

Tile Drainage Act

R.S.O. 1990, CHAPTER T.8

Consolidation Period: From June 4, 2015 to the e-Laws currency date.

Last amendment: 2015, c. 20, Sched. 42.

Definitions

1. In this Act,

“drainage work” means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained; (“travaux de drainage”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs or such other member of the Executive Council as may be assigned the administration of this Act under the Executive Council Act; (“ministre”)

“prescribed” means prescribed by the regulations made under this Act. (“prescrit”) R.S.O. 1990, c. T.8, s. 1; 1998, c. 18, Sched. A, s. 3 (1); 2002, c. 17, Sched. F, Table; 2015, c. 20, Sched. 42, s. 1.

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

Borrowing powers of municipalities

2. (1) The council of a local municipality may pass by-laws in the prescribed form authorizing,

(a) the borrowing of money from the Minister for the purpose of lending the money for the construction of drainage works; and

(b) the issuance of debentures in the prescribed form by the local municipality or by an upper-tier municipality on its behalf. 1998, c. 18, Sched. A, s. 3 (2); 2002, c. 17, Sched. F, Table; 2015, c. 20, Sched. 42, s. 2 (1).

When by-law valid

(2) A by-law passed under subsection (1) is valid and binding according to its terms unless an application is made or an action is brought to quash the by-law in a court of competent jurisdiction within four weeks after the by-law is passed. 1998, c. 18, Sched. A, s. 3 (2).

Deposit with Minister

(3) After the expiration of four weeks since a by-law is passed under subsection (1), the clerk of the municipality shall deposit with the Minister a certified copy of the by-law, together with an affidavit of the clerk in the prescribed form if,

(a) no application has been made or no action has been brought to quash the by-law; or

(b) an application has been made or an action has been brought to quash the by-law but it has been dismissed. 1998, c. 18, Sched. A, s. 3 (2); 2015, c. 20, Sched. 42, s. 2 (2).

Clerk’s affidavit

(4) The affidavit of the clerk shall state which one of clauses (3) (a) and (b) applies in respect of the by-law. 1998, c. 18, Sched. A, s. 3 (2).

Offer to sell debentures

(5) After the clerk has complied with subsection (3), the municipality that issued the debentures authorized by the by-law may offer to sell the debentures to the Province of Ontario. 1998, c. 18, Sched. A, s. 3 (2).

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

Application by owner for loan

3. (1) An owner of agricultural land who is assessed as the owner thereof in the local municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the local municipality in the prescribed form to borrow money for the purpose of constructing a drainage work on such agricultural land. R.S.O. 1990, c. T.8, s. 3 (1); 2002, c. 17, Sched. F, Table.

Discretion of council

(2) The approval of any application under subsection (1) is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant. R.S.O. 1990, c. T.8, s. 3 (2).

(3)-(6) Repealed: 1999, c. 12, Sched. A, s. 23.

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

Appointment of inspector

4. The council of a local municipality borrowing money under this Act shall employ an inspector of drainage who shall inspect the drainage work and file with the clerk an inspection and completion certificate in the prescribed form, together with a sketch indicating the location, spacing, direction and depth of the tile as laid, and the cost of such services by the inspector shall be charged against the drainage work inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7. R.S.O. 1990, c. T.8, s. 4; 2002, c. 17, Sched. F, Table.

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

When debentures to be issued

5. (1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Minister with respect to the funds to be loaned by the local municipality. 2002, c. 17, Sched. F, Table; 2015, c. 20, Sched. 42, s. 3 (1).

Lower-tier municipality

(1.1) In the case of a lower-tier municipality that is not authorized to issue debentures, the council of the lower-tier municipality may request the upper-tier municipality to issue the debenture on its behalf. 2002, c. 17, Sched. F, Table.

Limitation

(2) A local municipality or an upper-tier municipality on behalf of one or more lower-tier municipalities shall not issue more than one debenture in any month, the amount of which may

combine amounts to be loaned by the local municipality or lower-tier municipalities with respect to a number of drainage works. 2002, c. 17, Sched. F, Table.

Amount of debentures

(3) The amount of each debenture issued to the Minister shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued nor 75 per cent of the total cost of the drainage work or works with respect to which the debenture is issued. R.S.O. 1990, c. T.8, s. 5 (3); 2015, c. 20, Sched. 42, s. 3 (2).

Interest rates on debentures

(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council. R.S.O. 1990, c. T.8, s. 5 (4).

Term of debentures

(5) The term of the debentures shall be for a period of ten years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture. R.S.O. 1990, c. T.8, s. 5 (5).

Prepayment

(6) The debentures shall provide that the municipality may at any time prepay the whole amount of principal and interest owing at the time of such prepayment. R.S.O. 1990, c. T.8, s. 5 (6); 2002, c. 17, Sched. F, Table.

Date of debentures

(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Minister. R.S.O. 1990, c. T.8, s. 5 (7); 2015, c. 20, Sched. 42, s. 3 (3).

Offer to sell

(8) An application requesting the Minister to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Minister. R.S.O. 1990, c. T.8, s. 5 (8); 2015, c. 20, Sched. 42, s. 3 (4).

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

Purchase and validation of debentures

6. (1) The Minister may purchase, acquire and hold debentures issued under the authority of this Act. 2015, c. 20, Sched. 42, s. 4.

Existing municipal debentures

(2) If, before the day section 4 of Schedule 42 to the Building Ontario Up Act (Budget Measures), 2015 comes into force, a municipal debenture was purchased or acquired in respect of a loan made by the municipality under section 3 and if the loan has not been repaid in full before that day, then, on and after that day,

(a) the municipal debenture is deemed to have been purchased or acquired by the Minister under subsection (1); and

(b) the Minister shall hold the municipal debenture until the loan in respect of which it was issued is repaid in full. 2015, c. 20, Sched. 42, s. 4.

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

Terms on which council shall lend money

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of ten years at a rate of interest equal to that set out in the debenture by which the funds are borrowed, but the amount loaned to any one applicant shall not exceed the amount applied for nor 75 per cent of the total cost of the drainage work with respect to which the loan is made. R.S.O. 1990, c. T.8, s. 7.

Collection

8. The council shall impose by by-law in the prescribed form and, subject to section 13, shall levy and collect for the term of 10 years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in 10 years the principal and interest of the money lent, and the special rates imposed shall have priority lien status, as described in section 1 of the Municipal Act, 2001 or section 3 of the City of Toronto Act, 2006, as the case may be, and shall be added to the tax roll. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 65.

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

Repayment where land use is changed

9. (1) Where, at any time before a loan is repaid, the council of a local municipality is satisfied that the land is no longer being used for agriculture, the balance of the loan, together with interest thereon, shall become immediately due and payable and such amount may be added to the taxes for the current year. R.S.O. 1990, c. T.8, s. 9 (1); 2002, c. 17, Sched. F, Table.

Amounts to be remitted to Minister

(2) Any amounts collected under subsection (1) shall forthwith be remitted to the Minister or his or her assignee who shall apply them towards payment of the debentures of the local municipality or upper-tier municipality. R.S.O. 1990, c. T.8, s. 9 (2); 2002, c. 17, Sched. F, Table; 2015, c. 20, Sched. 42, s. 5.

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

Repayment by municipality to Province

10. (1) The amount payable in each year for principal and interest shall be remitted to the Minister,

(a) in the case of debentures issued prior to the 1st day of September, 1971, not later than the 10th day of the month next following the month in which the payment fell due; and

(b) in the case of debentures issued on or after the 1st day of September, 1971, on or before the due date. R.S.O. 1990, c. T.8, s. 10 (1); 2015, c. 20, Sched. 42, s. 6.

Interest when default in payment

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council. R.S.O. 1990, c. T.8, s. 10 (2).

Loans in territory without municipal organization

11. (1) The Minister may, by order, establish the manner in which drainage works shall be initiated and carried out in territory without municipal organization, the manner in which loans may be made

by the Province to persons for the purpose of carrying out such drainage works and the terms and conditions of the loans. 2015, c. 20, Sched. 42, s. 7 (1).

Lien

(2) The amount loaned to any one person under subsection (1) shall not exceed 75 per cent of the total cost of the work and shall constitute a lien upon the estate or interest of the owner in the land upon which the work was done and where repayment of the amount so loaned is in default such amount may be deducted from any money payable by Ontario to the person under any other Act and may be recovered by proceedings in any court of competent jurisdiction. R.S.O. 1990, c. T.8, s. 11 (2).

Publication of order

(3) The Minister shall publish every order made under subsection (1) on a website maintained by the Government of Ontario and in any other manner that the Minister thinks appropriate. 2015, c. 20, Sched. 42, s. 7 (2).

Non-application of the Legislation Act, 2006, Part III

(4) Part III (Regulations) of the Legislation Act, 2006 does not apply to an order made under subsection (1). 2015, c. 20, Sched. 42, s. 7 (2).

Existing order of the Lieutenant Governor in Council

(5) The “Northern Ontario Tile Drainage Loan Program” established by order of the Lieutenant Governor in Council on December 3, 1975, including any amendments to the program that may have been adopted by order of the Lieutenant Governor in Council before the day subsection 7 (1) of Schedule 42 to the Building Ontario Up Act (Budget Measures), 2015 comes into force, is deemed, on and after that day, to have been established and amended by orders made by the Minister under subsection (1) and the program shall continue in effect until it is revoked by an order of the Minister made under subsection (1). 2015, c. 20, Sched. 42, s. 7 (2).

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

Sale of part of land with respect to which money lent

12. (1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the local municipality may apportion the special annual rate between the part sold and the part remaining. R.S.O. 1990, c. T.8, s. 12 (1); 2002, c. 17, Sched. F, Table.

Notice

(2) The clerk of the local municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment. R.S.O. 1990, c. T.8, s. 12 (2); 2002, c. 17, Sched. F, Table.

Apportionment of rate

(3) The council in making the apportionment shall have regard to the effect of the drainage work on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final. R.S.O. 1990, c. T.8, s. 12 (3).

Filing of order of apportionment

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment. R.S.O. 1990, c. T.8, s. 12 (4).

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

Discharge of indebtedness by owner

13. The owner of agricultural land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the local municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed, and any amounts so paid shall be forthwith remitted by the treasurer of the local municipality to the Minister or his or her assignee who shall apply them towards payment of the debentures of the local municipality or upper-tier municipality. R.S.O. 1990, c. T.8, s. 13; 2002, c. 17, Sched. F, Table; 2015, c. 20, Sched. 42, s. 8.

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

Regulations, Lieutenant Governor in Council

14. The Lieutenant Governor in Council may make regulations defining, for the purposes of this Act, any word or expression used but not defined in this Act. 2010, c. 16, Sched. 1, s. 9.

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

Regulations, Minister

15. The Minister may make regulations prescribing forms for the purposes of this Act and providing for their use. 2010, c. 16, Sched. 1, s. 9.

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

Expenditures

16. The money required for the purposes of this Act shall be paid out of the money appropriated for that purpose by the Legislature. 2015, c. 20, Sched. 42, s. 9.

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