

## **GENERAL**

### **Chapter 465 ONTARIO MUNICIPAL BOARD SOLE ARBITRATOR**

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*WHEREAS the Council of The Corporation of the City of Kitchener wishes to amend the provisions of the Municipal Code respecting the appointment of arbitrators for the conduct of arbitrations to which the City is a party;*

*AND WHEREAS section 197 of the Municipal Act; R.S.O. 1990, c. M.45, as amended, provides that where a municipality does not have an Official Arbitrator appointed by the Lieutenant Governor in Canada pursuant to the Municipal Arbitrations Act, R.S.O. 1990, c. M.48, as amended, a judge of the Superior Court of Justice shall be the sole arbitrator, except where the Ontario Municipal Board has been designated as sole arbitrator by by-law enacted under section 198 of the Municipal Act;*

*AND WHEREAS the City of Kitchener does not have an Official Arbitrator, and has previously designated the Ontario Municipal Board as sole*

*arbitrator by by-law enacted pursuant to section 198 of the Municipal Act;*

*AND WHEREAS the Council of the City of Kitchener has now determined that it would be appropriate that the Ontario Municipal Board continue to be arbitrator solely in respect of arbitrable matters between the City of Kitchener and other municipalities of public bodies, but that all other arbitrations to which the City is a party and which are governed by the Municipal Act or the Municipal Arbitrations Act be conducted before a judge of the Ontario Superior Court of Justice pursuant to section 197 of the Municipal Act.*

## **Article 1 DESIGNATIONS**

### **465.1.1 Ontario Municipal Board**

The Ontario Municipal Board is hereby designated as the sole arbitrator for the City in respect of arbitrable disputes arising solely between the City and one or more municipalities or public bodies and in respect of matters falling within the jurisdiction of the said Board pursuant to section 198 of the *Municipal Act*, R.S.O. 1990, c. M.45.

### **465.1.2 Public body - defined**

For the purposes of Section 465.1.1, “public body” means any municipality, local board, government ministry or department, board, commission, agency or official of a provincial or federal government or a First Nation.

### **465.1.3 Other arbitrable disputes**

All other arbitrable disputes to which the City is a party and which are governed by the *Municipal Act* or the *Municipal Arbitrations Act* shall be conducted before a judge of the Ontario Superior Court of Justice.

## **Article 2 REPEAL - ENACTMENT**

### **465.2.1 By-law - previous**

Chapter 465 of the City of Kitchener Municipal Code is hereby repealed.

### **465.2.2 Effective date**

This Chapter shall come into force as of the date of the final passing of the enabling by-law. By-law 2002-129, 2 July, 2002.