[Français](http://www.ontario.ca/fr/lois/loi/90m48)

Municipal Arbitrations Act

R.S.O. 1990, Chapter M.48

**Consolidation Period:** From June 1, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2021, c. 4, Sched. 6, s. 66](http://www.ontario.ca/laws/statute/S21004" \l "sched6s66).

Legislative History: 1997, c. 26, Sched.; [2001, c. 25, s. 479](http://www.ontario.ca/laws/statute/S01025" \l "s479); [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2); [2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1); [2006, c. 32, Sched. D, s. 9](http://www.ontario.ca/laws/statute/S06032" \l "schedds9); [2017, c. 23, Sched. 5, s. 60](http://www.ontario.ca/laws/statute/S17023" \l "sched5s60); [2021, c. 4, Sched. 6, s. 66](http://www.ontario.ca/laws/statute/S21004" \l "sched6s66).

Appointment of Official Arbitrator for specific municipality

**1** (1)  An official referee may be appointed by the Lieutenant Governor in Council for any municipality to which this Act applies and he or she shall be the Official Arbitrator for the municipality for which he or she is appointed. R.S.O. 1990, c. M.48, s. 1 (1).

Powers, etc., of Official Arbitrator

(2)  The Official Arbitrator,

qualification

(a) shall be a judge of the Superior Court of Justice or a barrister of at least ten years standing at the bar of Ontario;

powers

(b) shall have all the powers of a referee under the Rules of Civil Procedure and of an arbitrator under the Arbitration Act, 1991;

status

(c) shall be an officer of the Superior Court of Justice;

disability

(d) shall not act as solicitor or counsel for or against the corporation or for any other municipal corporation;

other powers

(e) shall have all the powers of a judge of the Superior Court of Justice including those relating to the production of books and papers, the amendment of notices for compensation or damage and of all other notices and proceedings, the rectification of errors or omissions, the time and place of taking examinations and views, the assistance of valuators, appraisers, engineers, surveyors or other experts, and as respects all matters incident to the hearing and determination of matters before him or her or proper for doing complete justice therein between the parties, including the power of awarding costs. R.S.O. 1990, c. M.48, s. 1 (2); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 9.

Claims against municipality having Official Arbitrator

(3)  Where there is an Official Arbitrator for a municipality to which this Act applies, all claims against the municipality or against such municipality and an adjoining municipality and all questions arising under any lease or contract to which the municipality is a party and which by by-law or the terms of the lease or contract are to be determined by arbitration shall be heard and determined by the Official Arbitrator. R.S.O. 1990, c. M.48, s. 1 (3).

Claims against two municipalities having Official Arbitrators

(4)  Where a claim is against a municipality and an adjoining municipality, each of which has an Official Arbitrator, neither municipality shall be deemed to have an Official Arbitrator. R.S.O. 1990, c. M.48, s. 1 (4).

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

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006; [2006, c. 32, Sched. D, s. 9](http://www.ontario.ca/laws/statute/S06032" \l "schedds9) - 01/01/2007

Vacancy

**2** (1)  The death of the Official Arbitrator or his or her ceasing to hold office from any cause pending a reference before him or her, before an award is made, does not abate the proceedings, but such reference shall be continued and all proceedings therein already taken shall be adopted, and an award made therein by his or her successor in office. R.S.O. 1990, c. M.48, s. 2 (1).

Deputy Official Arbitrator

(2)  The Lieutenant Governor in Council may appoint a Deputy Official Arbitrator and, in case of the illness or absence or inability to act of the Official Arbitrator and during a vacancy in the office, the Deputy Official Arbitrator has all the powers and shall perform all the duties of the Official Arbitrator. R.S.O. 1990, c. M.48, s. 2 (2).

Deputy Official Arbitrator for specific municipality

(3)  Where an Official Arbitrator has been appointed for a municipality under subsection 1 (1), a Deputy Official Arbitrator may be appointed for such municipality and he or she shall be the Deputy Official Arbitrator for the municipality for which he or she is appointed. R.S.O. 1990, c. M.48, s. 2 (3).

Death of claimant

(4)  The death of the claimant pending a reference before the Official Arbitrator does not abate or determine the proceedings already taken before him or her, but such proceedings already taken may be continued by or against the legal representatives of the deceased, or by or against the person or person upon whom the estate or interest of the deceased devolves. R.S.O. 1990, c. M.48, s. 2 (4).

Commencement of proceedings

**3** If any person interested in any such claim or question desires that it should be determined by the Official Arbitrator, the person shall give to the clerk of the municipality and to every other person interested seven clear days notice that it is so referred, specifying therein the nature of the claim or question to be determined, and the amount in controversy, and upon such notice, with proof of the service of it, being filed with him or her, the Official Arbitrator may proceed to hear and determine the matters so referred to him or her. R.S.O. 1990, c. M.48, s. 3.

When Official Arbitrator to state reasons in writing

**4** Where the Official Arbitrator proceeds partly on view or upon any special knowledge or skill that he or she possesses, the Official Arbitrator shall put in writing as part of his or her reasons a statement of such matter sufficiently full to allow the Divisional Court to determine the weight that should be attached to it. R.S.O. 1990, c. M.48, s. 4.

Filing award and evidence

**5** The award of the Official Arbitrator and exhibits and the reasons for his or her decision shall be filed with the Superior Court of Justice, and notice of the filing shall be given forthwith by the Official Arbitrator to the parties who appeared or were represented upon the reference or to their solicitors, and upon the request of any of the parties interested in the inquiry, the notes taken by the shorthand writer, if any, shall be extended by him or her and, upon payment of his or her proper fees therefor, shall be filed with the Superior Court of Justice. R.S.O. 1990, c. M.48, s. 5; 2006, c. 19, Sched. C, s. 1 (1).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Fees to be paid before award made public

**6** The award when so filed shall not be made public until all the fees payable to the Official Arbitrator have been paid to him or her. R.S.O. 1990, c. M.48, s. 6.

Appeal to Divisional Court

**7** The award may be appealed against to the Divisional Court in accordance with the rules of court and is binding and conclusive upon all parties to the reference unless appealed from within six weeks after notice that it has been filed. R.S.O. 1990, c. M.48, s. 7.

Vacation

**8** The time of any vacation of the Superior Court of Justice shall not be reckoned in the computation of the time for doing any act or taking any proceeding in relation to the appeal. R.S.O. 1990, c. M.48, s. 8; 2006, c. 19, Sched. C, s. 1 (1).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Giving out exhibits when no appeal

**9** Where no appeal is taken within the prescribed time or when an appeal has been disposed of, the exhibits may be delivered out to the parties entitled to them. R.S.O. 1990, c. M.48, s. 9.

Transferring actions to Official Arbitrator

**10** Where an action has been brought or is pending, the court or a judge thereof, if of opinion that the relief sought is properly the subject of a proceeding under this Act, on the application of either party or otherwise, may at any stage of the action order it to be transferred to the Official Arbitrator on such terms as to costs and otherwise as may be considered proper, and the Official Arbitrator shall thereupon give such directions as to the prosecution of the claim before him or her as he or she may consider just and convenient, and  subject to the provisions, if any, in respect thereto in the order of transfer, the costs of the action shall be in his or her discretion. R.S.O. 1990, c. M.48, s. 10.

How costs to be assessed

**11** Costs awarded by the Official Arbitrator shall be assessed by one of the assessment officers of the Superior Court of Justice, and shall be assessed upon such scale and be payable to such parties as may be determined by the Official Arbitrator. R.S.O. 1990, c. M.48, s. 11; 2006, c. 19, Sched. C, s. 1 (1).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

By whom payable

**12** (1)  One-half of the fees and expenses of the Official Arbitrator is payable by each of the parties to the reference if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested; but the Official Arbitrator has power to award that any sum so paid or payable may be recoverable by any one or more of the parties from any other or others of them, and such fees and expenses are recoverable as any other costs of the arbitration. R.S.O. 1990, c. M.48, s. 12 (1).

Recovery of fees

(2)  If the award is not taken up within thirty days after service upon the parties of the notice of filing thereof, the fees and expenses of the Official Arbitrator are recoverable by action from any one or more of the parties to the arbitration. R.S.O. 1990, c. M.48, s. 12 (2).

Idem

(3)  Nothing herein prejudicially affects the right of the Official Arbitrator to recover his or her fees or expenses in any way in which they may now be recovered. R.S.O. 1990, c. M.48, s. 12 (3).

Application of Act

**13** (1)  This Act extends and applies to local municipalities having a population of not less than 100,000, to The Regional Municipality of York, and to any municipality the council of which by by-law declares that it is desirable that the municipality be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof. R.S.O. 1990, c. M.48, s. 13 (1); 1997, c. 26, Sched; 2002, c. 17, Sched. F, Table.

Repeal of by-law bringing Act into force

(2)  The council of a municipality that has passed a by-law under subsection (1) may repeal it at any time after the expiration of six months from the passing of the by-law, and upon such repeal this Act ceases to apply or be in force in the municipality. R.S.O. 1990, c. M.48, s. 13 (2).

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

1997, c. 26, Sched. - 01/01/1998

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

If no arbitrator appointed

**14** (1)  If an official arbitrator has not been appointed under section 1 for a municipality, a judge of the Superior Court of Justice shall be sole arbitrator for the municipality with all the powers and duties of an official arbitrator. 2001, c. 25, s. 479.

Procedures and appeals

(2)  The procedures and appeal provisions of this Act apply to proceedings before the judge and awards made by the judge under this Act. 2001, c. 25, s. 479.

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

[2001, c. 25, s. 479](http://www.ontario.ca/laws/statute/S01025" \l "s479) - 01/01/2003

Ontario Land Tribunal as sole arbitrator

**15** (1)  Despite this Act, a municipality may designate the Ontario Land Tribunal as sole arbitrator for the municipality with all the powers and duties of an official arbitrator. 2021, c. 4, Sched. 6, s. 66.

Proceedings before the Tribunal

(2)  Subject to subsection (3), the Ontario Land Tribunal Act, 2021 applies to proceedings before the Tribunal under this Act. 2021, c. 4, Sched. 6, s. 66.

Awards

(3)  The appeal provisions of this Act apply to awards made by the Tribunal under this Act. 2017, c. 23, Sched. 5, s. 60.

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

[2001, c. 25, s. 479](http://www.ontario.ca/laws/statute/S01025" \l "s479) - 01/01/2003

[2017, c. 23, Sched. 5, s. 60](http://www.ontario.ca/laws/statute/S17023" \l "sched5s60) - 03/04/2018

[2021, c. 4, Sched. 6, s. 66](http://www.ontario.ca/laws/statute/S21004" \l "sched6s66) - 01/06/2021

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