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Ontario Northland Transportation Commission Act

R.S.O. 1990, Chapter O.32

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Definitions

**1** In this Act,

“Commission” means the Ontario Northland Transportation Commission; (“Commission”)

“commissioner” means a member of the Commission appointed under subsection 2 (2); (“commissaire”)

“Minister” means the Minister of Transportation or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the Executive Council Act. (“ministre”) R.S.O. 1990, c. O.32, s. 1; 2017, c. 34, Sched. 46, s. 44 (1); 2020, c. 36, Sched. 36, s. 1; 2021, c. 40, Sched. 18, s. 1.

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

[2017, c. 34, Sched. 46, s. 44 (1)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s44s1) - 01/01/2018

[2020, c. 36, Sched. 36, s. 1](http://www.ontario.ca/laws/statute/S20036" \l "sched36s1) - 08/12/2020

[2021, c. 40, Sched. 18, s. 1](http://www.ontario.ca/laws/statute/S21040" \l "sched18s1) - 09/12/2021

Commission

**2** (1)  The body corporate established under The Temiskaming and Northern Ontario Railway Act, 1902, being chapter 9, is continued under the name Ontario Northland Transportation Commission in English and Commission de transport Ontario Northland in French. R.S.O. 1990, c. O.32, s. 2 (1).

Composition

(2)  The Commission shall be composed of not fewer than three persons and not more than nine persons appointed by the Lieutenant Governor in Council on the recommendation of the Minister. 2021, c. 40, Sched. 18, s. 2.

Quorum

(3)  A majority of the commissioners forms a quorum. 2021, c. 40, Sched. 18, s. 2.

Management and supervision by Commission

(4)  Subject to any directives issued under section 7.1, the commissioners shall manage or supervise the management of the Commission’s business and affairs. 2021, c. 40, Sched. 18, s. 2.

Meetings open to the public

(5)  Meetings of the Commission shall be open to the public on any occasion determined by the commissioners. 2021, c. 40, Sched. 18, s. 2.

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

[2020, c. 36, Sched. 36, s. 2](http://www.ontario.ca/laws/statute/S20036" \l "sched36s2) - 08/12/2020

[2021, c. 40, Sched. 18, s. 2](http://www.ontario.ca/laws/statute/S21040" \l "sched18s2) - 09/12/2021

Application of other Acts

**2.1** (1)  The Not-for-Profit Corporations Act, 2010 and the Corporations Information Act do not apply to the Commission, except as is prescribed by regulation. 2021, c. 40, Sched. 18, s. 3.

Business Corporations Act

(2)  Sections 132 (disclosure: conflict of interest), 134 (standards of care, etc., of directors, etc.) and 136 (indemnification of directors) and any other provision of the Business Corporations Act prescribed by regulation apply to the Commission and its commissioners and officers, with necessary modifications. 2021, c. 40, Sched. 18, s. 3.

Regulations

(3)  The Minister may make regulations prescribing provisions of the Not-for-Profit Corporations Act, 2010, the Corporations Information Act and other provisions of the Business Corporations Act that apply to the Commission and its subsidiaries. 2021, c. 40, Sched. 18, s. 3.

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

[2017, c. 20, Sched. 7, s. 84 (1)](http://www.ontario.ca/laws/statute/S17020" \l "sched7s84s1) - 14/11/2017; [2017, c. 20, Sched. 7, s. 84 (2)](http://www.ontario.ca/laws/statute/S17020" \l "sched7s84s2) - 19/10/2021; [2017, c. 20, Sched. 8, s. 115](http://www.ontario.ca/laws/statute/S17020" \l "sched8s115) - 19/10/2021

[2021, c. 40, Sched. 18, s. 3](http://www.ontario.ca/laws/statute/S21040" \l "sched18s3) - 09/12/2021

Crown agency

**2.2** The Commission is a Crown agency within the meaning of the Crown Agency Act. 2020, c. 36, Sched. 36, s. 3.

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

[2020, c. 36, Sched. 36, s. 3](http://www.ontario.ca/laws/statute/S20036" \l "sched36s3) - 08/12/2020

Tenure of office

**3** (1)  Each of the commissioners shall hold office during the pleasure of the Lieutenant Governor in Council, and the Lieutenant Governor in Council upon the death, resignation or removal from office of any commissioner may appoint another person to fill the vacancy thereby created. R.S.O. 1990, c. O.32, s. 3.

Resignation

(2)  If a commissioner resigns from office before the expiration of their term, the resignation takes effect on the earlier of,

(a) the appointment of another commissioner as a replacement for the remainder of the term; and

(b) the expiration of 90 days after the submission of the commissioner’s resignation. 2021, c. 40, Sched. 18, s. 4.

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

[2021, c. 40, Sched. 18, s. 4](http://www.ontario.ca/laws/statute/S21040" \l "sched18s4) - 09/12/2021

Chair, vice-chair

**4** (1)  The Lieutenant Governor in Council, on the recommendation of the Minister, shall designate a chair from among the commissioners. 2021, c. 40, Sched. 18, s. 5.

Same

(2)  The Lieutenant Governor in Council, on the recommendation of the Minister, may designate a vice-chair from among the commissioners. 2021, c. 40, Sched. 18, s. 5.

Acting chair

(3)  If a vice-chair has been designated under subsection (2), the vice-chair shall act as chair when the chair is absent or unable to act or when the office of chair is vacant. 2021, c. 40, Sched. 18, s. 5.

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

[2020, c. 36, Sched. 36, s. 4](http://www.ontario.ca/laws/statute/S20036" \l "sched36s4) - 08/12/2020

[2021, c. 40, Sched. 18, s. 5](http://www.ontario.ca/laws/statute/S21040" \l "sched18s5) - 09/12/2021

Remuneration and expenses

**5** The Commission shall pay such remuneration and expenses to the commissioners as are determined by the Lieutenant Governor in Council. 2021, c. 40, Sched. 18, s. 6.

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

[2021, c. 40, Sched. 18, s. 6](http://www.ontario.ca/laws/statute/S21040" \l "sched18s6) - 09/12/2021

Provincial representative

**6** (1)  The Lieutenant Governor in Council, on the recommendation of the Minister, may appoint a representative and an alternate representative. 2021, c. 40, Sched. 18, s. 7.

Same

(2)  The representative is entitled to,

(a) receive notice of all meetings of the Commission;

(b) receive all documents provided to the commissioners in connection with all meetings of the Commission; and

(c) be present and participate throughout all meetings of the Commission. 2021, c. 40, Sched. 18, s. 7.

Alternate representative

(3)  If the representative is unable to act, the alternate representative has all the entitlements of the representative. 2021, c. 40, Sched. 18, s. 7.

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

[2021, c. 40, Sched. 18, s. 7](http://www.ontario.ca/laws/statute/S21040" \l "sched18s7) - 09/12/2021

By-laws

**6.1**(1)  The commissioners may make by-laws and resolutions governing the Commission’s proceedings and generally for the conduct and management of the business and affairs of the Commission, including by-laws governing the holding of electronic meetings. 2021, c. 40, Sched. 18, s. 7.

Electronic meetings

(2)  Any by-law governing electronic meetings shall provide that all persons participating in the electronic meeting may communicate with each other simultaneously and instantaneously. 2021, c. 40, Sched. 18, s. 7.

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

[2021, c. 40, Sched. 18, s. 7](http://www.ontario.ca/laws/statute/S21040" \l "sched18s7) - 09/12/2021

Railways, etc., vested in Commission

**7** (1)  The railways and branch lines heretofore constructed by the Commission and all other works constructed and used in connection therewith, and any other railways, branches and other works constructed by the Commission under the authority of this Act, are vested in the Commission for the purposes herein set forth. R.S.O. 1990, c. O.32, s. 7 (1).

Powers of Commission

(2)  Subject to the approval and direction of the Minister, the Commission may,

(a) construct, equip, maintain and operate a line or lines of railway from the present northern terminal of the railway to some point on James Bay or the vicinity thereof;

(b) construct, complete, equip, maintain and operate such spurs and branches from any of the lines of railway of the Commission as may be considered necessary, not exceeding twenty miles in length in any one place, and may exercise the like powers with respect to such spurs and branches as it has exercised and may exercise with respect to any such lines;

(c) construct, complete, equip, maintain and operate telephone and telegraph lines and with respect thereto has and shall exercise all the powers that may be exercised by a railway company under The Railways Act, being chapter 331 of the Revised Statutes of Ontario, 1950, or by any general Act of the Legislature affecting railways for the time being in force, or by a telephone or telegraph company incorporated under the general laws of Ontario;

(d) purchase or otherwise acquire motor vehicles and trailers as defined by the Highway Traffic Act, aircraft and lines of buses, coaches, trucks and aircraft, and may operate, maintain, control and manage such vehicles, trailers, aircraft and lines for the purpose of carrying on, upon the highway and elsewhere, the business of a public carrier of passengers and freight;

(e) purchase or otherwise acquire, construct, complete, equip, maintain and operate hotels, tourist resorts, restaurants, boats and vessels and lines of boats and vessels;

(f) purchase or otherwise acquire, construct, complete, equip, maintain or operate such undertakings and provide such services in that part of Ontario that is served by the Commission, as the Commission may consider to be for the benefit of travellers therein or residents thereof;

(g) make financial contributions to or for undertakings or services that are maintained or provided in that part of Ontario which is served by the Commission for the benefit of travellers therein or residents thereof. R.S.O. 1990, c. O.32, s. 7 (2); 2020, c. 36, Sched. 36, s. 5.

Power to cease undertakings and services

(3)  With the approval of the Lieutenant Governor in Council, the Commission may discontinue any of the undertakings or cease to provide any of the services that it is authorized or required by this Act to engage in or provide. 2001, c. 23, s. 174.

Same

(4)  If the Commission discontinues an undertaking or ceases to provide a service under this Act, the Commission may transfer any of its assets and liabilities relating to that undertaking or service to another person with the approval of the Lieutenant Governor in Council. 2001, c. 23, s. 174.

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

[2001, c. 23, s. 174](http://www.ontario.ca/laws/statute/S01023" \l "s174) - 05/12/2001

[2020, c. 36, Sched. 36, s. 5](http://www.ontario.ca/laws/statute/S20036" \l "sched36s5) - 08/12/2020

Ministerial directives

**7.1** (1)  The Minister may issue directives in writing to the Commission in respect of any matter under this Act. 2020, c. 36, Sched. 36, s. 6.

Implementation

(2)  The Commission shall ensure that the directives are implemented promptly and efficiently. 2020, c. 36, Sched. 36, s. 6.

Not regulations

(3)  Part III (Regulations) of the Legislation Act, 2006 does not apply to the directives. 2020, c. 36, Sched. 36, s. 6.

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

[2020, c. 36, Sched. 36, s. 6](http://www.ontario.ca/laws/statute/S20036" \l "sched36s6) - 08/12/2020

Pension plan authorized

**8** Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations for establishing and administering, through a board or otherwise, a pension fund for the payment of superannuation or disability allowances to the employees, former employees or commissioners or any class thereof. R.S.O. 1990, c. O.32, s. 8; 2001, c. 23, s. 175; 2021, c. 40, Sched. 18, s. 8.

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

[2001, c. 23, s. 175](http://www.ontario.ca/laws/statute/S01023" \l "s175) - 05/12/2001

[2021, c. 40, Sched. 18, s. 8](http://www.ontario.ca/laws/statute/S21040" \l "sched18s8) - 09/12/2021

Exemption from licences

**9** The following do not apply to nor are binding on the Commission or a person providing passenger transportation services on behalf of the Commission:

1. Repealed: 2020, c. 34, Sched. 23, s. 12.

2. A business licensing by-law, as defined in subsection 1 (1) of the Municipal Act, 2001, for the licensing, regulating and governing of motor or other vehicles involved in the carriage of persons or goods.

3. A by-law passed under paragraph 11 of subsection 8 (2) of the City of Toronto Act, 2006 for the licensing, regulating and governing of motor or other vehicles involved in the carriage of persons or goods. 2006, c. 32, Sched. C, s. 44; 2020, c. 34, Sched. 23, s. 12; 2020, c. 36, Sched. 36, s. 7.

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

1996, c. 9, s. 29 - 30/05/1996

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003; [2002, c. 18, Sched. P, s. 44](http://www.ontario.ca/laws/statute/S02018" \l "schedps44) - 01/01/2006

[2006, c. 32, Sched. C, s. 44](http://www.ontario.ca/laws/statute/S06032" \l "schedcs44) - 01/01/2007

[2020, c. 34, Sched. 23, s. 12](http://www.ontario.ca/laws/statute/S20034" \l "sched23s12) - 01/07/2021; [2020, c. 36, Sched. 36, s. 7](http://www.ontario.ca/laws/statute/S20036" \l "sched36s7) - 08/12/2020

Powers of Commission as to subsidiary corporations

**10** Subject to the approval of the Lieutenant Governor in Council, the Commission may purchase or otherwise acquire or promote and cause to be incorporated and organized a company or companies under any public or private Act of any province or of Canada for the exercise of all or any of the powers conferred upon the Commission, or for the better operation, management or control of its undertaking or any part thereof, and every such company possesses and enjoys all the powers, rights, remedies and immunities conferred by law or by this Act upon the Commission. R.S.O. 1990, c. O.32, s. 10.

Agreement with Nipissing Central Railway Company

**11** Subject to the approval of the Minister, the Commission may enter into an agreement with the Nipissing Central Railway Company to acquire, lease or otherwise deal with the railway and the undertakings of the Company in whole or in part, and upon such acquisition, lease or other dealing, may operate such railway and its undertakings in the same manner and, subject to the agreement, to the same extent as if such railway and undertakings formed part of the Ontario Northland Railway. R.S.O. 1990, c. O.32, s. 11; 2020, c. 36, Sched. 36, s. 8.

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

[2020, c. 36, Sched. 36, s. 8](http://www.ontario.ca/laws/statute/S20036" \l "sched36s8) - 08/12/2020

Approval of Minister

**12** The location of the lines of railway and other works of the Commission and of the branches, and the plans of all works proposed, and the by-laws of the Commission are subject to the approval of the Minister. R.S.O. 1990, c. O.32, s. 12; 2020, c. 36, Sched. 36, s. 9.

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

[2020, c. 36, Sched. 36, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched36s9) - 08/12/2020

Tolls and fares

**13** (1)  The Commission may make regulations fixing the fares and tolls to be charged for all traffic carried and with respect to any telephone or telegraph lines operated by the Commission as herein authorized. R.S.O. 1990, c. O.32, s. 13 (1).

Cancellation or amendment by Government

(2)  The regulations so made are at all times subject to cancellation or amendment at the direction of the Minister. R.S.O. 1990, c. O.32, s. 13 (2); 2020, c. 36, Sched. 36, s. 10.

Regulations to be deemed administrative

(3)  The regulations so made shall be deemed to be of an administrative and not of a legislative nature. R.S.O. 1990, c. O.32, s. 13 (3).

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

[2020, c. 36, Sched. 36, s. 10](http://www.ontario.ca/laws/statute/S20036" \l "sched36s10) - 08/12/2020

Agreement with railway companies

**14** (1)  Subject to the approval and direction of the Minister, the Commission may enter into an agreement with any railway company to provide and secure such reciprocal running powers, traffic arrangements and other rights over and in respect of the railway of such company and the railway constructed or to be constructed by the Commission as will afford to such company and to the Commission reasonable and proper facilities for mutually exercising such running powers, fair and reasonable traffic arrangements and equitable mileage rates between the Commission and such company. R.S.O. 1990, c. O.32, s. 14 (1); 2020, c. 36, Sched. 36, s. 11 (1).

Agreements to lease railway lines

(2)  Subject to the approval and direction of the Minister, the Commission may agree to lease and may lease to any person any of the lines of the railway and any lands, structures and equipment acquired or used in connection therewith. R.S.O. 1990, c. O.32, s. 14 (2); 2020, c. 36, Sched. 36, s. 11.

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

[2020, c. 36, Sched. 36, s. 11 (1, 2)](http://www.ontario.ca/laws/statute/S20036" \l "sched36s11s1) - 08/12/2020

Motive power

**15** The Commission may operate the railway or any section thereof by electricity or by any other motive power. R.S.O. 1990, c. O.32, s. 15.

Power houses, elevators, docks, vessels, etc.

**16** The Commission may purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, garages, hangars, air harbours and landing grounds, offices and any other works necessary for the exercise of the powers conferred upon the Commission and may sell and convey any such land as may from time to time be found superfluous for any such purpose. R.S.O. 1990, c. O.32, s. 16.

Erection, maintenance, alteration and repair of buildings, etc.

**17** The Commission may erect and maintain all necessary and convenient buildings, garages, hangars, air harbours and landing grounds, filling stations, stations, depots, wharves and fixtures, and may from time to time alter, repair or enlarge the same, and may purchase and acquire motors, motor vehicles, trailers, aircraft, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and its buses, trucks and aircraft lines and the accommodation and use of the passengers, freight and business of the Commission. R.S.O. 1990, c. O.32, s. 17.

Power to sell or dispose of motor vehicles, etc.

**18** The Commission may sell or otherwise dispose of any motor vehicles, aircraft, equipment, boats, vessels, works or other property as may from time to time be found superfluous or unfit for the purposes of the Commission. R.S.O. 1990, c. O.32, s. 18.

Works for production of electricity

**19** The Commission may, subject to the approval of the Minister, construct, maintain and operate works for the production of electricity or other motive power for the railway, and for lighting and heating the rolling stock and other property of the railway, and may from time to time sell or lease any such electricity or other motive power not required for the purposes aforesaid to any person or corporation and may acquire and hold any property necessary for such purposes. R.S.O. 1990, c. O.32, s. 19; 2020, c. 36, Sched. 36, s. 12.

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

[2020, c. 36, Sched. 36, s. 12](http://www.ontario.ca/laws/statute/S20036" \l "sched36s12) - 08/12/2020

Works for transmission of power

**20** The Commission may acquire the right to convey and transmit electric or other power required for the working of the railway or any other works of the Commission, and lighting or heating the same over, through or under land other than the land of the Commission, and may purchase or otherwise acquire the right to lay conduits under, or erect poles or wires on or over such land as may be determined by the Commission, and along and upon any of the public highways or across any of the waters in Ontario, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires for the lines, or the conduits for such electricity or other power upon and subject to such agreement in respect thereto as shall first be made between the Commission and any private owners of the land affected, or failing such agreement subject to the right of expropriation as provided in section 24. R.S.O. 1990, c. O.32, s. 20.

Transfer of ungranted Crown lands to Commission

**21** (1)  The Lieutenant Governor in Council may by order in council transfer to the Commission any ungranted land in Ontario that in the opinion of the Commission is required for the railway or for convenient and necessary right of way, sidings, yards or stations or for the supply, for the purposes of the railway, of stone, gravel, earth, sand or water, or for any other purpose or use in connection with the railway or other works of the Commission. R.S.O. 1990, c. O.32, s. 21 (1).

Registration of order making transfer

(2)  Registration of a certified copy of any such order in council in the proper land registry office vests in the Commission as trustee for Ontario the land described in such order in council. R.S.O. 1990, c. O.32, s. 21 (2).

Chief executive officer

**21.1** (1)  The Lieutenant Governor in Council, on the recommendation of the Minister, shall appoint a chief executive officer of the Commission who shall be an employee of the Commission. 2021, c. 40, Sched. 18, s. 9.

Duties

(2)  The chief executive officer is responsible for the operation of the Commission, subject to the supervision and direction of the commissioners. 2021, c. 40, Sched. 18, s. 9.

Remuneration and benefits

(3)  The Commission shall pay such remuneration and benefits to the chief executive officer as are determined by the Lieutenant Governor in Council. 2021, c. 40, Sched. 18, s. 9.

Transition

(4)  Despite subsection (1), the individual occupying the position of chief executive officer on the date that section 9 of Schedule 18 to the Build Ontario Act (Budget Measures), 2021 comes into force may continue in that position until three years after that date or until an appointment is made under subsection (1), whichever occurs first. 2021, c. 40, Sched. 18, s. 9.

Same

(5)  Nothing in this section prevents the Lieutenant Governor in Council from appointing the individual referred to in subsection (4) as the chief executive officer under subsection (1). 2021, c. 40, Sched. 18, s. 9.

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

[2021, c. 40, Sched. 18, s. 9](http://www.ontario.ca/laws/statute/S21040" \l "sched18s9) - 09/12/2021

Appointment of officers and employees

**22** Subject to section 21.1, the Commission may from time to time appoint such officers and employees as the Commission may consider necessary for the proper conduct of the business of the Commission, and may prescribe their duties and fix their remuneration. R.S.O. 1990, c. O.32, s. 22; 2021, c. 40, Sched. 18, s. 10.

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

[2021, c. 40, Sched. 18, s. 10](http://www.ontario.ca/laws/statute/S21040" \l "sched18s10) - 09/12/2021

Security for safekeeping of funds

**23** Security shall be given by any person entrusted by the Commission with the custody and control of money by virtue of his or her employment, in such manner and to such amount as may be prescribed by the Commission. R.S.O. 1990, c. O.32, s. 23.

General powers of Commission

**24** (1)  The Commission has in respect of the railway and works, in addition to all the powers, rights, remedies and immunities conferred by this Act, all the powers, rights, remedies and immunities conferred upon any railway company by The Railways Act, being chapter 331 of the Revised Statutes of Ontario, 1950, or by general Act of the Legislature affecting railways for the time being in force, but The Railways Act or any other such Act does not in other respects apply to the railway or is not binding upon the Commission. R.S.O. 1990, c. O.32, s. 24 (1).

Expropriation of easements, etc.

(2)  The Commission may from time to time, at its option, in lieu of expropriating land under any such general railway Act, expropriate such easements, rights of user and rights of support as is indicated in any notice to be given by the Commission in that behalf. R.S.O. 1990, c. O.32, s. 24 (2).

Alternative method of expropriation

(3)  In lieu of proceeding in the manner provided by The Railways Act or any other general Act of the Legislature affecting railways, the Commission may at its option acquire and expropriate any such lands, easements, rights of user and rights of support in the same manner with necessary modifications as is provided in the case of land or property taken by the Crown as represented by the Minister of Infrastructure under the Ministry of Infrastructure Act, 2011, and any claim for compensation for any such lands, easements, rights of user or right of support shall in that case be determined in the manner provided by the Expropriations Act. R.S.O. 1990, c. O.32, s. 24 (3); 2011, c. 9, Sched. 27, s. 35.

Carrying railways over highways

(4)  The railway of the Commission, including any branch lines, spurs or sidings, may be carried along or across existing highways upon leave therefor having been first obtained from the Ontario Land Tribunal, and, subject to the Expropriations Act, sections 118 to 128 of The Railways Act apply to any such occupation of existing highways, and to the construction and use of any such railways carried along or across the same and to any application for such leave. R.S.O. 1990, c. O.32, s. 24 (4); 2021, c. 4, Sched. 6, s. 75 (1).

Application of *The Railways Act*

(5)  Sections 285, 287 and 291 to 295 of The Railways Act, in respect of the Commission and its railway and the works thereof, apply thereto and to persons charged with offences or subject to the penalties therein mentioned in the same manner and to the same extent with necessary modifications as if such sections had been enacted in this Act and formed part thereof. R.S.O. 1990, c. O.32, s. 24 (5).

Powers of constables and conductors

(6)  The Commission may appoint constables, and for the purposes mentioned in The Railways Act every person appointed by the Commission as a constable, and every conductor of a train of the Commission carrying passengers has in respect of its duties, all the powers and rights conferred upon railway constables and conductors of passenger trains, respectively, by The Railways Act or by any other general Act affecting such officials for the time being in force, and the provisions of the Public Authorities Protection Act respecting constables with necessary modifications apply to any such constable and conductor. R.S.O. 1990, c. O.32, s. 24 (6).

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

[2011, c. 9, Sched. 27, s. 35](http://www.ontario.ca/laws/statute/S11009" \l "sched27s35) - 06/06/2011

[2021, c. 4, Sched. 6, s. 75 (1)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s75s1) - 01/06/2021

Approval of Minister

**25** Where in this Act the approval or consent of the Lieutenant Governor in Council or Minister is made a condition precedent to the exercise of any power conferred on the Commission, such power may be exercised by any company which the Commission may purchase or otherwise acquire or cause to be incorporated if the approval or consent of the Lieutenant Governor in Council or Minister, as the case may be, is obtained. R.S.O. 1990, c. O.32, s. 25; 2020, c. 36, Sched. 36, s. 13.

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

[2020, c. 36, Sched. 36, s. 13](http://www.ontario.ca/laws/statute/S20036" \l "sched36s13) - 08/12/2020

Supplies and rolling stock to be purchased in Canada

**26** The railway shall as far as practicable be constructed, equipped and operated with railway supplies and rolling stock made, purchased or procured in Canada, if they can be obtained as cheaply and upon as good terms in Canada as elsewhere, having regard to quality. R.S.O. 1990, c. O.32, s. 26.

**27** Repealed: 2020, c. 36, Sched. 36, s. 14.

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

[2020, c. 36, Sched. 36, s. 14](http://www.ontario.ca/laws/statute/S20036" \l "sched36s14) - 08/12/2020

Current rate of wages to be paid

**28** The workers, employed in or about the construction or operation of the railway and works shall be paid such rates of wages as may be concurrently payable to workers, engaged in similar occupations in the districts in which the railway and works are constructed and operated. R.S.O. 1990, c. O.32, s. 28.

Transfer of lands to Commission for town sites, etc.

**29** (1)  The Lieutenant Governor in Council may from time to time by order in council transfer to the Commission for town sites, portions of the ungranted land of Ontario along the line of railway adjacent to stations or proposed stations, and the registration of a certified copy of any such order in council in the proper land registry office vests in the Commission, as trustee for Ontario, the land described in any such order in council. R.S.O. 1990, c. O.32, s. 29 (1).

Acquiring other lands for same purpose

(2)  The Commission may for the same purpose from time to time acquire other land so situate by the same means as it is authorized to acquire land for right of way and station grounds, and has all the rights and powers with reference to the acquisition thereof by expropriation or otherwise as it has with reference to the acquisition of land for right of way, but the land acquired for town sites shall not exceed 1,000 acres for any one site. R.S.O. 1990, c. O.32, s. 29 (2).

Powers of Commission as to disposing of lands

(3)  The Commission may from time to time lay out, sell, lease or otherwise dispose of any part of such land as it may think proper, and may take mortgages or other securities for any unpaid purchase money. R.S.O. 1990, c. O.32, s. 29 (3).

Minerals and mining rights

**30** Subject to any general regulation that may be made by the Lieutenant Governor in Council, the Commission may from time to time sell, lease or otherwise deal with mines, minerals and mining rights upon or under any portion or portions of the right of way, town sites or other lands now vested and hereafter vested in the Commission. R.S.O. 1990, c. O.32, s. 30.

Dedication of highways not to affect mining rights

**31** The laying out, whether by plan or otherwise, or the dedication in any manner of any land within any town site as or for public streets or highways shall not be deemed to revest in the Crown, or to vest in the corporation of the municipality in which the town site is situate, any mines, minerals or mining rights theretofore granted by the Crown to the Commission or to any other person on or under any such land so laid out or dedicated, but the Commission or such other grantees of the mines, minerals and mining rights on or under the land so laid out or dedicated have the right from time to time to carry on mining operations on or under such land, or to sell, lease or otherwise deal with the mines, minerals and mining rights on or under such land, subject, however, to the obligation of all parties actually conducting mining operations on or under any such land, whether as owners, lessees or otherwise, to conduct such mining operations in such way as will not interfere with public travel upon such streets and highways. R.S.O. 1990, c. O.32, s. 31.

Conditions precedent to right to carry on mining

**32** No such mining operations shall at any time be begun or carried on upon or under any land so laid out or dedicated as public streets or highways until after the person, whether as owner, lessee or otherwise, proposing to carry on such mining operations, has submitted to the council of the municipality in which the streets or highways are situate proper plans of the proposed mining operations with all necessary specifications and details, nor until the plans have been approved in writing by the engineer of the municipality or an engineer appointed by the corporation of the municipality for that purpose, and may thereafter be carried on in strict conformity to the plans and not otherwise. R.S.O. 1990, c. O.32, s. 32.

Holding shares

**33** (1)  The Commission, and any or all of the commissioners or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company or of any company purchased or otherwise acquired or caused to be incorporated by the Commission under the authority of this Act, in trust for Ontario, and may exercise all the rights of shareholders in respect of the shares so held by them. R.S.O. 1990, c. O.32, s. 33 (1).

Commission authorized to advance funds to Nipissing Central for construction

(2)  The Commission may advance to the Nipissing Central Railway Company such sums as may be required from time to time for the maintenance and operation of the line of railway of the company, or for the purchase, construction, repair and maintenance of the equipment thereof. R.S.O. 1990, c. O.32, s. 33 (2).

For equipment

(3)  The Commission, with the approval of the Lieutenant Governor in Council, may also advance to the Nipissing Central Railway Company such sums as may from time to time be required for the construction and completion of the line or lines of railway of the company. R.S.O. 1990, c. O.32, s. 33 (3).

Guaranteeing contracts

(4)  The Commission may guarantee the performance of any or all obligations and undertakings of the Nipissing Central Railway Company or of any company purchased or otherwise acquired or caused to be incorporated by the Commission, and may guarantee the repayment of any advances made to any such company for the purposes of its obligations and undertakings or any of them, but no such guarantee shall be made either for the performance of obligations for construction or the repayment of money in respect of obligations for construction until such guarantee has been authorized by the Lieutenant Governor in Council. R.S.O. 1990, c. O.32, s. 33 (4).

Commission authorized to advance funds to subsidiaries

(5)  The Commission, with the approval of the Lieutenant Governor in Council, may advance to any company purchased or otherwise acquired or caused to be incorporated by the Commission, such sums as may be required for the obligations and undertakings of the company. R.S.O. 1990, c. O.32, s. 33 (5).

Commission authorized to issue bonds, etc.

**34** (1)  Subject to the approval of the Lieutenant Governor in Council, the Commission may borrow money from time to time for carrying out its purposes, and may issue bonds, debentures, notes, or other securities to provide for the repayment of any money so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may consider proper. R.S.O. 1990, c. O.32, s. 34 (1).

Additional financing powers

(2)  Money borrowed from time to time for carrying out the purposes of the Commission may, without restricting the generality of the power, be used to refund or repay any existing indebtedness or to make repayment on account of advances by the Province of Ontario to the Commission or to pay any indebtedness that has been guaranteed or assumed by the Commission. R.S.O. 1990, c. O.32, s. 34 (2).

Guaranteeing bonds

(3)  The Lieutenant Governor in Council may authorize the Minister of Finance for and on behalf of Ontario to guarantee the payment of any securities issued by the Commission for the purposes aforesaid. R.S.O. 1990, c. O.32, s. 34 (3); 2020, c. 36, Sched. 36, s. 15.

Form of guaranty

(4)  The form of guaranty and the manner of its execution shall be determined by the Lieutenant Governor in Council. R.S.O. 1990, c. O.32, s. 34 (4).

(5)  Repealed: 2021, c. 4, Sched. 6, s. 75 (2).

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

[2020, c. 36, Sched. 36, s. 15](http://www.ontario.ca/laws/statute/S20036" \l "sched36s15) - 08/12/2020

[2021, c. 4, Sched. 6, s. 75 (2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s75s2) - 01/06/2021

Advances out of Consolidated Revenue Fund

**35** The Lieutenant Governor in Council may from time to time authorize the Minister of Finance to advance to the Commission out of the Consolidated Revenue Fund, such sums as may be considered necessary for the construction, maintenance and operation of the railway and for the purchase, maintenance and operation of motor vehicles, trailers, aircraft, lines of buses, coaches, trucks and aircraft and equipment therefor or other works of the Commission, and all money so advanced shall be duly accounted for by the Commission. R.S.O. 1990, c. O.32, s. 35; 2020, c. 36, Sched. 36, s. 16.

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

[2020, c. 36, Sched. 36, s. 16](http://www.ontario.ca/laws/statute/S20036" \l "sched36s16) - 08/12/2020

Special account in books of Treasury

**36** An account to be called the Ontario Northland Transportation Commission Account shall be kept by the Ministry of Treasury and Economics of all payments out of the Consolidated Revenue Fund and of money received from the Commission in repayment of any indebtedness incurred by the Commission. R.S.O. 1990, c. O.32, s. 36.

Application of revenue

**37** (1)  The revenues and receipts of the Commission shall be applied to the payment of all costs, liabilities, obligations and expenditures properly incurred or made, and all surpluses shall be paid into the Consolidated Revenue Fund at such times and in such amounts as the Lieutenant Governor in Council may direct. R.S.O. 1990, c. O.32, s. 37 (1).

Sinking fund

(2)  The Commission may provide a sinking fund for the purpose of the redemption of any securities issued by the Commission. R.S.O. 1990, c. O.32, s. 37 (2).

Investment of surplus money

(3)  The amount of surplus to the credit of any sinking fund provided by the Commission shall be invested in securities of the Province of Ontario at such times and in such manner as the Lieutenant Governor in Council may direct. R.S.O. 1990, c. O.32, s. 37 (3).

Accounts to be kept by Commission

**38** The Commission shall cause books to be provided and kept and true and regular accounts to be entered therein of all sums of money received and paid, and of the several purposes for which the same were received and paid, which books shall at all times be open to the inspection of any commissioner and of the Minister of Finance, and of any person appointed by the Commission or Minister of Finance for that purpose and of any other person appointed by the Lieutenant Governor, and any commissioner, and any of such persons may take copies of or extracts from such books. R.S.O. 1990, c. O.32, s. 38; 2020, c. 36, Sched. 36, s. 17; 2021, c. 40, Sched. 18, s. 11.

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

[2020, c. 36, Sched. 36, s. 17](http://www.ontario.ca/laws/statute/S20036" \l "sched36s17) - 08/12/2020

[2021, c. 40, Sched. 18, s. 11](http://www.ontario.ca/laws/statute/S21040" \l "sched18s11) - 09/12/2021

Audit

**39** (1)  The Commission shall appoint one or more licensed public accountants to audit the accounts and transactions of the Commission and of its subsidiary corporations for the previous fiscal year. 2020, c. 36, Sched. 36, s. 18.

Auditor General

(2)  The Auditor General may also audit the accounts and transactions of the Commission or of any of the Commission’s subsidiary corporations for any fiscal year. 2020, c. 36, Sched. 36, s. 18.

Minister-appointed auditor

(3)  The Minister may at any time appoint a licensed public accountant, other than the person appointed under subsection (1), to audit the accounts and transactions of the Commission or of any of its subsidiary corporations for any period of time specified by the Minister. 2020, c. 36, Sched. 36, s. 18.

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

[2004, c. 17, s. 32](http://www.ontario.ca/laws/statute/S04017" \l "s32) - 30/11/2004

[2020, c. 36, Sched. 36, s. 18](http://www.ontario.ca/laws/statute/S20036" \l "sched36s18) - 08/12/2020

Budget and other financial information

**39.1** (1)  On or before August 31 in each year, or another date specified by the Minister, the Commission shall submit its budget for the following fiscal year, or for any other period of time specified by the Minister, to the Minister for his or her approval. 2020, c. 36, Sched. 36, s. 18.

Form and content of budget

(2)  The budget shall be in the form required by the Minister and shall include any other information required by the Minister. 2020, c. 36, Sched. 36, s. 18.

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

[2020, c. 36, Sched. 36, s. 18](http://www.ontario.ca/laws/statute/S20036" \l "sched36s18) - 08/12/2020

Fiscal year

**40** The fiscal year of the Commission is April 1 to March 31 of the following year. 2020, c. 36, Sched. 36, s. 19.

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

[2006, c. 19, Sched. Q, s. 2](http://www.ontario.ca/laws/statute/S06019" \l "schedqs2) - 22/06/2006

[2020, c. 36, Sched. 36, s. 19](http://www.ontario.ca/laws/statute/S20036" \l "sched36s19) - 08/12/2020

Annual report and business plan

**41** (1)  The Commission shall prepare an annual report and an annual business plan, provide them to the Minister and make them available to the public. 2021, c. 40, Sched. 18, s. 12.

Same

(2)  The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

(a) the form and content of the annual report and the annual business plan;

(b) when to provide them to the Minister; and

(c) when and how to make them available to the public. 2021, c. 40, Sched. 18, s. 12.

Same

(3)  The Commission shall include such additional content in the annual report and in the annual business plan as the Minister may require. 2021, c. 40, Sched. 18, s. 12.

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

1999, c. 12, Sched. O, s. 59 - 30/06/2000

[2017, c. 34, Sched. 46, s. 44 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s44s2) - 01/01/2018

[2021, c. 40, Sched. 18, s. 12](http://www.ontario.ca/laws/statute/S21040" \l "sched18s12) - 09/12/2021

Tabling of annual report

**41.1** The Minister shall table the Commission’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it. 2017, c. 34, Sched. 46, s. 44 (2).

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

[2017, c. 34, Sched. 46, s. 44 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s44s2) - 01/01/2018

Commission and officers not to contract with commissioners

**42** No commissioner nor any officer or employee thereof shall make or enter into any contract with the Commission, or be pecuniarily interested directly or indirectly in any contract or work in regard to which any portion of the money under the control of the Commission is being or is to be expended. R.S.O. 1990, c. O.32, s. 42; 2021, c. 40, Sched. 18, s. 13.

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

[2021, c. 40, Sched. 18, s. 13](http://www.ontario.ca/laws/statute/S21040" \l "sched18s13) - 09/12/2021

Protection from personal liability

**42.1** (1)  No action or other proceeding for damages shall be brought against a commissioner, officer or employee of the Commission as a result of any act done in good faith in the performance or intended performance of any duty under this Act, or in the exercise or intended exercise of any power under this Act, or as a result of any neglect or default in the performance or exercise in good faith of such duty or power. 2021, c. 40, Sched. 18, s. 14.

Commission not relieved of liability

(2)  Subsection (1) does not relieve the Commission of any liability to which it would otherwise be subject in respect of a cause of action arising from any act, neglect or default referred to in that subsection. 2021, c. 40, Sched. 18, s. 14.

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

[2021, c. 40, Sched. 18, s. 14](http://www.ontario.ca/laws/statute/S21040" \l "sched18s14) - 09/12/2021

Regulations

**43** The Lieutenant Governor in Council may make regulations respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act. 2020, c. 36, Sched. 36, s. 20.

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

1998, c. 18, Sched. B, s. 11 - 18/12/1998

[2020, c. 36, Sched. 36, s. 20](http://www.ontario.ca/laws/statute/S20036" \l "sched36s20) - 08/12/2020

Determination of matters by Ontario Land Tribunal

**44** (1)  The Ontario Land Tribunal has jurisdiction and power,

(a) to hear and determine any application with respect to a railway, its construction, maintenance or operation by reason of the contravening of or failure to comply on the part of the Commission or any other person or entity with the requirements of any Act, or of any regulation, rule, by-law or order made under any Act, or of any agreement entered into in relation to a railway, its construction, maintenance or operation; and

(b) to hear and determine any application with respect to any tolls charged in respect of a railway by the Commission in excess of those approved or prescribed by lawful authority, or which are otherwise unlawful. 2021, c. 4, Sched. 6, s. 75 (3).

Receivers, liquidators, etc.

(2)  A manager or other official or the liquidator or receiver of a railway shall manage, operate or liquidate the railway in accordance with the orders and directions of the Tribunal. 2021, c. 4, Sched. 6, s. 75 (3).

Same

(3)  The fact that the person is managing or operating or liquidating the railway under the authority of a court is not a bar to the exercise by the Tribunal of any jurisdiction or power conferred by this section. 2021, c. 4, Sched. 6, s. 75 (3).

Definition

(4)  In this section,

“railway” means a railway that the Commission is authorized to construct or operate, and includes,

(a) all associated branches, sidings, stations, depots, wharves, rolling stock, equipment, stores, real or personal property and works, and

(b) any railway bridge, tunnel or other structure that the Commission is authorized to construct. 2021, c. 4, Sched. 6, s. 75 (3).

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

[2021, c. 4, Sched. 6, s. 75 (3)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s75s3) - 01/06/2021; [CTS 30 APR 21 - 1](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

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