

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 164-86

A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT AMONG THE CORPORATION OF THE CITY OF NORTH BAY (THE "MUNICIPALITY") AND HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AND REPRESENTED BY THE MINISTER OF THE ENVIRONMENT (THE "CROWN") FOR THE ACQUISITION OF PROVINCIALLY-OWNED SEWAGE WORKS (THE "WORKS") AND THE ASSUMPTION OF LONG-TERM COMMITMENT THEREFORE.

WHEREAS By-law No. 68-83, finally passed on the 13th day of June, 1983 authorized the execution of an agreement between The Corporation of the City of North Bay and Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment and Treasurer of Ontario, and Minister of Economics, and Canada Mortgage and Housing Corporation for the acquisition of Provincially-owned sewage works and the assumption of long-term commitment therefor; the entering into of such an agreement was approved by an order of the Ontario Municipal Board dated the 19th day of October, 1983; and

WHEREAS in the meantime it has become possible to accomplish the same result with the debt which was to be secured by debentures issued to Canada Mortgage and Housing Corporation replaced by debt owed directly to the Province under the agreement and therefore it is no longer necessary to have Canada Mortgage and Housing Corporation and the Treasurer of Ontario and Minister of Economics parties to the agreement; and

WHEREAS it is now considered desirable for expediting the finalization of the agreements to replace previously proposed Canada Mortgage and Housing Corporation debentures with Ministry of the Environment loans; and

WHEREAS it is now considered desirable to enter into an agreement in the form attached as Schedule "A" rather than the form provided for in By-law #68-83.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That the municipality secure a loan not exceeding \$6,899,932. from the Ministry of the Environment to finance the outstanding debt and deficit the details of which have been provided in Schedule "A", annexed hereto;
2. That the Mayor and Clerk be and they are hereby authorized and directed to execute an agreement in the form attached as Schedule "A" hereto, which schedule is declared to be and forms part of this by-law, between The Corporation of the City of North Bay and Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment.
3. All sums required to pay off the instalments of principal of the loans and to pay interest thereon as set out in Schedule "B" annexed to the agreement attached hereto as Schedule "A" shall be levied and raised in the years 1983 to 2013 inclusive, by a special rate sufficient therefor, over and above all other rates, upon all the rateable property in the Municipality at the same time and in the same manner as other rates, but it shall not be necessary to levy in any year a greater amount than is required to pay the said instalments of principal and interest after taking into account receipts by the Treasurer from sewer rate imposed by By-laws(s) No. 68-71 as amended (Urban Service Area) passed on 15 June 1971 or from any other source in respect of the said Works.
4. This by-law shall come into force and take effect upon receiving the approval of the Ontario Municipal Board.

READ A FIRST TIME IN OPEN COUNCIL THE 2ND DAY OF SEPTEMBER , 1986.

READ A SECOND TIME IN OPEN COUNCIL THE 15TH DAY OF SEPTEMBER , 1986.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 11TH DAY OF MAY , 1987.


MAYOR


CITY CLERK



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Sections 7(2),
8, 34 and 38(5) of The Ontario
Water Resources Act, (R.S.O.
1980, c. 361), and

Section 64 of The Ontario
Municipal Board Act, (R.S.O.
1980, c. 347)

- and -

IN THE MATTER OF an application
by the Ministry of the
Environment on behalf of the
Corporation of the City of North
Bay for approval of the entering
by the said corporation into an
agreement with Her Majesty the
Queen in right of Ontario as
represented by the Minister of
the Environment with respect to
the provision of sewage service

- and -

IN THE MATTER OF the passing by
the said corporation of by-laws
imposing sewage rates

such application having been
approved by order of the Board
dated the 15th day of July, 1971

- and -

IN THE MATTER OF an application
by the Ministry of the
Environment for an order
approving the passing by the said
corporation of a by-law amending
such previous sewage rate by-law,
and for amendment of the previous
order of the Board dated the 15th
day of July, 1971

such application having been
approved by order of the Board
dated the 1st day of November,
1973

- and -

IN THE MATTER OF an application
by the Minister of the
Environment on behalf of the
Corporation of the City of North
Bay for approval of the entering
by the said Corporation into an
agreement with Her Majesty the
Queen in right of Ontario as

represented by the Minister of the Environment, in accordance with the draft agreement filed with the Board on the 23rd day of June, 1983, and identified by the Secretary's signature, to transfer to the said municipality the Ownership and the responsibility to Operate and insure the Sewage Works System owned by the Ministry of the Environment, and the issuance of the necessary debentures as set out below

such application having been approved by order of the Board dated the 19th day of October, 1983

- and -

IN THE MATTER OF an application by the Minister of the Environment on behalf of the Corporation of the City of North Bay for approval of the entering by the said Corporation into an agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, in accordance with the draft agreement filed with the Board on the 23rd day of June, 1983, and shown as Schedule "A" to By-law 51-83 of the Corporation of the City of North Bay and identified by the Secretary's signature, to transfer the responsibility to the Minister of the Environment to operate, supervise, maintain, control, repair, administer and insure the Sewage Works System owned by the Municipality

such application having been approved by order of the Board dated the 20th day of October, 1983,

- and -

IN THE MATTER OF Sections 7(2), 8, 34 and 38(5) of the Ontario Water Resources Act, (R.S.O. 1980, c. 361 as amended), and

Section 64 of the Ontario Municipal Board Act (R.S.O. 1980, c. 347 as amended)

- and -

IN THE MATTER OF a present application by the Minister of the Environment, on behalf of The Corporation of the City of North Bay for an order approving:

AND UPON IT APPEARING that the Board by its order made the 1st day of November, 1973, and entered in order book No. H 22 at folio 224 on June 10th, 1975, approved the passing by The Corporation of the City of North Bay of a by-law to amend a previous sewage rate by-law;

AND UPON IT APPEARING that the Board by its order made the 19th day of October, 1983 and entered in order book No. H23 at folio 134 on October 20th, 1983, approved the entering by the said Corporation into an agreement with the Minister of the Environment to transfer to the Corporation of the City of North Bay the ownership and responsibility to operate, supervise, control, repair, administer and insure the said sewage works project previously owned and operated by the Minister of the Environment; and the issuance of debentures therefor in a sum not exceeding \$6,899,832.00 for a term not to exceed thirty years;

AND UPON IT APPEARING that the Board by its order made on the 20th day of October, 1983, and entered in order book No. H 23 at folio 135 on the 25th day of October, 1983, approved the entering by the said Corporation into an agreement with the Minister of the Environment to transfer the responsibility to the Minister of the Environment to operate, supervise, maintain, control, repair, administer and insure the said sewage works project owned by the said municipality;

AND UPON IT APPEARING that instead of issuing debentures to the Canada Mortgage and Housing Corporation, the corporation now intends to borrow money in such amount by way of a loan from the Ministry of the Environment repayable with interest over thirty years commencing from 1983;

UPON IT APPEARING that The Corporation of the City of North Bay has discharged its obligations with respect to certain sewage works constructed by the Ministry of the Environment under a previous agreement to the satisfaction of the Minister of the Environment and the Minister has agreed to transfer the ownership of such works to the said Corporation;

THE BOARD ORDERS that this application be granted and that The Corporation of the City of North Bay may enter into the proposed agreement with Her Majesty the Queen in right of Ontario as represented by The Minister of the Environment in the form filed with the Board on the 21st day of October, 1986, and identified by the Secretary's signature, and also forming Schedule "A" to By-law No. 164-86 of the said Corporation, releasing the parties thereto, from all the terms and conditions of the agreement, the execution of which was approved by the order of the Board dated the 19th day of October, 1983, and entered in order book No.H 23 at folio 134 on the 20th day of October, 1983, and for such purpose the Corporation may exercise all its powers and may pass all requisite by-laws, and may borrow money by way of a loan from the Ministry of the Environment in the amount of \$6,899,832.00 repayable with interest; for a term not exceeding thirty years to finance the outstanding capital debt and accumulated deficits in such amount for the sewage works constructed under the said previous agreement.

AND THE BOARD ORDERS that its previous order made on the 19th day of October, 1983, and entered in order book No. H 23 at folio 134 on the 20th day of October, 1983, approving the issuance of debentures is hereby rescinded.

[Handwritten Signature]
SECRETARY

ENTERED	
O. B. No.	<i>H 23</i>
Folio No.	<i>168</i>
APR 24 1987	
<i>[Handwritten Signature]</i>	
ACTING SECRETARY	