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Supporting Manufacturing in St. Thomas Act, 2023

[S.o. 2023, chapter 1](https://www.ontario.ca/laws/statute/s23001)

**Consolidation Period:** From December 4, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2023, c. 18, Sched. 2](http://www.ontario.ca/laws/statute/S23018" \l "sched2s1).

Legislative History: [2023, c. 1, s. 13](http://www.ontario.ca/laws/statute/S23001" \l "s13); [2023, c. 18, Sched. 2](http://www.ontario.ca/laws/statute/S23018" \l "sched2s1).

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His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I  
ST. THOMAS - CENTRAL ELGIN BOUNDARY ADJUSTMENT

Interpretation

Definition

**1** (1)  In this part,

“effective date” means the day the St. Thomas - Central Elgin Boundary Adjustment Act, 2023 receives Royal Assent. 2023, c. 1, s. 1 (1); 2023, c. 18, Sched. 2, s. 3.

References

(2)  A reference in this part to the County of Elgin, the City of St. Thomas or the Municipality of Central Elgin is a reference to the geographic area comprising that municipality or a reference to the municipal corporation bearing that name, as the context requires. 2023, c. 1, s. 1 (2); 2023, c. 18, Sched. 2, s. 3.

**Section Amendments with date in force (d/m/y)**

[2023, c. 18, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S23018" \l "sched2s3) - 04/12/2023

Annexation

**2** (1)  The portion of the Municipality of Central Elgin as prescribed by the regulations is annexed to the City of St. Thomas. 2023, c. 1, s. 13 (1).

Same

(1.1)  If a regulation is made for the purposes of subsection (1), the area prescribed by that regulation is deemed to be annexed as of the effective date and the area described in the Schedule to this Act, as it read immediately before its repeal, is deemed not to have been annexed. 2023, c. 1, s. 13 (1).

Real property

(2)  All real property of the Municipality of Central Elgin and the County of Elgin in the annexed area vests in the City of St. Thomas on the effective date including without limitation,

(a) any highway, fixture, waterline and sewer in the annexed area; and

(b) any easement and restrictive covenant running with land in the annexed area. 2023, c. 1, s. 2 (2).

Other assets and liabilities

(3)  All assets and liabilities of the Municipality of Central Elgin or the County of Elgin that are located in or associated with the annexed area, other than those described in subsection (2), remain the assets and liabilities of the Municipality of Central Elgin or the County of Elgin, as the case may be. 2023, c. 1, s. 2 (3).

Proceedings re real property

(4)  Any proceeding, including any arbitral, administrative or court proceeding, relating to real property of the Municipality of Central Elgin or the County of Elgin in the annexed area that commenced prior to the effective date remains the obligation of the Municipality of Central Elgin or the County of Elgin, as the case may be. 2023, c. 1, s. 2 (4).

**Section Amendments with date in force (d/m/y)**

[2023, c. 1, s. 13 (1)](http://www.ontario.ca/laws/statute/S23001" \l "s13s1) – 02/11/2023

By-laws and resolutions

**3** (1)  On the effective date,

(a) subject to subsection (2), the by-laws and resolutions of the City of St. Thomas extend to the annexed area; and

(b) subject to subsections (3) and (4), the by-laws and resolutions of the Municipality of Central Elgin and the County of Elgin cease to apply to the annexed area.

Exception, subs. (1) (a)

(2)  A by-law passed pursuant to section 135 of the Municipal Act, 2001 by the City of St. Thomas that is in effect on the effective date does not extend to the annexed area. However, nothing prevents the City from passing a by-law pursuant to section 135 of the Municipal Act, 2001 after the effective date that extends to the annexed area.

Exception, subs. (1) (b)

(3)  To the extent that they apply to the annexed area, the following by-laws of the Municipality of Central Elgin and the County of Elgin are deemed to be by-laws of the City of St. Thomas and remain in force in the annexed area until they expire or are repealed or amended to provide otherwise:

1. By-laws passed under section 34 of the Planning Act, or a predecessor of that section.

2. By-laws passed under the Highway Traffic Act or the Municipal Act, 2001, or a predecessor of either of those Acts, to regulate,

i. the use of highways by vehicles and pedestrians, or

ii. the encroachment or projection of buildings upon or over highways.

3. By-laws passed under section 45, 58 or 61 of the Drainage Act, or a predecessor of any of those sections.

Same

(4)  To the extent that they apply to the annexed area, any by-laws and resolutions of the Municipality of Central Elgin and the County of Elgin that confer rights, privileges, franchises, immunities or exemptions and could not lawfully be repealed by the Municipality of Central Elgin or the County of Elgin are deemed to be by-laws and resolutions of the City of St. Thomas.

By-laws in process

(5)  If the Municipality of Central Elgin or the County of Elgin has commenced procedures to enact a by-law under any Act and that by-law applies to the annexed area and is not in force on the effective date, the City of St. Thomas may continue the procedures to enact the by-law to the extent that it applies to the annexed area.

Official plan

**4** (1)  The official plan of the Municipality of Central Elgin in respect of the annexed area is deemed to be an official plan of the City of St. Thomas on the effective date, and remains in force until it is revoked or amended to provide otherwise.

Official plan and amendments in process

(2)  If the Municipality of Central Elgin has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment applies to the annexed area and is not in force on the effective date, the City of St. Thomas may continue the procedures to adopt the official plan or amendment to the extent that it applies to the annexed area.

Other matters in process

**5** (1)  If the Municipality of Central Elgin or the County of Elgin has commenced procedures with respect to any matter other than those described in subsections 3 (5) and 4 (2), and the matter applies to the annexed area and, on the effective date, has not been completed, the City of St. Thomas may continue the procedures to complete the matter to the extent that it applies to the annexed area.

Tax sales

(2)  For clarity, a reference to procedures in subsection (1) includes tax sales procedures under Part XI of the Municipal Act, 2001.

Property taxes due and unpaid

**6** (1)  All real property taxes levied and uncollected in the annexed area that are due and unpaid on the day before the effective date, become, on the effective date, taxes that are due and payable to the City of St. Thomas and may be collected by the City.

Special tax roll

(2)  The clerk of the Municipality of Central Elgin shall, before May 1, 2023, prepare and furnish to the clerk of the City of St. Thomas a special tax roll showing,

(a) all arrears of real property taxes or special rates assessed against the land in the annexed area up to and including the day before the effective date; and

(b) the persons assessed for those arrears.

Tax arrears, etc.

(3)  On or before July 31, 2023, the City of St. Thomas shall pay to the Municipality of Central Elgin an amount equal to the arrears of real property taxes or special rates contained on the special tax roll, together with any accumulated interest or penalty, but excluding any amount that the treasurer of the City of St. Thomas removes from the roll under section 354 of the Municipal Act, 2001.

Definition

(4)  In this section,

“real property taxes” has the same meaning as in subsection 371 (1) of the Municipal Act, 2001.

Assessment roll for 2023 taxation

**7** For the purposes of the City of St. Thomas’ assessment roll for the 2023 taxation year, the annexed area is deemed to be part of the City of St. Thomas for the part of the year that the annexation under section 2 takes effect.

No disqualification

**8** Despite subsection 258 (2) of the Municipal Act, 2001, a person who is a member of the council of the Municipality of Central Elgin on the effective date is not, during the term of office ending November 14, 2026, disqualified from holding office because of any loss of qualification resulting solely from the annexation under this part. 2023, c. 1, s. 8; 2023, c. 18, Sched. 2, s. 3.

**Section Amendments with date in force (d/m/y)**

[2023, c. 18, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S23018" \l "sched2s3) - 04/12/2023

Payments

**9** (1)  The City of St. Thomas shall make such payment or payments, as required and determined by the regulations, if any, to the Municipality of Central Elgin or the County of Elgin, or to both.

Same

(2)  The Municipality of Central Elgin or the County of Elgin, or both, shall make such payment or payments, as required and determined by the regulations, if any, to the City of St. Thomas.

Order

**10** (1)  The Minister may, by order, provide for the closure of public highways within the City of St. Thomas, if the Minister is of the opinion that the closure is necessary or advisable for the purposes of development or redevelopment of lands, buildings or structures in the annexed area.

Registration

(2)  Subject to subsection (3), an order under subsection (1) may be registered in the appropriate land registry office in a format acceptable to the Director of Titles.

Permanent closure

(3)  An order under subsection (1) that permanently closes a highway shall be registered in the appropriate land registry office in a format acceptable to the Director of Titles and does not take effect until it has been registered.

Regulations

**11** (1)  The Minister of Municipal Affairs and Housing may make regulations providing for any matters which, in the opinion of the Minister, are necessary or advisable for the purposes of this part, including,

(a) providing for any of the matters described in Ontario Regulation 204/03 (Powers of the Minister or a Commission in Implementing a Restructuring Proposal) made under the Municipal Act, 2001, with respect to the annexation under this part;

(a.1) prescribing the annexed area for the purposes of subsection 2 (1).

(b) requiring and determining payments for the purposes of section 9;

(c) providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to,

(i) facilitate the implementation of this part or any provision of this part, or

(ii) deal with problems or issues arising as a result of the enactment of this part. 2023, c. 1, s. 11 (1), 13 (2); 2023, c. 18, Sched. 2, s. 3.

Retroactivity

(2)  A regulation made under subsection (1) may be made retroactive to a date not earlier than the effective date. 2023, c. 1, s. 11 (2).

**Section Amendments with date in force (d/m/y)**

[2023, c. 1, s. 13 (2)](http://www.ontario.ca/laws/statute/S23001" \l "s13s2) - 02/11/2023

[2023, c. 18, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S23018" \l "sched2s3) - 04/12/2023

Conflict

**12** (1)  This part applies despite any general or special Act and despite any regulation made under any other Act and, in the event of a conflict between this part and another Act or a regulation made under another Act, this part prevails. 2023, c. 1, s. 12 (1); 2023, c. 18, Sched. 2, s. 3.

Same

(2)  In the event of a conflict between a regulation made under subsection 11 (1) and another provision of this part, a provision of another Act or a provision of a regulation made under another Act, the regulation made under subsection 11 (1) prevails. 2023, c. 1, s. 12 (2); 2023, c. 18, Sched. 2, s. 3.

**Section Amendments with date in force (d/m/y)**

[2023, c. 18, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S23018" \l "sched2s3) - 04/12/2023

PART II  
ASSISTANCE PERMITTED

Definitions

**12.1**(1)  In this Part,

“assistance” means, except as otherwise provided in subsection (4),

(a) a grant, including the giving of money and the selling or leasing of land for less than fair market value or the granting of land,

(b) a total or partial exemption from any levy, charge or fee imposed during the assistance period, and

(c) any other assistance as may be prescribed; (“aide”)

“assistance period” means 2023 to 2036 or to such other prescribed year; (“période d’aide”)

“land” includes buildings; (“bien-fonds”)

“prescribed” means prescribed by the regulations made under this Act. (“prescrit”) 2023, c. 18, Sched. 2, s. 4.

Assistance permitted

(2)  Despite the Development Charges Act, 1997, the Building Code Act, 1992 and section 106 of the Municipal Act, 2001, the City of St. Thomas may, in accordance with this section, grantassistance directly or indirectly to 1000511515 Ontario Inc. during the assistance period. 2023, c. 18, Sched. 2, s. 4.

Total amount of assistance

(3)  The total of the amount of assistance, as defined in subsection (4), that is grantedunder this section shall not exceed the amount equal to the total amount that would otherwise be owed by 1000511515 Ontario Inc. before the assistance in respect of,

(a) taxes for municipal purposes levied by the City of St. Thomasunder the Municipal Act, 2001 on real property during the assistance period; and

(b) fees and charges imposed by the City of St. Thomasunderany Act during the assistance period. 2023, c. 18, Sched. 2, s. 4.

Same

(4)  For the purposes of subsection (3), “assistance” means,

(a) a grant, other than the selling or leasing of land for less than fair market value or the granting of land; and

(b) a total or partial exemption from any levy, charge or fee imposed during the assistance period. 2023, c. 18, Sched. 2, s. 4.

Area where assistance may apply

(5)  For clarity and subject to the regulations, assistance granted under this section may apply to any area within the City of St. Thomas. 2023, c. 18, Sched. 2, s. 4.

Regulations

(6)  The Minister of Municipal Affairs and Housing may make regulations,

(a) prescribing anything that is referred to in this section as being prescribed;

(b) imposing restrictions, limits and conditions on the powers of the City of St. Thomas under this section, including providing that assistance or certain types of assistance may only apply to specified areas within the City. 2023, c. 18, Sched. 2, s. 4.

**Section Amendments with date in force (d/m/y)**

[2023, c. 18, Sched. 2, s. 4](http://www.ontario.ca/laws/statute/S23018" \l "sched2s4) - 04/12/2023

**13** Omitted (provides for amendments to this Act).

**14** Omitted (provides for coming into force of provisions of this Act).

**15** Omitted (enacts short title of this Act).

Schedule Repealed: 2023, c. 1, s. 13 (3).

**Section Amendments with date in force (d/m/y)**

[2023, c. 1, s. 13 (3)](http://www.ontario.ca/laws/statute/S23001" \l "s13s3) - 02/11/2023

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