

REPORT OF SELECT COMMITTEE

—ON—

MUNICIPAL MATTERS.

LEGISLATIVE COMMITTEE ROOM,
11th May, 1898.

MR. SPEAKER :

Your Select Committee on Municipal Matters beg leave to report as follows :—

That your Committee has held fourteen meetings.

That your Committee is of the opinion that the "Municipal Clauses Act" should be amended as follows :—

That section 50, sub-section (57), be amended by adding the following, to be known as sub-section (57*a*) :—

"(57*a*.) And for preventing the working on the streets or roads, and for regulating the passage through any streets or roads, and for preventing the passage through any street or road, of engines of every kind, except those of the municipality, except at such hours and under such restrictions as may be specified in the by-law."

That sub-section (135) be amended as follows :—

By inserting after the word "all" in line two the words "or any portion of" and by inserting after the word "by-law" on line three, the words "together with interest thereon at the rate of six per centum per annum from the thirty-first day of December next following the date when said taxes respectively become due."

That sub-section (136) be amended as follows :—

(*a*.) By inserting after the word "taxes" on line six, "for which the property is liable to be sold under the by-law," and to strike out the words "unpaid up to the date of passing of the by-law."

(*b*.) By striking out the word "of" in line seven after the word "commission," and inserting the words "not exceeding five."

(*c*.) By inserting after the word "taxes" in line nine, the word "interest."

That sub-section (147) be struck out and the following inserted in lieu thereof :—

"To purchase, lease, make, erect, open, preserve, alter, improve and maintain public wharves, docks, warehouses and slips at the end of public roads, or on municipal property, to regulate storage on the same, and to fix, charge and collect rates of wharfage, or accept rental for the same."

Sub-section (164) is hereby amended by striking out the word "a" in line one, and inserting the words "an annual" in lieu thereof.

That sub-section (135) be amended by adding the following, to be known as sub-section (135*A*) :—

"The Council may in such by-law or by by-law afterwards passed, provide that in the case of any property so purchased and not redeemed within the specified time by the municipality, the Council of the municipality, notwithstanding anything contained in this Act, may, by a resolution sanctioned by the vote of two-thirds of the Council, sell such property, or any of it, at such price as the resolution may specify."

Section 75.—Amend sub-section (1) of section 75, by adding between the word "hold" and "and" in the fourth line thereof, the following words :—"Or at such other places or place in any wards or ward of the municipality as the Council may choose to appoint."

That section 112, sub-section (1), be amended as follows :—

By inserting the words "deposit in an incorporated bank or" after the word "time," last word in line 5.

That the following be added as sub-section (b) :—

“(b.) In the event of any such real property on which any part of the sinking fund has been lent becoming the property of the municipality, either by foreclosure or by agreement with the mortgagor, such property may, notwithstanding anything contained in this Act, be sold by virtue of a resolution sanctioned by a vote of two-thirds of the whole Council.”

Section 149 be amended by striking out the word “a” in line three, and inserting the word “the,” and by striking out the words “interest not exceeding,” and by striking out the word “a” in line eight, and inserting the word “the” in lieu, and by striking out the words “not exceeding” and insert the word “of” in lieu thereof.

That section 151 be amended as follows :—

By inserting the words “or section 111, or both” after the figures “50,” in line 2, and by striking out all of the words after the words “interest sold,” in the 11th line thereof, and substituting the following words therefor :—

“subject to the payment of all taxes, special rates, and assessments accrued subsequently to the taxes, special rates, and assessments in respect of which such sale has been made, will be executed on his or their demand in writing, at any time after the expiration of one year from the day on which an order may be made by a Judge of the Supreme Court confirming the sale, if the land or real property be not previously redeemed, upon payment of the fee hereinafter provided; and such order shall be made on petition of the Collector, on proof being made to the satisfaction of the Judge that the Collector advertised such sale by causing a copy of the list referred to in sub-section (136) of section 50 of this Act to be printed or published for a period of one month preceding the date of such sale in some daily newspaper published in the municipality, or if no daily newspaper shall be published in the municipality, then for six weeks in some weekly newspaper published in the municipality or in some daily or weekly newspaper circulating in the municipality, and that the Collector, at least one month before the time of sale, did also deliver or deposit, or caused to be delivered or deposited, in the post office of the municipality a notice in writing, or partly in print and partly in writing, of the amount of taxes for which the sale was to be made, and that the property was to be sold for arrears of taxes so due, and of the date of the proposed sale, addressed to the person, or if more than one, then to each of the persons who at the time of the delivery or deposit of such notice in the post office as aforesaid appeared on the assessment roll of the city or district in which the property is situated as owner, or owners, or to the agent or agents of, or the person or persons commonly or usually paying the taxes for, the owner or owners, and every such notice shall be sufficiently addressed, if addressed to the last known address of the person to whom it was so addressed, and in case the address of the owner or agent was unknown, that a notice to the same effect was posted upon the land intended to be sold, and that also, at least one month before the time of sale, a notice similar to the said list was posted in some convenient and public places, that is to say: at the City Hall or Council chambers, and in the post office buildings in the municipality. Proof should also be made, to the satisfaction of the Judge, that the Collector, at least one month before the time of sale, did also deliver or deposit, or cause to be delivered or deposited, in the post office of the municipality a notice of the said sale similar to the notice sent to the owners or their agents, addressed to all persons having registered charges on the real property, or to the person or persons who registered such charges on behalf of such persons having or owning such registered charges, and every such notice shall be sufficiently addressed, if addressed to the last known address of the person to whom it was so addressed. Notice of any adjournment of the sale may be given by advertisement for not less than one week in the newspaper in which the original notice was advertised: Provided always, that in the event of any difficulty being experienced in effecting service of notice of any sale in any way hereinbefore authorised, substituted service may be effected in such manner as any such Judge may at any time direct, or he may, in his discretion, dispense with or waive the giving of any such notice.”

Section 171 is hereby amended by striking out sub-section (11) and substituting therefor the following :—

“(11.) From any retail trader, not exceeding twenty-five dollars for every six months.

“The amount of such last-mentioned licence shall be regulated in such manner as the Municipality may from time to time determine by the superficial floor space of the premises occupied by any such trader in carrying on his business, and the Municipality shall have power to discriminate as between various trades and to take into consideration the bulk and value of the goods generally kept in stock by the person applying for any such licence, and the locality

of the premises, and to fix and arrange a sliding scale for such licences in such manner as may be deemed expedient. Such two last-mentioned licences to enable the person paying the same to change his place of business, but not to carry on business at two places at the same time under one licence."

Section 171 is further amended by repealing clause 12 and substituting the following therefor :—

"12. (a.) From every hawker or peddler engaged in hawking or peddling any fish, game or farm produce, not exceeding twenty dollars for every six months :

"(b.) From every hawker or peddler engaged in hawking or peddling otherwise than mentioned in the preceding sub-section, not exceeding fifty dollars for every six months."

Sub-section (26) of section 171 is amended by striking out the words "or not having a regular place of business," in the seventh and eighth lines thereof.

Section 180, sub-section (b), is hereby amended by striking out all the words after the word "Municipality," on line six, down to and inclusive of the word "more," on the eleventh line thereof.

Section 196 is hereby amended by adding the words "resident land owners and," after the word "the" in the third line.

Section 235 is hereby amended by striking out the words in line two "of two hundred and fifty dollars or more."

Section 17 is hereby amended by striking out the words "incumbrance or charge," where they occur in the sixth and seventh lines thereof, and inserting the word "judgment" in lieu thereof.

Section 18 is hereby amended by striking out the words "incumbrance or charge," where they occur in the seventh and eleventh lines thereof, respectively, and inserting therein the word "judgment" in lieu thereof, respectively.

Section 289 is hereby amended by adding at the end thereof the following :—

"Provided that no writ of execution against a Municipality shall be issued without leave of a Judge of the Supreme Court, to be obtained on summons for such purpose, and every such Judge shall have discretion to permit such writ to issue at such time and upon such conditions as he shall think proper, or he may refuse to permit such writ to be issued, or he may suspend execution thereunder upon such terms and conditions as he may think proper or expedient, having regard to the reputed insolvency of such Municipality and the security afforded to the person entitled to the judgment in respect of which such writ is sought by the registration of such judgment. And every such Judge, upon being satisfied by affidavit by some competent person on behalf of the Municipality that it is the intention of the Municipality to appeal with due diligence from such judgment, may refuse to permit any writ of execution for costs to be issued unless security shall be given to the satisfaction of such Judge by the person to whom such costs are payable for the repayment of such costs to the said Municipality in the event of such judgment being reversed or varied upon appeal. An appeal from the decision of any such Judge, with reference to any such application as is referred to in this section, may be taken by either party, under the same rules as may for the time being apply to any other order made by a Judge in Chambers."

Add the following section to the "Municipal Clauses Act," as section 289A :—

"289A. In the event of any Municipality being ordered or required to pay into the Supreme Court or any County Court, or having at any time after the first day of January, 1898, paid into any such Court, any moneys as security for the payment of any judgment or other debt, or as security for any damages or costs, or as security for the costs of any appeal from the decision of any Court, or any arbitrator, the Municipal Council of such Municipality may pass by-laws for authorising, under the following conditions, the borrowing from any person or corporation of such sums of money as may from time to time be requisite for the purpose of making any such payment into Court or of refunding the amount thereof to current revenue, and for the purpose of paying all or any of the costs, charges and expenses of the said Municipality in connection with any such actions.

"(a.) That the money so borrowed shall be repayable and repaid at a time not later than shall be agreed upon with the lender, the Municipality to be at liberty to pay all or any part of the said money at any time before such date :

"(b.) That the obligation given to the lender shall be in writing, signed by the Mayor, or Reeve, and the Finance Committee (if any) and the Clerk of the Corporation, and shall bear the Corporate seal :

That section 152 be amended by inserting the words "a demand in writing by the purchaser at the tax sale or his assigns or other legal representatives for" between the words "before" and "the" on the eighth line, and by striking out the words "purchaser at the tax sale" on the ninth line and inserting the words "him or them."

That section 153 is hereby amended by adding the words at the end thereof, "the deed shall be in the form or to the same effect as in Schedule A to this Act."

Your Committee beg further to report that the "Municipal Elections Act" shall be amended as follows:—

That section 6, sub-section (2), should be amended by adding the following, to be known as (2a):—

"(2a.) Provided, however, that the Council of any Township or District Municipality may by by-law provide that householders whose names have been lawfully placed on the voters' list shall be entitled to vote without an annual application being made by them, unless and until a change of residence or other change altering or destroying the qualifications under and by virtue of which any application was made."

That sub-section (a) be amended by adding the following sub-section to be known as (a1):—

"(a1.) Who is the representative duly authorised by the directors of an incorporated company which is the assessed owner of lands or of improvements of lands situate within the municipality; or"

That section 17 sub-section (c) is amended by adding thereto the following words:—"which shall be held at the Municipal Hall or in such other places as may be designated by the Council, irrespective of wards."

Your Committee endorse the opinion expressed by the Municipal Committee in 1896, viz., that the Act should be divided into two parts—

1—Relating to City Municipalities;

2—Relating to Township or District Municipalities. (*See Journals, 1896, page 90.*)

Your Committee is of the opinion that the work of the Committee would be greatly facilitated if its powers were limited to dealing only with such proposed amendments as may be referred to your Committee by the House.

All of which is respectfully submitted.

H. DALLAS HELMCKEN,
Chairman.