

SCHEDULE M
AMENDMENTS TO THE MUNICIPAL ACT AND
VARIOUS OTHER STATUTES RELATED TO
MUNICIPALITIES, CONSERVATION AUTHORITIES AND TRANSPORTATION

PART I
MUNICIPAL ACT

Amendments are made to the *Municipal Act* respecting the following subject matters:

1. The Minister is given the power to make regulations restructuring municipalities. Upon receiving a proposal from a municipality or prescribed local body in unorganized territory, the Minister shall make regulations implementing the proposal if the proposal meets the requirements set out in the section. A restructuring may include: annexing part of a municipality to another municipality; annexing land that does not form part of a municipality to a municipality; amalgamating municipalities; separating a local municipality from a county or joining a local municipality to a county for municipal purposes; dissolving all or part of a municipality and incorporating the inhabitants of a locality as a municipality.
2. Municipalities will be required to provide the Minister of Municipal Affairs and Housing with information which, in the opinion of the Minister, relate to the efficiency and effectiveness of the operations of the municipality. The municipality must publish all or part of that information as designated by the Minister and must review or audit all or part of it or make it available to be reviewed or audited as designated by the Minister.
3. Greater flexibility is given to municipalities to determine which municipal level (local municipality or upper-tier municipality) will provide those services and facilities that are prescribed in the regulations. Upper-tier municipalities may assume the power to provide services and facilities that are currently being provided by local municipalities. Similarly, local municipalities may assume the power to provide services and facilities that are currently being provided by an upper-tier municipality. The conditions for assuming those powers are set out in subsections 209.2 (2) and 209.4 (2) of the Act. (Section 6 of this Schedule)
4. Municipalities are given the power to dissolve or make changes to local boards. They may only pass a by-law to dissolve or make changes to a local board in accordance with regulations made by the Minister.

5. Municipalities and local boards are given broad powers to impose fees or charges for any services or activities provided by them. The Minister has power to make regulations limiting or imposing conditions on the imposition of fees or charges.
6. In section 223 of the Act there is a requirement that the assent of the electors be obtained before a by-law is passed placing the control of sewage works under a commission established under the *Public Utilities Act*. This requirement may now be waived by the municipality by by-law.
7. A new Part is added to the Act (Part XVII.1) giving municipalities general licensing powers. A local municipality may by by-law provide for the licensing and regulation of any business carried on in the municipality. The broad powers given to municipalities respecting licensing are set out in subsection 257.2 (2) of the Act (section 22 of this Schedule). Many of the other more specific provisions of the Act dealing with licensing are repealed. The Minister may make regulations exempting any business or class of business from a licensing by-law or imposing conditions or limitations on the powers of the municipality to make by-laws.

PART II OTHER STATUTES RELATING TO MUNICIPALITIES

Municipal Franchises Act

A municipal corporation is given the power to pass by-laws eliminating the requirement to obtain the assent of the electors before exercising any power under the *Municipal Franchises Act* or any other Act.

Municipality of Metropolitan Toronto Act

The licensing provisions are amended to reflect changes to the licensing provisions set out in the *Municipal Act*. The Licensing Commission is given the same powers that local municipalities have under the new Part XVII.1 of the *Municipal Act* in respect to licensing and regulating those matters over which it has the power to license.

Ontario Unconditional Grants Act

The title of the *Ontario Unconditional Grants Act* is changed to "*Ontario Municipal Support Grants Act*". The Minister is authorized to make grants and loans and provide other financial assistance to municipalities and local boards. The Lieutenant Governor in Council, if of the opinion that a matter is of provincial significance, may make regulations establishing

standards for the activities of municipalities. If a municipality fails to meet these standards, any grant, loan or other financial assistance that would otherwise be provided to that municipality may be reduced.

Public Utilities Act

The requirement to obtain the assent of the electors before exercising a power under the Act may by by-law be waived by the municipal corporation. 

Other Acts in this Part

Amendments are made to the *Regional Municipalities Act* and four regional Acts (Haldimand-Norfolk, Sudbury, Waterloo and York) relating to licensing powers to reflect the changes made to the *Municipal Act*.

PART III CONSERVATION AUTHORITIES ACT

Part III amends the *Conservation Authorities Act*. The amendments provide a mechanism for voluntary dissolution of a conservation authority, remove the Lieutenant Governor in Council's power to appoint members to conservation authorities and give the Minister of Natural Resources power to require flood control operations to be carried out by conservation authorities or municipalities. The amendments also remove requirements for provincial approval of conservation authority projects and land dispositions if the project or land does not involve provincial funding. Other amendments revise the system for levying conservation authority administrative costs and maintenance costs against municipalities by authorizing regulations governing the levies, by providing for appeals and, after a date to be named by proclamation, by restricting the levies to maintenance costs relating to flood control.

PART IV TRANSPORTATION STATUTES

The amendments in this Part to the *Public Transportation and Highway Improvement Act* are: to remove many of the constraints currently placed on municipalities with regard to the management of roads under their jurisdiction and to municipalities' relationships with each other; to replace the current rigid road subsidy provisions with flexible funding agreements between the province and municipalities; to permit the province to subsidize the costs of public transportation and rapid transit up to a maximum amount, rather than the current fixed amount.

The amendment to the *Local Roads Boards Act* is to allow for credits to local roads boards up to a maximum amount, rather than

under this Act was not made subject to conditions, impose conditions.

Use of money

(5) The Minister shall use the money received from a municipality under clause (4) (b) to remedy the municipality's failure to comply with the standard but, if the Ministry does not use the money for that purpose, the Minister shall pay the money to the Minister of Finance.

32. (1) Sections 10, 11, 13, 14, 15 and 16 of the Act are repealed.

(2) The Schedule to the Act is repealed.

PUBLIC UTILITIES ACT

33. The Public Utilities Act is amended by adding the following section:

By-law waiving assent of the electors

67. (1) A municipal corporation may pass a by-law to eliminate the requirement to obtain the assent of the electors before the corporation exercises a power under this Act.

Exception

(2) Subsection (1) does not apply to a municipal corporation exercising its power with respect to natural gas.

REGIONAL MUNICIPALITIES ACT

34. (1) Subsection 106 (1) of the *Regional Municipalities Act* is repealed and the following substituted:

Limitation on area municipality

(1) Despite paragraph 1 of section 232 and Part XVII.1 of the *Municipal Act*, an area municipality does not have the power to pass a by-law that the Regional Council has the authority to pass under this section.

(2) Subsection 106 (2) of the Act is amended by,

(a) striking out "Police Board" wherever it occurs and substituting "Regional Council" in each case; and

(b) repealing subparagraph (c) of paragraph 4.

35. (1) Clause 136 (2) (c) of the Act, as amended by the Statutes of Ontario, 1994, chapter 37, section 8, is repealed.