

PART XVII

MUNICIPAL INCORPORATION

**Interpretation**

**371** In this Part,

(a) "plebiscite" means a vote of the ~~residents~~ *electors* of the municipalities that are affected;

(b) "study" means a review conducted by or under the control of the Board, with input from the residents of the municipalities that are affected.

**Establishment of regional municipality**

**372 (1)** The Board may, if requested by all of the councils of the municipalities in a county, undertake a study of the form of municipal government in the county to determine whether a regional municipality would be in the interests of the people of the county.

**(2)** Where

(a) a study of the form of municipal government in a county to determine whether a regional municipality would be in the interests of the people of the county has been undertaken, whether the study was undertaken by the Minister or otherwise prepared; and

(b) a plebiscite has taken place and its results show that a majority of the ~~residents~~ *electors* who voted in the plebiscite are in favour of the establishment of a regional municipality for the county,

the Governor in Council may, on the recommendation of the Minister, order that a regional municipality be established for the county.

**(3)** Sections 373 to 382 of this Part apply to a county for which a regional municipality is established from and after the date of the order establishing the regional municipality.

**(4)** An order establishing a regional municipality shall set out

(a) the name of the regional municipality;

(b) the county for which the regional municipality is established;

(c) the incorporation date, which shall be April 1 in the year determined by the Governor in Council;

(d) the dates for nomination day and ordinary polling day for the first election of the mayor and councillors of the regional municipality;

(e) the date the council takes office, which shall be at least twenty weeks before the incorporation date;

(f) the term of office of the members of the council elected at the first election;

(g) any matter unique to the regional municipality that must be provided for to ensure the effective implementation of the regional municipality and to protect the interests of the public; and

(h) any other matter that is necessary or desirable to effect the incorporation of the regional municipality.

(5) Where a regular municipal election would take place after the date of an order establishing a regional municipality, that election shall not be held and the term of office of the members of the councils of the municipalities is extended to the incorporation date of the regional municipality.

(6) The exercise by the Governor in Council of the authority contained in this Section is regulations within the meaning of the *Regulations Act*.

**Coordinator of regional municipality**

**373 (1)** Subject to subsection (2), the Governor in Council shall appoint a person to be the coordinator of the regional municipality.

(2) The Governor in Council shall appoint as the coordinator a person approved by a majority of the councils of the municipalities in the county.

(3) Between the date the new council takes office and the incorporation date, the council shall exercise the powers of the coordinator and the coordinator has no further authority.

**Duties and powers of coordinator**

374 (1) The coordinator is responsible for designing and implementing the administrative structure of the regional municipality.

(2) The coordinator shall appoint the chief administrative officer and, on the recommendation of the chief administrative officer, the heads of departments.

(3) The new council shall ratify the appointment of the chief administrative officer as soon as practicable after the incorporation.

(4) The chief administrative officer, in consultation with the coordinator, shall employ all other employees of the regional municipality, effective on the incorporation date or such earlier date as the chief administrative officer deems expedient.

(5) Preference in employment shall be given to an employee of municipal government where that employee meets the basic requirements for a position and is the most qualified candidate from within municipal government.

(6) Subsection (5) does not apply to the appointment of the chief administrative officer.

(7) On or before the incorporation date, the coordinator shall establish a pension plan in accordance with the *Pension Benefits Act* to replace any pension plan established by a municipal government.

(8) The coordinator has all of the powers of the council and of the board of police commissioners.

(9) The coordinator may contract and be contracted with, sue and be sued, acquire real and personal property, engage officers and employees, prescribe a seal and do such things and make such expenditures as are required for the orderly establishment of the regional municipality.

(10) The coordinator may, with the approval of the Minister, borrow such sums as may be required for the purposes of this Part, and the sums borrowed shall be repaid by the regional municipality in not more than ten annual installments, as determined by the council.

(11) All acts of the coordinator have, upon the incorporation of the regional municipality, full force and effect, and shall be and be deemed to have been exercised by the regional municipality.

(12) The officers and employees of the municipal governments shall render assistance to the coordinator upon request, and furnish all information and perform all acts requested by the coordinator.

(13) The coordinator has all of the powers of a commissioner appointed pursuant to the *Public Inquiries Act*.

### **First election**

**375** (1) The coordinator shall apply to the Board for a determination, and the Board shall determine, the number of councillors and the boundaries of the polling districts in the regional municipality.

(2) Proceedings for the first election of the mayor and councillors of the regional municipality shall be as nearly as may be as specified in the *Municipal Elections Act*, but the coordinator may abridge any time period contained therein.

(3) The coordinator shall, with the assistance of employees of the municipal governments, provide for the first election of the mayor and councillors of the regional municipality.

(4) Notwithstanding the *Municipal Elections Act*, a member of the council of a municipality is eligible to be elected to the council.

(5) Qualifications for nomination as a council member shall be determined as if the municipal governments had been merged in the regional municipality six months prior to nomination day.

(6) Each council member is entitled to remuneration from the regional municipality from the date that member takes office, except that no member of the council of a municipality who is elected to the council may receive remuneration from the municipality from that date.

(7) Notwithstanding any other enactment, there shall not be an election for school board members concurrently with the first election of the council members, unless otherwise prescribed by the Governor in Council.

(8) A member of a school board is not eligible to be nominated or to serve as a council member, if that member would be a member of the school board and a council member at the same time.

### **Transitional provisions**

**376 (1)** Between the date of the order providing for the incorporation of a regional municipality and the incorporation date, a municipal government shall not

(a) replace an employee who retires, resigns, is laid off or is dismissed, convert an employee from part-time to full-time status or promote an employee or hire a new employee, except in the case of term appointments that will expire before the incorporation date;

(b) enter into any lease, contract or other commitment that has effect after, or a term extending beyond, the incorporation date; or

(c) dispose of a capital asset,

unless the coordinator has so approved.

(2) Between the date of the order providing for the incorporation of a regional municipality and the incorporation date, a municipal government shall not expend any funds from an operating or

capital reserve fund, and after the incorporation date the council shall apply any reserve funds of a municipal government for the benefit of the residents of the area of the former municipal government.

(3) Between the date of the order providing for the incorporation of a regional municipality and the incorporation date, a municipal government shall not provide early retirement, pre-retirement, termination or severance benefits for any employee.

### **Programs and benefits for employees**

377 (1) The regional municipality may provide early retirement, pre-retirement, termination or severance benefits for any employee of a municipal government who is not employed by the regional municipality.

(2) An early retirement program may be limited to the incumbents of positions that the chief administrative officer considers to be unnecessary for the regional municipality.

(3) The cost of severance benefits provided by the regional municipality shall be borne by the regional municipality and not be charged to the area of the municipal government that formerly employed the employee, and the sums required may be borrowed by the regional municipality and shall be repaid by the regional municipality in not more than ten annual installments, as determined by the council.

### **Ministerial order**

378 The Minister may, by order, provide for anything necessary or incidental to the incorporation and effective government of a regional municipality, and may include any orders, directions and conditions that are necessary, or desirable, in connection therewith.

### **Effect of incorporation of regional municipality**

379 (1) Upon the incorporation of a regional municipality, the municipal governments in the area to be incorporated as a regional municipality are dissolved, and the assets and liabilities of them are vested in the regional municipality including, with the exception of benefits and entitlements created by Section 71 of the *Labour Standards Code*, all

employee benefits and entitlements.

(2) Upon the incorporation of a regional municipality, every authority, board, commission, corporation or other entity of a municipal government in the area to be incorporated as a regional municipality and every joint authority, board, commission, committee or other joint entity involving a municipal government in the area to be incorporated as a regional municipality is dissolved and their assets and liabilities are vested in the regional municipality including, with the exception of benefits and entitlements created by Section 71 of the *Labour Standards Code*, all employee benefits and entitlements.

(3) The vesting of an asset of a municipal government in the regional municipality does not void any policy of insurance with respect to the asset, including public liability policies, and the regional municipality is deemed to be the insured party for purposes of any such policy.

(4) Nothing in this Act dissolves any authority, board, commission, committee or other entity that includes representatives of municipalities situate outside the regional municipality.

(5) The regional municipality shall continue to pay any pension or annuity being paid by a municipal government on the day preceding the incorporation date according to its terms.

(6) The regional municipality is a successor employer for purposes of the *Pension Benefits Act*.

(7) The regional municipality may transfer, free of cost, property of a village that is dissolved pursuant to subsection (1) to a body incorporated to provide community services in the area served by the dissolved village.

#### **Application of Trade Union Act**

**380 (1)** In this Section, "employee" means an employee as defined in Section 2 of the *Trade Union Act*, excluding those described in subsection 2(2) of that Act.

(2) The regional municipality is a transferee for the

purpose of Section 31 of the *Trade Union Act* and, for greater certainty

(a) the regional municipality is bound by successor rights as determined pursuant to the *Trade Union Act*; and

(b) subject to the *Trade Union Act*, the regional municipality and the employees, who are covered by collective agreements, of a municipal government are bound by the collective agreements as if the regional municipality were a party to them.

(3) Where the Labour Relations Board, in applying subsections (1) and (2), determines that those employees who are employed by the regional municipality and who were not previously included in a bargaining unit of a municipal government be included in a bargaining unit of the regional municipality, those employees shall be deemed to have seniority credits with the regional municipality equal to the employment service they had with that municipal government.

(4) Where an employee of a municipal government is employed by the regional municipality, the period of employment and seniority of that employee with the municipal government at the time of the incorporation of the regional municipality is deemed to have been employment and seniority with the regional municipality and the continuity of employment and seniority is not broken.

(5) Where an employee of a municipal government is employed by the regional municipality in a position which becomes a bargaining unit position, the employee's right to employment in the position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the regional municipality equal to the employee's service with that municipal government.

(6) No provision of a collective agreement with a municipal government that purports to favour the employees of one municipal government in obtaining employment with the regional municipality over those of another municipal government has any force or effect.

**Labour Relations Board**

**381 (1)** Where, in the opinion of the Minister of Labour, the workload of the Labour Relations Board requires additional members, the Governor in Council may, in addition to the Vice-chair appointed pursuant to subsection 16(4) of the *Trade Union Act*, appoint additional members and Vice-chairs to the Labour Relations Board for such period of time as is set out in the appointment.

**(2)** An appointment pursuant to subsection (1) does not increase the quorum of the Labour Relations Board.

**Deemed references and continuations**

**382 (1)** A reference in an enactment, deed, will or other document to a municipal government is and is deemed to be a reference to the regional municipality.

**(2)** A reference in an enactment, deed, will or other document to the mayor, warden or chairman of a municipal government is and is deemed to be a reference to the mayor of the regional municipality.

**(3)** The by-laws, orders, policies and resolutions in force in a municipal government immediately prior to the incorporation of a regional municipality continue in force in the area over which that municipal government had jurisdiction to the extent that they are authorized by this or another Act, until amended or repealed by the council of the regional municipality.

**Application for incorporation as town**

**383 (1)** A town may be incorporated upon application to the Board.

**(2)** An application for incorporation may be made by ~~one~~ *one third of the* electors of the area proposed to be incorporated as a town.

**Application for preliminary order**

**384 (1)** An applicant for incorporation shall apply for a preliminary order.

- (2) The application for a preliminary order shall include
- (a) the boundaries of the town proposed to be incorporated sufficient to identify the area;
  - (b) an estimate of the population of the town proposed to be incorporated;
  - (c) the total assessed value of taxable property and occupancy assessments in the town proposed to be incorporated;
  - (d) where the area is or contains a village, the audited financial statements of the village for the fiscal year immediately preceding the year in which the application is made;
  - (e) a brief statement of the reasons for the application; and
  - (f) such other matters as the applicant considers relevant to the application.

(3) The applicant shall serve a copy of the application for a preliminary order on the clerk of the county or district municipality from which the town would be incorporated, on the Minister, and on such others as the Board directs.

**Hearing notifications**

**385 (1)** Upon the Board setting the date for a hearing of the application for a preliminary order, the Board shall, at the expense of the applicant, advertise the hearing in a newspaper circulating in the area in which the town would be incorporated, including the date by which any person wishing to be heard must notify the Board.

(2) Any interested person may appear and be heard at the hearing for a preliminary order by notifying the Board at least one week before the date fixed for the hearing.

**Persons heard**

**386** At the hearing of the application for a preliminary order the Board shall hear

- (a) the applicant;
- (b) a representative of the county or district municipality from which the town would be incorporated;
- (c) the Minister; and
- (d) any person who has previously notified the Board.

**Preliminary order**

**387 (1)** After the application has been heard, the Board may make a preliminary order, indicating

- (a) suggested boundaries of the area proposed to be incorporated;
- (b) studies to be undertaken into the financial implications of incorporation for the area proposed to be incorporated, the Province and the municipality from which the town would be incorporated;
- (c) such other studies as may appear to the Board to be relevant to a decision on the necessity or expediency of the incorporation; and
- (d) any other evidence that the Board may direct be provided during the hearing of the application.

**(2)** Where the Board determines that there are no reasonable grounds for the application or there is no reasonable possibility that the application would be granted, the Board may dismiss the application.

**(3)** The cost of any studies required by the Board shall be borne by the parties as directed by the Board.

**(4)** Where any required studies are not completed within

the time provided in the preliminary order, the Board may

- (a) extend the time for completing the studies;
- (b) proceed with the application without the studies;
- (c) have the studies carried out or completed at the expense of the party responsible for them; or
- (d) dismiss the application.

~~(5) — The preliminary order shall set a date for the hearing of the application.~~

#### **Order of incorporation as a town**

~~388 (1) After the application has been heard, the Board may, if satisfied that the order is in the best interests of the inhabitants of the area taking into account the financial and social implications of the order applied for, incorporate the area as a town upon such terms as it considers advisable.~~

*(1) After the application has been heard, the Board shall, if satisfied that an order incorporating the area as a town is in the best interests of the inhabitants of the area taking into account the financial and social implications of the order applied for, make an interim order defining the boundaries of the area and for the taking of a vote pursuant to Section 388A to determine whether the inhabitants of the area are in favour of the incorporation.*

*(1A) Where the result of the vote taken pursuant to Section 388A is that a majority of the electors who voted were in favour of the proposed incorporation, the Board shall issue an order incorporating the area as a town upon such terms as it considers advisable.*

*(1B) Where the result of the vote taken pursuant to Section 388A is that a majority of the electors who voted did not vote in favour of the proposed incorporation, the Board shall dismiss the application to incorporate the area as a town.*

- (2) The order of the Board incorporating a town shall

- (a) name the town;
- (b) define the boundaries of the town;
- (c) fix the effective date of the incorporation;
- (d) determine the number of councillors;
  
- (e) determine whether the town will be divided into wards and, if so, establish ward boundaries;
  
- (f) set the dates for nomination day and ordinary polling day for the first election of the mayor and councillors;
  
- (g) provide for returning officers and the conduct of the first election;
  
- (h) set the date the council takes office;
  
- (i) direct the Director of Assessment to make any necessary adjustment in the assessment roll applicable to the area;
  
- (j) provide for any other matter that is necessary or desirable to effect the incorporation of the town; and
  
- (k) from time to time make such determinations, issue such orders and directions, and do or cause to be done all such other matters and things as, in the opinion of the Board, are necessary or incidental to incorporation of the town.

**(3)** An order of the Board may

- (a) adjust assets and liabilities among those affected by the order as the Board considers fair;
  
- (b) annex, amalgamate, continue or dissolve boards, commissions, villages and service commissions and allocate their assets as the Board considers fair.

(4) The Board may make an interim order and reserve further directions.

**Vote for town status**

*388A (1) Where the Board orders the taking of a vote pursuant to Section 388, the Chief Electoral Officer shall take a vote of the electors in the area defined by the Board in the manner prescribed in this Act and the regulations at which the question is*

*Do you favour the incorporation of [define area] in the Municipality of [name] as a town?*

*and the choices are yes or no, only.*

(2) *Where a vote of the electors is to be taken pursuant to this Section, the following provisions apply:*

(a) *the voting upon the question shall be by ballot on a day fixed by the Chief Electoral Officer;*

(b) *the dates for revision of the preliminary list of electors, ordinary polling day and advance polling days shall be set by the Chief Electoral Officer in accordance with the requirements of the Municipal Elections Act for special elections;*

(c) *public notification of the time and place of the revision and voting shall be given by advertisement in a newspaper circulating in the plebiscite area, and by such other means as the Chief Electoral Officer deems advisable;*

(d) *the Chief Electoral Officer shall appoint a returning officer to administer the plebiscite in the plebiscite area, and the returning officer shall arrange for a suitable place or places in the area or the vote to be taken and shall appoint deputy returning officers, poll clerks, revising officers, enumerators and other election officers required to conduct the vote, and any officer so appointed has the same powers and privileges as the corresponding officers in the case of an election pursuant to the Municipal Elections Act;*

*(e) the list of electors to be used at the vote shall be determined by the Chief Electoral Officer and the use or distribution of the list as directed by the Chief Electoral Officer is an election purpose pursuant to the Municipal Elections Act;*

*(f) the list of electors referred to in clause (e) shall form the preliminary list of electors, which shall be revised in accordance with the Municipal Elections Act, except that in lieu of posting the list, the Chief Electoral Officer shall cause a notification to be sent to each elector whose name and address is on the preliminary list of electors indicating when and where applications will be received for amendment to the preliminary list of electors and containing such other information as the Chief Electoral Officer decides;*

*(g) the Chief Electoral Officer shall advertise in a newspaper circulating in the plebiscite area that notifications have been sent and provide information about how, when and where the preliminary list of electors will be revised;*

*(h) notwithstanding clause (f), the Chief Electoral Officer may require that persons applying to be added to the list of electors provide satisfactory evidence of identity and residence before being added to the list of electors by the revising officer;*

*(i) a group of electors in favour of and a group of electors opposed to the question may register with the returning officer;*

*(j) the registration of a group of electors by the returning officer shall be in the prescribed form and shall identify a name for the group and the name, address and telephone number of a designated representative of the group;*

*(k) the designated representative of a registered group of electors is authorized to nominate one or more agents to represent the group at a polling station and to*

*receive the list of electors on behalf of the group;*

*(l) the returning officer shall appoint each agent of a registered group of electors and the appointment shall specify at which polling station the agent may act;*

*(m) an agent of a registered group of electors may be appointed to more than one polling station, but only one agent representing each registered group may be present in the polling station at a time; and*

*(n) upon appointment, an agent representing a registered group is in the same position as an agent representing a candidate pursuant to the Municipal Elections Act.*

*(3) Following the counting of the votes, the returning officer shall make a return to the Chief Electoral Officer in the prescribed form.*

*(4) The Chief Electoral Officer may make a tariff of fees, costs, allowances and expenses to be paid and allowed to persons appointed to conduct and receive the vote, of other persons employed at or with respect to the taking of the vote and may from time to time revise and amend the tariff.*

*(5) The fees, costs, allowances and expenses referred to in subsection (4) shall be paid by Her Majesty in right of the Province.*

*(6) The Minister shall give such directions and make such regulations and prepare such forms as may appear to be necessary for the purpose of this Section and for the guidance of the Chief Electoral Officer and other officers or persons employed in the taking of the vote and may apply, modify or alter any of the provisions of the Municipal Elections Act and may make due provision for circumstances that may arise and that are not otherwise provided for.*

*(7) The forms to be used at the taking of the vote and the procedure with respect to voting and other matters shall be the same as nearly as may be as in the case of an election pursuant to the Municipal Elections Act but such forms and procedure may be modified and altered to such extent as is deemed necessary by the Chief Electoral Officer.*

*(8) A person whose name is not on the final list of electors is permitted to vote following the procedure in the Municipal Elections Act as modified or altered by the Chief Electoral Officer in the circumstances.*

*(9) Except as otherwise provided by this Act or the regulations, the Municipal Elections Act applies mutatis mutandis to the taking of the vote as if it were a special election pursuant to that Act.*

#### **Effect of order and publication**

**389 (1)** An order of the Board incorporating a town is conclusive evidence that the town has been duly incorporated.

**(2)** A copy of an order incorporating a town shall be published in the Royal Gazette as a regulation, and shall be filed and advertised as directed by the Board.

#### **Limitations on town incorporation**

**390** A town may not be incorporated in a regional municipality or in a town.

#### **Effects upon incorporation**

**391 (1)** When a town is incorporated, the area within its boundaries ceases to be part of the county or district municipality from which it was incorporated.

**(2)** Unless the Board otherwise orders, when a town is incorporated, a village or service commission having authority in the area incorporated as a town is dissolved and its assets and liabilities are vested in the town.

#### **By-laws continue**

**392** The by-laws of the county or district municipality from which a town is incorporated continue in force in the town for two years after the date of incorporation unless earlier repealed by the council of the town or extended by order of the Minister on request by the town council for a further period of two years.

**Property and taxation**

**393 (1)** Unless the Board otherwise orders, the real property of the county or district municipality situate in an area incorporated as a town is vested in the town.

**(2)** Unless the Board otherwise orders, taxes imposed with respect to the ownership or occupation of property in the area incorporated as a town and unpaid at the date of incorporation belong to the town and may be collected as if they had been imposed by the town.

**Application to dissolve town**

**394** A town may be dissolved upon application to the Board by

- (a) the Minister;
- (b) the council of the town; or
- (c) ten per cent of the electors of the town.

**Application for preliminary order**

**395 (1)** An applicant for dissolution shall apply for a preliminary order.

**(2)** The application for a preliminary order shall include

- (a) the boundaries of the town proposed to be dissolved;
- (b) an estimate of the population of the town;
- (c) the total assessed value of taxable property and occupancy assessments in the town;
- (d) the audited financial statements of the town for the fiscal year immediately preceding the year in which the application is made;
- (e) a brief statement of the reasons for the application; and

(f) such other matters as the applicant considers relevant to the application.

(3) The applicant shall serve a copy of the application for a preliminary order on the clerk of the town, the clerk of the district municipality to which the town would revert if dissolved and on such others as the Board directs.

### **Hearing notifications**

**396 (1)** Upon the Board setting the date for a hearing of the application for a preliminary order, the Board shall, at the expense of the applicant, advertise the hearing in a newspaper circulating in the town proposed to be dissolved, including the date by which any person wishing to be heard must notify the Board.

(2) Any interested person may appear and be heard at the hearing for a preliminary order by notifying the Board at least one week before the date fixed for the hearing.

### **Persons heard**

**397** At the hearing of the application for a preliminary order, the Board shall hear

- (a) the applicant;
- (b) a representative of the council of the town proposed to be dissolved;
  - (ba) a representative of any municipality to which the area of the town, if dissolved, might be annexed or form part of;*
- (c) the Minister; and
- (d) any person who has previously notified the Board.

### **Preliminary order**

**398 (1)** After the application has been heard, the Board may make a preliminary order, indicating

(a) studies to be undertaken into the financial implications of dissolution for the town, the Province and the municipality to which the town would revert if dissolved;

(b) such other studies as may appear to the Board to be relevant to a decision on the necessity or expediency of the dissolution; and

(c) any other evidence that the Board may direct be provided during the hearing of the application.

(2) Where the Board determines that there are no reasonable grounds for the application for dissolution or there is no reasonable possibility that the application would be granted, the Board may dismiss the application.

(3) The cost of any studies required by the Board shall be borne by the parties as directed by the Board.

(4) Where any required studies are not completed within the time provided in the preliminary order, the Board may

(a) extend the time for completing the studies;

(b) proceed with the application without the studies;

(c) have the studies carried out or completed at the expense of the party responsible for them; or

(d) dismiss the application.

~~(5) The preliminary order shall set a date for the hearing of the application for dissolution.~~

**Order of dissolution of town**

**399** (1) After the application for dissolution is heard, the Board may dissolve the town upon such terms as it considers advisable.

(2) The order of the Board dissolving a town shall

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(a) declare that the area comprising the town be dissolved and be annexed to, and form part of, another municipality or municipalities;

(b) set out the effective date of the dissolution;

(c) determine that the area be an additional polling district or shall form part of another polling district of the municipality to which it is annexed;

(d) determine whether the area should continue as a village and, if so, provide for all things necessary to convert the former town to a village;

(e) direct the Director of Assessment to make any necessary adjustment in the assessment roll applicable to the area;

(f) make such determinations, issue such orders and directions and do or cause to be done all such other matters and things as, in the opinion of the Board, are necessary or incidental to the carrying out of the dissolution of the town.

(3) An order of the Board may annex, amalgamate, continue or dissolve boards and commissions and allocate their assets as the Board considers fair.

(4) The Board may make an interim order and reserve further directions.

(5) Upon the effective date of the dissolution, the former town is deemed to have been annexed to a municipality, as provided in the order of the Board.

### **Electors and polling districts**

**400** (1) Where an order of the Board results in the dissolved town being one additional polling district, until the next regular election of councillors, the mayor of the town dissolved is the councillor for the district.

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(2) Where an order of the Board results in the dissolved town being more than one additional ward or polling district, a special election shall be conducted by the returning officer of the municipality to which the dissolved town has been annexed in accordance with the *Municipal Elections Act*.

(3) Where a town is dissolved, the list of electors for the town continues to be the list of electors for the polling district until a new list of electors is prepared pursuant to the *Municipal Elections Act*.

(4) When a town is dissolved, the policies and by-laws in effect continue in force in the area of the former town until repealed by the council or, to the extent it has jurisdiction, any village commission that may replace the former town council.

### **Streets of dissolved town**

**401** Where a town is dissolved

(a) the Governor in Council may assume liability for the payment of all or any part of any debt incurred by the town for streets in the town; and

(b) the Minister of Transportation and Public Works shall determine which of the streets in the town are municipal highways and shall advise the municipality to which the town has been annexed.

### **Assets and liabilities of dissolved town**

**402 (1)** Where a town is dissolved, the assets and liabilities of the town become assets and liabilities of the county or district municipality to which it reverts.

(2) The county or district municipality to which a dissolved town reverts stands in the place and stead of the town for all purposes and has the same powers to collect taxes due to the town as if the taxes had been imposed by it.