

Waterfront Regeneration Trust Agency Act, 1992

S.O. 1992, CHAPTER 2

Consolidation Period: From August 20, 2007 to the e-Laws currency date.

Last amendment: 2006, c. 35, Sched. C, s. 130.

Definitions

1. In this Act,

“Agency” means the Waterfront Regeneration Trust Agency; (“Agence”)

“Minister” means the minister responsible for the administration of this Act; (“ministre”)

“waterfront lands” means,

(a) the land, including land covered with water, that is related to the shore of Lake Ontario extending from Burlington Bay in the west to the Trent River in the east, and

(b) such other land as the Lieutenant Governor in Council designates. (“biens-fonds riverains”) 1992, c. 2, s. 1.

Minister

2. The Minister of the Environment is responsible for the administration of this Act unless the Lieutenant Governor in Council orders otherwise under the Executive Council Act. 1992, c. 2, s. 2.

Agency established

3. (1) There is hereby established a corporation without share capital to be known as the Waterfront Regeneration Trust Agency in English and Agence fiduciaire de régénération du secteur riverain in French. 1992, c. 2, s. 3 (1).

Appointment of members

(2) The Agency shall consist of as many members, not fewer than five, as the Lieutenant Governor in Council may appoint. 1992, c. 2, s. 3 (2).

Term of appointment

(3) The members shall be appointed for a term designated by the Lieutenant Governor in Council. 1992, c. 2, s. 3 (3).

Head office

(4) The Agency shall have a head office in such location in Ontario as the Lieutenant Governor in Council designates. 1992, c. 2, s. 3 (4).

Non-application

(5) The Corporations Act and the Corporations Information Act do not apply to the Agency. 1992, c. 2, s. 3 (5).

Objects

4. The objects of the Agency are,

(a) to advise the Minister on any matter relating to the use, disposition, conservation, protection and regeneration of waterfront lands;

(b) to consult with the public and to determine the public interest in the environmental integrity of waterfront lands;

(c) to coordinate programs and policy of the Government of Ontario and its agencies relating to waterfront lands;

(d) to serve as a resource centre and clearinghouse of information to the public for policy of the Government of Ontario relating to waterfront lands;

(e) to facilitate the establishment of a trail and associated green or open spaces in the waterfront lands;

(f) to do such other things as the Lieutenant Governor in Council may by order direct. 1992, c. 2, s. 4.

Powers

5. (1) Except as limited by this Act, the Agency has all the powers that are necessary or expedient for carrying out its objects. 1992, c. 2, s. 5 (1).

Real property

(2) The Agency may not acquire, hold or dispose of any interest in real property until the Lieutenant Governor in Council confers the power on it by order. 1992, c. 2, s. 5 (2).

Borrowing

(3) The Agency may not borrow money or give security against its property except with the approval of the Lieutenant Governor in Council and subject to such conditions as are approved by the Treasurer of Ontario. 1992, c. 2, s. 5 (3).

Guarantee of loans

(4) Subject to the approval of the Lieutenant Governor in Council, the Treasurer may, upon such conditions as the Treasurer considers proper, guarantee, on behalf of Ontario, the repayment of any loan made to the Agency, together with interest on the loan. 1992, c. 2, s. 5 (4).

Directions

(5) The Agency shall comply with any directions in writing given to it by the Lieutenant Governor in Council or the Minister. 1992, c. 2, s. 5 (5).

Board of directors

6. (1) The affairs of the Agency shall be managed and controlled by its board of directors which shall consist of all of the members of the Agency. 1992, c. 2, s. 6 (1).

Quorum

(2) A majority of the members constitute a quorum of the board. 1992, c. 2, s. 6 (2).

Chair and vice-chair

(3) The Lieutenant Governor in Council shall designate one of the members as chair and may designate another as vice-chair of the board. 1992, c. 2, s. 6 (3).

Chair's duty

(4) The chair shall preside over meetings of the board. 1992, c. 2, s. 6 (4).

Acting chair

(5) If the chair is absent or otherwise unable to act or if the office is vacant, the vice-chair has all the powers and shall perform the duties of the chair. 1992, c. 2, s. 6 (5).

By-laws

7. (1) The board of directors of the Agency may make such by-laws as it considers necessary for the administration of the affairs of the Agency, including by-laws to establish committees and to appoint officers. 1992, c. 2, s. 7 (1).

Committees

(2) A by-law establishing a committee of the board may delegate to the committee those powers and duties of the board determined in the by-law. 1992, c. 2, s. 7 (2).

Seal

(3) The Agency shall have a seal which shall be adopted by by-law. 1992, c. 2, s. 7 (3).

Remuneration of members

8. (1) The Agency shall pay its members who are not employed under Part III of the Public Service of Ontario Act, 2006 the remuneration that the Lieutenant Governor in Council determines. 1992, c. 2, s. 8 (1); 2006, c. 35, Sched. C, s. 130 (1).

Expenses of members

(2) The Agency shall pay the expenses incurred by members in the course of their duties at rates determined by the Lieutenant Governor in Council. 1992, c. 2, s. 8 (2).

Employees

9. (1) The Agency may,

(a) with the approval of the Minister, establish positions, salaries, benefits and other remuneration for such persons as the board of directors of the Agency considers necessary for the proper conduct of the affairs of the Agency;

(b) employ or contract for the services of the persons mentioned in clause (a); and

(c) pay the salaries, benefits and other remuneration of the persons mentioned in clause (a). 1992, c. 2, s. 9 (1).

(2) Repealed: 2006, c. 35, Sched. C, s. 130 (2).

Crown agency

10. The Agency is an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty. 1992, c. 2, s. 10.

No personal liability

11. (1) No action or other proceeding for damages may be instituted against any member of the Agency or person appointed to the service of the Agency for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty. 1992, c. 2, s. 11 (1).

Crown liability

(2) Despite subsections 5 (2) and (4) of the Proceedings Against the Crown Act, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject. 1992, c. 2, s. 11 (2).

Surplus money

12. Upon the order of the Treasurer of Ontario, the Agency shall pay into the Consolidated Revenue Fund surplus money in its general fund as the Treasurer determines. 1992, c. 2, s. 12.

Accounting

13. (1) The Agency shall establish and maintain an accounting system satisfactory to the Minister. 1992, c. 2, s. 13 (1).

Auditors

(2) The board of directors of the Agency shall appoint one or more auditors licensed under the Public Accounting Act, 2004 to audit the accounts and financial transactions of the Agency annually. 1992, c. 2, s. 13 (2); 2004, c. 8, s. 46.

Disclosure to Auditor General

(3) The board of directors of the Agency shall make available to the Auditor General, upon his or her request, the auditor's report and all accounts, records and other documents in respect of the audit. 1992, c. 2, s. 13 (3); 2004, c. 17, s. 32.

Financial year

14. (1) The financial year of the Agency begins on the 1st day of April in each year and ends on the following 31st day of March. 1992, c. 2, s. 14 (1).

Estimates, reports

(2) The board of directors of the Agency shall submit to the Minister annually, before the beginning of the Agency's financial year, its written estimates for spending in the year. 1992, c. 2, s. 14 (2).

Annual report

(3) The board of directors of the Agency shall make an annual report, following the end of the Agency's financial year, to the Minister on the affairs of the Agency containing all information that the Minister may require. 1992, c. 2, s. 14 (3).

Idem

(4) The Minister shall submit the annual 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. 1992, c. 2, s. 14 (4).

Other reports

(5) The board of directors of the Agency shall submit to the Minister such reports, other than the annual report, as the Minister may require. 1992, c. 2, s. 14 (5).

15. Omitted (provides for coming into force of provisions of this Act). 1992, c. 2, s. 15.

16. Omitted (enacts short title of this Act). 1992, c. 2, s. 16.