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City of Hamilton Act, 1999

S.O. 1999, chapter 14  
Schedule C

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Interpretation

Definitions

**1** In this Act,

“city” means the City of Hamilton incorporated by this Act; (“cité”)

“collective agreement” means,

(a) a collective agreement within the meaning of the Labour Relations Act, 1995,

(b) a collective agreement within the meaning of Part IX of the Fire Protection and Prevention Act, 1997, or

(c) an agreement under Part VIII of the Police Services Act; (“convention collective”)

“local board” means a public utility commission, municipal service board, transportation commission, public library board, board of park management, board of health, police service board or other body established or exercising power under any general or special Act with respect to any of the affairs of an old municipality or of the city, but does not include,

(a) the transition board,

(b) a children’s aid society,

(c) a conservation authority, or

(d) a school board; (“conseil local”)

“merged area” means all of an old municipality that forms part of the city; (“secteur fusionné”)

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“municipal area” means the area that comprises the geographic area of jurisdiction of The Regional Municipality of Hamilton-Wentworth under the Regional Municipality of Hamilton-Wentworth Act on December 31, 2000; (“secteur municipal”)

“municipal benefit” includes a direct or indirect benefit which is available immediately after an expenditure of money on a service or activity and a benefit which will be available only after an additional expenditure of money on the service or activity; (“avantage municipal”)

“old municipality” means The Regional Municipality of Hamilton-Wentworth and each area municipality under the Regional Municipality of Hamilton-Wentworth Act on December 31, 2000; (“ancienne municipalité”)

“passenger transportation system” means a system that provides, for compensation, transportation for passengers or passengers and freight in vehicles operated underground, on the ground or above the ground, but not in taxicabs; (“réseau de transport de passagers”)

“special service” means a service or activity of the city that is not being provided or undertaken generally throughout the city or that is being provided or undertaken at different levels or in a different manner in different parts of the city; (“service spécial”)

“transition board” means the transition board referred to in subsection 18 (1). (“conseil de transition”) 1999, c. 14, Sched. C, s. 1; 2000, c. 5, s. 3 (1); 2002, c. 17, Sched. F, Table; 2019, c. 1, Sched. 4, s. 8 (1).

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

[2000, c. 5, s. 3 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s3s1) - 01/01/2001

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

[2018, c. 3, Sched. 5, s. 9 (1)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s9s1) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 1, Sched. 4, s. 8 (1)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s8s1) - 01/04/2024

The City

Incorporation

**2** (1)  On January 1, 2001, the inhabitants of the municipal area are constituted as a body corporate under the name “City of Hamilton” in English and “cité de Hamilton” in French. 1999, c. 14, Sched. C, s. 2 (1).

Status

(2)  The body corporate is a city and a local municipality for all purposes. 1999, c. 14, Sched. C, s. 2 (2).

(3)  Repealed: 2002, c. 17, Sched. F, Table.

**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

Wards

**3** The municipal area is divided into 15 wards as established by regulation. 1999, c. 14, Sched. C, s. 3; 2000, c. 5, s. 3 (2).

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

[2000, c. 5, s. 3 (2)](http://www.ontario.ca/laws/statute/S00005" \l "s3s2) - 01/01/2001

City council

**4** (1)  The city council is composed of the mayor, elected by general vote, and 15 other members, elected in accordance with subsection (2). 1999, c. 14, Sched. C, s. 4 (1); 2000, c. 5, s. 3 (3).

Same

(2)  One member of the council shall be elected for each ward. 1999, c. 14, Sched. C, s. 4 (2).

Transition, first council

(3)  The following special rules apply to the members of the council elected in the 2000 regular election:

1. Despite section 6 of the Municipal Elections Act, 1996, the members’ terms of office begin on January 1, 2001.

2. Despite subsection 49 (1) of the Municipal Act, the first meeting of the council shall be held on or before January 9, 2001. 1999, c. 14, Sched. C, s. 4 (3).

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

[2000, c. 5, s. 3 (3)](http://www.ontario.ca/laws/statute/S00005" \l "s3s3) - 01/01/2001

Dissolution of old municipalities

**5** (1)  The following municipalities are dissolved on January 1, 2001:

1. The Regional Municipality of Hamilton-Wentworth.

2. The City of Hamilton.

3. The Town of Dundas.

4. The City of Stoney Creek.

5. The Town of Ancaster.

6. The Town of Flamborough.

7. The Township of Glanbrook. 1999, c. 14, Sched. C, s. 5 (1).

Rights and duties

(2)  The city stands in the place of the old municipalities for all purposes. 1999, c. 14, Sched. C, s. 5 (2).

Same

(3)  Without limiting the generality of subsection (2),

(a) the city has every power and duty of an old municipality under any general or special Act, in respect of the part of the municipal area to which the power or duty applied on December 31, 2000; and

(b) all the assets and liabilities of the old municipalities on December 31, 2000, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the city on January 1, 2001, without compensation. 1999, c. 14, Sched. C, s. 5 (3).

Same, debentures

(4)  Without limiting the generality of clause (3) (b), the city stands in the place of The Regional Municipality of Hamilton-Wentworth with respect to debentures issued by the regional municipality on which the principal remains unpaid on December 31, 2000, and the city is also responsible to pay any related debt charges that are payable on or after January 1, 2001. 1999, c. 14, Sched. C, s. 5 (4).

Exception, emergency powers

(5)  Until the city council elected in the 2000 regular election is organized, each old municipality continues to have the powers it possesses on December 31, 2000, for the purpose of dealing with emergencies. 1999, c. 14, Sched. C, s. 5 (5).

By-laws and resolutions

(6)  Every by-law or resolution of an old municipality that is in force on December 31, 2000 shall be deemed to be a by-law or resolution of the city council on January 1, 2001 and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it expires or is repealed or amended to provide otherwise. 1999, c. 14, Sched. C, s. 5 (6).

Official plans

(7)  Every official plan of an old municipality that is in force on December 31, 2000 shall be deemed to be an official plan of the city on January 1, 2001 and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it is revoked or amended to provide otherwise. 1999, c. 14, Sched. C, s. 5 (7).

Effect of this section

(8)  Nothing in this section authorizes the repeal or amendment of a by-law or resolution conferring rights, privileges, franchises, immunities or exemptions if the old municipality could not repeal or amend, as the case may be, the by-law or resolution. 1999, c. 14, Sched. C, s. 5 (8).

Employees of old municipalities

(9)  A person who is an employee of an old municipality on December 31, 2000 and who would, but for this Act, still be an employee of the old municipality on January 1, 2001 is entitled to be an employee of the city or of one of its local boards on January 1, 2001. 1999, c. 14, Sched. C, s. 5 (9).

Same

(10)  A person’s employment with an old municipality shall be deemed not to have been terminated for any purpose by anything in subsection (9). 1999, c. 14, Sched. C, s. 5 (10).

Local Boards

Police service board

**6** (1)  On the day subsection 31 (1) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force, the Hamilton Police Services Board is continued under the name “Hamilton Police Service Board” in English and “Commission de service de police de Hamilton” in French. 2019, c. 1, Sched. 4, s. 8 (2).

Same

(2)  The Hamilton Police Service Board is the police service board of the city. 2019, c. 1, Sched. 4, s. 8 (2).

Size of the board

(3)  On January 1, 2001, the city shall be deemed to have applied for, and the Lieutenant Governor in Council to have approved, an application under subsection 27 (9) of the Police Services Act to increase the size of the Hamilton Police Services Board to seven members. 1999, c. 14, Sched. C, s. 6 (3).

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

[2018, c. 3, Sched. 5, s. 9 (2)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s9s2) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 1, Sched. 4, s. 8 (2)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s8s2) - 01/04/2024

Public library board

**7** (1)  On January 1, 2001, a library board for the city is established under the name “Hamilton Public Library Board” in English and “Conseil des bibliothèques publiques de Hamilton” in French. 1999, c. 14, Sched. C, s. 7 (1).

Status

(2)  The Hamilton Public Library Board shall be deemed to be a public library board established under the Public Libraries Act. 1999, c. 14, Sched. C, s. 7 (2).

Dissolution of old boards

(3)  The public library boards of the old municipalities are dissolved on January 1, 2001. 1999, c. 14, Sched. C, s. 7 (3).

Exception, emergency powers

(4)  Until the members of the Hamilton Public Library Board first take office after December 31, 2000, each public library board of an old municipality continues to have the powers it possesses on December 31, 2000, for the purpose of dealing with emergencies. 1999, c. 14, Sched. C, s. 7 (4).

Assets and liabilities

(5)  All the assets and liabilities of the public library boards of the old municipalities on December 31, 2000, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the Hamilton Public Library Board on January 1, 2001, without compensation. 1999, c. 14, Sched. C, s. 7 (5).

By-laws and resolutions

(6)  Every by-law or resolution of a public library board of an old municipality that is in force on December 31, 2000 shall be deemed to be a by-law or resolution of the Hamilton Public Library Board on January 1, 2001 and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it expires or is repealed or amended to provide otherwise. 1999, c. 14, Sched. C, s. 7 (6).

Same

(7)  Nothing in this section authorizes the repeal or amendment of a by-law or resolution conferring rights, privileges, franchises, immunities or exemptions if the public library board of an old municipality could not repeal or amend, as the case may be, the by-law or resolution. 1999, c. 14, Sched. C, s. 7 (7).

Public utility commissions

**8** (1)  The public utility commissions of the old municipalities are dissolved on January 1, 2001. 1999, c. 14, Sched. C, s. 8 (1).

Assets and liabilities

(2)  All the assets and liabilities of the public utility commissions of the old municipalities on December 31, 2000, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations**,** become assets and liabilities of the city on January 1, 2001, without compensation. 1999, c. 14, Sched. C, s. 8 (2).

Other local boards

**9** (1)  This section does not apply with respect to police service boards, boards of health, public library boards and public utility commissions. 1999, c. 14, Sched. C, s. 9 (1); 2019, c. 1, Sched. 4, s. 8 (3).

Local boards continued

(2)  The local boards of the old municipalities on December 31, 2000 are continued as local boards of the city on January 1, 2001. 1999, c. 14, Sched. C, s. 9 (2).

Merging

(3)  The city may merge two or more local boards continued by subsection (2) into a new local board. 1999, c. 14, Sched. C, s. 9 (3).

Effect on by-laws, etc.

(4)  When two or more local boards (the “predecessor boards”) are merged into a new local board, every by-law or resolution of a predecessor board that is in force immediately before the merger shall be deemed to be a by-law or resolution of the new local board when the merger takes place, and it remains in force, in respect of the part of the municipal area to which it applied immediately before the merger, until it expires or is repealed or amended to provide otherwise. 1999, c. 14, Sched. C, s. 9 (4).

Same

(5)  Subsection (4) applies, with necessary modifications, with respect to by-laws and resolutions of the city that relate to a predecessor board. 1999, c. 14, Sched. C, s. 9 (5).

Assets and liabilities

(6)  All the assets and liabilities of the predecessor boards immediately before they are merged, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the new local board when the merger takes place, without compensation. 1999, c. 14, Sched. C, s. 9 (6).

Effect of this section

(7)  Nothing in this section authorizes the repeal or amendment of a by-law or resolution conferring rights, privileges, franchises, immunities or exemptions if the predecessor board could not repeal or amend, as the case may be, the by-law or resolution. 1999, c. 14, Sched. C, s. 9 (7).

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

[2018, c. 3, Sched. 5, s. 9 (3)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s9s3) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 1, Sched. 4, s. 8 (3)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s8s3) - 01/04/2024

Employees of old local boards

**10** (1)  A person who is an employee of a local board of an old municipality on December 31, 2000 and who would, but for this Act, still be an employee of the local board on January 1, 2001 is entitled to be an employee of the city or one of its local boards on January 1, 2001. 1999, c. 14, Sched. C, s. 10 (1).

Same

(2)  A person’s employment with a local board of an old municipality shall be deemed not to have been terminated for any purpose by anything in subsection (1). 1999, c. 14, Sched. C, s. 10 (2).

Powers of the City

Powers of a board of health

**11** The city has the powers, rights and duties of a board of health under the Health Protection and Promotion Act. 1999, c. 14, Sched. C, s. 11.

**11.1** Repealed: 2002, c. 17, Sched. F, Table.

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

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

Powers re: supported group living residences

**11.2** (1)  The city may enter into an agreement with a corporation described in subsection (2) that operates or intends to operate a supported group living residence or an intensive support residence under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 with respect to the construction, operation or maintenance of the residence. 2009, c. 33, Sched. 8, s. 8.

Same

(2)  Subsection (1) applies to a corporation without share capital having objects of a charitable nature,

(a) to which the Not-for-Profit Corporations Act, 2010 applies; or

(b) that is incorporated under a general or special Act of the Parliament of Canada. 2001, c. 13, s. 7; 2017, c. 20, Sched. 8, s. 71.

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

[2001, c. 13, s. 7](http://www.ontario.ca/laws/statute/S01013" \l "s7) - 30/11/2001

[2008, c. 14, s. 47](http://www.ontario.ca/laws/statute/S08014" \l "s47) - 01/01/2011

[2009, c. 33, Sched. 8, s. 8](http://www.ontario.ca/laws/statute/S09033" \l "sched8s8) - 01/01/2011

[2017, c. 20, Sched. 8, s. 71](http://www.ontario.ca/laws/statute/S17020" \l "sched8s71) - 19/10/2021

Powers re parks, etc.

**11.3** (1)  The city may acquire land for public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives and may establish, lay out, improve and maintain them. 2000, c. 5, s. 3 (4).

Exercise of powers

(2)  For the purposes described in subsection (1), the city may exercise any of its powers in respect of culture, parks, recreation and heritage matters under the Municipal Act, 2001. 2002, c. 17, Sched. F, Table.

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

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

Land owned by conservation authorities

**11.4** (1)  This section applies to land that is vested in a conservation authority and that is managed and controlled by the city under an agreement between the city and the conservation authority. 2000, c. 5, s. 3 (4).

Parks, etc.

(2)  The city may establish, lay out, improve and maintain public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives on the land, and it may exercise any of its powers in respect of culture, parks, recreation and heritage matters under theMunicipal Act, 2001. 2000, c. 5, s. 3 (4); 2002, c. 17, Sched. F, Table.

Roads and traffic

(3)  The city may lay out, construct and maintain roads on the land, regulate traffic on the roads, subject to the Highway Traffic Act, and prescribe the rate of speed for motor vehicles driven on those roads, in accordance with section 128 of the Highway Traffic Act. 2000, c. 5, s. 3 (4); 2006, c. 32, Sched. D, s. 2.

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

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

[2006, c. 32, Sched. D, s. 2](http://www.ontario.ca/laws/statute/S06032" \l "schedds2) - 01/01/2007

Sale of liquor in parks

**11.5** (1)  The city may authorize a person to sell liquor, as defined in the Liquor Licence and Control Act, 2019, in parks that belonged to The Regional Municipality of Hamilton-Wentworth on December 31, 2000 and may impose such conditions as the city considers appropriate. 2000, c. 5, s. 3 (4); 2019, c. 15, Sched. 22, s. 88 (1).

Restriction

(2)  The power of the city is subject to the Liquor Licence and Control Act, 2019. 2000, c. 5, s. 3 (4); 2019, c. 15, Sched. 22, s. 88 (2).

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

[2019, c. 15, Sched. 22, s. 88 (1, 2)](http://www.ontario.ca/laws/statute/S19015" \l "sched22s88s1) - 29/11/2021

Power to exempt shops

**11.6** (1)  Upon the application of the occupier of a shop, the city may exempt the shop from any provision of a by-law passed under section 148 of the Municipal Act, 2001on the days and for the special occasions specified in the by-law. 2000, c. 5, s. 3 (4); 2002, c. 17, Sched. F, Table.

Restriction

(2)  The city cannot exempt a shop for more than two periods in any calendar year, and each such period cannot exceed two consecutive days. 2000, c. 5, s. 3 (4).

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

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

Waste management

**11.7** (1)  No person, municipality or local board shall provide services or facilities in the municipal area of the type authorized by the waste management powers that were assumed by The Regional Municipality of Hamilton-Wentworth under section 150 of the Regional Municipalities Act as of December 31, 2000 without the consent of the city, which may be granted upon such conditions, including the payment of compensation, as may be agreed upon. 2000, c. 5, s. 3 (4); 2002, c. 17, Sched. F, Table.

Exception

(2)  Despite subsection (1), the consent of the city is not required to provide services and facilities for the collection or removal of waste from non-residential properties and from residential properties containing more than five dwelling units. 2000, c. 5, s. 3 (4).

Same

(3)  Despite subsection (1), the consent of the city is not required if the service or facility is being lawfully provided on December 31, 2000, so long as that service or facility continues to be used for the same purpose. 2000, c. 5, s. 3 (4).

Appeal

(4)  If consent is refused under subsection (1) or the applicant and the city fail to agree on the conditions relating to the consent, the applicant may appeal to the Ontario Land Tribunal. 2000, c. 5, s. 3 (4); 2021, c. 4, Sched. 6, s. 35.

Same

(5)  The Ontario Land Tribunal shall hear and determine the matter, and may impose such conditions as it considers appropriate. 2000, c. 5, s. 3 (4); 2021, c. 4, Sched. 6, s. 35; 2021, c. 4, Sched. 6, s. 35.

Same

(6)  The decision of the Ontario Land Tribunal is final. 2000, c. 5, s. 3 (4); 2021, c. 4, Sched. 6, s. 35.

(7)  Repealed: 2009, c. 33, Sched. 2, s. 14.

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

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

[2009, c. 33, Sched. 2, s. 14](http://www.ontario.ca/laws/statute/S09033" \l "sched2s14) - 15/12/2009

[2021, c. 4, Sched. 6, s. 35](http://www.ontario.ca/laws/statute/S21004" \l "sched6s35) - 01/06/2021

Fluoridation of water

**11.8** (1)  On and after January 1, 2001, the city may continue to fluoridate the water supply of those areas of the city to which fluoridated water was being supplied on December 31, 2000. 2000, c. 5, s. 3 (4).

Agreements

(2)  The city may enter into agreements with an adjoining municipality in respect of the supply and distribution of water in the municipal area including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof. 2000, c. 5, s. 3 (4); 2002, c. 17, Sched. F, Table.

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

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

The Hamilton Street Railway Company, etc.

**11.9** (1)  The city is authorized to hold shares in The Hamilton Street Railway Company and in Safety Service and Adjusters Limited and to exercise the rights associated with those shares. 2000, c. 5, s. 3 (4).

Duty to manage

(2)  The city shall manage the affairs of both corporations. 2000, c. 5, s. 3 (4).

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

Other powers

**11.10** The Lieutenant Governor in Council may, by regulation, authorize the city to do anything that is not specifically authorized by this Act that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purposes of this Act so long as the regulation does not conflict with this or any other Act. 2000, c. 5, s. 3 (4).

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

Passenger Transportation System

Operation of a passenger transportation system

**11.11** (1)  The city may establish, operate and maintain a passenger transportation system within the city, and between any point in the city and any point outside the city including any point outside Ontario. 2000, c. 5, s. 3 (4); 2020, c. 34, Sched. 23, s. 3 (1).

Agreements

(2)  For the purpose of subsection (1), the city may enter into agreements with any person (including a municipality), including agreements in respect of connecting or reciprocal passenger transportation systems, and the use of facilities, personnel or equipment. 2000, c. 5, s. 3 (4); 2002, c. 17, Sched. F, Table.

Fares

(3)  The city may establish appropriate fares for the use of the passenger transportation system. 2000, c. 5, s. 3 (4).

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

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

[2020, c. 34, Sched. 23, s. 3 (1)](http://www.ontario.ca/laws/statute/S20034" \l "sched23s3s1) - 01/07/2021

Restriction re operators

**11.12** (1)  The city may, by by-law, provide that no person shall operate a passenger transportation system in the city, or in an area of the city designated in the by-law, unless the person is authorized to do so under this section or by the city. 2000, c. 5, s. 3 (4).

Exceptions

(2)  Subsection (1) does not apply with respect to the following types of passenger transportation systems:

1. Vehicles and marine vessels used for sightseeing tours.

2. Buses used to transport pupils, including buses owned and operated by, or operated under a contract with, a school board, a private school or a charitable organization.

3. Railways operated by railway companies incorporated under a federal or provincial Act.

4. Ferries.

5. Aviation systems.

6. The regional transit system as defined in section 1 of the Metrolinx Act, 2006. 2000, c. 5, s. 3 (4); 2001, c. 23, Sched. A, s. 36; 2006, c. 16, s. 48; 2009, c. 14, s. 36.

Authorization

(3)  The city may authorize a person to operate a passenger transportation system in an area of the city designated in a by-law under subsection (1) and may impose conditions on the authorization. 2000, c. 5, s. 3 (4); 2002, c. 17, Sched. F, Table.

Deemed by-law

(4)  On January 1, 2001, the city shall be deemed to have passed a by-law under subsection (1) designating the Urban Transit Service Area established under section 42 of the Regional Municipality of Hamilton-Wentworth Act, as the Area existed on December 31, 2000, as an area in which no person shall operate a passenger transportation system unless the person is authorized to do so under this section or by the city. 2000, c. 5, s. 3 (4).

Rights unaffected

(5)  Nothing in this section prevents a person from operating a passenger transportation system that is used to convey personal property and passengers from a point within an area designated in a by-law under subsection (1) to a point outside the area or from a point outside the area to a point inside the area. 2000, c. 5, s. 3 (4).

(6)  Repealed: 2020, c. 34, Sched. 23, s. 3 (2).

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

[2000, c. 5, s. 3 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s3s4) - 01/01/2001

[2001, c. 23, Sched. A, s. 36](http://www.ontario.ca/laws/statute/S01023" \l "schedas36) - 01/01/2002

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

[2006, c. 16, s. 48](http://www.ontario.ca/laws/statute/S06016" \l "s48) - 24/08/2006

[2009, c. 14, s. 36](http://www.ontario.ca/laws/statute/S09014" \l "s36) - 14/05/2009

[2020, c. 34, Sched. 23, s. 3 (2)](http://www.ontario.ca/laws/statute/S20034" \l "sched23s3s2) - 01/07/2021

Financial Matters

By-law re special services

**12** (1)  Subject to the restrictions set out in this section, the city may do the following things by by-law:

1. Identify a special service.

2. Determine the amount of the city’s costs (including capital costs, debenture charges and charges for depreciation or for a reserve fund) that are related to that special service.

3. Subject to a regulation made under subsection (5), designate one or more merged areas of the city as an area in which the residents and property owners receive or will receive an additional municipal benefit from the special service that is not or will not be received in the other merged areas of the city.

4. Determine the portion of the amount determined under paragraph 2 that represents the additional cost of providing the additional municipal benefit in each area designated under paragraph 3 and set out the method it used for making that determination.

5. Determine the amount, if any, of the additional cost referred to in paragraph 4 that is to be raised under subsection (8). 1999, c. 14, Sched. C, s. 12 (1).

Restriction

(2)  A by-law may be made with respect to a special service,

(a) that was being provided in a merged area of the city by or on behalf of an old municipality or a local board of an old municipality; and

(b) that continued to be provided in the merged area by or on behalf of the city or a local board of the city at any time during 2001. 1999, c. 14, Sched. C, s. 12 (2).

Same

(3)  A by-law cannot designate a merged area under paragraph 3 of subsection (1) as one in which residents and property owners do not currently receive but will receive an additional municipal benefit from the special service in future unless,

(a) the expenditures necessary to make the additional benefit available in the merged area appear in the city’s budget for the year (as adopted under section 290 of the Municipal Act, 2001); or

(b) the city has established a reserve fund to finance those expenditures over a period of years. 1999, c. 14, Sched. C, s. 12 (3); 2002, c. 17, Sched. F, Table.

Same

(4)  The city cannot pass a by-law for a particular year (the “applicable year”) after 2002 with respect to a particular special service unless the following conditions are met:

1. The city passed a by-law with respect to the special service in 2002.

2. The city passed a by-law with respect to the special service for every year after 2002 and before the applicable year. 1999, c. 14, Sched. C, s. 12 (4).

Regulation, designated areas

(5)  For the purposes of paragraph 3 of subsection (1), the Minister may, by regulation,

(a) specify an area that may be designated under that paragraph even though it is not composed of one or more merged areas;

(b) prescribe circumstances in which an area may be designated under that paragraph even though it is not composed of one or more merged areas. 1999, c. 14, Sched. C, s. 12 (5).

Same

(6)  A regulation under subsection (5) may be general or specific in its application and may apply differently to different special services. 1999, c. 14, Sched. C, s. 12 (6).

Same

(7)  A regulation under subsection (5) may be made retroactive to a date not earlier than January 1 of the year in which the regulation is made. 1999, c. 14, Sched. C, s. 12 (7).

Special levy

(8)  For each year in which a by-law under subsection (1) is in force, the city shall levy a special local municipality levy under section 312 of the Municipal Act, 2001on the rateable property in the area designated under paragraph 3 of subsection (1) to raise the amount determined under paragraph 5 of that subsection. 1999, c. 14, Sched. C, s. 12 (8); 2002, c. 17, Sched. F, Table.

Same

(9)  Such rateable property as may be prescribed is exempt from the levy under subsection (8) to the extent prescribed. 1999, c. 14, Sched. C, s. 12 (9).

**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

Adjustments, general local municipality levy

**13** (1)  This section applies with respect to the tax rates levied to raise the general local municipality levy under section 312 of the Municipal Act, 2001. 1999, c. 14, Sched. C, s. 13 (1); 2002, c. 17, Sched. F, Table.

Interpretation

(2)  A reference in this section to the assets or liabilities of a merged area is a reference to the assets or liabilities on December 31, 2000 of the old municipality that comprises the merged area and of its local boards. 1999, c. 14, Sched. C, s. 13 (2).

Decrease in tax rates

(3)  Subject to the restrictions set out in this section, the city may, by by-law, decrease the tax rates that would otherwise apply on the assessment within a merged area,

(a) if the city council considers that it would be unfair that the taxpayers in the merged area not receive direct benefit from the assets or any class of assets of the merged area; and

(b) if the amount of taxes lost by decreasing the tax rates does not exceed the value of the assets referred to in clause (a). 1999, c. 14, Sched. C, s. 13 (3).

Increase in tax rates

(4)  Subject to the restrictions set out in this section, the city may, by by-law, increase the tax rates that would otherwise apply on the assessment within a merged area,

(a) if the city council considers that it would be unfair that the taxpayers outside the merged area be responsible for the liabilities or any class of liabilities of the merged area; and

(b) if the amount of taxes gained by increasing the tax rates does not exceed the value of the liabilities referred to in clause (a). 1999, c. 14, Sched. C, s. 13 (4).

Restriction

(5)  The city cannot pass a by-law under this section for 2009 or a subsequent year. 1999, c. 14, Sched. C, s. 13 (5).

Same

(6)  The city cannot pass a by-law under this section for a particular year (the “applicable year”) after 2002 with respect to a merged area unless the following conditions are met:

1. The city passed a by-law under this section in 2002 with respect to the merged area.

2. The city passed a by-law under this section with respect to the merged area for every year after 2002 and before the applicable year. 1999, c. 14, Sched. C, s. 13 (6).

Same

(7)  In any year, increases or decreases, as the case may be, in the tax rates on different classes of property in a merged area must bear the same proportion to each other as the proportion of the applicable tax ratios established under section 308 of the Municipal Act, 2001 for the property classes for the year. 1999, c. 14, Sched. C, s. 13 (7); 2002, c. 17, Sched. F, Table.

Budget

(8)  The city shall include in its budget (as adopted under section 290 of the Municipal Act, 2001) for a year the amounts resulting from an increase or decrease in tax rates under this section for the year. 1999, c. 14, Sched. C, s. 13 (8); 2002, c. 17, Sched. F, Table.

Regulations

(9)  The Minister may, by regulation, require the city to exercise its powers under this section and may require the city to do so with respect to such assets and liabilities as may be specified in the regulation and to do so in the manner specified in the regulation. 1999, c. 14, Sched. C, s. 13 (9).

General or specific

(10)  A regulation under subsection (9) may be general or specific in its application. 1999, c. 14, Sched. C, s. 13 (10).

Retroactivity

(11)  A regulation under subsection (9) may be made retroactive to January 1 of the year in which it is made. 1999, c. 14, Sched. C, s. 13 (11).

Effect on by-laws

(12)  A by-law of the city passed under this section, whether it is passed before or after a regulation is made under subsection (9), is of no effect to the extent that it does not comply with the regulation. 1999, c. 14, Sched. C, s. 13 (12).

Definitions

(13)  In this section,

“assets” means reserves, reserve funds and such other assets as may be prescribed; (“éléments d’actif”)

“liabilities” means debts and such other liabilities as may be prescribed. (“éléments de passif”) 1999, c. 14, Sched. C, s. 13 (13).

**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

Recovery of costs re: collection and disposal of sewage

**14** The city may pass by-laws under Part XII of the Municipal Act, 2001 for imposing fees or charges to recover all or part of the cost of the establishment, construction, maintenance, operation, extension, improvement and financing of the collection and disposal of sewage. 1999, c. 14, Sched. C, s. 14; 2002, c. 17, Sched. F, Table.

**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

Levies for various services

**15** (1)  The city may establish one or more municipal service areas and levy one or more special local municipality levies under section 312 of the Municipal Act, 2001in the municipal service areas for the purpose of raising all or part of its costs for the following services, including the costs of establishing, constructing, maintaining, operating, improving, extending and financing those services:

1. The supply and distribution of water.

2. Fire protection and prevention.

3. Public transportation, other than highways.

4. Street lighting.

5. The collection and disposal of sewage. 1999, c. 14, Sched. C, s. 15 (1); 2002, c. 17, Sched. F, Table.

Same

(2)  For the purposes of subsection (1), the city may levy different special local municipality levies in different municipal service areas and the different levies may vary on any basis the city considers relevant. 1999, c. 14, Sched. C, s. 15 (2).

**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

Area taxing power

**16** (1)  In this section,

“area taxing power” means a power under section 12 or 15 of this Act or under any other provision of an Act, regulation or order that authorizes the city to raise costs related to services by imposing taxes on less than all the rateable property in the city. 1999, c. 14, Sched. C, s. 16 (1).

Duty

(2)  The city shall exercise its area taxing power with respect to such services as may be prescribed and shall do so in the prescribed taxation years and in the prescribed manner. 1999, c. 14, Sched. C, s. 16 (2).

Same

(3)  A regulation authorized by subsection (2) cannot prescribe a taxation year after the 2004 taxation year. 1999, c. 14, Sched. C, s. 16 (3).

Effect on by-laws

(4)  A by-law of the city passed under an area taxing power, whether it is passed before or after a regulation authorized by subsection (2), is of no effect to the extent that it does not comply with the regulation. 1999, c. 14, Sched. C, s. 16 (4).

Borrowing limit for 2001

**16.1** For the purpose of subsection 187 (4) of the Municipal Act, the estimated revenue of the city for 2000 is the sum of the estimated revenues of the old municipalities as shown in the estimates adopted for 2000. 2000, c. 5, s. 3 (5).

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

[2000, c. 5, s. 3 (5)](http://www.ontario.ca/laws/statute/S00005" \l "s3s5) - 01/01/2001

Surplus or operating deficit for 2001

**16.2** For the purpose of subsection 367 (3) of the Municipal Act, the surplus for which allowance is to be made by the city for 2001 or the operating deficit to be provided for by the city for 2001, as the case may be, shall be determined by taking the total of the audited surpluses of the old municipalities as of December 31, 2000 and subtracting the total of the audited operating deficits of the old municipalities as of December 31, 2000. 2000, c. 5, s. 3 (5).

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

[2000, c. 5, s. 3 (5)](http://www.ontario.ca/laws/statute/S00005" \l "s3s5) - 01/01/2001

Payment of damages to employees

**16.3** (1)  If the city recovers damages from a third person in respect of an injury to an employee, all or part of the damages may be paid to the employee or, if the employee dies, to one or more of his or her dependants. 2000, c. 5, s. 3 (5).

Same

(2)  Subsection (1) also applies in respect of members of the Hamilton Police Service and persons deemed to be city employees for the purposes of the Workplace Safety and Insurance Act, 1997. 2000, c. 5, s. 3 (5); 2019, c. 1, Sched. 4, s. 8 (4).

Conditions

(3)  The city may impose conditions on the payment. 2000, c. 5, s. 3 (5).

Application

(4)  Subsection (1) applies whether the damages were recovered by a court proceeding or otherwise. 2000, c. 5, s. 3 (5).

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

[2000, c. 5, s. 3 (5)](http://www.ontario.ca/laws/statute/S00005" \l "s3s5) - 01/01/2001

[2018, c. 3, Sched. 5, s. 9 (4)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s9s4) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 1, Sched. 4, s. 8 (4)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s8s4) - 01/04/2024

Expenses of the transition board in 2001

**17** (1)  The city shall pay the expenses of the transition board for 2001, in the amounts and at the times specified by the transition board. 1999, c. 14, Sched. C, s. 17 (1).

Same

(2)  The transition board shall give the city council an estimate of its expenses and the council shall include them in the city’s operating budget for 2001. 1999, c. 14, Sched. C, s. 17 (2).

Same

(3)  The expenses of the transition board include the remuneration and expenses of its members, as authorized under section 18. 1999, c. 14, Sched. C, s. 17 (3).

Transition Board

Transition board

**18** (1)  A transition board shall be established by a regulation made under this section. 1999, c. 14, Sched. C, s. 18 (1).

Same

(2)  The transition board is a corporation without share capital and is composed of such persons as the Minister may appoint, including non-voting members. 1999, c. 14, Sched. C, s. 18 (2).

Chair

(3)  The Minister may designate a member of the board as its chair. 1999, c. 14, Sched. C, s. 18 (3).

Remuneration

(4)  The members of the board are entitled to be paid the remuneration and expenses authorized by a regulation made under this section. 1999, c. 14, Sched. C, s. 18 (4).

Function

(5)  The primary function of the transition board is to facilitate the transition from the old municipalities and their local boards to the city and its local boards,

(a) by controlling the decisions of the old municipalities and their local boards that could have significant financial consequences for the city and its local boards; and

(b) by developing business plans for the city and its local boards in order to maximize the efficiency and costs savings of this new municipal structure. 1999, c. 14, Sched. C, s. 18 (5).

Powers and duties

(6)  The transition board has such powers and duties for the purposes of this Act as may be prescribed by a regulation made under this section, in addition to the powers and duties set out in this Act. 1999, c. 14, Sched. C, s. 18 (6).

Power to delegate

(7)  The transition board may authorize one or more of its members to exercise a power or perform a duty under this Act on its behalf. 1999, c. 14, Sched. C, s. 18 (7).

Other powers

(8)  The transition board may hire staff, arrange for facilities and obtain expert services, as it considers necessary to perform its functions. 1999, c. 14, Sched. C, s. 18 (8).

Regulations

(9)  The Minister may make regulations providing for the matters referred to in this section as matters to be dealt with or prescribed by a regulation made under this section. 1999, c. 14, Sched. C, s. 18 (9).

Same

(10)  Without limiting the generality of subsection (9), a regulation respecting the powers and duties of the transition board may,

(a) set out the powers and duties of the board with respect to the Minister, the board itself, the city and its local boards and the old municipalities and their local boards;

(b) provide that the board shall be deemed to be a municipality, including a regional municipality, for the purpose of any Act, which Act would then apply to the board with the modifications specified in the regulation;

(c) authorize the board to issue guidelines with respect to the matters specified in the regulation;

(d) specify matters relating to the procedures and operations of the board. 1999, c. 14, Sched. C, s. 18 (10).

Same

(11)  A regulation under this section may be general or specific in its application. 1999, c. 14, Sched. C, s. 18 (11).

Application of guidelines

(12)  A guideline authorized under clause (10) (c) and issued by the transition board may provide that it applies with respect to actions taken before the guidelines were issued. 1999, c. 14, Sched. C, s. 18 (12).

Power re certain employment contracts

**19** (1)  In the circumstances described in this section, the transition board may, by order, amend or rescind a contract (other than a collective agreement) entered into between an old municipality and a person who is a municipal officer required by statute or who is an employee of executive rank. 1999, c. 14, Sched. C, s. 19 (1).

Same

(2)  The contract must be one of the following:

1. A contract entered into after October 8, 1999, containing a provision described in subsection (3).

2. A contract amended after October 8, 1999 to include a provision described in subsection (3). 1999, c. 14, Sched. C, s. 19 (2).

Provision

(3)  The provision must be one that establishes compensation which, in the opinion of the transition board, is unreasonably high in comparison to persons in similar situations. 1999, c. 14, Sched. C, s. 19 (3).

Definition

(4)  In this section,

“compensation” includes severance payments and payments during a period of notice of termination or payments in lieu of such notice. 1999, c. 14, Sched. C, s. 19 (4).

Power to hire certain city employees

**20** (1)  The transition board shall establish the key elements of the city’s organizational structure and hire the municipal officers required by statute and any employees of executive rank whom the transition board considers necessary to ensure the good management of the city. 1999, c. 14, Sched. C, s. 20 (1).

Same

(2)  When the transition board hires a person under subsection (1), the following rules apply:

1. The transition board has the authority to negotiate the terms of the employment contract with the person.

2. The city is bound by the employment contract.

3. The employment contract may take effect on or before January 1, 2001.

4. If the contract takes effect before January 1, 2001, the person is the employee of the transition board before January 1, 2001 and the employee of the city beginning on January 1, 2001. If the contract takes effect on January 1, 2001, the person is the employee of the city.

5. While the person is an employee of the transition board, the person shall be deemed to be an employee under the Ontario Municipal Employees Retirement System Act, and the transition board shall be deemed, in respect of the person, to be an employer under that Act.

6. On January 1, 2001, the city council shall be deemed to have taken all the steps that may be required to make the person the effective holder of his or her office. 1999, c. 14, Sched. C, s. 20 (2).

Powers re information, etc.

**21** (1)  The transition board has the following powers to obtain information, records and documents from an old municipality and a local board of an old municipality:

1. To require the old municipality or local board to submit a report to the transition board,

i. identifying the assets and liabilities of the old municipality or local board, or specified categories of those assets and liabilities, and

ii. naming the members and employees of the old municipality or local board and stating their position, terms of employment, remuneration and employment benefits.

2. To require the old municipality to submit a report to the transition board listing the entities, including local boards,

i. that were established by or for the old municipality and that exist when the report is made, or

ii. that received funding from the old municipality in 1999.

3. To require the old municipality to submit a report to the transition board,

i. listing the entities, including local boards, to which the old municipality has the power to make appointments, and

ii. for each entity, identifying the source of the power to make the appointments, naming each current appointee and stating when his or her term expires.

4. To require the old municipality or local board to give the transition board information, records or documents that are in the possession or control of the municipality or local board and are relevant to the functions of the transition board.

5. To require the old municipality or local board to create a new document or record that is relevant to the functions of the transition board by compiling existing information, and to give the document or record to the transition board.

6. To require the old municipality or local board to give the transition board a report concerning any matter the transition board specifies that is relevant to the functions of the transition board.

7. To require the old municipality or local board to update information previously given to the transition board under any of the preceding paragraphs.

8. To impose a deadline for complying with a requirement imposed under any of the preceding paragraphs. 1999, c. 14, Sched. C, s. 21 (1).

Conflict

(2)  A requirement of the transition board under subsection (1) prevails over a restriction or prohibition in the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act. 1999, c. 14, Sched. C, s. 21 (2).

Secondments

(3)  The transition board may require that an employee of an old municipality or of a local board of an old municipality be seconded to work for the transition board. 1999, c. 14, Sched. C, s. 21 (3).

Same

(4)  A person who is seconded to the transition board remains the employee of the old municipality or local board which is entitled to recover his or her salary and the cost of his or her employment benefits from the transition board. 1999, c. 14, Sched. C, s. 21 (4).

Same

(5)  A person who is seconded to the transition board is entitled to receive the same employment benefits and at least the same salary as in his or her permanent position. 1999, c. 14, Sched. C, s. 21 (5).

Duty to co-operate, etc.

**22** (1)  The members of the council of each old municipality, the employees and agents of the old municipality, and the members, employees and agents of each local board of an old municipality shall,

(a) co-operate with the members, employees and agents of the transition board, assist them in the performance of their duties and comply with their requests under this Act; and

(b) on request, allow any person described in clause (a) to examine and copy any document, record or other information in the possession or control of the old municipality or local board, as the case may be, that is relevant to the functions of the transition board. 1999, c. 14, Sched. C, s. 22 (1).

Conflict

(2)  This section applies despite any restriction or prohibition in the Freedom of Information and Protection of Privacy Actand theMunicipal Freedom of Information and Protection of Privacy Act. 1999, c. 14, Sched. C, s. 22 (2).

Duties re personal information

**23** (1)  A person who obtains information under subsection 21 (1) or section 22 that is personal information as defined in the Municipal Freedom of Information and Protection of Privacy Act shall use and disclose it only for the purposes of this Act. 1999, c. 14, Sched. C, s. 23 (1).

Same

(2)  Without limiting the generality of subsection (1), the personal information referred to in that subsection includes information relating to,

(a) a financial transaction or proposed financial transaction of an old municipality or a local board of an old municipality;

(b) anything done or proposed to be done in connection with the finances of an old municipality or a local board of an old municipality by a member of the council of the old municipality or local board or by an employee or agent of the old municipality or local board. 1999, c. 14, Sched. C, s. 23 (2).

Offence

(3)  A person who wilfully fails to comply with subsection (1) shall be deemed to contravene clause 48 (1) (a) of the Municipal Freedom of Information and Protection of Privacy Act. 1999, c. 14, Sched. C, s. 23 (3).

Conflict

(4)  Subsection (1) applies despite anything in the Freedom of Information and Protection of Privacy Actor theMunicipal Freedom of Information and Protection of Privacy Act. 1999, c. 14, Sched. C, s. 23 (4).

Protection from personal liability

**24** (1)  No proceeding for damages shall be commenced against the transition board or any of its members, employees or agents for any act done in good faith in the execution or intended execution of their powers and duties under this Act or for any alleged neglect or default in the execution in good faith of their powers and duties. 1999, c. 14, Sched. C, s. 24 (1).

Same

(2)  Subsection (1) also applies in respect of an employee or agent of an old municipality or a local board of an old municipality who acts under the direction of,

(a) the transition board or a member of it;

(b) the council of the old municipality; or

(c) the local board. 1999, c. 14, Sched. C, s. 24 (2).

Vicarious liability

(3)  Despite subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, subsections (1) and (2) do not relieve any person, other than one mentioned in those subsections, of any liability to which the person would otherwise be subject. 1999, c. 14, Sched. C, s. 24 (3); 2019, c. 7, Sched. 17, s. 47.

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

[2019, c. 7, Sched. 17, s. 47](http://www.ontario.ca/laws/statute/S19007" \l "sched17s47) - 01/07/2019

Dissolution of the transition board

**25** (1)  The transition board is dissolved on January 31, 2001 or on such later date as the Minister may, by regulation, specify. 1999, c. 14, Sched. C, s. 25 (1).

Assets and liabilities

(2)  All the assets and liabilities of the transition board immediately before it is dissolved, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the city, when the transition board is dissolved, without compensation. 1999, c. 14, Sched. C, s. 25 (2).

By-laws and resolutions

(3)  Every by-law or resolution of the transition board that is in force immediately before the transition board is dissolved shall be deemed to be a by-law or resolution of the city council when the transition board is dissolved and remains in force, in respect of the part of the municipal area to which it applied immediately before the transition board was dissolved, until it expires or is repealed or amended to provide otherwise. 1999, c. 14, Sched. C, s. 25 (3).

Effect of this section

(4)  Nothing in this section authorizes the repeal or amendment of a by-law or resolution conferring rights, privileges, franchises, immunities or exemptions if the transition board could not repeal or amend, as the case may be, the by-law or resolution. 1999, c. 14, Sched. C, s. 25 (4).

Powers and Duties of the Old Municipalities

Regulations re powers and duties

**26** (1)  The Minister may make regulations providing that an old municipality or a local board of an old municipality,

(a) shall not exercise a specified power under a particular Act;

(b) shall not exercise a specified power under a particular Act unless it is exercised in the manner specified in the regulation;

(c) shall not exercise a specified power under a particular Act without the approval of the transition board or of such other person or body as is specified in the regulation;

(d) shall not exercise a specified power under a particular Act unless it is exercised in accordance with the guidelines, if any, issued by the transition board under this Act. 1999, c. 14, Sched. C, s. 26 (1).

Same

(2)  A regulation under subsection (1) may be general or specific in its application. 1999, c. 14, Sched. C, s. 26 (2).

Same

(3)  The following rules apply with respect to regulations under subsection (1):

1. A regulation cannot prevent an old municipality or local board from doing anything that it is otherwise required by law to do.

2. A regulation cannot prevent an old municipality or local board from taking action in an emergency.

3. A regulation cannot prevent the performance of a contract entered into before the day this subsection comes into force.

4. A regulation cannot prevent an action that is approved by, or done in accordance with, guidelines of the transition board issued under this Act.

5. A regulation cannot prevent an action that is provided for by a by-law or resolution that also contains provisions to the effect that the by-law or resolution does not come into force until,

i. the approval of the transition board or other person or body specified by a regulation made under clause (1) (c) has been obtained, or

ii. guidelines authorizing the action are issued by the transition board under this Act.

6. If the transition board or another person or body is authorized to give an approval under this Act, it may approve an action in advance or retroactively and may impose conditions that apply to the approval. 1999, c. 14, Sched. C, s. 26 (3).

Expenses of the transition board in 2000

**27** (1)  The Regional Municipality of Hamilton-Wentworth shall pay the expenses of the transition board for 2000, in the amounts and at the times specified by the transition board. 1999, c. 14, Sched. C, s. 27 (1).

Same

(2)  The transition board shall give the council of the regional municipality an estimate of its expenses and the regional municipality shall include them in its operating budget for 2000. 1999, c. 14, Sched. C, s. 27 (2).

Same

(3)  The expenses of the transition board include the remuneration and expenses of its members, as authorized under section 18. 1999, c. 14, Sched. C, s. 27 (3).

Collective Bargaining before January 1, 2001

Collective bargaining, old municipalities

**28** (1)  The collective agreement, if any, that applies with respect to employees of an old municipality immediately before this subsection comes into force continues to apply with respect to those employees and with respect to employees hired to replace them until the day on which the collective agreement or the composite agreement of which it becomes a part ceases to apply under subsection 23 (8) or 24 (7), section 29 or subsection 31 (3) of the Public Sector Labour Relations Transition Act, 1997 with respect to those employees. 1999, c. 14, Sched. C, s. 28 (1).

Expired agreements

(2)  If no collective agreement is in operation immediately before subsection (1) comes into force, the most recent collective agreement, if any, shall be deemed to be in effect from that day for the purposes of this Act, and subsection (1) applies with necessary modifications. 1999, c. 14, Sched. C, s. 28 (2).

Termination of certain proceedings

(3)  On the day subsection (1) comes into force, the appointment of a conciliation officer under section 49 of the Fire Protection and Prevention Act, 1997, section 18 of the Labour Relations Act, 1995 or section 121 of the Police Services Act for the purpose of endeavouring to effect a collective agreement between an old municipality and a bargaining agent with respect to employees described in subsection (1) is terminated. 1999, c. 14, Sched. C, s. 28 (3).

No appointment

(4)  No conciliation officer shall be appointed in respect of a dispute concerning a collective agreement described in subsection (3). 1999, c. 14, Sched. C, s. 28 (4).

Duty to bargain terminated

(5)  On and after the day subsection (1) comes into force, no bargaining agent is under an obligation to bargain as a result of a notice to bargain given to it by an old municipality and no old municipality is under an obligation to bargain as a result of a notice to bargain given to it by a bargaining agent. 1999, c. 14, Sched. C, s. 28 (5).

No notice to bargain to be given

(6)  On and after the day subsection (1) comes into force, no bargaining agent shall give notice to bargain to an old municipality under section 47 of the Fire Protection and Prevention Act, 1997, section 16 or 59 of the Labour Relations Act, 1995 or section 119 of the Police Services Act. 1999, c. 14, Sched. C, s. 28 (6).

Same

(7)  On and after the day subsection (1) comes into force, no old municipality shall give notice to bargain to a bargaining agent under section 47 of the Fire Protection and Prevention Act, 1997, section 16 or 59 of the Labour Relations Act, 1995 or section 119 of the Police Services Act. 1999, c. 14, Sched. C, s. 28 (7).

Interest arbitrations terminated

(8)  On the day subsection (1) comes into force, interest arbitrations to which an old municipality is a party and in which a final decision has not been issued are terminated. 1999, c. 14, Sched. C, s. 28 (8).

Right to strike

(9)  Before January 1, 2001, no employee of an old municipality shall strike against the municipality and no old municipality shall lock out an employee. 1999, c. 14, Sched. C, s. 28 (9).

Enforcement

(10)  Sections 81 to 85 and 100 to 108 of the Labour Relations Act, 1995 apply with necessary modifications with respect to the enforcement of this section. 1999, c. 14, Sched. C, s. 28 (10).

Alterations to bargaining units

**29** (1)  Before January 1, 2001, for the purposes of section 20 of the Public Sector Labour Relations Transition Act, 1997, the transition board may make an agreement with bargaining agents who represent employees of an old municipality to change or not to change the number and description of the bargaining units in respect of which the agents have bargaining rights, and the agreement is binding upon the city as if it had been made by the city. 1999, c. 14, Sched. C, s. 29 (1).

Agreement re change in bargaining units

(2)  The agreement does not come into effect until the later of,

(a) the day on which the conditions described in subsections 20 (7) and (8) of the Public Sector Labour Relations Transition Act, 1997 are satisfied; and

(b) January 1, 2001. 1999, c. 14, Sched. C, s. 29 (2).

Restrictions

(3)  If an agreement is made, during the period beginning 10 days after it is executed and ending when it comes into effect, no application may be made for certification of a bargaining agent to represent employees of an old municipality who are not members of a bargaining unit when the agreement is executed. 1999, c. 14, Sched. C, s. 29 (3).

Same

(4)  During the period beginning when subsection (1) comes into force and ending on December 31, 2000, no application may be made for certification of a bargaining agent to represent employees who are already represented by a bargaining agent and no application may be made for a declaration that a bargaining agent that represents such employees no longer represents them. 1999, c. 14, Sched. C, s. 29 (4).

Same

(5)  On and after January 1, 2001, the right to make an application described in subsection (4) is (subject to the Public Sector Labour Relations Transition Act, 1997) determined under the Act that otherwise governs collective bargaining in respect of the employees. 1999, c. 14, Sched. C, s. 29 (5).

Deeming

(6)  For the purposes of clause (2) (a) of this section and of subsection 20 (7) of the Public Sector Labour Relations Transition Act, 1997, the transition board shall be deemed to be the employer. 1999, c. 14, Sched. C, s. 29 (6).

Agreement re change of bargaining agents

(7)  If an agreement described in subsection (1) is made, any agreement made by the bargaining agents concerned under section 21 of the Public Sector Labour Relations Transition Act, 1997 does not come into effect until the later of,

(a) the day on which the conditions described in subsection 21 (2) of that Act are satisfied; and

(b) January 1, 2001. 1999, c. 14, Sched. C, s. 29 (7).

Notice of agreement

(8)  A copy of the agreement under section 21 of the Public Sector Labour Relations Transition Act, 1997 may be given either to the transition board before January 1, 2001 or to the city after December 31, 2000, for the purposes of clause (7) (a) of this section and of subsection 21 (2) of that Act. 1999, c. 14, Sched. C, s. 29 (8).

Determination re bargaining agent

(9)  For the purposes of subsection 21 (4) of the Public Sector Labour Relations Transition Act, 1997, the transition board or a bargaining agent may make a request to the Ontario Labour Relations Board before January 1, 2001. 1999, c. 14, Sched. C, s. 29 (9).

Appropriate bargaining units

**30** (1)  Before January 1, 2001, for the purposes of section 22 of the Public Sector Labour Relations Transition Act, 1997, the transition board may apply to the Ontario Labour Relations Board for an order determining the number and description of the bargaining units that, in the Board’s opinion, are likely to be appropriate for the city’s operations. 1999, c. 14, Sched. C, s. 30 (1).

Order

(2)  An order by the Ontario Labour Relations Board under section 22 of the Public Sector Labour Relations Transition Act, 1997 is binding upon the city as if the application had been made by the city, and is binding even if the order is not made until after December 31, 2000. 1999, c. 14, Sched. C, s. 30 (2).

Same

(3)  An order made under section 22 of the Public Sector Labour Relations Transition Act, 1997 on an application under subsection (1) cannot take effect before January 1, 2001. 1999, c. 14, Sched. C, s. 30 (3).

Restrictions

(4)  If the transition board applies under subsection (1) for an order under section 22 of the Public Sector Labour Relations Transition Act, 1997, during the period beginning 10 days after the application is made and ending when an order comes into effect, no application may be made for certification of a bargaining agent to represent employees of an old municipality who are not members of a bargaining unit when the application is made. 1999, c. 14, Sched. C, s. 30 (4).

Same

(5)  During the period beginning when subsection (1) comes into force and ending on December 31, 2000, no application may be made for certification of a bargaining agent to represent employees who are already represented by a bargaining agent and no application may be made for a declaration that a bargaining agent that represents such employees no longer represents them. 1999, c. 14, Sched. C, s. 30 (5).

Same

(6)  On and after January 1, 2001, the right to make an application described in subsection (5) is (subject to the Public Sector Labour Relations Transition Act, 1997) determined under the Act that otherwise governs collective bargaining in respect of the employees. 1999, c. 14, Sched. C, s. 30 (6).

Administration and enforcement

**31** (1)  Sections 37 (Ontario Labour Relations Board) and 38 (Arbitration Act, 1991) of the Public Sector Labour Relations Transition Act, 1997 apply, with necessary modifications, with respect to proceedings before the Ontario Labour Relations Board concerning requests under subsection 29 (9) and applications under subsection 30 (1). 1999, c. 14, Sched. C, s. 31 (1).

Rules to expedite proceedings

(2)  Rules made by the Ontario Labour Relations Board under subsection 37 (4) of the Public Sector Labour Relations Transition Act, 1997 apply, with necessary modifications, with respect to proceedings referred to in subsection (1). 1999, c. 14, Sched. C, s. 31 (2).

Same

(3)  Subsections 37 (5) and (6) of the Public Sector Labour Relations Transition Act, 1997 apply, with necessary modifications, with respect to the rules described in subsection (2). 1999, c. 14, Sched. C, s. 31 (3).

Collective bargaining, old local boards

**32** Sections 28 to 31 apply, with necessary modifications, with respect to local boards of the old municipalities. 1999, c. 14, Sched. C, s. 32.

Interpretation

**32.1** Nothing in sections 28 to 32 prevents a collective agreement between the city and a bargaining agent that is made after the city or the bargaining agent gave notice to bargain under the Public Sector Labour Relations Transition Act, 1997, the Labour Relations Act, 1995, the Fire Protection and Prevention Act, 1997 or the Police Services Actfrom providing for an increase in compensation in respect of all or part of the period beginning December 24, 1999 and ending on the day before the effective date of that collective agreement. 2000, c. 5, s. 3 (6).

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

[2000, c. 5, s. 3 (6)](http://www.ontario.ca/laws/statute/S00005" \l "s3s6) - 08/06/2000

Regular Election in 2000

Terms extended

**33** (1)  The following persons, if in office on November 30, 2000, shall continue in office until the first council of the city is organized:

1. The members of the councils of the old municipalities.

2. The members of the local boards of the old municipalities. 1999, c. 14, Sched. C, s. 33 (1).

Same

(2)  Subsection (1) applies to elected and unelected persons, and applies despite section 6 of the Municipal Elections Act, 1996. 1999, c. 14, Sched. C, s. 33 (2).

Limitation

(3)  Despite subsection (1), after December 31, 2000 the powers of persons continued in office are limited to the powers described in subsections 5 (5) and 7 (4). 2000, c. 5, s. 3 (7).

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

[2000, c. 5, s. 3 (7)](http://www.ontario.ca/laws/statute/S00005" \l "s3s7) - 08/06/2000

Rules for the regular election

**34** The following rules apply to the regular election in 2000 in the municipal area:

1. The election shall be conducted as if sections 2, 3, 4, 5 and 8 were already in force.

2. The transition board shall designate a person to conduct the regular election in 2000 under the Municipal Elections Act, 1996.

3. The clerks of the old municipalities and the clerk of the city, if appointed, shall assist the person designated under paragraph 2 and act under his or her direction.

4. The transition board acts as council for the purpose of making the decisions that council is required to make under the Municipal Elections Act, 1996 for the regular election. The city council shall make those decisions once the council is organized.

5. The costs of the election that are payable in 2000 shall be included in the operating budget of The Regional Municipality of Hamilton-Wentworth for 2000. The regional municipality shall pay those costs as directed by the person designated under paragraph 2. The costs of the election that are payable in 2001 shall be paid by the city.

6. Each area municipality under the Regional Municipality of Hamilton-Wentworth Act shall include in its operating budget for 2000 an amount equal to the amount it would have budgeted for the costs of the regular election in 2000 if this Act had not been passed, and shall pay that amount to The Regional Municipality of Hamilton-Wentworth on or before July 1, 2000.

7. The amount referred to in paragraph 6 shall be paid, first, from any reserve or reserve fund previously established by the area municipality for the costs of the regular election in 2000. 1999, c. 14, Sched. C, s. 34.

General

Enforcement

**35** (1)  The Minister may apply to the Superior Court of Justice for an order requiring a person or body to comply with any provision of this Act or a regulation made under this Act or with a decision or requirement of the transition board made under this Act. 1999, c. 14, Sched. C, s. 35 (1).

Same

(2)  Subsection (1) is additional to, and does not replace, any other available means of enforcement. 1999, c. 14, Sched. C, s. 35 (2).

Regulations

**36** (1)  Repealed. See: Table of Public Statute Provisions Repealed Under Section 10.1 of the Legislation Act, 2006 – December 31, 2011.

Same, Minister

(2)  The Minister may make regulations,

(a) prescribing anything that is required or permitted by this Act to be done or prescribed by a regulation under this Act;

(b) defining any word or expression used in this Act that is not expressly defined in this Act;

(c) providing for any transitional matter that, in the opinion of the Minister, is necessary or desirable for the effective implementation of this Act;

(d) establishing wards for the purposes of section 3. 1999, c. 14, Sched. C, s. 36 (2).

Examples

(3)  A regulation under clause (2) (c) may provide, for example,

(a) that the city may undertake long-term borrowing to pay for operational expenditures on transitional costs, as defined in the regulation, subject to such conditions and restrictions as may be prescribed;

(b) that, for the purposes of section 8 of the Municipal Elections Act, 1996, the Minister may require a question to be submitted to the electors of all or any part of the municipal area set out in the regulation. 1999, c. 14, Sched. C, s. 36 (3).

General or specific

(4)  A regulation may be general or specific in its application. 1999, c. 14, Sched. C, s. 36 (4).

Retroactive

(5)  A regulation may be made retroactive to a date not earlier than January 1, 2001. 1999, c. 14, Sched. C, s. 36 (5).

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

[2000, c. 5, s. 3 (8)](http://www.ontario.ca/laws/statute/S00005" \l "s3s8) - 08/06/2000

[Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2011

Conflicts

**37** (1)  This Act 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 Act and another Act or a regulation made under another Act, this Act prevails. 1999, c. 14, Sched. C, s. 37 (1).

Same

(2)  In the event of a conflict between a regulation made under this Act and a provision of this Act or of another Act or a regulation made under another Act, the regulation made under this Act prevails. 1999, c. 14, Sched. C, s. 37 (2).

**38** Omitted (provides for coming into force of provisions of this Act). 1999, c. 14, Sched. C, s. 38.

**39** Omitted (enacts short title of this Act). 1999, c. 14, Sched. C, s. 39.

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[Français](http://www.ontario.ca/fr/lois/loi/99c14c)

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