



APPENDIX B

CONSERVATION AUTHORITIES ACT

May 12, 2016

Conservation Authorities Act

R.S.O. 1990, CHAPTER C.27

Consolidation Period: From June 6, 2011 to the [e-Laws currency date](#).

Last amendment: 2011, c. 9, Sched. 27, s. 22.

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Definitions

1. In this Act,

“administration costs” means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenses and maintenance costs of projects; (“frais d’administration”)

“advisory board” means an advisory board appointed by an authority; (“conseil consultatif”)

“authority” means a conservation authority established by or under this Act or a predecessor of this Act; (“office”)

“executive committee” means the executive committee appointed by an authority; (“comité de direction”)

“land” includes buildings and any estate, term, easement, right or interest in, to, over or affecting land; (“bien-fonds”)

“maintenance costs” means all expenditures required specifically in relation to the operation or maintenance of a project; (“frais d’entretien”)

“Minister” means the Minister of Natural Resources; (“ministre”)

“municipality” means a local municipality, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue money under section 69 of that Act; (“municipalité”)

“participating municipality” means a municipality that is designated by or under this Act as a participating municipality; (“municipalité participante”)

“project” means a work undertaken by an authority for the furtherance of its objects; (“projet”)

“watershed” means an area drained by a river and its tributaries. (“bassin hydrographique”) R.S.O. 1990, c. C.27, s. 1; 1996, c. 1, Sched. M, s. 40; 1998, c. 18, Sched. I, s. 1; 2002, c. 17, Sched. F, Table.

Meeting to establish authority for watershed

2. (1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed by resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined part thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or part thereof. R.S.O. 1990, c. C.27, s. 2 (1).

Representatives at meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:

1. Where the population is 1,000,000 or more, seven representatives.
- 1.1 Where the population is 500,000 or more but less than 1,000,000, six representatives.
- 1.2 Where the population is 250,000 or more but less than 500,000, five representatives.
2. Where the population is 100,000 or more but less than 250,000, four representatives.
3. Where the population is 50,000 or more but less than 100,000, three representatives.
4. Where the population is 10,000 or more but less than 50,000, two representatives.
5. Where the population is less than 10,000, one representative. R.S.O. 1990, c. C.27, s. 2 (2); 2001, c. 9, Sched. K, s. 1 (1).

Authority of representatives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at the meeting. R.S.O. 1990, c. C.27, s. 2 (3).

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. R.S.O. 1990, c. C.27, s. 2 (4).

Establishment, jurisdiction and initial financing

Establishment and jurisdiction of authority

3. (1) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of

an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (1).

Where only part of municipality in watershed

(2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (2).

Name of authority

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words "conservation authority" in English and shall include the words "office de protection de la nature" in French. R.S.O. 1990, c. C.27, s. 3 (3).

Corporate body

(4) Every authority is a body corporate. R.S.O. 1990, c. C.27, s. 3 (4).

Borrowing power

(5) Every authority may, for its purposes, borrow on the promissory note of the authority, at such rate of interest as the Minister approves, such money as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1990, c. C.27, s. 3 (5).

Regional municipality to act in place of local municipalities

4. (1) Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established,

- (a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for the purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and
- (b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities. R.S.O. 1990, c. C.27, s. 4 (1).

Members appointed by local municipality continue

(2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality. R.S.O. 1990, c. C.27, s. 4 (2).

Toronto and Region Conservation Authority

5. (1) The Metropolitan Toronto and Region Conservation Authority is continued under the name Toronto and Region Conservation Authority in English and Office de protection de la nature de Toronto et de la région in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on December 31, 1990, as it may be altered under this Act. 1997, c. 26, Sched.

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (2).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate,

- (a) the municipalities that are the participating municipalities of the Toronto and Region Conservation Authority; and
- (b) the area over which the Toronto and Region Conservation Authority has jurisdiction. 1997, c. 26, Sched.

Members

(4) Despite subsections 14 (1), (2) and (5) but subject to subsection 14 (2.1), the number of members appointed to the Toronto and Region Conservation Authority by the City of Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1997, c. 26, Sched.; 2001, c. 9, Sched. K, s. 1 (3).

Hamilton Region Conservation Authority

6. (1) The Hamilton Region Conservation Authority is continued under the name Hamilton Region Conservation Authority in English and Office de protection de la nature de la région de Hamilton in French, and has jurisdiction in all

matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1990, as it may be altered under this Act. R.S.O. 1990, c. C.27, s. 6 (1).

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (4).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction. R.S.O. 1990, c. C.27, s. 6 (3).

(4) REPEALED: 2000, c. 5, s. 8.

Grand River Conservation Authority

7. (1) The Grand River Conservation Authority is continued under the name Grand River Conservation Authority in English and Office de protection de la nature de la rivière Grand in French as a conservation authority under this Act. R.S.O. 1990, c. C.27, s. 7 (1).

Designation of participating municipalities and area

(2) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction. 2001, c. 9, Sched. K, s. 1 (5).

(3) REPEALED: 2001, c. 9, Sched. K, s. 1 (5).

Grouping of municipalities

8. The participating municipalities may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities. R.S.O. 1990, c. C.27, s. 8; 1998, c. 18, Sched. I, s. 2.

Establishment of authority for two or more watersheds

9. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply with necessary modifications. R.S.O. 1990, c. C.27, s. 9.

Enlargement of authority's area

10. (1) If an authority has been established, the council of a municipality that is completely or partly outside the jurisdiction of the authority may call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include an area specified by the municipality. 1998, c. 18, Sched. I, s. 3 (1).

Notice of meeting

(1.1) The council of every municipality completely or partly within the jurisdiction of the authority or the area specified under subsection (1) shall be given notice of the meeting. 1998, c. 18, Sched. I, s. 3 (1).

Representatives

(2) With respect to each municipality so notified, subsection 2 (2) applies. R.S.O. 1990, c. C.27, s. 10 (2).

Quorum

(3) At any meeting called under this section, a quorum consists of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than two members of the authority and three municipal representatives are present at a meeting or an adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. R.S.O. 1990, c. C.27, s. 10 (3).

Resolution

(4) A joint resolution, passed at a meeting held under this section, at which a quorum was present, by not less than two-thirds of the members of the authority present at the meeting and not less than two-thirds of the municipal representatives present at the meeting, agreeing to the enlargement of the area over which the authority has jurisdiction, amends the order in council establishing the authority and has the effect of enlarging the area and designating the additional municipalities and the additional area over which the enlarged authority has jurisdiction in accordance with the resolution. 1998, c. 18, Sched. I, s. 3 (2).

Amalgamation of authorities

11. (1) If two or more authorities have been established for adjoining watersheds or parts thereof, one or more of the authorities or the council of a municipality situated completely or partly within the jurisdiction of one of the authorities may

call a meeting to consider the establishment of one authority to have jurisdiction over the areas that are under separate jurisdictions. 1998, c. 18, Sched. I, s. 4 (1).

Notice of meeting

(1.1) The council of every municipality situated completely or partly within the jurisdictions of the authorities shall be given notice of the meeting. 1998, c. 18, Sched. I, s. 4 (1).

Representatives

(2) With respect to each municipality so notified, subsection 2 (2) applies. R.S.O. 1990, c. C.27, s. 11 (2).

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. R.S.O. 1990, c. C.27, s. 11 (3).

Resolution

(4) A resolution, passed at a meeting held under this section, at which a quorum was present, by not less than two-thirds of the representatives present at the meeting, agreeing to the establishment of one authority, has the effect of establishing the new authority, dissolving the existing authorities and designating the municipalities that are the participating municipalities and the area over which the new authority has jurisdiction in accordance with the resolution. 1998, c. 18, Sched. I, s. 4 (2).

Assets and liabilities of former authorities

(5) Upon the establishment of a new authority and the dissolution of the existing authorities under subsection (4), all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority. R.S.O. 1990, c. C.27, s. 11 (5).

12. REPEALED: 1998, c. 18, Sched. I, s. 5.

Participating municipalities following annexation, etc.

13. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 13.

Dissolution of authority

13.1 (1) An authority shall call a meeting of the members of the authority to consider the dissolution of the authority if, by resolution, the councils of two or more participating municipalities request the meeting. 1996, c. 1, Sched. M, s. 41.

Quorum

(2) Despite subsection 16 (2), a quorum at a meeting called under this section consists of two-thirds of the members of the authority who were appointed by participating municipalities. 1996, c. 1, Sched. M, s. 41.

Members not entitled to vote

(3) Despite subsection 16 (1), members of the authority who were appointed by the Lieutenant Governor in Council before section 42 of Schedule M of the *Savings and Restructuring Act, 1996* came into force are not entitled to vote at a meeting held under this section. 1996, c. 1, Sched. M, s. 41.

Notice of meeting

(4) The authority shall ensure that notice of the meeting is published in a newspaper having general circulation in each participating municipality at least 14 days before the meeting. 1996, c. 1, Sched. M, s. 41.

Public representations

(5) No vote shall be taken on a resolution requesting dissolution of the authority unless members of the public have been given an opportunity at the meeting to make representations on the issue. 1996, c. 1, Sched. M, s. 41.

Criteria for dissolution

(6) The Lieutenant Governor in Council may dissolve the authority, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, if,

(a) the Minister receives a resolution requesting the dissolution passed by at least two-thirds of the members of the authority present and entitled to vote at a meeting held under this section and at which a quorum was present;

- (b) the Minister is satisfied that acceptable provision has been made for future flood control and watershed interests and for the disposition of all assets and liabilities of the authority; and
- (c) the Minister of the Environment is satisfied that acceptable provision has been made for future protection of drinking water sources. 1996, c. 1, Sched. M, s. 41; 2006, c. 22, s. 113 (1).

Authority continued by s. 5, 6 or 7

(7) If an authority continued by section 5, 6 or 7 is dissolved under subsection (6), the Lieutenant Governor may, by proclamation, repeal that section on a day named in the proclamation. 1996, c. 1, Sched. M, s. 41.

Members of authority

14. (1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 (2) for the appointment of representatives, and each member shall hold office until the first meeting of the authority after the term for which he or she was appointed has expired. R.S.O. 1990, c. C.27, s. 14 (1).

Changes in number of members

(2) The total number of members of the authority and the number of members that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes. 2001, c. 9, Sched. K, s. 1 (6).

Agreement on number of members

(2.1) Despite subsections (1), (2) and (5), the total number of members of the authority and the number of members that each participating municipality may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities. 2001, c. 9, Sched. K, s. 1 (6).

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 14 (3).

Term

(4) No member of an authority shall be appointed to hold office for more than three years at any one time. R.S.O. 1990, c. C.27, s. 14 (4).

Where part of municipality in authority's area

(5) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and the population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality. R.S.O. 1990, c. C.27, s. 14 (5).

(6) REPEALED: 1996, c. 1, Sched. M, s. 42.

Meetings of authority

15. (1) The first meeting of an authority shall be held at such time and place as may be determined by the Minister and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority. R.S.O. 1990, c. C.27, s. 15 (1).

Copies of minutes to members

(2) Within 30 days after any meeting of an authority or of an executive committee, the secretary-treasurer of the authority shall send a copy of the minutes of the meeting to each member of the authority. R.S.O. 1990, c. C.27, s. 15 (2); 1998, c. 18, Sched. I, s. 7.

Decision-making at meetings

16. (1) Each member of an authority is entitled to one vote. 1998, c. 18, Sched, I, s. 8.

Quorum

(2) At any meeting of an authority, a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum. R.S.O. 1990, c. C.27, s. 16 (2); 2006, c. 22, s. 113 (2).

Majority vote

(3) A majority vote of the members present at any meeting is required upon all matters coming before the meeting. R.S.O. 1990, c. C.27, s. 16 (3).

Chair, vice-chair

17. (1) At the first meeting of an authority and thereafter at the first meeting held in each year, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43.

Vacancy

(2) Subject to subsection (1), upon the death of the chair or a vice-chair, or upon the incapacity of the chair or a vice-chair to act, or upon the chair or a vice-chair ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy. R.S.O. 1990, c. C.27, s. 17 (2).

Absence of chair and vice-chairs

(3) In the event of the absence of the chair and the vice-chairs from any meeting of an authority, the members present shall appoint an acting chair who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chair. R.S.O. 1990, c. C.27, s. 17 (3).

Employees and advisory boards

Employees

18. (1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority. R.S.O. 1990, c. C.27, s. 18 (1).

Advisory boards

(2) An authority may appoint one or more advisory boards. R.S.O. 1990, c. C.27, s. 18 (2).

Executive committee

19. (1) The authority may appoint an executive committee from among the members of the authority. R.S.O. 1990, c. C.27, s. 19 (1).

Chair, vice-chair

(2) The chair and vice-chair of the authority shall be the chair and vice-chair of the executive committee. R.S.O. 1990, c. C.27, s. 19 (2).

(3) REPEALED: 1998, c. 18, Sched. I, s. 9.

Objects

20. (1) The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. R.S.O. 1990, c. C.27, s. 20.

Same

(2) Despite subsection (1) and subject to any other legislation pertaining to these resources, authorities may enter into agreements to allow exploration, storage and extraction by others in order to share in the revenue from use of gas or oil resources owned by them if,

- (a) the use is compatible with the conservation, restoration, development and management of other natural resources; and
- (b) extraction occurs on land adjacent to, but not on, conservation authority land. 1998, c. 18, Sched. I, s. 10.

Powers of authorities

21. (1) For the purposes of accomplishing its objects, an authority has power,

- (a) to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
- (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
- (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;

- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (m.1) to charge fees for services approved by the Minister;
- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations;
- (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;
- (p) to cause research to be done;
- (q) generally to do all such acts as are necessary for the due carrying out of any project. R.S.O. 1990, c. C.27, s. 21; 1996, c. 1, Sched. M, s. 44 (1, 2); 1998, c. 18, Sched. I, s. 11.

Approval of Minister

- (2) If the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without the approval of the Minister except if,
- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
 - (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
 - (c) the authority informs the Minister of the disposition. 2010, c. 16, Sched. 10, s. 1 (1).

Terms and conditions

(3) The Minister may impose terms and conditions on an approval given under subsection (2), including a condition that the authority pay a specified share of the proceeds of the disposition to the Minister. 1996, c. 1, Sched. M, s. 44 (3).

Agreement re road

22. An authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes. R.S.O. 1990, c. C.27, s. 22.

Minister's powers

- 23.** (1) Despite any powers conferred on an authority by this Act, the Minister may, when and for such periods as he or she considers necessary in the public interest,
- (a) require an authority to carry out flood control operations in a manner specified by the Minister;
 - (b) require an authority to follow instructions issued by the Minister for the operation of one or more of the authority's water control structures; or

- (c) take over the operation of one or more of an authority's water control structures and require the authority to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Areas not under jurisdiction of authority

(2) Despite any powers conferred on the council of a municipality under this or any other Act, in an area that is not under the jurisdiction of an authority, the Minister may, when and for such periods as he or she considers necessary in the public interest,

- (a) require the council of a municipality to carry out flood control operations in a manner specified by the Minister;
- (b) require the council of a municipality to follow instructions issued by the Minister for the operation of one or more of the water control structures operated by the council; or
- (c) take over the operation of one or more of the water control structures operated by the council of a municipality and require the council to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Definition

- (3) In subsection (2),

“municipality” includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

Projects of authority

24. (1) Before proceeding with a project, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 1996, c. 32, s. 66 (1).

- (2) REPEALED: 1996, c. 32, s. 66 (1).

Notice re raising of portion of cost

(3) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of apportionment, notify the authority in writing whether the portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years. R.S.O. 1990, c. C.27, s. 24 (3).

Time for notice where apportionment under review

(4) When a municipal council has, in accordance with subsection 25 (2), notified the secretary of the Ontario Municipal Board that it is dissatisfied with any apportionment, the time allowed for notifying the authority under subsection (3) shall be reckoned from the date of the order confirming or varying the apportionment. R.S.O. 1990, c. C.27, s. 24 (4).

- (5) REPEALED: 1996, c. 32, s. 66 (2).

Approval of works on lakes or rivers

(6) Despite the *Lakes and Rivers Improvement Act*, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act. R.S.O. 1990, c. C.27, s. 24 (6).

Application

(7) This section does not apply to a project unless the project involves money granted by the Minister under section 39. 1996, c. 1, Sched. M, s. 46.

Apportionment of benefit

25. (1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of the apportionment to be sent to the council of each participating municipality by registered mail. R.S.O. 1990, c. C.27, s. 25 (1).

Review of apportionment by O.M.B.

(2) Any municipal council that is dissatisfied with any apportionment may, within thirty days after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board. R.S.O. 1990, c. C.27, s. 25 (2).

Hearing

(3) Upon application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing. R.S.O. 1990, c. C.27, s. 25 (3).

Powers of O.M.B. on hearing

(4) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision is final and conclusive and is not open to appeal. R.S.O. 1990, c. C.27, s. 25 (4).

Variation of apportionment

(5) In the event of the authority varying any apportionment made by it, this section applies with necessary modifications. R.S.O. 1990, c. C.27, s. 25 (5).

Determination of capital expenditure

26. (1) An authority may, from time to time, determine what money will be required for capital expenditure in connection with any project. R.S.O. 1990, c. C.27, s. 26 (1).

Portion to be raised by participating municipalities

(2) The portion of the money so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities. R.S.O. 1990, c. C.27, s. 26 (2).

How money to be raised

(3) Upon notice in writing of the amount required to be raised, signed by the secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such money as may be required by the authority for capital expenditure. R.S.O. 1990, c. C.27, s. 26 (3); 1996, c. 32, s. 66 (3).

Enforcement of payment

(4) Subject to subsection (3), an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 26 (4).

Where only part of municipality in area

(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality. R.S.O. 1990, c. C.27, s. 26 (5).

(6) REPEALED: 1994, c. 27, s. 127.

Maintenance and administration costs

27. (1) REPEALED: 1997, c. 29, s. 54 (1).

Apportionment of maintenance costs

(2) Subject to the regulations made under subsection (16), after determining the approximate maintenance costs for the succeeding year, the authority shall apportion the costs to the participating municipalities according to the benefit derived or to be derived by each municipality, and the amount apportioned to each such municipality shall be levied against the municipality. R.S.O. 1990, c. C.27, s. 27 (2); 1996, c. 1, Sched. M, s. 47 (1).

Apportionment of administration costs

(3) Subject to the regulations made under subsection (16), after determining the approximate administration costs for the succeeding year, the authority shall apportion the costs to the participating municipalities and the amount apportioned to each such municipality shall be levied against the municipality. 1997, c. 29, s. 54 (2).

Minimum levy for administration costs

(4) Subject to the regulations made under subsection (16), an authority may establish a minimum sum that may be levied for administration costs by the authority against a participating municipality, and, where the amount apportioned to any municipality under subsection (3) is less than the minimum sum, the authority may levy the minimum sum against the municipality. R.S.O. 1990, c. C.27, s. 27 (4); 1996, c. 1, Sched. M, s. 47 (3).

Notice of apportionment

(5) The secretary-treasurer of the authority, forthwith after the amounts have been apportioned under subsections (2), (3) and (4), shall certify to the clerk of each participating municipality the total amount that has been levied under those subsections, and the amount shall be collected by the municipality in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (5).

Levy where only part of municipality in area

(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (6).

Enforcement of payment

(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 27 (7).

Appeal

(8) A municipality against which a levy is made under this section may appeal the levy to the Mining and Lands Commissioner appointed under the *Ministry of Natural Resources Act*. 1996, c. 1, Sched. M, s. 47 (4).

Time for appeal

(9) The appeal must be commenced within 30 days after the municipality receives notice of the levy from the authority. 1996, c. 1, Sched. M, s. 47 (4).

Parties

(10) The parties to the appeal are the municipality, the authority and any other person added as a party by the Commissioner. 1996, c. 1, Sched. M, s. 47 (4).

Compliance pending determination

(11) The municipality shall comply with the levy pending the determination of the appeal. 1996, c. 1, Sched. M, s. 47 (4).

Matters to be considered at hearing

(12) The Commissioner shall hold a hearing on the appeal and shall consider,

- (a) whether the levy complies with this section and the regulations made under subsection (16); and
- (b) whether the levy is otherwise appropriate. 1996, c. 1, Sched. M, s. 47 (4).

Powers of Commissioner

(13) The Commissioner may, by order, confirm, rescind or vary the amount of the levy and may order the authority or the municipality to pay any amount owing as a result. 1996, c. 1, Sched. M, s. 47 (4).

No appeal

(14) No appeal lies from the decision of the Commissioner. 1996, c. 1, Sched. M, s. 47 (4).

When subss. (8-14) begin to apply

(15) Subsections (8) to (14) do not apply until the first regulation made under subsection (16) comes into force. 1996, c. 1, Sched. M, s. 47 (4).

Regulations re levies

(16) The Lieutenant Governor in Council may make regulations governing the nature and amount of the levies made by authorities under this section, including regulations that restrict or prohibit the making of levies described in the regulations. 1996, c. 1, Sched. M, s. 47 (4).

Regulations by authority re area under its jurisdiction

28. (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
- (b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- (c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;
- (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;

- (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.

Delegation of powers

(2) A regulation made under subsection (1) may delegate any of the authority's powers or duties under the regulation to the authority's executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. 1998, c. 18, Sched. I, s. 12.

Conditional permission

(3) A regulation made under clause (1) (b) or (c) may provide for permission to be granted subject to conditions and for the cancellation of the permission if conditions are not met. 1998, c. 18, Sched. I, s. 12.

References to maps

(4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed at the head office of the authority and are available for public review during normal office business hours. 1998, c. 18, Sched. I, s. 12.

Minister's approval of development regulations

(5) The Minister shall not approve a regulation made under clause (1) (c) unless the regulation applies only to areas that are,

- (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;
- (b) river or stream valleys;
- (c) hazardous lands;
- (d) wetlands; or
- (e) other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority. 1998, c. 18, Sched. I, s. 12.

Regulations by L.G. in C. governing content of authority's regulations

(6) The Lieutenant Governor in Council may make regulations governing the content of regulations made by authorities under subsection (1), including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by authorities under subsection (1). 1998, c. 18, Sched. I, s. 12.

Invalid regulation

(7) A regulation made by an authority under subsection (1) that does not conform with the requirements of a regulation made by the Lieutenant Governor in Council under subsection (6) is not valid. 1998, c. 18, Sched. I, s. 12.

Transition

(8) Subject to subsection (9), if a regulation is made by the Lieutenant Governor in Council under subsection (6), subsection (7) does not apply to a regulation that was previously made by an authority under subsection (1) until two years after the regulation made by the Lieutenant Governor in Council comes into force. 1998, c. 18, Sched. I, s. 12.

Same

(9) If a regulation made by the Lieutenant Governor in Council under subsection (6) is amended by an amending regulation, subsection (7) does not apply, in respect of the amendment, to a regulation that was made by an authority under subsection (1) before the amending regulation, until such time as may be specified in the amending regulation. 1998, c. 18, Sched. I, s. 12.

Exceptions

- (10) No regulation made under subsection (1),
- (a) shall limit the use of water for domestic or livestock purposes;
 - (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
 - (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or

(d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act, 1998*, c. 15, Sched. E, s. 3 (8); 1998, c. 18, Sched. I, s. 12.

Activities under the *Aggregate Resources Act*

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent. 1998, c. 18, Sched. I, s. 12.

Right to hearing

(12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee. 1998, c. 18, Sched. I, s. 12.

Powers of authority

(13) After holding a hearing under subsection (12), the authority or executive committee, as the case may be, shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.

Grounds for refusing permission

(13.1) If the permission that the person requests is for development related to a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, the authority or executive committee, as the case may be,

- (a) shall not refuse the permission unless it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and
- (b) shall not impose conditions unless they relate to controlling pollution, flooding, erosion or dynamic beaches. 2009, c. 12, Sched. L, s. 2.

Reasons for decision

(14) If the authority or its executive committee, after holding a hearing, refuses permission or grants permission subject to conditions, the authority or executive committee, as the case may be, shall give the person who requested permission written reasons for the decision. 1998, c. 18, Sched. I, s. 12.

Appeal

(15) A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.

Offence: contravening regulation

(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).

Limitation for proceeding

(16.1) A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of officers appointed under clause (1) (d) or persons appointed under clause (1) (e). 2010, c. 16, Sched. 10, s. 1 (3).

Orders

(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,

- (a) remove, at that person's expense, any development within such reasonable time as the court orders; and
- (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders. 1998, c. 18, Sched. I, s. 12.

Non-compliance with order

(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated. 1998, c. 18, Sched. I, s. 12.

Liability for certain costs

(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction. 1998, c. 18, Sched. I, s. 12.

Powers of entry

(20) An authority or an officer appointed under a regulation made under clause (1) (d) or (e) may enter private property, other than a dwelling or building, without the consent of the owner or occupier and without a warrant, if,

- (a) the entry is for the purpose of considering a request related to the property for permission that is required by a regulation made under clause (1) (b) or (c); or
- (b) the entry is for the purpose of enforcing a regulation made under clause (1) (a), (b) or (c) and the authority or officer has reasonable grounds to believe that a contravention of the regulation is causing or is likely to cause significant environmental damage and that the entry is required to prevent or reduce the damage. 1998, c. 18, Sched. I, s. 12.

Time of entry

(21) Subject to subsection (22), the power to enter property under subsection (20) may be exercised at any reasonable time. 1998, c. 18, Sched. I, s. 12.

Notice of entry

(22) The power to enter property under subsection (20) shall not be exercised unless,

- (a) the authority or officer has given reasonable notice of the entry to the owner of the property and, if the occupier of the property is not the owner, to the occupier of the property; or
- (b) the authority or officer has reasonable grounds to believe that significant environmental damage is likely to be caused during the time that would be required to give notice under clause (a). 1998, c. 18, Sched. I, s. 12.

No use of force

(23) Subsection (20) does not authorize the use of force. 1998, c. 18, Sched. I, s. 12.

Offence: obstruction

(24) Any person who prevents or obstructs an authority or officer from entering property under subsection (20) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1998, c. 18, Sched. I, s. 12.

Definitions

(25) In this section,

“development” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“aménagement”)

“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)

“pollution” means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies; (“pollution”)

“watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; (“cours d’eau”)

“wetland” means land that,

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.

Transition

(26) A regulation that was in force immediately before the day the *Red Tape Reduction Act, 1998* received Royal Assent and that was lawfully made under clause (1) (e) or (f) of this section as it read immediately before that day shall be deemed to have been lawfully made under clause (1) (c). 1998, c. 18, Sched. I, s. 12.

Regulations by authority re lands owned by it

- 29.** (1) An authority may make regulations applicable to lands owned by the authority,
- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
 - (b) providing for the protection and preservation from damage of the property of the authority;
 - (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
 - (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits;
 - (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
 - (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
 - (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;
 - (h) subject to the *Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires. R.S.O. 1990, c. C.27, s. 29 (1); 1998, c. 18, Sched. I, s. 13 (1).

Regulations by L.G. in C. governing content of authority’s regulations

(1.1) The Lieutenant Governor in Council may make regulations governing the content of regulations made under subsection (1), including the standards that may be used, and setting out what must be included or excluded from regulations made under subsection (1). 1998, c. 18, Sched. I, s. 13 (2).

Invalid regulation

(1.2) A regulation made under subsection (1) that does not conform with the requirements of a regulation made under subsection (1.1) is not valid unless it has been approved by the Minister. 1998, c. 18, Sched. I, s. 13 (2).

Offence: contravening regulation

(2) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. C.27, s. 29 (2); 1998, c. 18, Sched. I, s. 13 (3).

Regulations by authority: mandatory regulations

- 30.** (1) Subject to the approval of the Minister, an authority shall make regulations,
- (a) providing for the calling of meetings of the authority and prescribing the procedure at those meetings;
 - (b) prescribing the powers and duties of the secretary-treasurer;
 - (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority; and
 - (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,

- (ii) the power to raise money, and
- (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority. R.S.O. 1990, c. C.27, s. 30 (1).

Time for making regulations

(2) Every authority shall make regulations under subsection (1) within one year after its establishment. R.S.O. 1990, c. C.27, s. 30 (2).

Legislation Act, 2006

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to regulations made under this section. 2006, c. 21, Sched. F, s. 105.

Restriction on entry

30.1 (1) An authority or an officer appointed under a regulation made under clause 28 (1) (d) or (e) shall not enter land without,

- (a) the consent of the owner of the land and, if the occupier of the land is not the owner, the consent of the occupier of the land; or
- (b) the authority of a warrant under the *Provincial Offences Act*. 1998, c. 18, Sched. I, s. 14.

Exceptions

(2) Subsection (1) does not apply to entry under clause 21 (1) (b) or subsection 28 (20). 1998, c. 18, Sched. I, s. 14.

Expropriation

31. The *Expropriations Act* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers. R.S.O. 1990, c. C.27, s. 31.

Restrictions on projects

Crown land affected

32. (1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chair or vice-chair of the authority shall be deposited with the Minister, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister. R.S.O. 1990, c. C.27, s. 32 (1).

Interference with public work

(2) Where a project or a part thereof may interfere with a public work of Ontario, the authority shall file with the Minister of Infrastructure a plan and description of the project or a part thereof together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Infrastructure. R.S.O. 1990, c. C.27, s. 32 (2); 1998, c. 15, Sched. E, s. 3 (3); 2011, c. 9, Sched. 27, s. 22.

Interference with highway

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Transportation a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Transportation. R.S.O. 1990, c. C.27, s. 32 (3).

Costs, how to be borne

(4) The cost of rebuilding any road, highway, bridge, public work or any part thereof and the cost of any other work that any of the Ministers of the Crown may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario. R.S.O. 1990, c. C.27, s. 32 (4); 1998, c. 15, Sched. E, s. 3 (4).

Assessment of lands of authority

33. (1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable for municipal purposes by levy under section 312 of the *Municipal Act, 2001* or section 277 of the *City of Toronto Act, 2006*, as the case may be, upon the assessment and classification of such land determined in each year by the Municipal Property Assessment Corporation and the land shall be assessed under the *Assessment Act* as if the works erected by the authority on

the land had not been erected. 1997, c. 5, s. 64 (1); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 8.

Assessment of rented property

(2) Despite subsection (1), section 18 of the *Assessment Act* applies with necessary modifications in respect of lands vested in an authority. R.S.O. 1990, c. C.27, s. 33 (2).

Notice

(3) The Municipal Property Assessment Corporation shall deliver or mail to each authority concerned and to the clerk of each municipality in which any of the land is situated a notice setting out the assessment and the classification of the land in the municipality. 1997, c. 5, s. 64 (2); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Reconsideration under *Assessment Act*

(4) The authority may request a reconsideration under section 39.1 of the *Assessment Act*. 1997, c. 5, s. 64 (3).

Appeal to the Assessment Review Board

(5) The authority or the municipality may appeal to the Assessment Review Board under section 40 of the *Assessment Act* and the last day for appealing is the day that is 90 days after the authority or the clerk of the municipality, as applicable, is notified. 2008, c. 7, Sched. A, s. 19.

***Assessment Act* to apply**

(6) The *Assessment Act* applies, with necessary modifications, with respect to a request for a reconsideration or an appeal. 2008, c. 7, Sched. A, s. 19.

(7) REPEALED: 1997, c. 5, s. 64 (3).

Assessment for next year's taxation

(8) The assessment of land under subsection (1) shall be determined by the Municipal Property Assessment Corporation in each year for the purpose of taxation in the following year. R.S.O. 1990, c. C.27, s. 33 (8); 1997, c. 5, s. 64 (4); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Cemetery lands

34. (1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in the cemetery or other place of interment. R.S.O. 1990, c. C.27, s. 34 (1).

Notice to plot owners

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or the owner's whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein. R.S.O. 1990, c. C.27, s. 34 (2).

Publication of notice

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,

- (a) that the cemetery or other place of interment has been acquired for the purposes of the authority;
- (b) that other land, describing it, has been acquired by the authority for the purpose of reintering the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at the expense of the owner or person if the owner or person obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines. R.S.O. 1990, c. C.27, s. 34 (3).

Removal of bodies

(4) The authority has full power to cause the removal of any body from the cemetery or place of interment to any lands acquired under subsection (1) despite any other Act and to authorize the removal by any other person of the body for reinterment in any other cemetery or place of interment. R.S.O. 1990, c. C.27, s. 34 (4).

Removal of headstones

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment. R.S.O. 1990, c. C.27, s. 34 (5).

Conveyance of lands for reinterment

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed. R.S.O. 1990, c. C.27, s. 34 (6).

Right to use water power

35. (1) The authority has the right to use any water power created upon lands vested in it for its own uses. 1998, c. 15, Sched. E, s. 3 (5).

(2) REPEALED: 2006, c. 3, Sched. D, s. 1.

Obligation to pay

(3) Any person using water power created upon authority lands shall pay to the authority an annual reasonable compensation for the use of the water power. 1998, c. 15, Sched. E, s. 3 (5).

Arbitration

(3.1) Where the authority and a person described in subsection (3) are unable to agree on the amount of the annual compensation, the matter shall be arbitrated under the *Arbitration Act, 1991*. 1998, c. 15, Sched. E, s. 3 (5).

Charge for power

(4) Subject to review by the Minister of Natural Resources, an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power generated from increased head or flow due to the works undertaken by the authority. R.S.O. 1990, c. C.27, s. 35 (4); 1998, c. 15, Sched. E, s. 3 (6).

When section not to apply

(5) This section does not apply to water power reserved to the Crown under the *Public Lands Act*. R.S.O. 1990, c. C.27, s. 35 (5).

Assent of electors not necessary

36. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, the power may be exercised and the duty shall be performed by the council of the municipality without the assent of the electors. R.S.O. 1990, c. C.27, s. 36.

Payment to and spending by authority

37. All money required by this Act to be raised for the purposes of an authority shall be paid to the authority, and the authority may spend money as it considers proper, except that no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board. R.S.O. 1990, c. C.27, s. 37.

Annual audit

38. (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the *Public Accounting Act, 2004*. R.S.O. 1990, c. C.27, s. 38 (1); 2004, c. 8, s. 46.

Auditor

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his or her professional capacity. R.S.O. 1990, c. C.27, s. 38 (2).

Auditor's report

(3) An authority shall, upon receipt of the auditor's report of the examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. R.S.O. 1990, c. C.27, s. 38 (3).

Grants

39. Grants may be made by the Minister to any authority out of the money appropriated therefor by the Legislature in accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 39.

Regulations

40. The Lieutenant Governor in Council may make regulations defining any term that is used in this Act and that is not defined in this Act. 2010, c. 16, Sched. 10, s. 1 (4).

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