

Barrie-Innisfil Boundary Adjustment Act, 2009

EXPLANATORY NOTE

The Bill adjusts the boundary between the City of Barrie and the Town of Innisfil. The land described in Schedule 1 becomes part of the City of Barrie.

**An Act respecting the adjustment of the boundary between the City of Barrie and the
Town of Innisfil**

Note: This Act amends the *Municipal Act, 2001*. For the legislative history of the Act, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

References

1. A reference in this Act to the County of Simcoe, the City of Barrie or the Town of Innisfil is a reference to the geographic area comprising that municipality or a reference to the municipal corporation bearing that name, as the context requires.

Annexation

2. (1) On January 1, 2010, the portion of the Town of Innisfil described in Schedule 1 is annexed to the City of Barrie.

Real property

(2) All real property of the Town of Innisfil and the County of Simcoe in the annexed area vests in the City of Barrie on January 1, 2010, including without limitation,

- (a) any highway, fixture, waterline and sewer in the annexed area; and
- (b) any easement and restrictive covenant running with land in the annexed area.

By-laws and resolutions

3. (1) On January 1, 2010,

- (a) the by-laws and resolutions of the City of Barrie extend to the annexed area; and
- (b) subject to subsections (2) and (3), the by-laws and resolutions of the Town of Innisfil and the County of Simcoe cease to apply to the annexed area.

Exception

(2) To the extent that they apply to the annexed area, the following by-laws of the Town of Innisfil and the County of Simcoe are deemed to be by-laws of the City of Barrie and remain in force in the annexed area until they expire or are repealed or amended to provide otherwise:

1. By-laws passed under section 34 or 41 of the *Planning Act* or a predecessor of either section.
2. By-laws passed under the *Highway Traffic Act* or the *Municipal Act, 2001* or a predecessor of either Act to regulate,
 - i. the use of highways by vehicles and pedestrians, or
 - ii. the encroachment or projection of buildings upon or over highways.
3. By-laws passed under the *Development Charges Act, 1997*.

Same

(3) To the extent that they apply to the annexed area, any by-laws and resolutions of the Town of Innisfil and the County of Simcoe that confer rights, privileges, franchises, immunities or exemptions and could not lawfully be repealed by the Town of Innisfil or the County of Simcoe are deemed to be by-laws and resolutions of the City of Barrie.

By-laws in process

(4) If the Town of Innisfil or the County of Simcoe has commenced procedures to enact a by-law under any Act and that by-law applies to the annexed area and is not in force on January 1, 2010, the City of Barrie may continue the procedures to enact the by-law to the extent that it applies to the annexed area.

Official plans

4. (1) The official plans of the Town of Innisfil and the County of Simcoe in respect of the annexed area are deemed to be official plans of the City of Barrie on January 1, 2010, and remain in force until they are revoked or amended to provide otherwise.

Official plans and amendments in process

(2) If the Town of Innisfil or the County of Simcoe has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment applies to the annexed area and is not in force on January 1, 2010, the City of Barrie may continue the procedures to adopt the official plan or amendment to the extent that it applies to the annexed area.

Other matters in process

5. If the Town of Innisfil or the County of Simcoe has commenced procedures with respect to any matter other than those described in subsections 3 (4) and 4 (2), and the matter applies to

the annexed area and, on January 1, 2010, has not been completed, the City of Barrie may continue the procedures to complete the matter to the extent that it applies to the annexed area.

Property taxes due and unpaid on December 31, 2009

6. (1) All real property taxes levied under any general or special Act and uncollected in the annexed area that are due and unpaid on December 31, 2009 become, on January 1, 2010, taxes that are due and payable to the City of Barrie and may be collected by the City.

Special collector's roll

(2) The clerk of the Town of Innisfil shall, before March 1, 2010, prepare and furnish to the clerk of the City of Barrie a special collector's roll showing,

- (a) all arrears of real property taxes or special rates assessed against the land in the annexed area up to and including December 31, 2009; and
- (b) the persons assessed for those arrears.

Payment

(3) On or before April 30, 2010, the City of Barrie shall pay to the Town of Innisfil an amount equal to the arrears of real property taxes or special rates contained on the special collector's roll, together with any accumulated interest or penalty, but excluding any amount that the treasurer of the City of Barrie removes from the roll under section 354 of the *Municipal Act, 2001*.

Assessment roll for 2010 taxation

7. For the purposes of the assessment roll to be prepared for the City of Barrie in 2009 for taxation in 2010, the annexed area is deemed to be part of the City of Barrie.

No disqualification

8. Despite subsection 258 (2) of the *Municipal Act, 2001*, a person who is a member of the council of the Town of Innisfil on December 31, 2009 is not, during the term of office ending November 30, 2010, disqualified from holding office because of any loss of qualification resulting solely from the annexation under this Act.

Regulations

9. (1) The Minister of Municipal Affairs and Housing may make regulations providing for,
- (a) any of the matters described in Ontario Regulation 204/03 (Powers of the Minister or a Commission in Implementing a Restructuring Proposal) made under the *Municipal Act, 2001*, with respect to the annexation under this Act;
 - (b) transitional matters which, in the opinion of the Minister, are necessary or desirable,
 - (i) to facilitate the implementation of this Act or any provision of this Act, or

- (ii) to deal with problems or issues arising as a result of the enactment of this Act.

Retroactivity

- (2) A regulation may be made retroactive to a date not earlier than January 1, 2010.

Conflict

10. (1) This Act applies despite any general or special Act and despite any regulation made under any other Act and, in the event of a conflict between this Act and another Act or a regulation made under another Act, this Act prevails.

Same

(2) In the event of a conflict between a regulation made under subsection 9 (1) and another provision of this Act, a provision of another Act or a provision of a regulation made under another Act, the regulation made under subsection 9 (1) prevails.

Amendments to *Municipal Act, 2001*

11. (1) Section 474.2 of the *Municipal Act, 2001* is amended by striking out “subsection 3 (1) of the *Barrie-Innisfil Annexation Act, 1981*”.

- (2) Section 474.11 of the Act is repealed.

Commencement

12. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Same

- (2) Section 11 comes into force on January 1, 2010.

Short title

- 13.** The short title of this Act is the *Barrie-Innisfil Boundary Adjustment Act, 2009*.

SCHEDULE 1

Those portions of the Town of Innisfil described as follows:

Firstly,

Commencing at the westerly boundary of the Town of Innisfil, at the intersection of the centre line of County Road 27 and a point parallel to the southwest angle of the north half of Lot 1 in Concession IX;

Thence easterly along the southerly boundary of the north half of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Concession IX to the centre line of the road allowance between Lots 10 and 11, also known as Sideroad 10;

Thence northerly along the centre line of the said road allowance between Lots 10 and 11 (Sideroad 10) to the northerly limit of Concession X and the centre line of the road allowance between Concessions X and XI;

Thence westerly along the northerly limits of Lots 10, 9, 8, 7 and 6 in Concession X to the northeasterly angle of Lot 5 in Concession X, also being the westerly limit of the road allowance between Lots 5 and 6 in Concession X, also known as Sideroad 5;

Thence northerly along the westerly limit of the said road allowance between Lots 5 and 6 (Sideroad 5) to the north limit of the south half of Lot 5 in Concession XI;

Thence westerly along the northerly limit of the south half of Lots 5, 4, 3, 2 and 1 in Concession XI to the centre line of County Road 27 also being the westerly boundary of the Town of Innisfil;

Thence southerly along the centre line of County Road 27 and the westerly boundary of the Town of Innisfil to the point of commencement;

Secondly,

Commencing at a point that is located at the centre line of the road allowance between Concessions X and XI, also known as Lockhart Road, this point being south on a line parallel to the southwest angle of Lot 12 in Concession XI;

Thence easterly along the centre line of the said road allowance between Concessions X and XI (Lockhart Road) to the centre line of the road allowance between Lots 20 and 21 in Concession XI, also known as Sideroad 20;

Thence northerly along the centre line of the said road allowance between Lots 20 and 21 in Concession XI (Sideroad 20) to the centre line of the road allowance between Concessions XII and XIII, also known as Big Bay Point Road;

Thence westerly along the centre line of the said road allowance between Concessions XII and XIII (Big Bay Point Road) to a point that is located north on a line parallel to the northwest angle of Lot 19 in Concession XII;

Thence southerly along the westerly limit of Lot 19 in Concession XII to a point in the centre line of the road allowance between Concessions XI and XII, also known as Maplevue Drive East;

Thence westerly along the centre line of the said road allowance between Concessions XI and XII (Maplevue Drive East) to a point that is located north on a line parallel to the northwest angle of Lot 13 in Concession XI;

Thence southerly along the westerly limit of Lot 13 in Concession XI to the southerly limit of the north half of Lot 12 in Concession XI;

Thence westerly along the southerly limit of the north half of Lot 12 in Concession XI to the westerly limit of Lot 12;

Thence southerly along the westerly limit of Lot 12 in Concession XI, to the point of commencement.