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Ontario Place Corporation Act

R.S.O. 1990, Chapter O.34

**Consolidation Period:** From October 19, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Note: This Act is repealed on a day to be named by proclamation of the Lieutenant Governor. (See: 2018, c. 17, Sched. 31, s. 3)

Last amendment: [2018, c. 17, Sched. 31, s. 3](http://www.ontario.ca/laws/statute/S18017" \l "sched31s3).

Legislative History: 1997, c. 36, s. 2; [2004, c. 17, s. 32](http://www.ontario.ca/laws/statute/S04017" \l "s32); [2006, c. 35, Sched. C, s. 104](http://www.ontario.ca/laws/statute/S06035" \l "schedcs104); [2009, c. 33, Sched. 24, s. 4](http://www.ontario.ca/laws/statute/S09033" \l "sched24s4s1); [2017, c. 2, Sched. 16](http://www.ontario.ca/laws/statute/S17002" \l "sched16s1); [2017, c. 20, Sched. 8, s. 116](http://www.ontario.ca/laws/statute/S17020" \l "sched8s116s1); [2017, c. 34, Sched. 46, s. 45](http://www.ontario.ca/laws/statute/S17034" \l "sched46s45s1); [2018, c. 17, Sched. 30](http://www.ontario.ca/laws/statute/S18017" \l "sched30s1); [2018, c. 17, Sched. 31, s. 3](http://www.ontario.ca/laws/statute/S18017" \l "sched31s3).

Definitions

**1** In this Act,

“Board” means the board of directors of the Corporation; (“conseil”)

“Corporation” means Ontario Place Corporation; (“Société”)

“Minister” means the Minister of Tourism, Culture and Sport 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.34, s. 1; 2017, c. 2, Sched. 16, s. 1; 2017, c. 34, Sched. 46, s. 45 (1).

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

[2017, c. 2, Sched. 16, s. 1](http://www.ontario.ca/laws/statute/S17002" \l "sched16s1) - 22/03/2017; [2017, c. 34, Sched. 46, s. 45 (1)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s45s1) - 01/01/2018

Administration of Act

**2** The Minister is responsible for the administration of this Act. R.S.O. 1990, c. O.34, s. 2.

Ontario Place Corporation continued

**3** (1)  Ontario Place Corporation is continued as a corporation without share capital under the name Ontario Place Corporation in English and Société d’exploitation de la Place de l’Ontario in French. R.S.O. 1990, c. O.34, s. 3 (1).

Composition

(2)  The Corporation shall consist of not fewer than one member and not more than 13 members appointed by the Lieutenant Governor in Council. 2018, c. 17, Sched. 30, s. 1.

Remuneration of members

(3)  The members shall be paid such remuneration as is fixed by the Lieutenant Governor in Council. R.S.O. 1990, c. O.34, s. 3 (3).

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

[2009, c. 33, Sched. 24, s. 4 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched24s4s1) - 15/12/2009

[2018, c. 17, Sched. 30, s. 1](http://www.ontario.ca/laws/statute/S18017" \l "sched30s1) - 06/12/2018

Board of directors

**4** (1)  The members of the Corporation for the time being form and are its board of directors. R.S.O. 1990, c. O.34, s. 4 (1).

Chair, vice-chair

(2)  The Lieutenant Governor in Council shall designate one of the members to be chair of the Board and may designate one of the members to be vice-chair of the Board. R.S.O. 1990, c. O.34, s. 4 (2).

Acting chair

(3)  In case of the absence or illness of the chair or of a vacancy in the office of chair, the vice-chair or, if none, such director as the Board designates for such purpose shall act as the chair and shall have all the powers and perform all the duties of the chair. R.S.O. 1990, c. O.34, s. 4 (3).

Quorum

(4)  A majority of the directors shall constitute a quorum of the Board. R.S.O. 1990, c. O.34, s. 4 (4).

Not-for-Profit Corporations Act, 2010

**5** The Not-for-Profit Corporations Act, 2010 does not apply to the Corporation, except as prescribed by regulation under section 10.1. 2017, c. 20, Sched. 8, s. 116 (1).

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

[2017, c. 20, Sched. 8, s. 116 (1)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s116s1) - 19/10/2021

Management of Corporation

**6** The affairs of the Corporation are under the management and control of the Board, and the chair shall preside at all meetings of the Board. R.S.O. 1990, c. O.34, s. 6.

Officers and employees

**7** (1)  Such officers and employees as are considered necessary for the proper conduct of the business of the Corporation may be appointed under Part III of the Public Service of Ontario Act, 2006. 2006, c. 35, Sched. C, s. 104.

Pension plan

(2)  The Corporation shall be deemed to have been designated by the Lieutenant Governor in Council under the Public Service Pension Act as an organization whose permanent and full-time probationary employees are required to be members of the Public Service Pension Plan. R.S.O. 1990, c. O.34, s. 7 (2).

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

[2006, c. 35, Sched. C, s. 104](http://www.ontario.ca/laws/statute/S06035" \l "schedcs104) - 20/08/2007

Objects

**8** The objects of the Corporation are,

(a) to operate Ontario Place for recreational, cultural, entertainment, educational, research, commercial, exhibition or public purposes;

(b) to develop projects and programs designed to provide the people of Ontario with a greater appreciation of the Province and its accomplishments and potential, and to provide talented artists in the Province with the opportunity to exhibit their works and their abilities;

(c) to develop special programs from time to time considered to be worthwhile to enhance the image of the Province and to co-ordinate activities with the Canadian National Exhibition at times when that exhibition is in operation; and

(d) to do such other things as the Minister may require from time to time and to advise the Minister on projects and programs of general advantage to the Province. R.S.O. 1990, c. O.34, s. 8; 2017, c. 2, Sched. 16, s. 2.

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

[2017, c. 2, Sched. 16, s. 2](http://www.ontario.ca/laws/statute/S17002" \l "sched16s2) - 22/03/2017

General powers and duties

**9** (1)  It is the duty of the Corporation to develop, control, manage, operate and maintain Ontario Place and for the purposes of carrying out such duty the Corporation has power,

(a) to make such by-laws, rules and orders as may be considered expedient for the constitution of the Corporation and the administration and management of its affairs and the conduct of its business;

(b) to develop, acquire, construct, operate, maintain and generally manage and provide,

(i) recreational, cultural, entertainment, educational, research, commercial, exhibition or public facilities,

(ii) activities, programs, restaurants, theatres or shops, and

(iii) any other facilities or conveniences incidental to or necessary for the proper operation and maintenance of Ontario Place;

(c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with Ontario Place;

(d) to receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal or any interest therein;

(e) to establish fees, subject to the approval of the Deputy Minister, for entrance into Ontario Place and in connection with any service or facility provided in Ontario Place. R.S.O. 1990, c. O.34, s. 9 (1); 1997, c. 36, s. 2 (1); 2009, c. 33, Sched. 24, s. 4 (2); 2017, c. 2, Sched. 16, s. 3 (1).

Transfer of assets

(2)  Subject to the approval of the Lieutenant Governor in Council, such property of the Crown in right of Ontario as is considered necessary or advisable for the purpose of carrying out its objects may be transferred to and vested in the Corporation for such purpose. R.S.O. 1990, c. O.34, s. 9 (2).

Acquisition and disposal of land, etc.

(3)  Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

(a) acquire land, buildings and structures, or any interest in land, buildings and structures, by purchase, lease or otherwise; and

(b) dispose of land, buildings and structures, or any interest in land, buildings and structures, by sale, lease or otherwise. 2017, c. 2, Sched. 16, s. 3 (2).

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

1997, c. 36, s. 2 (1) - 01/06/1998

[2009, c. 33, Sched. 24, s. 4 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched24s4s2) - 15/12/2009

[2017, c. 2, Sched. 16, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S17002" \l "sched16s3s1) - 22/03/2017

Winding up the Corporation

**9.1**(1)  The Board shall prepare a proposed plan for winding up the Corporation and transferring its assets, liabilities, rights and obligations to the Crown in right of Ontario or to an agency of the Crown. 2018, c. 17, Sched. 30, s. 2.

Plan for winding up

(2)  The plan for winding up the Corporation may provide for,

(a) liquidating assets and transferring the proceeds to the Consolidated Revenue Fund or to an agency of the Crown;

(b) transferring assets, liabilities, rights and obligations to the Crown in right of Ontario or to an agency of the Crown; and

(c) any other matter. 2018, c. 17, Sched. 30, s. 2.

Implementation

(3)  Subject to the approval of the plan by the Lieutenant Governor in Council, the Board shall wind up the affairs of the Corporation and transfer its assets, liabilities, rights and obligations, including transferring the proceeds from the liquidation of assets, in accordance with the plan. 2018, c. 17, Sched. 30, s. 2.

Changes to plan after approval

(4)  If any changes to the plan are required after it has been approved under subsection (3), the Board shall, subject to the approval of the changes to the plan by the Lieutenant Governor in Council, continue to carry out the implementation of the plan in accordance with those changes. 2018, c. 17, Sched. 30, s. 2.

Power to transfer assets, etc.

(5)  The following provisions apply for the purposes of implementing a plan approved under this section:

1. The Corporation may transfer to the Crown in right of Ontario or to an agency of the Crown any of its assets, liabilities, rights and obligations, without consideration.

2. If an agreement is the subject of a transfer under this section, it shall be deemed to be assignable by the Corporation without consent of any party to the agreement.

3. The Corporation may enter into such other agreements, execute such documents and instruments, and do such other acts and things as the Corporation considers necessary or advisable to effect a transfer authorized under this section. 2018, c. 17, Sched. 30, s. 2.

Provisions regarding a transfer of assets, etc.

(6)  The following provisions apply to transfers of assets, liabilities, rights and obligations of the Corporation that are made pursuant to a plan approved under this section:

1. The transferred asset, liability, right or obligation of the Corporation continues as the asset, liability, right or obligation of the recipient of the transfer.

2. A transfer of an asset, liability, right or obligation of the Corporation to the recipient of the transfer shall not constitute a change of control of the Corporation in respect of the asset, liability, right or obligation.

3. A transfer is deemed not to,

i. constitute a breach, termination, repudiation or frustration of any contract,

ii. constitute a breach of any Act, regulation or municipal by-law,

iii. constitute an event of default or force majeure,

iv. give rise to a breach, termination, repudiation or frustration of any licence, permit or other right,

v. give rise to any right to terminate or repudiate a contract, licence, permit or other right, or

vi. give rise to any estoppel.

4. Despite any other Act that requires notice or registration of a transfer, a transfer is binding on the recipient of the transfer and all other persons.

5. A conviction against, or ruling, order or judgment in favour of or againstthe Corporation may be enforced by or against the recipient of the transferred conviction, ruling, order or judgment.

6. The recipient of a transferred action shall be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against the Corporation before the date of the transfer. 2018, c. 17, Sched. 30, s. 2.

Notice after implementation of plan

(7)  The Board shall provide such reports as the Minister may require from time to time and shall notify the Minister in writing as soon as possible after it has finished implementing the plan. 2018, c. 17, Sched. 30, s. 2.

No cause of action

(8)  No cause of action arises as a direct or indirect result of anything done or not done under this section against any of the following or, as the case may be, their respective current or former appointees, directors, officers, advisers, agents and employees:

1. The Crown in right of Ontario.

2. An agency of the Crown that is a recipient of a transfer of assets, liabilities, rights or obligations of the Corporation that is made pursuant to a plan approved under this section.

3. Any current or former member of the Executive Council.

4. The Corporation. 2018, c. 17, Sched. 30, s. 2.

Proceedings barred

(9)  No action or other proceeding claiming any remedy or relief, including but not limited to any proceeding for a remedy in contract, restitution or tort, and any remedy under any other statute, that is directly or indirectly based on or related to anything done or not done under this section may be brought or maintained against any of the following or, as the case may be, their respective current or former appointees, directors, officers, advisers, agents and employees:

1. The Crown in right of Ontario.

2. An agency of the Crown that is a recipient of a transfer of assets, liabilities, rights or obligations of the Corporation that is made pursuant to a plan approved under this section.

3. Any current or former member of the Executive Council.

4. The Corporation. 2018, c. 17, Sched. 30, s. 2.

Regulations

(10)  The Lieutenant Governor in Council may make regulations,

(a) governing the development and implementation of a plan approved under this section;

(b) setting out provisions in addition to those set out in subsection (5) that apply with respect to the implementation of a plan approved under this section;

(c) setting out provisions in addition to those set out in subsection (6) that apply to transfers of assets, liabilities, rights and obligations under this section, including prescribing Acts which do not apply, either in whole or in part, to such transfers. 2018, c. 17, Sched. 30, s. 2.

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

[2018, c. 17, Sched. 30, s. 2](http://www.ontario.ca/laws/statute/S18017" \l "sched30s2) - 06/12/2018

Regulations

**10** The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations,

(a) regulating and governing the use by the public of Ontario Place and the works and things under the jurisdiction of the Corporation;

(b) providing for the protection and preservation from damage of the property of the Corporation. R.S.O. 1990, c. O.34, s. 10; 1997, c. 36, s. 2 (2).

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

1997, c. 36, s. 2 (2) - 01/06/1998

Regulations, additional

**10.1** The Lieutenant Governor in Council may make regulations prescribing provisions of the Not-for-Profit Corporations Act, 2010 that apply to the Corporation. 2017, c. 20, Sched. 8, s. 116 (2).

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

[2017, c. 20, Sched. 8, s. 116 (2)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s116s2) - 19/10/2021

Revenue

**11** The property and the income, revenues and profits of the Corporation shall be applied solely to promote the objects of the Corporation. R.S.O. 1990, c. O.34, s. 11.

Grants and loans

**12** The Minister may, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he or she considers advisable. R.S.O. 1990, c. O.34, s. 12.

Audit

**13** The accounts and financial transactions of the Corporation shall be audited annually by the Auditor General. R.S.O. 1990, c. O.34, s. 13; 2004, c. 17, s. 32.

**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

Annual report

**14** (1)  The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public. 2017, c. 34, Sched. 46, s. 45 (2).

Same

(2)  The Corporation 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;

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

(c) when and how to make it available to the public. 2017, c. 34, Sched. 46, s. 45 (2).

Same

(3)  The Corporation shall include such additional content in the annual report as the Minister may require. 2017, c. 34, Sched. 46, s. 45 (2).

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

[2017, c. 34, Sched. 46, s. 45 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s45s2) - 01/01/2018

Tabling of annual report

**15** The Minister shall table the Corporation’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. 45 (2).

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

[2017, c. 34, Sched. 46, s. 45 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s45s2) - 01/01/2018

Other reports

**16** The Minister may require the Corporation to provide other reports. 2017, c. 34, Sched. 46, s. 45 (2).

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

[2017, c. 34, Sched. 46, s. 45 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s45s2) - 01/01/2018

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