Farmlands and managed forests property class

[\(14\)](#) Despite anything in this section the tax ratios for the farmlands property class and the managed forests property class prescribed under the *Assessment Act* shall be .25.

New transition ratios

[\(15\)](#) The Minister of Finance may make regulations prescribing transition ratios for the first year in which new property classes are prescribed under the *Assessment Act*.

Effect of new transition ratios

[\(16\)](#) If transition ratios are prescribed under subsection (15) for a Board area, paragraph 1 of subsection (7) applies, with necessary modifications, for the year with respect to which the new transition ratios apply.

Replacement transition ratios

[\(17\)](#) The Minister of Finance may, by regulation, prescribe new transition ratios for a Board if, as a result of an error or of an event that occurs after the original transition ratios are prescribed, the application of the original transition ratios would result, in the opinion of the Minister, in a significant shift in taxation among classes of real property in the Board area.

Optional property classes

[\(18\)](#) In the first taxation year in which a Board establishes tax ratios, any optional property classes applicable in a municipality in the Board area shall cease to apply, and the Board may opt to have optional property classes, as set out in the regulations made under the *Assessment Act*, apply in the Board area.

Definitions

[\(19\)](#) In subsections (20) to (22),

"commercial classes" means the commercial property class and the property classes each of which is a property class that a Board may opt to have apply under the regulations made

under the *Assessment Act* and that contains property that, if the Board did not opt to have the property class apply, would be in the commercial property class; ("catégories commerciales")

"industrial classes" means the industrial property class prescribed under the *Assessment Act* and the property classes each of which is a property class that a Board may opt to have apply under the regulations made under the *Assessment Act* and that contains property that, if the Board did not opt to have the property class apply, would be in the industrial property class. ("catégories industrielles")

Average transition ratios

[\(20\)](#) For each Board, there shall be an average transition ratio for the commercial classes and an average transition ratio for the industrial classes, determined in accordance with the following:

[1.](#) For the year in which the Board is established, the average transition ratio shall be the prescribed average transition ratio.

[2.](#) For a subsequent year, the average transition ratio shall be the weighted average, for the previous year, of the tax ratios for the property classes to which the average transition ratio relates.

Special rule, commercial classes

[\(21\)](#) The tax ratio for a property class that is one of the commercial classes may be greater than what would be allowed under subsection (6) or (7) if the following are satisfied:

[1.](#) The tax ratio is less than or equal to the average transition ratio for the commercial classes for the year.

[2.](#) The weighted average, for the year, of the tax ratios for the commercial classes does not exceed the average transition ratio for the commercial classes for the year.

Special rule, industrial classes

[\(22\)](#) The tax ratio for a property class that is one of the industrial classes may be greater than what would be allowed under subsection (6) or (7) if the following are satisfied:

1. The tax ratio is less than or equal to the average transition ratio for the industrial classes for the year.

2. The weighted average, for the year, of the tax ratios for the industrial classes does not exceed the average transition ratio for the industrial classes for the year.

Weighted average

(23) For the purposes of subsections (20) to (22), the weighted average, for a year, of the tax ratios for property classes shall be determined as follows:

1. For each property class, multiply the tax ratio for the property class for the year by the total assessment of the properties in the property class for the year.

2. Add the amounts determined under paragraph 1 for each property class together.

3. Add the total assessments of the properties in the property classes for the year, used in the calculation under paragraph 1, together.

4. The weighted average is the amount determined under paragraph 2 divided by the amount determined under paragraph 3.

Replacement transition ratios

(24) The Minister of Finance may, by regulation, prescribe new average transition ratios for a Board if, as a result of an error or of an event that occurs after the original average transition ratios are prescribed, the application of the original average transition ratios would result, in the opinion of the Minister, in a significant shift in taxation among classes of real property in the Board area.

Effect

(25) If a new average transition ratio is prescribed for a Board under subsection (24), that average transition ratio applies for the year instead of the average transition ratio that

would otherwise apply under subsection (20). 1998, c. 16, s. 10.

Yearly estimates

53. (1) A Board shall in each year prepare and adopt estimates of all amounts required during the year for the purposes of the Board and all amounts required to be raised for the purposes of the Province, local services boards and local roads boards under subsection 49 (5), including amounts sufficient to pay all debts of the Board falling due within the year and amounts required to be raised for sinking funds.

Detail and form

(2) The estimates shall set out the estimated revenues and expenditures in such detail and form as the Minister may require.

Allowance

(3) In preparing the estimates, the Board shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for uncollectable taxes and may provide for taxes that it is estimated will not be collected during the year and for such reserves as the Board considers necessary.

Application

(4) Section 34 of the *Assessment Act* and section 421 of the *Municipal Act* apply with necessary modifications with respect to the Board. 1998, c. 16, s. 10.

General Board levy, etc.

54. (1) In this section,

"general Board levy" means an amount sufficient for payment of the estimated expenditures adopted for the year under section 53 less the amount of any special Board levies to be raised; ("impôt général de régie")

"special Board levy" means an amount to be raised on less than all taxable property in the Board area. ("impôt extraordinaire de régie")

General rating by-law

(2) For purposes of raising the general Board levy, the Board shall, on or before March 31 in each year, pass a by-law,

(a) directing the councils of the municipalities in the Board area to levy a separate tax rate, as specified in the by-law, on the assessment in each property class in the municipality rateable for Board purposes; and

(b) governing the levying of a separate tax rate, as specified in the by-law, on the assessment in each property class in the unorganized territory rateable for Board purposes.

Special levies

(3) If authorized by an order, for purposes of raising a special Board levy, the Board shall, on or before March 31 in each year, pass a by-law,

(a) directing each applicable municipality in the Board area to levy a separate tax rate, as specified in the by-law, on all or part of the assessment, as specified in the by-law, in each property class in the municipality rateable for Board purposes; and

(b) governing the levying of a separate tax rate, as specified in the by-law, on all or part of the assessment, as specified in the by-law, in each property class in the unorganized territory rateable for Board purposes.

Restrictions on rates

(4) The tax rates set out in a Board rating by-law are subject to the following restrictions:

1. The rates must be set so that when they are levied on the applicable assessment rateable for Board purposes, an amount equal to the general Board levy or special Board levy, as the case may be, is raised.

2. The rates on the different classes of property must be in the same proportion to each other as the tax ratios established under section 52 for the property classes are to each other.

Rates adopted

(5) In each year, the council of each municipality in the Board area shall levy, in accordance with the Board rating by-law passed for that year, the tax rates specified in the by-law.

Estimate of amount to be raised

(6) A Board rating by-law shall estimate the amount to be raised in a municipality in the Board area as a result of a levy being made in that municipality in accordance with the by-law.

When amounts paid to Boards

(7) A municipality in the Board area shall pay amounts levied for Board purposes in the following instalments:

1. Twenty-five per cent of the amount levied for the previous calendar year, on or before March 31.

2. Fifty per cent of the amount levied for the current calendar year less the amount of the instalment under paragraph 1, on or before June 30.

3. Twenty-five per cent of the amount levied for the current calendar year, on or before September 30.

4. The balance of the amount levied for the current calendar year, on or before December 15.

Non-payment on due date

(8) Where an instalment or a part of an instalment is not paid on the due date, the municipality in default shall pay interest to the Board from the date of default to the date that the payment is made, at the rate specified in subsection (10).

Payment ahead of due date

(9) Where, with the consent of the Board, an instalment or a part of an instalment is paid in advance of the due date, the Board shall allow the municipality a discount from the date of payment to the date on which the payment is due, at the rate specified in subsection (10).

Rate of interest

(10) For the purposes of subsections (8) and (9), the rate of interest payable or the rate of discount allowable, as the case may be, is the rate of 15 per cent per year, or such lower rate as the Board may by by-law determine, from the date of default in the case of subsection (8), or from the date of payment in the case of subsection (9).

Agreement

(11) Despite subsection (7), a Board may, by agreement with a majority of the municipalities in the Board area where the municipalities represent at least two-thirds of the assessment in all municipalities in the Board area taxable for the purposes of the Board according to the last returned assessment roll, vary the number of instalments and their amounts and due dates.

Same

(12) Where an agreement is entered into under subsection (11), it applies with respect to all municipalities in the Board area.

Deemed taxes

(13) The amount levied by a municipality in the Board area pursuant to a Board rating by-law shall be deemed to be taxes and is a debt of the municipality to the Board.

Amount payable, adjustments if estimate incorrect

(14) If the amount levied by a municipality pursuant to a Board rating by-law is different from the amount estimated in the by-law, the municipality is required to pay only the amount levied and the appropriate adjustments shall be made in respect of any amounts already paid.

Extension of time

(15) The Minister may make regulations extending the time for passing a Board rating by-law in any year.

Same

(16) A regulation under subsection (15),

(a) may be made even if the time limit set out in subsection (2) or (3) has expired; and

(b) may be general or particular in its application and may be limited to specific Boards. 1998, c. 16, s. 10.

Taxation of certain railway, power utility lands

55. (1) Every Board shall impose taxes, in accordance with the regulations, on the following land:

1. The roadway or right of way of a railway company, other than the structures, substructures and superstructures, rails, ties, poles and other property on the roadway or right of way, not including land leased by the railway company to another person for rent or other valuable consideration.

2. Land owned by a power utility prescribed by the Minister of Finance (other than a public utility defined in subsection 27 (1) of the *Assessment Act*) and used as a transmission or distribution corridor, not including land leased by the power utility to another person for rent or other valuable consideration.

Regulations

(2) The Minister of Finance may make regulations,

(a) prescribing, for each geographic area described in subsection (4), the rate of tax to be imposed by a Board on land described in subsection (1);

(b) prescribing power utilities for the purposes of paragraph 2 of subsection (1).

Same

(3) The following apply to regulations under subsection (2):

1. The regulations may provide for land described in paragraph 1 of subsection (1) to be taxed differently from land described in paragraph 2 of subsection (1).
2. A regulation may be general or particular in its application.

Geographic areas

(4) For the purposes of this section, the following are geographic areas:

1. The Regional Municipality of Sudbury and the districts of Algoma, Manitoulin and Sudbury.
2. The districts of Cochrane, Nipissing, Parry Sound and Temiskaming.
3. The districts of Kenora, Rainy River and Thunder Bay.

References to municipality and districts

(5) In the description of a geographic area in subsection (4), a reference to a municipality or district is a reference to the municipality or district as it was on December 31, 1997.

Collector's roll

(6) The secretary of a Board shall, for land described in subsection (1), enter on the collector's roll the number of acres or other measure showing the extent of the land and the amounts of the taxes under this section.

Transitional taxation for "grandparented" owners

(7) The Minister of Finance may make regulations providing for the taxation under this section for the taxation years 1998 to 2005, both inclusive, of land that the owner owned on

December 31, 1997, for the purposes of providing for the transition from the taxation of such land as it was taxed in 1997.

Same

(8) The following apply to regulations under subsection (7):

1. The regulations may provide for land described in paragraph 1 of subsection (1) to be taxed differently from land described in paragraph 2 of subsection (1).

2. A regulation may be general or particular in its application.

3. The regulations may provide for different taxation of particular parcels of land or of parcels of land owned by particular owners. 1998, c. 16, s. 10.

Powers of Board, levying rates

56. (1) A Board that levies rates under section 49 has, for purposes of the collection, chargeback, cancellation, refund or rebate of the rates, the same powers and duties as a municipality has in respect of the collection, chargeback, cancellation, refund or rebate of rates levied for municipal purposes, including powers and duties relating to the sale of land for tax arrears.

Powers of officers

(2) The officers of a Board that levies rates under section 49 have the same powers and duties in respect of the collection, chargeback, cancellation, refund or rebate of rates, including powers and duties relating to the sale of land for tax arrears, as officers of a municipality have in respect of rates levied for municipal purposes.

Application of s. 382 of *Municipal Act*

(3) Section 382 of the *Municipal Act* applies to taxes levied under section 49.

Regulations

(4) The Minister may make regulations, which may be general or particular in their application, varying, limiting or excluding the powers and duties under this section of Boards

and their officers. 1998, c. 16, s. 10.

When amounts paid to Boards

57. (1) In each calendar year, a Board shall pay amounts levied for provincial purposes and local services boards and local roads boards purposes in the following instalments:

1. Twenty-five per cent of the amount levied for the previous calendar year, on or before March 31.

2. Fifty per cent of the amount levied for the current calendar year less the amount of the instalment under paragraph 1, on or before June 30.

3. Twenty-five per cent of the amount levied for the current calendar year, on or before September 30.

4. The balance of the amount levied for the current calendar year, on or before December 15.

Non-payment on due date

(2) Where an instalment or a part of an instalment is not paid on the due date, the Board shall pay interest to the Province or the recipient Local Services Board or local roads board from the date of default to the date that the payment is made, at the rate specified in subsection (4).

Payment ahead of due date

(3) Where, with the consent of the Province or the recipient Local Services Board or local roads board, an instalment or a part of an instalment is paid in advance of the due date, the Province or recipient Local Services Board or local roads board shall allow the Board a discount from the date of payment to the date on which the payment is due, at the rate specified in subsection (4).

Rate of interest

(4) For the purposes of subsections (2) and (3), the rate of interest payable or the rate of discount allowable, as the case may be, is the rate of 15 per cent per year, or such lower

rate as the Province may determine, from the date of default in the case of subsection (2), or from the date of payment in the case of subsection (3).

Agreement

(5) Despite subsection (1), a Board may, by agreement with the Province or a Local Services Board or local roads board in the Board area, vary the number of instalments and their amounts and due dates. 1998, c. 16, s. 10.

Payments to Board

58. (1) The Minister may pay to a Board annually out of money appropriated therefor by the Legislature such amount as the Minister considers appropriate after taking into account the estimates of the Board, taxes levied for Board purposes under section 44 or 49 and the fees collected by the Board.

Same

(2) The Minister may pay to a Board annually out of money appropriated therefor by the Legislature an amount in lieu of taxes in respect of the improved Crown land within the Board area. 1998, c. 16, s. 10.

Audit

59. (1) A Board shall appoint auditors and have audits carried out in the same manner as a municipality as defined in the *Municipal Act*.

Fiscal year

(2) The fiscal year of a Board is the 12-month period beginning on January 1. 1998, c. 16, s. 10.

Dissolution of Board

60. (1) The Minister may by order, where he or she considers it necessary to do so in the public interest,

(a) name, in place of a Board, any person to exercise the powers and perform the duties of the Board, subject to the Minister's supervision;

(b) dissolve a Board and assume its powers; or

(c) dissolve a Board and the Board area.

Transfer of assets and liabilities

(2) In an order for the dissolution of a Board under subsection (1), the Minister may make such provision with respect to the disposition of assets and liabilities of the Board as the Minister considers appropriate.

No local dissolution

(3) Only the Minister may dissolve a Board.

Immunity

(4) Where the Minister makes an order under clause (1) (a), no proceeding for damages or otherwise shall be commenced against the person or any officer or employee of the person for any act done in good faith in the performance or intended performance of a duty or authority of the Board or for any alleged neglect or default in the performance in good faith of the duty or authority.

Same

(5) Subsection (4) does not relieve the Crown of liability to which it would otherwise be subject in respect of a tort committed by the person, officer or employee. 1998, c. 16, s. 10.

Regulations, Minister

61. (1) The Minister may make regulations,

(a) for the purposes of subclause 37 (1) (a) (vii), requiring matters to be dealt with in a proposal;

(b) for the purposes of subclause 37 (1) (b) (i), prescribing the degree of support required to support a proposal;

(c) for the purposes of subclause 37 (1) (b) (ii), prescribing the manner of determining that support; and

(d) for the purposes of subsection 43 (2), determining dates respecting the application or non-application of section 44.

Scope

(2) A regulation may be general or particular in its application and may be limited to specific Boards. 1998, c. 16, s. 10.

SCHEDULE

1. WATER SUPPLY

The Board may by by-law,

- (a) acquire, establish, operate and maintain works for; or
- (b) contract for,

a supply of water and for that purpose may regulate the time, manner, extent and nature of such supply and the persons to whom water may be supplied, and may charge a fee for the cost of such supply.

2. FIRE PROTECTION

The Board may by by-law,

(a) establish a fire department and for that purpose acquire, operate and maintain a fire-hall, fire engines and apparatus and equipment for use by volunteer firefighters in connection with fire suppression and other fire protection activities; or

- (b) contract for fire protection,

and may charge a fee for the cost of such service.

3. GARBAGE COLLECTION

The Board may by by-law,

- (a) establish and maintain a system for the collection and removal of garbage; or
- (b) contract for the collection, removal and disposal of garbage,

and for that purpose may regulate the occasions, manner, extent and nature of such service and the persons to whom such service may be supplied, and may charge a fee for the cost of such service.

4. SEWAGE

The Board may by by-law,

(a) acquire, establish, operate and maintain sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewage collection and treatment system; or

- (b) contract for the collection and treatment of sewage,

and for such purposes may charge a fee for such service or add a surcharge to the fee, if any, for water supply, or,

(c) upon such terms and conditions as the Board considers appropriate and with the approval of a majority of the inhabitants at a meeting called for that purpose, financially assist by grant or loan the installation of private septic tank systems or other systems approved by the Ministry of the Environment for the benefit of any inhabitant or inhabitants.

5. STREET OR AREA LIGHTING

The Board may by by-law,

(a) contract with any person for the provision of street or area lighting in the Board area; or

(b) contract with any person for the provision of power and acquire by purchase or lease lights, light standards and lighting equipment in order to provide street or area lighting in the Board area,

and may charge a fee for the cost of such service, but no Board shall generate its own power.

6. RECREATION

The Board may by by-law,

(a) contract for the use of recreation facilities or participation in programs of recreation;

(b) provide for the carrying out of programs of recreation; or

(c) acquire, establish, construct, operate and maintain recreation facilities,

and may charge fees in respect of the programs of recreation or the recreation facilities, and the Board shall be deemed to be an approved corporation for the purposes of the *Community Recreation Centres Act*.

7. ROADS

The Board may by by-law,

(a) contract for the construction, inspection and maintenance of roads and bridges in the Board area;

(b) determine the work to be performed on roads and bridges in the Board area,

and may charge a fee for the cost of such services.

8. PUBLIC LIBRARY SERVICE

The Board may by by-law,

(a) contract for the provision of public library service by a public library board, union board or county library board or by a board of an Ontario library service area acting under subsection 34 (2) of the *Public Libraries Act*; or

(b) establish and maintain a public library service,

and may, subject to the *Public Libraries Act*, charge fees in respect of such service.

R.S.O. 1990, c. L.28, Sched.; 1998, c. 15, Sched. E, s. 15; 1998, c. 16, s. 11.

FORM 1

(Subsection 3 (4))

NOTICE OF MEETING

TAKE NOTICE that a meeting will be held to consider the desirability of establishing a Local Services Board in the area.

The proposed Board area to be considered at the meeting is

(describe boundaries of proposed Board area

or attach a drawing or map

depicting the proposed Board area).

The meeting will take place:

at

(time)

on

(day)

in

(place)

Date of Notice:

Signature of Person calling the meeting

R.S.O. 1990, c. L.28, Form 1.

FORM 2

(Section 20)

AFFIDAVIT OF ELIGIBILITY TO VOTE

I, , of

(print name)

make oath and say as follows:

1. I am a Canadian Citizen;
2. I am the full age of eighteen years;

(complete either 3 or 4)

If person making affidavit is a permanent resident

3. I permanently reside at

(a brief description of the property's location)

in the Board area.

OR

If person making affidavit is not a permanent resident but owns property within the Board area

4. I am the owner of

(legal description, or if unavailable, a brief description of property's location)

located in the Board area.

And I believe that I am an inhabitant as defined in the *Local Services Boards Act*.

Sworn before me in
the)
District
of)
in the Province of
Ontario,)
this day of ,
19 .)

Signature of person making affidavit

Chair,
the Local Services Board of

(Name of Local Services Board)

R.S.O. 1990, c. L.28, Form 2.
