

Appendix 3 – Extracts from *Municipal Act, 2001*

Composition of council of local municipality

217 (1) Without limiting sections 9, 10 and 11, those sections authorize a local municipality to change the composition of its council subject to the following rules:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section. 2001, c. 25, s. 217 (1); 2006, c. 32, Sched. A, s. 92 (1).

(2) REPEALED: 2006, c. 32, Sched. A, s. 92 (2).

Coming into force

(3) A by-law described in this section does not come into force until the day the new council is organized,

- (a) after the first regular election following the passing of the by-law; or
- (b) if the by-law is passed in the year of a regular election before voting day, after the second regular election following the passing of the by-law. 2001, c. 25, s. 217 (3); 2006, c. 32, Sched. A, s. 92 (3).

Election

(4) The regular election held immediately before the coming into force of a by-law described in this section shall be conducted as if the by-law was already in force. 2001, c. 25, s. 217 (4); 2006, c. 32, Sched. A, s. 92 (4).

Term unaffected

(5) Nothing in this section authorizes a change in the term of office of a member of council. 2001, c. 25, s. 217 (5).

Section Amendments with date in force (d/m/y)

Establishment of wards

222 (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to divide or redivide the municipality into wards or to dissolve the existing wards. 2006, c. 32, Sched. A, s. 96 (1).

Conflict

(2) In the event of a conflict between a by-law described in subsection (1) and any provision of this Act, other than this section or section 223, any provision of any other Act or a regulation made under any other Act, the by-law prevails. 2006, c. 32, Sched. A, s. 96 (1).

Notice

(3) Within 15 days after a by-law described in subsection (1) is passed, the municipality shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal under subsection (4). 2006, c. 32, Sched. A, s. 96 (1).

Appeal

(4) Within 45 days after a by-law described in subsection (1) is passed, the Minister or any other person or agency may appeal to the Ontario Land Tribunal by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections. 2006, c. 32, Sched. A, s. 96 (1); 2017, c. 23, Sched. 5, s. 49 (1); 2021, c. 4, Sched. 6, s. 64 (1).

Notices forwarded to Board

(5) Within 15 days after the last day for filing a notice of appeal under subsection (4), the municipality shall forward any notices of appeal to the Tribunal. 2001, c. 25, s. 222 (5); 2017, c. 23, Sched. 5, s. 49 (2).

Other material

(6) The municipality shall provide any other information or material that the Tribunal requires in connection with the appeal. 2001, c. 25, s. 222 (6); 2017, c. 23, Sched. 5, s. 49 (3).

Tribunal decision

(7) The Tribunal shall hear the appeal and may, despite any Act, make an order affirming, amending or repealing the by-law. 2001, c. 25, s. 222 (7); 2017, c. 23, Sched. 5, s. 49 (4).

Coming into force of by-law

(8) A by-law of a municipality described in this section comes into force on the day the new council of the municipality is organized following,

- (a) the first regular election after the by-law is passed if the by-law is passed before January 1 in the year of the regular election and,
 - (i) no notices of appeal are filed,
 - (ii) notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or
 - (iii) notices of appeal are filed and the Tribunal issues an order to affirm or amend the by-law before January 1 in the year of the election; or
- (b) the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the Tribunal. 2001, c. 25, s. 222 (8); 2006, c. 32, Sched. A, s. 96 (2); 2017, c. 23, Sched. 5, s. 49 (5).

Election

(9) Despite subsection (8), where a by-law comes into force on the day the new council of a municipality is organized following a regular election, that election shall be conducted as if the by-law was already in force. 2001, c. 25, s. 222 (9).

Notice to assessment corporation

(9.1) When a by-law described in this section is passed, the clerk of the municipality shall notify the assessment corporation and the Chief Electoral Officer,

- (a) before January 1 in the year of the first regular election after the by-law is passed, if clause (8) (a) applies;
- (b) before January 1 in the year of the second regular election after the by-law is passed, if clause (8) (b) applies. 2009, c. 33, Sched. 21, s. 6 (10); 2020, c. 23, Sched. 4, s. 16.

(10) REPEALED: 2017, c. 10, Sched. 1, s. 17.

Section Amendments with date in force (d/m/y)

Petition re: wards

223 (1) Electors in a municipality may present a petition to the council asking the council to pass a by-law dividing or redividing the municipality into wards or dissolving the existing wards. 2001, c. 25, s. 223 (1); 2006, c. 32, Sched. A, s. 97 (1).

Number of electors required

(2) The petition requires the signatures of 1 per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less, but, in any event, a minimum of 50 signatures of the electors in the municipality is required. 2001, c. 25, s. 223 (2).

Definition

(3) In this section,

“elector” means a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding a petition being presented to council under subsection (1). 2001, c. 25, s. 223 (3).

Failure to act

(4) If the council does not pass a by-law in accordance with the petition within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario Land Tribunal to have the municipality divided or redivided into wards or to have the existing wards dissolved. 2001, c. 25, s. 223 (4); 2006, c. 32, Sched. A, s. 97 (2); 2017, c. 23, Sched. 5, s. 50 (1); 2021, c. 4, Sched. 6, s. 64 (1).

Order

(5) The Tribunal shall hear the application and may, despite any Act, make an order dividing or redividing the municipality into wards or dissolving the existing wards and subsection 222 (6) applies with necessary modifications in respect to the hearing. 2001, c. 25, s. 223 (5); 2017, c. 23, Sched. 5, s. 50 (2).

Coming into force

(6) An order of the Tribunal under this section comes into force on the day the new council of the municipality is organized following,

- (a) the first regular election after the order is made, if the order is made before January 1 in the year of the regular election; or
- (b) the second regular election after the order is made, if the order is made on or after January 1 in the year of a regular election but before voting day. 2001, c. 25, s. 223 (6); 2017, c. 23, Sched. 5, s. 50 (3).

Election

(7) Despite subsection (6), if an order comes into force on the day the new council of a municipality is organized following a regular election, that election shall be conducted as if the order was already in force. 2001, c. 25, s. 223 (7).

Deemed by-law

(8) Once an order of the Tribunal is in force, the order shall be deemed to be a by-law of the municipality and may be amended or repealed by the municipality by by-law described in section 222. 2001, c. 25, s. 223 (8); 2006, c. 32, Sched. A, s. 97 (3); 2017, c. 23, Sched. 5, s. 50 (4).

Section Amendments with date in force (d/m/y)