[Français](http://www.ontario.ca/fr/lois/loi/99t14b)

Town of Haldimand Act, 1999

S.O. 1999, CHAPTER 14  
Schedule B

**Consolidation Period:** From November 29, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2021, c. 4, Sched. 6, s. 94](http://www.ontario.ca/laws/statute/S21004" \l "sched6s94).

Legislative History: [2000, c. 5, s. 2](http://www.ontario.ca/laws/statute/S00005" \l "s2s1); [2001, c. 13, s. 33](http://www.ontario.ca/laws/statute/S01013" \l "s33); [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2); [2006, c. 32, Sched. D, s. 16](http://www.ontario.ca/laws/statute/S06032" \l "schedds16); [2008, c. 14, s. 61](http://www.ontario.ca/laws/statute/S08014" \l "s61); [2009, c. 33, Sched. 2, s. 75](http://www.ontario.ca/laws/statute/S09033" \l "sched2s75); [2009, c. 33, Sched. 8, s. 18](http://www.ontario.ca/laws/statute/S09033" \l "sched8s18); See: [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006); [2017, c. 20, Sched. 8, s. 137](http://www.ontario.ca/laws/statute/S17020" \l "sched8s137); [2018, c. 3, Sched. 5, s. 62](http://www.ontario.ca/laws/statute/S18003" \l "sched5s62s1) (see: [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5)); [2019, c. 1, Sched. 4, s. 60](http://www.ontario.ca/laws/statute/S19001" \l "sched4s60s1); [2019, c. 7, Sched. 17, s. 165](http://www.ontario.ca/laws/statute/S19007" \l "sched17s165); [2019, c. 15, Sched. 22, s. 104](http://www.ontario.ca/laws/statute/S19015" \l "sched22s104s1); [2021, c. 4, Sched. 6, s. 94](http://www.ontario.ca/laws/statute/S21004" \l "sched6s94).

CONTENTS

|  |  |
| --- | --- |
| [Interpretation](#BK0) | |
| [1.](#BK1) | Interpretation |
| [The Town](#BK2) | |
| [2.](#BK3) | Incorporation |
| [3.](#BK4) | Wards |
| [4.](#BK5) | Town council |
| [5.](#BK6) | Dissolution of old municipalities |
| [6.](#BK7) | Dissolution of divided municipalities |
| [Local Boards](#BK8) | |
| [7.](#BK9) | Police services board |
| [8.](#BK10) | Public library board |
| [9.](#BK11) | Public utility commissions |
| [10.](#BK12) | Other local boards |
| [11.](#BK13) | Employees of old local boards |
| [Powers of the Town](#BK14) | |
| [12.](#BK15) | Powers re board of health |
| [13.](#BK16) | Management of landfill site |
| [13.2](#BK17) | Powers re: supported group living residences |
| [13.3](#BK18) | Powers re parks, etc. |
| [13.4](#BK19) | Land owned by conservation authorities |
| [13.5](#BK20) | Sale of liquor in parks |
| [13.6](#BK21) | Waste management |
| [13.7](#BK22) | Fluoridation of water |
| [13.8](#BK23) | Other powers |
| [Financial Matters](#BK24) | |
| [14.](#BK25) | Allocation of certain shared costs |
| [15.](#BK26) | By-law re special services |
| [16.](#BK27) | Adjustments, general local municipality levy |
| [17.](#BK28) | Fees or charges re: sewage |
| [18.](#BK29) | Levies for various services |
| [19.](#BK30) | Area taxing power |
| [19.1](#BK31) | Borrowing limit for 2001 |
| [19.2](#BK32) | Surplus or operating deficit for 2001 |
| [19.3](#BK33) | Payment of damages to employees |
| [20.](#BK34) | Expenses of the transition board in 2001 |
| [Transition Board](#BK35) | |
| [21.](#BK36) | Transition board |
| [22.](#BK37) | Panels of the transition board |
| [23.](#BK38) | Power re board of health |
| [24.](#BK39) | Recommended designation re day nurseries |
| [25.](#BK40) | Power re employees of divided municipalities, etc. |
| [26.](#BK41) | Power re certain employment contracts |
| [27.](#BK42) | Power to hire certain town employees |
| [28.](#BK43) | Powers re information, etc. |
| [29.](#BK44) | Duty to co-operate, etc. |
| [30.](#BK45) | Duties re personal information |
| [31.](#BK46) | Protection from personal liability |
| [32.](#BK47) | Dissolution of the transition board |
| [Allocation Committees](#BK48) | |
| [33.](#BK49) | Allocation committees |
| [34.](#BK50) | The allocation process |
| [Powers and Duties of Old Municipalities and Divided Municipalities](#BK51) | |
| [35.](#BK52) | Regulations re powers and duties |
| [36.](#BK53) | Expenses of the transition board in 2000 |
| [Collective Bargaining before January 1, 2001](#BK54) | |
| [37.](#BK55) | Collective bargaining, old municipalities |
| [38.](#BK56) | Alterations to bargaining units |
| [39.](#BK57) | Appropriate bargaining units |
| [40.](#BK58) | Administration and enforcement |
| [41.](#BK59) | Collective bargaining, divided municipalities |
| [42.](#BK60) | Collective bargaining, old local boards |
| [42.1](#BK61) | Interpretation |
| [The Regular Election in 2000](#BK62) | |
| [43.](#BK63) | Terms extended |
| [44.](#BK64) | Rules for the regular election |
| [General](#BK65) | |
| [45.](#BK66) | Enforcement |
| [46.](#BK67) | Regulations |
| [47.](#BK68) | Conflicts |
| [Schedule A](#BK69) | The municipal area |

Interpretation

Interpretation

**1** (1)  In this Act,

“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”)

“divided municipality” means either The Regional Municipality of Haldimand-Norfolk or the City of Nanticoke as they exist on December 31, 2000; (“municipalité démembrée”)

“local board” means a public utility commission, municipal service board, transportation commission, public library board, board of park management, board of health, police services 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 town, but does not include,

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in subsection 1 (1) of the Act is amended by striking out “police services board” in the portion before clause (a) and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 60 (1))

(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 town or all of that portion of a divided municipality that forms part of the town;(“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 old municipalities on December 31, 2000 and the area that comprises the geographic area of jurisdiction described in Schedule A to this Act of the City of Nanticoke as it exists on December 31, 2000, with such adjustments as may be prescribed under subsection (2); (“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 either the Town of Haldimand or the Town of Dunnville, as they exist on December 31, 2000; (“ancienne municipalité”)

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

“town” means the Town of Haldimand incorporated by this Act; (“ville”)

“transition board” means the transition board referred to in subsection 21 (1). (“conseil de transition”) 1999, c. 14, Sched. B, s. 1 (1); 2002, c. 17, Sched. F, Table.

Adjustments to the municipal area

(2)  On or before June 30, 2000, the Minister may, by regulation, make adjustments to the geographic area described in Schedule A that constitutes part of the municipal area. 1999, c. 14, Sched. B, s. 1 (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

[2018, c. 3, Sched. 5, s. 62 (1)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s62s1) - 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. 60 (1)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s60s1) - not in force

The Town

Incorporation

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

Status

(2)  The body corporate has the status of a city and a local municipality for all purposes. 1999, c. 14, Sched. B, 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 six wards as established by regulation. 1999, c. 14, Sched. B, s. 3.

Town council

**4** (1)  The town council is composed of the mayor, elected by general vote, and six other members, elected in accordance with subsection (2). 1999, c. 14, Sched. B, s. 4 (1).

Same

(2)  One member of the council shall be elected for each ward. 1999, c. 14, Sched. B, 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. B, s. 4 (3).

Dissolution of old municipalities

**5** (1)  The old municipalities are dissolved on January 1, 2001. 1999, c. 14, Sched. B, s. 5 (1).

Rights and duties

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

Same

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

(a) the town has every power and duty of an old municipality or a divided 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 town on January 1, 2001, without compensation. 1999, c. 14, Sched. B, s. 5 (3).

Exception, emergency powers

(4)  Until the town 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. B, s. 5 (4).

By-laws and resolutions

(5)  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 town 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. B, s. 5 (5).

Official plans

(6)  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 town 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. B, s. 5 (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 old municipality could not repeal or amend, as the case may be, the by-law or resolution. 1999, c. 14, Sched. B, s. 5 (7).

Employees of old municipalities

(8)  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 town or of one of its local boards on January 1, 2001. 1999, c. 14, Sched. B, s. 5 (8).

Same

(9)  A person’s employment with an old municipality shall be deemed not to have been terminated for any purpose by anything in subsection (8). 1999, c. 14, Sched. B, s. 5 (9).

Dissolution of divided municipalities

**6** (1)  The Regional Municipality of Haldimand-Norfolk and the City of Nanticoke are dissolved on January 1, 2001. 1999, c. 14, Sched. B, s. 6 (1).

Rights and duties

(2)  On January 1, 2001, the town stands in the place of the divided municipalities with respect to matters that are within the town’s jurisdiction. 1999, c. 14, Sched. B, s. 6 (2).

Same

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

(a) the town has every power and duty of a divided 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 divided municipalities on December 31, 2000 that are allocated to the town under section 34, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the town on January 1, 2001, without compensation. 1999, c. 14, Sched. B, s. 6 (3).

Exception, re debentures

(4)  The town and the Town of Norfolk jointly stand in the place of The Regional Municipality of Haldimand-Norfolk with respect to debentures issued by the regional municipality on which the principal remains unpaid on December 31, 2000. 1999, c. 14, Sched. B, s. 6 (4).

Same

(5)  The town and the Town of Norfolk are jointly and severally liable to make payments required under the debentures, including the payment of any related debt charges that are payable on or after January 1, 2001. 1999, c. 14, Sched. B, s. 6 (5).

Exception, landfill site

(6)  On January 1, 2001, the town and the Town of Norfolk become joint owners, without compensation, of the landfill site known as the Tom Howe landfill site that is owned by The Regional Municipality of Haldimand-Norfolk on December 31, 2000. 1999, c. 14, Sched. B, s. 6 (6).

Exception, emergency powers

(7)  Until the town council elected in the 2000 regular election is organized, each divided municipality continues to have the powers it possesses on December 31, 2000, for the purpose of dealing with emergencies in the municipal area. 1999, c. 14, Sched. B, s. 6 (7).

By-laws and resolutions

(8)  Every by-law or resolution of a divided municipality that is in force on December 31, 2000 in respect of a part of the municipal area shall be deemed to be a by-law or resolution of the town 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. B, s. 6 (8).

Official plans

(9)  Every official plan of a divided municipality that is in force on December 31, 2000 in respect of a part of the municipal area shall be deemed to be an official plan of the town 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. B, s. 6 (9).

Effect of this section

(10)  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. B, s. 6 (10).

Employees of divided municipalities

(11)  A person who is an employee of a divided municipality on December 31, 2000 and who would, but for this Act, still be an employee of the divided municipality on January 1, 2001 is entitled to be an employee of the town, the Town of Norfolk or a local board of one of them on January 1, 2001. 1999, c. 14, Sched. B, s. 6 (11).

Same

(12)  A person’s employment with a divided municipality shall be deemed not to have been terminated for any purpose by anything in subsection (11). 1999, c. 14, Sched. B, s. 6 (12).

Local Boards

Police services board

**7** (1)  On January 1, 2001, the Regional Municipality of Haldimand-Norfolk Police Services Board is continued under the name “Haldimand and Norfolk Police Services Board” in English and “Commission des services policiers de Haldimand et Norfolk” in French. 1999, c. 14, Sched. B, s. 7 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 7 (1) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 60 (2))

Police service board

(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 Haldimand and Norfolk Police Services Board is continued under the name “Haldimand and Norfolk Police Service Board” in English and “Commission de service de police de Haldimand et Norfolk” in French. 2019, c. 1, Sched. 4, s. 60 (2).

Same

(2)  The Haldimand and Norfolk Police Services Board is the police services board of the town and the Town of Norfolk. 1999, c. 14, Sched. B, s. 7 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 7 (2) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 60 (2))

Same

(2)  The Haldimand and Norfolk Police Service Board is the police service board of the town and the Town of Norfolk. 2019, c. 1, Sched. 4, s. 60 (2).

Joint board

(3)  The Haldimand and Norfolk Police Services Board shall be deemed to be a joint board established under subsection 33 (1) of the *Police Services Act* by the agreement described in subsection (4). 1999, c. 14, Sched. B, s. 7 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 7 (3) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 60 (2))

Jointly constituted board

(3)  The Haldimand and Norfolk Police Service Board is deemed to be a jointly constituted board established under section 24 of the Community Safety and Policing Act, 2019. 2019, c. 1, Sched. 4, s. 60 (2).

Same

(4)  The agreement dated July 22, 1998 between The Regional Municipality of Haldimand-Norfolk and the Solicitor General for the provision of police services in the regional municipality is continued as an agreement between the Town of Haldimand and the Town of Norfolk, as parties in lieu of the regional municipality, and the Solicitor General. Subsections 10 (2) and 33 (2) of the *Police Services Act* shall be deemed to have been complied with in connection with the agreement. 1999, c. 14, Sched. B, s. 7 (4).

Board members

(5)  Despite subsection 33 (5) of the *Police Services Act*, a member of the Regional Municipality of Haldimand-Norfolk Police Services Board on December 31, 2000 continues as a member of the Haldimand and Norfolk Police Services Board until the appointment of his or her successor, and he or she is eligible for reappointment. 1999, c. 14, Sched. B, s. 7 (5).

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

[2018, c. 3, Sched. 5, s. 62 (2)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s62s2) - 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. 60 (2)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s60s2) - not in force

Public library board

**8** (1)  On January 1, 2001, a library board for the town is established under the name “Haldimand Public Library Board” in English and “Conseil des bibliothèques publiques de Haldimand” in French. 1999, c. 14, Sched. B, s. 8 (1).

Status

(2)  The Haldimand Public Library Board shall be deemed to be a public library board established under the *Public Libraries Act*. 1999, c. 14, Sched. B, s. 8 (2).

Dissolution of old boards

(3)  The public library boards of the old municipalities and of the City of Nanticoke are dissolved on January 1, 2001. 1999, c. 14, Sched. B, s. 8 (3).

Exception, emergency powers

(4)  Until the members of the Haldimand Public Library Board first take office after December 31, 2000, each public library board of an old municipality or the City of Nanticoke continues to have the powers it possesses on December 31, 2000, for the purpose of dealing with emergencies in the municipal area. 1999, c. 14, Sched. B, s. 8 (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 Haldimand Public Library Board on January 1, 2001, without compensation. 1999, c. 14, Sched. B, s. 8 (5).

Same, divided municipality

(6)  All the assets and liabilities of the public library board of the City of Nanticoke on December 31, 2000 that are allocated to the town under section 34, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the Haldimand Public Library Board on January 1, 2001, without compensation. 1999, c. 14, Sched. B, s. 8 (6).

By-laws and resolutions

(7)  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 Haldimand 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. B, s. 8 (7).

Same, divided municipality

(8)  Every by-law or resolution of a public library board of the City of Nanticoke that is in force on December 31, 2000 in respect of a part of the municipal area shall be deemed to be a by-law or resolution of the Haldimand 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. B, s. 8 (8).

Same

(9)  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 or a divided municipality could not repeal or amend, as the case may be, the by-law or resolution. 1999, c. 14, Sched. B, s. 8 (9).

Public utility commissions

**9** (1)  The public utility commissions of the old municipalities and of the City of Nanticoke are dissolved on January 1, 2001. 1999, c. 14, Sched. B, s. 9 (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 town on January 1, 2001, without compensation. 1999, c. 14, Sched. B, s. 9 (2).

Same, divided municipality

(3)  All the assets and liabilities of the public utility commission of the City of Nanticoke on December 31, 2000 that are allocated to the town under section 34, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the town on January 1, 2001, without compensation. 1999, c. 14, Sched. B, s. 9 (3).

Other local boards

**10** (1)  This section does not apply with respect to police services boards, boards of health, public library boards and public utility commissions. 1999, c. 14, Sched. B, s. 10 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 10 (1) of the Act is amended by striking out “police services boards” and substituting “police service boards”. (See: 2019, c. 1, Sched. 4, s. 60 (3))

Local boards continued

(2)  The local boards of the old municipalities on December 31, 2000 are continued as local boards of the town on January 1, 2001. 1999, c. 14, Sched. B, s. 10 (2).

Same, divided municipalities

(3)  Each of the local boards of the divided municipalities on December 31, 2000 is continued as two separate local boards of the town and of the Town of Norfolk, respectively, on January 1, 2001. 1999, c. 14, Sched. B, s. 10 (3).

Same

(4)  Each of the two separate local boards established by subsection (3) stands in the place of the local board of the divided municipality with respect to the matters that are within the jurisdiction of the separate local board. 1999, c. 14, Sched. B, s. 10 (4).

Merging

(5)  The town may merge two or more local boards continued by subsection (2) or (3) into a new local board. 1999, c. 14, Sched. B, s. 10 (5).

Effect on by-laws, etc.

(6)  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. B, s. 10 (6).

Same

(7)  Subsection (6) applies, with necessary modifications, with respect to by-laws and resolutions of the town that relate to a predecessor board. 1999, c. 14, Sched. B, s. 10 (7).

Assets and liabilities

(8)  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. B, s. 10 (8).

Effect of this section

(9)  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. B, s. 10 (9).

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

[2018, c. 3, Sched. 5, s. 62 (3)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s62s3) - 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. 60 (3)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s60s3) - not in force

Employees of old local boards

**11** (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 town or of one of its local boards on January 1, 2001. 1999, c. 14, Sched. B, s. 11 (1).

Same

(2)  A person who is an employee of a local board of a divided 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 town, the Town of Norfolk or of a local board of one of them on January 1, 2001. 1999, c. 14, Sched. B, s. 11 (2).

Same

(3)  A person’s employment with a local board of an old municipality or a divided municipality shall be deemed not to have been terminated for any purpose by anything in subsection (1) or (2). 1999, c. 14, Sched. B, s. 11 (3).

Powers of the Town

Powers re board of health

**12** (1)  The town is the board of health for the Haldimand-Norfolk Health Unit, if the transition board designates it as the board of health on or before the prescribed date. 1999, c. 14, Sched. B, s. 12 (1).

Same

(2)  If the transition board does not designate a board of health for the Haldimand-Norfolk Health Unit on or before the prescribed date under subsection (1), the town is the board of health for the unit if the Minister of Health and Long-Term Care designates it as such by a regulation made under this subsection. 1999, c. 14, Sched. B, s. 12 (2).

Same

(3)  If the town is designated as the board of health for the Haldimand-Norfolk Health Unit, the town has the powers, rights and duties of a board of health under the *Health Protection and Promotion Act*. 1999, c. 14, Sched. B, s. 12 (3).

Management of landfill site

**13** Jointly with the Town of Norfolk, the town shall operate and maintain the Tom Howe landfill site referred to in subsection 6 (6), unless they agree otherwise. 1999, c. 14, Sched. B, s. 13.

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

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

[2000, c. 5, s. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 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

**13.2**  (1)  The town 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. 18.

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. 33; 2017, c. 20, Sched. 8, s. 137.

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

[2000, c. 5, s. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 01/01/2001

[2001, c. 13, s. 33](http://www.ontario.ca/laws/statute/S01013" \l "s33) - 30/11/2001

[2008, c. 14, s. 61](http://www.ontario.ca/laws/statute/S08014" \l "s61) - 01/01/2011

[2009, c. 33, Sched. 8, s. 18](http://www.ontario.ca/laws/statute/S09033" \l "sched8s18) - 01/01/2011

[2017, c. 20, Sched. 8, s. 137](http://www.ontario.ca/laws/statute/S17020" \l "sched8s137) - 19/10/2021

Powers re parks, etc.

**13.3**  (1)  The town 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. 2 (1).

Exercise of powers

(2)  For the purposes described in subsection (1), the town 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. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 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

**13.4**  (1)  This section applies to land that is vested in a conservation authority and that is managed and controlled by the town under an agreement between the town and the conservation authority. 2000, c. 5, s. 2 (1).

Parks, etc.

(2)  The town 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 the Municipal Act, 2001. 2000, c. 5, s. 2 (1); 2002, c. 17, Sched. F, Table.

Roads and traffic

(3)  The town 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. 2 (1); 2006, c. 32, Sched. D, s. 16.

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

[2000, c. 5, s. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 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. 16](http://www.ontario.ca/laws/statute/S06032" \l "schedds16) - 01/01/2007

Sale of liquor in parks

**13.5** (1)  The town may authorize a person to sell liquor, as defined in the Liquor Licence and Control Act, 2019, in parks in the municipal area that belonged to The Regional Municipality of Haldimand-Norfolk on December 31, 2000 and may impose such conditions as it considers appropriate. 2000, c. 5, s. 2 (1); 2019, c. 15, Sched. 22, s. 104 (1).

Restriction

(2)  The power of the town is subject to the Liquor Licence and Control Act, 2019. 2000, c. 5, s. 2 (1); 2019, c. 15, Sched. 22, s. 104 (2).

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

[2000, c. 5, s. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 01/01/2001

[2019, c. 15, Sched. 22, s. 104 (1, 2)](http://www.ontario.ca/laws/statute/S19015" \l "sched22s104s1) - 29/11/2021

Waste management

**13.6**  (1)  No person (including a municipality or a 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 Haldimand-Norfolk under section 150 of the *Regional Municipalities Act* as of December 31, 2000 without the consent of the town, which may be granted upon such conditions, including the payment of compensation, as may be agreed upon. 2000, c. 5, s. 2 (1); 2002, c. 17, Sched. F, Table.

Exception

(2)  Despite subsection (1), the consent of the town 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. 2 (1).

Same

(3)  Despite subsection (1), the consent of the town 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. 2 (1).

Appeal

(4)  If consent is refused under subsection (1) or the applicant and the town fail to agree on the conditions relating to the consent, the applicant may appeal to the Ontario Land Tribunal. 2000, c. 5, s. 2 (1); 2021, c. 4, Sched. 6, s. 94.

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. 2 (1); 2021, c. 4, Sched. 6, s. 94.

Same

(6)  The decision of the Ontario Land Tribunal is final. 2000, c. 5, s. 2 (1); 2021, c. 4, Sched. 6, s. 94.

(7)  Repealed: 2009, c. 33, Sched. 2, s. 75.

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

[2000, c. 5, s. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 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. 75](http://www.ontario.ca/laws/statute/S09033" \l "sched2s75) - 15/12/2009

[2021, c. 4, Sched. 6, s. 94](http://www.ontario.ca/laws/statute/S21004" \l "sched6s94) - 01/06/2021

Fluoridation of water

**13.7** (1)  On and after January 1, 2001, the town may continue to fluoridate the water supply of those areas of the town to which fluoridated water was being supplied on December 31, 2000. 2000, c. 5, s. 2 (1).

Agreements

(2)  The town 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. 2 (1); 2002, c. 17, Sched. F, Table.

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

[2000, c. 5, s. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 01/01/2001

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

Other powers

**13.8** The Lieutenant Governor in Council may, by regulation, authorize the town 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. 2 (1).

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

[2000, c. 5, s. 2 (1)](http://www.ontario.ca/laws/statute/S00005" \l "s2s1) - 01/01/2001

Financial Matters

Allocation of certain shared costs

**14** (1)  The following costs shall be allocated in the prescribed manner between the town and the Town of Norfolk:

1. The costs of operating and maintaining the Tom Howe landfill site referred to in subsection 6 (6).

2. The costs of the Haldimand and Norfolk Police Services Board payable under the agreement referred to in subsection 7 (4). 1999, c. 14, Sched. B, s. 14 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 14 (1) of the Act is amended by striking out “Haldimand and Norfolk Police Services Board” and substituting “Haldimand and Norfolk Police Service Board”. (See: 2019, c. 1, Sched. 4, s. 60 (4))

Payment

(2)  The town shall pay the costs described in subsection (1) that are allocated to it. 1999, c. 14, Sched. B, s. 14 (2).

Determination of amounts

(3)  The amount of the costs or expenses to be allocated between the town and the Town of Norfolk under the following statutes shall be determined in the prescribed manner instead of the manner required by the applicable statute:

1. If a designated area under the *Ambulance Act* consists, in whole or in part, of the town and the Town of Norfolk, or of a portion of them, the costs that would otherwise be apportioned under that Act to the town and the Town of Norfolk in respect of the designated area.

2. The costs incurred by the town or the Town of Norfolk as the delivery agent under the *Day Nurseries Act* for the geographic area of the town and the Town of Norfolk.

3. The expenses mentioned in subsection 72 (1) of the *Health Protection and Promotion Act* that are incurred in respect of the Haldimand-Norfolk Health Unit.

4. The costs incurred by the town or the Town of Norfolk as the delivery agent under the *Ontario Works Act, 1997* for the geographic area of the town and the Town of Norfolk.

5. The costs that would otherwise be allocated to the town and the Town of Norfolk under subsection 4 (7) of the *Social Housing Funding Act, 1997*. 1999, c. 14, Sched. B, s. 14 (3).

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

[2018, c. 3, Sched. 5, s. 62 (4)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s62s4) - 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. 60 (4)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s60s4) - not in force

By-law re special services

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

1. Identify a special service.

2. Determine the amount of the town’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 town 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 town.

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. B, s. 15 (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 town by or on behalf of an old municipality or divided municipality or a local board of an old municipality or divided municipality; and

(b) that continued to be provided in the merged area by or on behalf of the town or a local board of the town at any time during 2001. 1999, c. 14, Sched. B, s. 15 (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 town’s budget for the year (as adopted under section 290 of the *Municipal Act, 2001*); or

(b) the town has established a reserve fund to finance those expenditures over a period of years. 1999, c. 14, Sched. B, s. 15 (3); 2002, c. 17, Sched. F, Table.

Same

(4)  The town 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 town passed a by-law with respect to the special service in 2002.

2. The town passed a by-law with respect to the special service for every year after 2002 and before the applicable year. 1999, c. 14, Sched. B, s. 15 (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. B, s. 15 (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. B, s. 15 (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. B, s. 15 (7).

Special levy

(8)  For each year in which a by-law under subsection (1) is in force, the town shall levy a special local municipality levy under section 312 of the *Municipal Act, 2001* on 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. B, s. 15 (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. B, s. 15 (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

**16** (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. B, s. 16 (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,

(a) in the case of a merged area comprised of an old municipality, the assets or liabilities on December 31, 2000 of the municipality and its local boards; and

(b) in the case of a merged area comprised of part of a divided municipality, the assets or liabilities on December 31, 2000 of the municipality and its local boards that are allocated to the town under section 34. 1999, c. 14, Sched. B, s. 16 (2).

Decrease in tax rates

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

(a) if the town 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. B, s. 16 (3).

Increase in tax rates

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

(a) if the town 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. B, s. 16 (4).

Restriction

(5)  The town cannot pass a by-law under this section for 2009 or a subsequent year. 1999, c. 14, Sched. B, s. 16 (5).

Same

(6)  The town 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 town passed a by-law under this section in 2002 with respect to the merged area.

2. The town 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. B, s. 16 (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. B, s. 16 (7); 2002, c. 17, Sched. F, Table.

Budget

(8)  The town 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. B, s. 16 (8); 2002, c. 17, Sched. F, Table.

Regulations

(9)  The Minister may, by regulation, require the town to exercise its powers under this section and may require the town 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. B, s. 16 (9).

General or specific

(10)  A regulation under subsection (9) may be general or specific in its application. 1999, c. 14, Sched. B, s. 16 (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. B, s. 16 (11).

Effect on by-laws

(12)  A by-law of the town 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. B, s. 16 (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. B, s. 16 (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

Fees or charges re: sewage

**17.**  The town 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. B, s. 17; 2002, c. 17, Sched. F, Table.

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

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

Levies for various services

**18.**  (1)  The town may establish one or more municipal service areas and levy one or more special local municipality levies under section 312 of the *Municipal Act, 2001* in 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. B, s. 18 (1); 2002, c. 17, Sched. F, Table.

Same

(2)  For the purposes of subsection (1), the town may levy different special local municipality levies in different municipal service areas and the different levies may vary on any basis the town considers relevant. 1999, c. 14, Sched. B, s. 18 (2).

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

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

Area taxing power

**19** (1)  In this section,

“area taxing power” means a power under section 15 or 18 of this Act or under any other provision of an Act, regulation or order that authorizes the town to raise costs related to services by imposing taxes on less than all the rateable property in the town. 1999, c. 14, Sched. B, s. 19 (1).

Duty

(2)  The town 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. B, s. 19 (2).

Same

(3)  A regulation authorized by subsection (2) cannot prescribe a taxation year after the 2004 taxation year. 1999, c. 14, Sched. B, s. 19 (3).

Effect on by-laws

(4)  A by-law of the town 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. B, s. 19 (4).

Borrowing limit for 2001

**19.1**  For the purpose of subsection 187 (4) of the *Municipal Act*, the estimated revenue of the town for 2000 is the sum of,

(a) the estimated revenues of the old municipalities as shown in the estimates adopted for 2000; and

(b) the estimated revenues of each of the divided municipalities as shown in the estimates adopted for 2000, multiplied by the percentage that is prescribed for each municipality. 2000, c. 5, s. 2 (2).

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

[2000, c. 5, s. 2 (2)](http://www.ontario.ca/laws/statute/S00005" \l "s2s2) - 01/01/2001

Surplus or operating deficit for 2001

**19.2**  For the purpose of subsection 367 (3) of the *Municipal Act*, the surplus for which allowance is to be made by the town for 2001 or the operating deficit to be provided for by the town for 2001, as the case may be, shall be determined as follows:

1. Subtract the total of the audited operating deficits of the old municipalities as of December 31, 2000 from the total of the audited surpluses of the old municipalities as of December 31, 2000.

2. For each divided municipality, multiply the audited operating deficit or audited surplus, as the case may be, as of December 31, 2000 by the percentage prescribed for each municipality.

3. Add the results obtained for each divided municipality under paragraph 2 to get a total amount for all divided municipalities.

4. Add the total amounts obtained under paragraphs 1 and 3. 2000, c. 5, s. 2 (2).

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

[2000, c. 5, s. 2 (2)](http://www.ontario.ca/laws/statute/S00005" \l "s2s2) - 01/01/2001

Payment of damages to employees

**19.3** (1)  If the town 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. 2 (2).

Same

(2)  Subsection (1) also applies in respect of members of a municipal police force and persons deemed to be town employees for the purposes of the *Workplace Safety and Insurance Act, 1997*. 2000, c. 5, s. 2 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 19.3 (2) of the Act is amended by striking out “police force” and substituting “police service”. (See: 2019, c. 1, Sched. 4, s. 60 (5))

Conditions

(3)  The town may impose conditions on the payment. 2000, c. 5, s. 2 (2).

Application

(4)  Subsection (1) applies whether the damages were recovered by a court proceeding or otherwise. 2000, c. 5, s. 2 (2).

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

[2000, c. 5, s. 2 (2)](http://www.ontario.ca/laws/statute/S00005" \l "s2s2) - 01/01/2001

[2018, c. 3, Sched. 5, s. 62 (5)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s62s5) - 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. 60 (5)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s60s5) - not in force

Expenses of the transition board in 2001

**20** (1)  The town shall pay that portion of the expenses of the transition board for 2001 that is specified by the transition board, and shall make payments in the amounts and at the times specified by the transition board. 1999, c. 14, Sched. B, s. 20 (1).

Same

(2)  The transition board shall give the town council an estimate of its expenses and the council shall include in the town’s operating budget for 2001 the portion of the expenses that the town is required to pay. 1999, c. 14, Sched. B, s. 20 (2).

Same

(3)  The expenses of the transition board include the remuneration and expenses of its members, as authorized under section 21. 1999, c. 14, Sched. B, s. 20 (3).

Transition Board

Transition board

**21** (1)  A transition board shall be established by a regulation made under this section. 1999, c. 14, Sched. B, s. 21 (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. B, s. 21 (2).

Chair

(3)  The Minister may designate a member of the board as its chair. 1999, c. 14, Sched. B, s. 21 (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. B, s. 21 (4).

Function

(5)  The primary function of the transition board is to facilitate the transition from the old municipalities, the divided municipalities and their local boards to the town, the Town of Norfolk and their local boards,

(a) by controlling the decisions of the old municipalities, divided municipalities and their local boards that could have significant financial consequences for the town, the Town of Norfolk and their local boards; and

(b) by developing business plans for the town, the Town of Norfolk and their local boards in order to maximize the efficiency and costs savings of this new municipal structure. 1999, c. 14, Sched. B, s. 21 (5).

Powers and duties

(6)  The transition board has such powers and duties for the purposes of this Act and the *Town of Norfolk Act, 1999* as may be prescribed by a regulation made under this section, in addition to the powers and duties set out in this Act and in that Act. 1999, c. 14, Sched. B, s. 21 (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 or under the *Town of Norfolk Act, 1999* on its behalf. 1999, c. 14, Sched. B, s. 21 (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. B, s. 21 (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. B, s. 21 (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 town and its local boards, the Town of Norfolk and its local boards, the old municipalities and their local boards and the divided 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. B, s. 21 (10).

Same

(11)  A regulation under this section may be general or specific in its application. 1999, c. 14, Sched. B, s. 21 (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. B, s. 21 (12).

Panels of the transition board

**22** (1)  The transition board may be divided into such panels as may be prescribed. 1999, c. 14, Sched. B, s. 22 (1).

Duties

(2)  For the purposes of this Act and the *Town of Norfolk Act, 1999*, each panel has such duties as may be prescribed, with respect to such matters as may be specified that arise out of the dissolution of the old municipalities, the divided municipalities and their local boards and the incorporation of the town and of the Town of Norfolk. 1999, c. 14, Sched. B, s. 22 (2).

Powers

(3)  A panel may exercise any of the powers of the transition board for the purpose of performing the panel’s duties. 1999, c. 14, Sched. B, s. 22 (3).

Restriction on transition board

(4)  The transition board is not authorized to exercise any of its powers in connection with the matters specified in a regulation made under subsection (2), to the extent that a panel has duties with respect to them. 1999, c. 14, Sched. B, s. 22 (4).

Power re board of health

**23** (1)  The transition board may designate either the town or the Town of Norfolk as the board of health for the Haldimand-Norfolk Health Unit, if it makes the designation on or before the prescribed date. 1999, c. 14, Sched. B, s. 23 (1).

Notice

(2)  The transition board shall give the Minister of Health and Long-Term Care notice of a designation made under subsection (1). 1999, c. 14, Sched. B, s. 23 (2).

Recommended designation re day nurseries

**24** (1)  The transition board may recommend to the Minister of Community and Social Services that the town or the Town of Norfolk be designated as the delivery agent under subsection 2.2 (1) of the *Day Nurseries Act* for the geographic area of the town and the Town of Norfolk, if it makes the recommendation on or before the prescribed date. 1999, c. 14, Sched. B, s. 24 (1).

Deemed designation

(2)  On January 1, 2001, the geographic area of the town and the Town of Norfolk shall be deemed to have been designated as a geographic area under section 2.1 of the *Day Nurseries Act*. 1999, c. 14, Sched. B, s. 24 (2).

Recommended designation

(3)  The transition board may recommend to the Minister of Community and Social Services that the town or the Town of Norfolk be designated as the delivery agent under subsection 38 (1) of the *Ontario Works Act, 1997* for the geographic area of the town and the Town of Norfolk, if it makes the recommendation on or before the prescribed date. 1999, c. 14, Sched. B, s. 24 (3).

Deemed designation

(4)  On January 1, 2001, the geographic area of the town and the Town of Norfolk shall be deemed to have been designated as a geographic area under section 37 of the *Ontario Works Act, 1997*. 1999, c. 14, Sched. B, s. 24 (4).

Designations by Minister

(5)  If the transition board makes a recommendation under subsection (1) or (3), the Minister of Community and Social Services shall make the designation in accordance with the recommendation. 1999, c. 14, Sched. B, s. 24 (5).

Power re employees of divided municipalities, etc.

**25** (1)  The transition board shall determine whether an employee of a divided municipality or of a local board of a divided municipality is, on January 1, 2001, either,

(a) an employee of the town or one of its local boards; or

(b) an employee of the Town of Norfolk or one of its local boards. 1999, c. 14, Sched. B, s. 25 (1).

Same

(2)  The transition board cannot specify under subsection (1) that the employee is employed by the town itself, by the Town of Norfolk itself, or by a particular local board of either town. 1999, c. 14, Sched. B, s. 25 (2).

Same

(3)  A person’s employment with a divided municipality or a local board of a divided municipality shall be deemed not to have been terminated for any purpose by anything in subsection (1). 1999, c. 14, Sched. B, s. 25 (3).

Power re certain employment contracts

**26** (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. B, s. 26 (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. B, s. 26 (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. B, s. 26 (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. B, s. 26 (4).

Power to hire certain town employees

**27** (1)  The transition board shall establish the key elements of the town’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 town. 1999, c. 14, Sched. B, s. 27 (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 town 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 town beginning on January 1, 2001. If the contract takes effect on January 1, 2001, the person is the employee of the town.

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 town 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. B, s. 27 (2).

Powers re information, etc.

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

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

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

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

2. To require the old municipality or divided 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 or divided municipality and that exist when the report is made, or

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

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

i. listing the entities, including local boards, to which the old municipality or divided 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, divided 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, divided 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, divided 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, divided 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. B, s. 28 (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. B, s. 28 (2).

Secondments

(3)  The transition board may require that an employee of an old municipality, a divided municipality or a local board of either be seconded to work for the transition board. 1999, c. 14, Sched. B, s. 28 (3).

Same

(4)  A person who is seconded to the transition board remains the employee of the old municipality, divided 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. B, s. 28 (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. B, s. 28 (5).

Duty to co-operate, etc.

**29** (1)  The members of the council of each old municipality and divided municipality, the employees and agents of either and the members, employees and agents of each local board of either 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, divided municipality or local board, as the case may be, that is relevant to the functions of the transition board. 1999, c. 14, Sched. B, s. 29 (1).

Conflict

(2)  This section applies despite any 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. B, s. 29 (2).

Duties re personal information

**30** (1)  A person who obtains information under subsection 28 (1) or section 29 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. B, s. 30 (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, a divided municipality or a local board of either;

(b) anything done or proposed to be done in connection with the finances of an old municipality, a divided municipality or a local board of either by a member of the council of the municipality or local board or by an employee or agent of the municipality or local board. 1999, c. 14, Sched. B, s. 30 (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. B, s. 30 (3).

Conflict

(4)  Subsection (1) applies despite anything in the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*. 1999, c. 14, Sched. B, s. 30 (4).

Protection from personal liability

**31** (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. B, s. 31 (1).

Same

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

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

(b) the council of the old municipality or divided municipality; or

(c) the local board. 1999, c. 14, Sched. B, s. 31 (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. B, s. 31 (3); 2019, c. 7, Sched. 17, s. 165.

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

[2019, c. 7, Sched. 17, s. 165](http://www.ontario.ca/laws/statute/S19007" \l "sched17s165) - 01/07/2019

Dissolution of the transition board

**32** (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. B, s. 32 (1).

Assets and liabilities

(2)  All the assets and liabilities of the transition board immediately before it is dissolved that are allocated to the town under section 34, including all rights, interests, approvals, status, registrations, entitlements and contractual benefits and obligations, become assets and liabilities of the town, when the transition board is dissolved, without compensation. 1999, c. 14, Sched. B, s. 32 (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 town 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. B, s. 32 (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. B, s. 32 (4).

Allocation Committees

Allocation committees

**33** (1)  One or more allocation committees may be established by the Minister, on or before December 1, 2000. 1999, c. 14, Sched. B, s. 33 (1).

Same

(2)  The Minister shall specify the classes of assets and liabilities to be allocated by each committee. 1999, c. 14, Sched. B, s. 33 (2).

Purpose

(3)  The purpose of the committee is to allocate such assets and liabilities of a divided municipality or any of its local boards or of the transition board as are specified under subsection (2) between the town and the Town of Norfolk, or between the local boards of either of them. 1999, c. 14, Sched. B, s. 33 (3).

Basis for making allocation

(4)  The committee may allocate the assets and liabilities of a divided municipality or any of its local boards or of the transition board on the following basis:

1. The committee shall consider whether an asset or liability primarily pertains to, or is used primarily in connection with, matters that will be within the jurisidiction of the town, the Town of Norfolk or a particular local board of one of them.

2. The committee may consider whether allocating an asset or liability on another basis is reasonable under the circumstances, and may make such an allocation.

3. If the committee makes an allocation in accordance with paragraph 2, the committee may provide for financial adjustments to be made to take into account the impact on the other municipality or local board of doing so instead of making the allocation in accordance with paragraph 1. 1999, c. 14, Sched. B, s. 33 (4).

Composition

(5)  Each committee shall include the treasurer of each divided municipality whose assets or liabilities are to be allocated by the committee. 1999, c. 14, Sched. B, s. 33 (5).

The allocation process

**34** (1)  Before December 31, 2000, each allocation committee shall make a preliminary allocation of the assets and liabilities that are to be allocated by it, to the extent that the committee knows about them, and may provide for financial adjustments between the affected entities. 1999, c. 14, Sched. B, s. 34 (1).

Effective date, preliminary allocation

(2)  A preliminary allocation takes effect on January 1, 2001. 1999, c. 14, Sched. B, s. 34 (2).

Final allocation

(3)  Before October 31, 2001, each committee shall make a final allocation of the assets and liabilities and may provide for financial adjustments between the affected entities. 1999, c. 14, Sched. B, s. 34 (3).

Same, effective date

(4)  Subject to subsection (11), a final allocation takes effect as of January 1, 2001, and the assets and liabilities become the assets and liabilities of the entity specified by the committee in the document setting out the final allocation, despite the effect of the preliminary allocation. 1999, c. 14, Sched. B, s. 34 (4).

Financial adjustment

(5)  If a final allocation includes a financial adjustment, the money is due and payable in accordance with the terms of the final allocation. 1999, c. 14, Sched. B, s. 34 (5).

Notice of allocation

(6)  The committee shall notify the town and the Town of Norfolk of the details of the final allocation within 30 days after making the allocation and shall also notify any local board of either of them that is directly affected by the final allocation. 1999, c. 14, Sched. B, s. 34 (6).

Notice of appeal

(7)  Within 30 days after receiving notice of the final allocation, either town or a local board that received notice of the final allocation may appeal the final allocation by filing a written notice of appeal with the Minister together with reasons for the appeal. 1999, c. 14, Sched. B, s. 34 (7).

Board of arbitration

(8)  The Minister shall appoint a board of arbitration to hear and determine the appeal. 1999, c. 14, Sched. B, s. 34 (8).

Same

(9)  The board of arbitration shall give the parties to the appeal an opportunity to be heard. 1999, c. 14, Sched. B, s. 34 (9).

Same

(10)  The *Arbitration Act, 1991* applies with respect to the appeal. 1999, c. 14, Sched. B, s. 34 (10).

Decision final

(11)  The decision of the board of arbitration is final, and the final allocation shall be deemed to be changed in accordance with the decision. 1999, c. 14, Sched. B, s. 34 (11).

Powers and Duties of Old Municipalities and Divided Municipalities

Regulations re powers and duties

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

(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. B, s. 35 (1).

Same

(2)  A regulation under subsection (1) may be general or specific in its application. 1999, c. 14, Sched. B, s. 35 (2).

Same

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

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

2. A regulation cannot prevent an old municipality, divided 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. B, s. 35 (3).

Expenses of the transition board in 2000

**36** (1)  The Regional Municipality of Haldimand-Norfolk 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. B, s. 36 (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. B, s. 36 (2).

Same

(3)  The expenses of the transition board include the remuneration and expenses of its members, as authorized under section 21. 1999, c. 14, Sched. B, s. 36 (3).

Collective Bargaining before January 1, 2001

Collective bargaining, old municipalities

**37** (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (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. B, s. 37 (10).

Alterations to bargaining units

**38** (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 town as if it had been made by the town. 1999, c. 14, Sched. B, s. 38 (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. B, s. 38 (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. B, s. 38 (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. B, s. 38 (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. B, s. 38 (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. B, s. 38 (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. B, s. 38 (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 town 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. B, s. 38 (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. B, s. 38 (9).

Appropriate bargaining units

**39** (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 town’s operations. 1999, c. 14, Sched. B, s. 39 (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 town as if the application had been made by the town, and is binding even if the order is not made until after December 31, 2000. 1999, c. 14, Sched. B, s. 39 (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. B, s. 39 (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. B, s. 39 (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. B, s. 39 (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. B, s. 39 (6).

Administration and enforcement

**40** (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 38 (9) and applications under subsection 39 (1). 1999, c. 14, Sched. B, s. 40 (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. B, s. 40 (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. B, s. 40 (3).

Collective bargaining, divided municipalities

**41** Sections 37 to 40 apply, with necessary modifications, with respect to divided municipalities. 1999, c. 14, Sched. B, s. 41.

Collective bargaining, old local boards

**42** Sections 37 to 40 apply, with necessary modifications, with respect to the local boards of old municipalities or of divided municipalities. 1999, c. 14, Sched. B, s. 42.

Interpretation

**42.1**  Nothing in sections 37 to 42 prevents a collective agreement between the town and a bargaining agent that is made after the town 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 Act* from 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. 2 (3).

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

[2000, c. 5, s. 2 (3)](http://www.ontario.ca/laws/statute/S00005" \l "s2s3) - 08/06/2000

The Regular Election in 2000

Terms extended

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

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

2. The members of the local boards of the old municipalities and of the divided municipalities. 1999, c. 14, Sched. B, s. 43 (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. B, s. 43 (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 (4), 6 (7) and 8 (4). 2000, c. 5, s. 2 (4).

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

[2000, c. 5, s. 2 (4)](http://www.ontario.ca/laws/statute/S00005" \l "s2s4) - 08/06/2000

Rules for the regular election

**44** 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, 6 and 9 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 divided municipalities and the clerk of the town, 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 town council shall make those decisions once the council is organized.

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

6. Each area municipality under the *Regional Municipality of Haldimand-Norfolk 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 Haldimand-Norfolk 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. B, s. 44.

General

Enforcement

**45** (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. B, s. 45 (1).

Same

(2)  Subsection (1) is additional to, and does not replace, any other available means of enforcement. 1999, c. 14, Sched. B, s. 45 (2).

Regulations

**46** (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. B, s. 46 (2).

Examples

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

(a) that the town 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. B, s. 46 (3).

General or specific

(4)  A regulation may be general or specific in its application. 1999, c. 14, Sched. B, s. 46 (4).

Retroactive

(5)  A regulation may be made retroactive to a date not earlier than January 1, 2001. 1999, c. 14, Sched. B, s. 46 (5).

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

1999, c. 14, Sched. B, s. 46 (1) - See [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

[2000, c. 5, s. 2 (5)](http://www.ontario.ca/laws/statute/S00005" \l "s2s5) - 08/06/2000

Conflicts

**47** (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. B, s. 47 (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. B, s. 47 (2).

**48** Omitted (provides for coming into force of provisions of this Act). 1999, c. 14, Sched. B, s. 48.

**49** Omitted (enacts short title of this Act). 1999, c. 14, Sched. B, s. 49.

Schedule A  
THE MUNICIPAL AREA

*(Definition of “municipal area” in section 1)*

All of that part of the City of Nanticoke as it exists on December 31, 2000, that lies to the east of a line described as follows:

Description:

BEGINNING at the intersection of the centreline of Regional Road 74 with the southwesterly limit of the County of Brant;

THENCE southerly along the centreline of Regional Road 74 to its intersection with the prolongation of the centreline of the road allowance between Concessions 11 and 12 of the geographic Township of Townsend;

THENCE westerly to and along the centreline of the road allowance to its intersection with the prolongation of the limit between Lots 20 and 21, Concession 12 of the geographic Township of Townsend;

THENCE southerly to and along the limit between Lots 20 and 21 through Concessions 12 and 13 of the geographic Township of Townsend, to the dividing line between the north and south halves of Concession 13;

THENCE westerly along the dividing line to the dividing line between the east and west halves of Lot 20, Concession 13;

THENCE southerly along the dividing line between the east and west halves of Lot 20 through Concessions 13 and 14 of the geographic Township of Townsend to the southerly limit of railway right-of-way running east to west through Lot 20, Concession 14;

THENCE easterly along the southerly limit of the railway right-of-way to its intersection with the limit between Lots 20 and 21, Concession 14;

THENCE southerly along the limit between Lots 20 and 21, and its southerly prolongation, to the centreline of Highway No. 3;

THENCE easterly along the centreline of Highway No. 3 to its intersection with the prolongation of the centreline of Regional Road 70;

THENCE southerly to and along the centreline of Regional Road 70, and its southerly prolongation, to its intersection with the centreline of Highway No. 6;

THENCE southwesterly along the centreline of Highway No. 6 to its intersection with the prolongation of the limit between Lots 20 and 21, Concession 3 of the geographic Township of Woodhouse;

THENCE southerly to and along the limit between Lots 20 and 21 through Concessions 2, 3 and 1 of the geographic Township of Woodhouse to the limit of Lake Erie.

1999, c. 14, Sched. B, Sched. A.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Français](http://www.ontario.ca/fr/lois/loi/99t14b)

[Back to top](#Top)