

## St. Lawrence Parks Commission Act

R.S.O. 1990, CHAPTER S.24

**Consolidation Period:** From December 10, 2016 to the [e-Laws currency date](#).

Last amendment: 2015, c. 38, Sched. 7, s. 61.

### Definitions

1. In this Act,

“Commission” means The St. Lawrence Parks Commission; (“Commission”)

“Minister” means the Minister of Tourism and Recreation or such other member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council; (“ministre”)

“Parks” means all land in the counties of Glengarry, Stormont, Dundas, Grenville, Frontenac, Lennox and Addington, and Leeds vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land. (“parcs”) R.S.O. 1990, c. S.24, s. 1.

### Commission continued

2. (1) The St. Lawrence Parks Commission is continued as a corporation without share capital under the name St. Lawrence Parks Commission in English and Commission des parcs du Saint-Laurent in French. R.S.O. 1990, c. S.24, s. 2 (1).

### Composition

(2) The Commission shall consist of not fewer than three and not more than fifteen members appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. S.24, s. 2 (2).

### Chair, vice-chair

(3) The Lieutenant Governor in Council shall designate one member as chair and may designate one member as vice-chair. R.S.O. 1990, c. S.24, s. 2 (3).

### Remuneration of chair and vice-chair

(4) The chair and the vice-chair, if any, shall be paid such salary as is fixed by the Lieutenant Governor in Council. R.S.O. 1990, c. S.24, s. 2 (4).

### Acting chair

(5) In case of the absence or illness of the chair or of there being a vacancy in the office of chair, the vice-chair or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chair. R.S.O. 1990, c. S.24, s. 2 (5).

### Vacancies

(6) Vacancies in the membership of the Commission may be filled by the Lieutenant Governor in Council. R.S.O. 1990, c. S.24, s. 2 (6).

### Members of Assembly

(7) Despite the *Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and be entitled to act as such without thereby vacating or forfeiting his or her seat or incurring any other penalty for sitting or voting as a member of the Assembly. R.S.O. 1990, c. S.24, s. 2 (7).

### Quorum

(8) The powers of the Commission may be exercised by a majority of the members. R.S.O. 1990, c. S.24, s. 2 (8).

### Employees

3. Such employees as are considered necessary for the proper conduct of the affairs of the Commission may be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2006, c. 35, Sched. C, s. 124.

#### **Income**

4. (1) The Commission may retain its income and the income shall be applied to carrying out its objects. 1993, c. 16, s. 5 (1).

#### **Investment powers**

(2) If it considers it advisable for the sound and efficient management of income not immediately required for its objects, the Commission may, on the terms and conditions it considers advisable, authorize the purchase, acquisition, holding or disposition of,

- (a) securities issued by or guaranteed as to principal and interest by Canada, the Province of Ontario or another province of Canada;
- (b) guaranteed investment certificates of a trust corporation that is registered under the *Loan and Trust Corporations Act*;
- (c) deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by a bank listed in Schedule I or II to the *Bank Act* (Canada);
- (d) term deposits accepted by a credit union as defined in the *Credit Unions and Caisses Populaires Act*. 1993, c. 16, s. 5 (1); 2002, c. 8, Sched. I, s. 23.

#### **Grants and loans**

(3) The Minister may make grants or loans to the Commission, out of the money appropriated therefor by the Legislature, at the times, in the amounts and upon the terms and conditions that the Minister considers advisable. 1993, c. 16, s. 5 (1).

#### **Payments to Consolidated Revenue Fund**

4.1 (1) When ordered to do so by the Minister of Finance, the Commission shall pay into the Consolidated Revenue Fund such of its surplus funds as are determined by the Minister of Finance. 1993, c. 16, s. 5 (1).

#### **Reserves**

(2) In determining the amount payable under subsection (1), the Minister of Finance shall allow such reserves for the future needs of the Commission as he or she considers appropriate, and shall ensure that the payment ordered under subsection (1) will not impair the Commission's ability to pay its liabilities, to meet its obligations as they become due or to fulfil its contractual commitments. 1993, c. 16, s. 5 (1).

#### **Revenues and investments**

(3) Despite the *Financial Administration Act*, the revenues and investments of the Commission do not form part of the Consolidated Revenue Fund. 1993, c. 16, s. 5 (1).

#### **Expenditure plan**

(4) The Commission shall, before the 1st day of January in each year, submit to the Minister and to Treasury Board an expenditure plan detailing the Commission's operating and capital budget for its coming fiscal year, and shall implement the plan as approved or varied by Treasury Board. 1993, c. 16, s. 5 (1).

#### **General powers and duties**

5. (1) It is the duty of the Commission to develop, control, manage, operate and maintain the Parks and for the purposes of carrying out such duty, the Commission has power,

- (a) to make such by-laws, rules and orders as may be considered expedient for the constitution of the Commission and the administration and management of its affairs and the conduct of its business, including establishing and collecting fees;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to operate and maintain a school for the training of apprentice gardeners;
- (e) to receive and take from any person by grant, gift, devise, bequest or otherwise any property real or personal or any interest therein. R.S.O. 1990, c. S.24, s. 5 (1); 1993, c. 16, s. 5 (2).

#### **General power to investigate matters upon request of Minister, municipality or inhabitant**

(2) It is the duty of the Commission to investigate and inquire into any matter or subject affecting or incidental to the welfare of the municipalities in the counties of Glengarry, Stormont, Dundas, Grenville, Frontenac, Lennox and Addington, and Leeds, or any of them, or the inhabitants thereof as may be referred to the Commission by a member of the Executive Council or any such municipality or inhabitant, and the Commission may report thereon to such member, municipality or inhabitant or any of them. R.S.O. 1990, c. S.24, s. 5 (2).

#### **Qualified powers**

6. With the approval of the Lieutenant Governor in Council, the Commission has power,
- (a) to acquire by purchase, lease or otherwise and with or without the consent of the owner enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land;
  - (b) to construct or acquire by purchase, lease or otherwise and operate and maintain bridges over the St. Lawrence River. R.S.O. 1990, c. S.24, s. 6.

#### **Expropriation**

7. (1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by the *Ministry of Infrastructure Act, 2011* on the Minister of Infrastructure in relation to Government property, and in the application of this section where the words “the Minister”, “the Ministry” or “the Crown” appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario. R.S.O. 1990, c. S.24, s. 7 (1); 2011, c. 9, Sched. 27, s. 39; 2015, c. 38, Sched. 7, s. 61.

#### **Procedure**

(2) The Commission shall proceed in the manner provided by the *Expropriations Act* and all the provisions of that Act apply. R.S.O. 1990, c. S.24, s. 7 (2).

#### **Highways**

8. (1) Despite any general or special Act, the Lieutenant Governor in Council may from time to time vest any highway,
- (a) under the jurisdiction and control of the Ministry of Transportation; or
  - (b) under the jurisdiction of a municipality,

in the Commission and thereafter the Commission has exclusive jurisdiction over the highway. R.S.O. 1990, c. S.24, s. 8 (1).

#### **Agreements**

(2) The Commission and the Minister of Transportation or the Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof. R.S.O. 1990, c. S.24, s. 8 (2).

#### **Liability**

- (3) Where by an agreement made under subsection (2),
- (a) the Minister of Transportation undertakes to maintain and repair a highway, section 33 of the *Public Transportation and Highway Improvement Act* applies in respect of the highway; and
  - (b) a municipality undertakes to maintain and repair a highway, section 44 of the *Municipal Act, 2001* applies in respect of the highway,

and no action arising out of the duty to maintain and repair the highway lies against the Commission. R.S.O. 1990, c. S.24, s. 8 (3); 2002, c. 17, Sched. F, Table.

#### **Indemnity**

(4) Where the Crown or a municipal corporation is liable for damages sustained by any person by reason of failure to maintain or repair a highway under the jurisdiction of the Commission, the Commission shall indemnify the Crown or the municipal corporation, as the case may be, for all damages and costs incurred in respect of such liability. R.S.O. 1990, c. S.24, s. 8 (4).

#### **Application**

(5) The *Highway Traffic Act* and the *Motorized Snow Vehicles Act* and the regulations made thereunder apply to any highway or portion thereof under the jurisdiction of the Commission and designated under subsection 9 (1) as if such highway or portion thereof is the King's Highway. R.S.O. 1990, c. S.24, s. 8 (5).

#### **Controlled-access highways**

9. (1) The Lieutenant Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled-access highway. R.S.O. 1990, c. S.24, s. 9 (1).

#### **Application**

(2) Section 38 of the *Public Transportation and Highway Improvement Act* applies with necessary modifications to any portion of any of the highways, roads, boulevards or parkways designated under subsection (1) and for such purpose any reference in the said section 38 to Minister or Ministry shall be deemed to be a reference to the Commission. R.S.O. 1990, c. S.24, s. 9 (2).

#### **Scenic areas**

10. (1) The Lieutenant Governor in Council may by regulation designate as a scenic area such land in the vicinity of any highway designated under subsection 9 (1) as is specified in the regulation. R.S.O. 1990, c. S.24, s. 10 (1).

#### **Restricted areas**

(2) Subject to the approval of the Lieutenant Governor in Council, the Commission may, in respect of land within a scenic area, by regulation, exercise any of the powers conferred upon councils of municipalities by section 34 of the *Planning Act* without the approval of the Ontario Municipal Board. R.S.O. 1990, c. S.24, s. 10 (2).

#### **Conflict of regulations and by-laws**

(3) In the event of conflict between a regulation made under subsection (2) by the Commission and a by-law passed under section 34 of the *Planning Act*, or a predecessor thereof, by the municipality in which the land is situate, the regulation made by the Commission prevails to the extent of such conflict, but in all other respects the by-law passed by the municipality remains in full force and effect. R.S.O. 1990, c. S.24, s. 10 (3).

#### **Local improvement works**

11. (1) The Commission may enter into an agreement with any municipality that adjoins or is within five kilometres of the lands of the Commission as to any work of any character or description mentioned in a regulation under Part XII of the *Municipal Act, 2001* relating to local improvements and the Commission may agree to contribute towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable for charges under that regulation for the cost of the work, whether the lands abut directly on the work or otherwise. 2002, c. 17, Sched. F, Table.

#### **Idem**

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement. R.S.O. 1990, c. S.24, s. 11 (2).

#### **Lands exempt from taxation**

12. All lands of the Commission wherever situate are exempt from assessment or taxation by any municipality. R.S.O. 1990, c. S.24, s. 12.

#### **Payments in lieu of taxes**

13. (1) The Minister of Municipal Affairs and Housing may pay in each year to a municipality in which there are one or more parks operated by the Commission,

- (a) \$12.35 per hectare for each of the first forty hectares of each such park and \$5 per hectare for each hectare in excess of forty hectares in each such park up to 4,000 hectares in each such park and \$1.25 per hectare for each hectare in excess of 4,000 hectares in each such park; or

- (b) \$100,

whichever is the greater, and he or she shall recover such payments out of the funds of the Commission. R.S.O. 1990, c. S.24, s. 13 (1); 2002, c. 17, Sched. F, Table.

#### **Determinations**

- (2) For the purposes of subsection (1), the Minister of Municipal Affairs and Housing shall determine annually,

- (a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more parks or any part thereof; and
- (b) the number of hectares to the nearest whole hectare in each park or part thereof so located within each such municipality,

and his or her determination is final. R.S.O. 1990, c. S.24, s. 13 (2); 2002, c. 17, Sched. F, Table.

#### **Books of account**

14. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all money received and paid and of the several purposes for which the same was received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books. R.S.O. 1990, c. S.24, s. 14.

#### **Security by officers**

15. Every person who is entrusted by the Commission with the custody or control of money in the course of his or her employment shall give security in the manner and form provided by the *Public Officers Act*. R.S.O. 1990, c. S.24, s. 15.

#### **Audit**

16. The books and records of the Commission shall be examined annually by the Auditor General or such other auditor as the Lieutenant Governor in Council may designate. R.S.O. 1990, c. S.24, s. 16; 2004, c. 17, s. 32.

#### **Lost, mislaid or abandoned property**

17. (1) Any lost, mislaid or abandoned property coming into the custody of an employee of the Commission and not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed. R.S.O. 1990, c. S.24, s. 17 (1).

#### **Idem**

(2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that the person was the owner of property sold under subsection (1), the Minister may direct the payment to such person of an amount equal to the price received for the property less the costs referable to the sale and other expenses incurred in connection with the property. R.S.O. 1990, c. S.24, s. 17 (2).

#### **Annual report**

18. (1) The Commission shall file a report annually with the Minister containing such information as the Minister may require. R.S.O. 1990, c. S.24, s. 18 (1).

#### **Tabling**

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. S.24, s. 18 (2).

#### **Regulations**

- 19. (1) The Commission, with the approval of the Lieutenant Governor in Council, may make regulations,
  - (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
  - (b) providing for the protection and preservation from damage of the property of the Commission;
  - (c) REPEALED: 1993, c. 16, s. 5 (3).
  - (d) prescribing permits designating privileges in connection with the use of the Parks or any part of the Parks;
  - (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
  - (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks;
  - (g) licensing, regulating and governing taxicabs and other vehicles for hire and their owners and drivers;
  - (h) licensing, regulating and governing guides;

- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing fines not exceeding \$500 for any breach of any regulation;
- (k) for such purposes and objects as are deemed necessary for the carrying out of this Act. R.S.O. 1990, c. S.24, s. 19 (1); 1993, c. 16, s. 5 (3, 4).

**Idem**

(2) Any regulation made under subsection (1) may be general or particular in its application. R.S.O. 1990, c. S.24, s. 19 (2).

**Offence**

(3) An offence against a regulation made under this Act is punishable under the *Provincial Offences Act*. R.S.O. 1990, c. S.24, s. 19 (3).

**Rights of interment not affected**

20. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. R.S.O. 1990, c. S.24, s. 20.

**Non-application**

21. The *Corporations Act* does not apply to the Commission. R.S.O. 1990, c. S.24, s. 21.

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