

Excerpt from the Municipal Act, 2001, S.O. 2001, c.25

Transfer of power to upper-tier

- 189 (1) An upper-tier municipality may pass a by-law to provide for,
- (a) the transfer of all or part of a lower-tier power to the upper-tier municipality from one or more of its lower-tier municipalities which are specified in the by-law; and
 - (b) transitional matters to facilitate the assumption of the lower-tier power. 2001, c. 25, s. 189 (1).

Conditions

- (2) A by-law under subsection (1) shall not come into force unless,
- (a) a majority of all votes on the council of the upper-tier municipality are cast in its favour;
 - (b) a majority of the councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
 - (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality. 2001, c. 25, s. 189 (2).

No repeal

- (3) A provision of a by-law passed under clause (1) (a) shall not be repealed in whole or in part after it comes into force. 2001, c. 25, s. 189 (3).

Exception

- (4) Despite subsection (3), if a by-law of an upper-tier municipality passed under subsection (1) is in force, the by-law shall be deemed to be repealed to the extent it conflicts with a by-law of a lower-tier municipality passed under section 191 which comes into force at a later date. 2001, c. 25, s. 189 (4).

Effect of by-law

- 190 (1) When a by-law passed under section 189 comes into force,
- (a) the upper-tier municipality may exercise the transferred lower-tier power of the lower-tier municipalities specified in the by-law;

- (b) a lower-tier municipality specified in the by-law and its local boards are bound by the by-law and no longer have the power to exercise the transferred lower-tier power;
- (c) an existing by-law or resolution of a lower-tier municipality and its local boards that relate to the transferred lower-tier power shall, to the extent it applies in any part of the lower-tier municipality, be deemed to be a by-law or resolution of the upper-tier municipality; and
- (d) the existing by-law or resolution referred to in clause (c) shall remain in force in that part of the lower-tier municipality until the earlier of two years after the transfer by-law comes into force and the day the existing by-law or resolution is repealed by the upper-tier municipality. 2001, c. 25, s. 190 (1).

Continuation of matters

- (2) When a lower-tier power is transferred to an upper-tier municipality under section 189, the upper-tier municipality may continue anything that the lower-tier municipality began under the transferred lower-tier power before the transfer but did not complete. 2001, c. 25, s. 190 (2).