

About the *Public Libraries Act*

Learn about the general principles behind establishing, administering and funding public libraries according to the *Public Libraries Act*.

Overview

"A library outranks any one thing a community can do to benefit its people. It is a never-failing spring in the desert."

Andrew Carnegie (1835–1919)

A strong library system is a cornerstone of a strong community. It contributes to education, literacy and life-long learning.

Ontario's *Public Libraries Act* (<https://www.ontario.ca/laws/statute/90p44>) (PLA) is the key piece of legislation governing Ontario's public libraries. It supports the provision of equal and universal access to information and establishes free public library services in Ontario through governance and regulations.

Library boards

Under the PLA, public libraries in Ontario must be operated under the management and control of a public library board. The board has the authority to make policies about the operations and services of the public library.

Once established by municipal bylaw, a public library board is responsible for operating its library system. Boards and municipalities should work in cooperation toward common goals.

Under the PLA, municipalities can do any or all of the following:

- appoint members of the library board for the same term as Council
 - give or withhold consent regarding real estate property
 - annually approve the board's estimates of all sums required by the board
 - make a grant in money, lands or buildings to a library board
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Public, union and county library boards

Public library boards are composed of at least five members. The number of municipal councillors on the board may not exceed one less than a majority. For example, if a public library board has five members, there can be no more than two municipal councillors on the board.

Union public library boards are established when two or more municipalities agree on creating a union library. Once again, councillors on a union board must not exceed one less than a majority.

County public library boards are established when at least two-thirds of a county's municipalities request that the county establish a county library. The appointing council cannot appoint more of its own members to a board than the number that is a bare majority of the board.

Powers and duties of library boards

Library boards provide:

- a comprehensive and efficient public library system that reflects the unique needs of the community they serve, in co-operation with other boards

- French language and special services as appropriate
- services in accordance with the PLA

Library boards are required to:

- fix times and places for board meetings, call and conduct such meetings, and ensure that full and correct minutes are kept
- supply an annual report to the Minister of Heritage, Sport, Tourism and Culture Industries, along with any other reports and any other information required by the PLA or by the minister from time to time

Board member eligibility

A board member must be a member of the appointing council or a Canadian citizen who is at least eighteen years old. A board member must also be one of the following:

- a resident of the municipality where the board is established or, in the case of a county library cooperative board, the area served by the board, as long they are not an employee of the board or the municipality
- a resident of a municipality or a local services board area that contracts with the library board for service
- a member of an Indian Band that has a contract with the library board for service
- a person who is a member of a second board that has entered into a contract with the board to purchase library services for the residents of the second board

Chief executive officer (CEO) appointments

A public library board has the power to appoint a library chief executive officer (CEO). The CEO is a library board employee and not a municipal employee. The CEO reports to the board and not to the municipality. The CEO does not report in a dual relationship to both the board and the municipality.

Library finances

The PLA requires public library boards to appoint a treasurer who:

- receives and accounts for all the board's money
- opens an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board
- deposits all monies received by the board to the credit of the board's account
- disburses the money as the board directs

The municipality has the right to administer board finances. For example, a municipality can periodically transfer funds from the public library bank account to a municipal bank account to pay public library board bills. In such cases, the library board remains responsible for public library operations and services – including finances – but delegates day-to-day financial administration to the municipality.

Fees

Under the PLA, a board cannot charge for any of the following:

- admission to a public library
- for the in-library use of materials
- reserving and borrowing circulating materials and the use of reference and information services the board considers practicable
- the use of inter-library loan services, as long as the materials borrowed fall within the classes of materials prescribed under the PLA

Fees cannot be imposed for the use or borrowing of any of the following:

- books
- periodicals
- newspapers

- audio materials designed for the handicapped
- sound recordings
- audio and video cassettes
- tape recordings
- video discs
- motion pictures
- film strips
- film loops
- micro materials in all formats
- computer software
- multi-media kits

A board may impose fees for:

- services not mentioned in the PLA

- the use of the parts of a building that are not being used for public library purposes
- the use of library services by persons who do not reside in the area of the board's jurisdiction

First Nation public libraries

First Nation bands can establish their own public library. They may also contract for public library services with a public library board, union board or county library board. Library services are provided according to the terms and conditions set out in the agreement.

Disclaimer

The information on this web page is not legal advice. For further questions relating to the PLA or your particular circumstances, consult with your own legal advisors.

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