

Ministry of
Municipal Affairs
and Housing

Office of the Minister

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Ontario

October 6, 1997

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Mr. Harold Luckasavitch
Administrator-Clerk-Treasurer
Township of Airy
Post Street
Whitney ON K0J 2M0

AIRY TOWNSHIP

Dear Mr. Luckasavitch:

Re: Minister's Restructuring Filing Notice
Subsection 25.2(6)(b) of the Municipal Act

Enclosed please find a copy of a signed order which gives effect to a restructuring proposal affecting your municipality. The order is effective as of June 1, 1998, and will be published in *The Ontario Gazette*.

I commend your council for taking this very responsible action to give taxpayers more streamlined and efficient local government.

Please ensure that a copy of this order is available for public inspection in accordance with subsection 25.7(7) of the Municipal Act.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Al Leach'.

Al Leach
Minister

Enclosure

c: Mr. Sean Conway, MPP
Renfrew North

ORDER MADE UNDER
THE MUNICIPAL ACT R.S.O. 1990 c.M.45

TOWNSHIP OF AIRY,
GEOGRAPHIC TOWNSHIPS OF DICKENS, LYELL, MURCHISON AND SABINE

1. In this Order,

"former Township" means The Corporation of the Township of Airy as it existed before June 1, 1998; and

"new Township" means The Corporation of the Township of South Algonquin as established under section 2.

1. (1) On June 1, 1998 the geographic township of Dickens, the geographic township of Lyell, the geographic township of Murchison and the geographic township of Sabine are annexed to The Corporation of the Township of Airy.

(2) On June 1, 1998 the Township of Airy and the geographic townships of Dickens, Lyell, Murchison and Sabine, as annexed to the Township of Airy under subsection (1), shall have the status of a township and shall be named "The Corporation of the Township of South Algonquin".

2. The members of council of the former Township of Airy elected in the 1997 regular municipal election shall hold office until May 31, 1998.

3. (1) On June 1, 1998 the new Township shall be divided into five wards as follows,

(a) Ward one shall be composed of the land composed of the former Township of Airy, to be known as the Ward of Airy;

(b) Ward two shall be composed of land that composed the former geographic township of Dickens, to be known as the Ward of Dickens;

- (c) Ward three shall be composed of land that composed the former geographic township of Lyell, to be known as the Ward of Lyell;
- (d) Ward four shall be composed of land that composed the former geographic township of Murchison, to be known as the Ward of Murchison; and
- (e) Ward five shall be composed of land that composed the former geographic township of Sabine, to be known as the Ward of Sabine.

4. (1) The members of council of the new Township shall take office on June 1, 1998 and shall hold office until November 30, 2000.

(2) Effective June 1, 1998 the council of the new Township shall be composed of seven members consisting of,

- (a) a head of council, to be known as the mayor, who shall be elected by general vote;
- (b) two members from Ward one; and
- (c) one member each from Ward two, Ward three, Ward four and Ward five.

(3) Each member of council shall have one vote on council.

(4) In 1999, the council of the new Township shall review the composition of council with respect to the number of elected members and whether the elected members, other than the head of council, shall be elected by general vote, by ward or by a combination of the two.

5. (1) Prior to June 1, 1998 an election shall be held in accordance with section 65 of the *Municipal Elections Act, 1996* to elect the members of council of the new Township.

(2) For the purposes of subsection 65(4) of the *Municipal Elections Act, 1996*, the clerk of the former Township of Airy shall fix nomination day for the election to a date not later than April 15, 1998.

(3) The 1998 special municipal election shall be conducted as if the restructuring under section 2 had already occurred.

6. On June 1, 1998 all assets and liabilities, rights and obligations, including employees, of the former Township are vested in and become assets and liabilities, rights and obligations, including employees, of the new Township and its local boards.

7. (1) The new Township shall provide for a special mill rate adjustment upon the rateable property located in the area of the former Township of Airy to pay for any debts created prior to June 1, 1998.

(2) The new Township shall provide for a special reduction in the mill rate upon the rateable property located in the area of the former Township to compensate for reserve and reserve funds not designated for a specific purpose established by the former Township.

(3) The special mill adjustment in subsection (2) shall provide for the reduction in taxes to be phased-in in equal installments over a three year period commencing in 1999.

8. (1) On June 1, 1998 the by-laws and resolutions of the former Township of Airy shall become by-laws and resolutions of the new Township and shall remain in force in the area of the former Township of Airy until they are amended or repealed.

(2) Any by-law of the former Township passed under section 34 of the *Planning Act*, or a predecessor of that section, shall be deemed to be a by-law of the new Township and shall remain in force until amended or repealed.

(3) If the former Township has commenced procedures to enact a by-law under any Act and that by-law and is not in force on June 1, 1998 the council of the new Township may continue the procedures to enact the by-law to the extent that it applies to the former Township.

(4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of the former Township.

9. (1) All taxes, charges and rates levied under any general or special Act and uncollected by the former Township or its local boards which are due and unpaid on May 31, 1998 shall be deemed to be taxes, charges and rates due and payable to the new Township and may be collected by the new Township or its local boards.

(2) If the former Township has commenced procedures under the *Municipal Tax Sales Act* and the procedures are not completed by June 1, 1998 the new Township may continue the procedures.

10. For the purpose of the assessment roll to be prepared for the new Township for taxation for the period of June 1 until December 31, 1998, the areas to be annexed under section 2 shall be deemed to be part of the new Township and shall be assessed on the same basis that the assessment roll for the new Township is prepared.

11. (1) The library board of the former Township of Airy is dissolved on June 1, 1998.

(2) A library board for the new Township bearing the name "The Township of South Algonquin Public Library Board" is established on June 1, 1998.

(3) The operation and composition of the library board established in subsection (2) shall be in accordance with the *Public Libraries Act*.

(4) The assets and liabilities of the library board dissolved under subsection (1) shall be deemed to be assets and liabilities of the library board established under subsection (2).

(5) All by-laws, rules, regulations and fees passed or established by the library board dissolved under subsection (1) shall be continued and deemed to be by-laws, rules, regulations and fees of the library board established under subsection (2).

(6) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the library board dissolved under subsection (1).

12. The Recreation Committee for the former Township of Airy is dissolved on June 1, 1998.

13. (1) The Dickens Local Roads Board, the Hay Lake Local Roads Board, the Madawaska Local Roads Board, the Murchison Local Roads Board and the Sabine Local Roads Board are dissolved on June 1, 1998.

(2) The assets and liabilities, rights and obligations of the local roads boards dissolved under subsection (1) become the assets and liabilities, rights and obligations of the new Township.

14. (1) The Madawaska Local Services Board is dissolved on June 1, 1998.

(2) The assets and liabilities, rights and obligations of the local services board dissolved under subsection (1) become assets and liabilities, rights and obligations of the new Township.

(3) On June 1, 1998 all by-laws and resolutions of the local services board dissolved under subsection (1) shall be deemed to be by-laws or resolutions of the new Township and shall

remain in force in the area of the local services board until amended or repealed.

15. Prior to June 1, 1999, the council for the new Township shall review its fire fighting and fire protection services.

16. (1) Where a dispute arises with respect to the interpretation of this Order, the matter in dispute may be referred to mediation for resolution.

(2) The mediator shall be selected through the mutual agreement of the parties and the costs associated with the mediation shall be shared equally between the parties.

(3) If the dispute is not resolved through mediation, any one of the parties may,

- (a) refer the matter in dispute to arbitration in accordance with the provisions of the *Arbitration Act, 1991*; or
- (b) defer the matter to the council of the new Township, subsequent to June 1, 1998 for resolution.

17. The municipalities affected by this Order shall not, on or before December 31, 2002, make a restructuring proposal under section 25.2 of the *Municipal Act* or request a commission under section 25.3 of the *Municipal Act* or make an application under section 2 of the *Municipal Boundaries Negotiations Act* or enter into an agreement in respect of the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue.



Minister of Municipal Affairs and Housing

Dated at Toronto on *October 6*., 1997.