

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Procedures for Applying for Private Legislation

Prepared by:

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and

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This information circular has been prepared for purposes of convenience only, and for accurate reference the Standing Orders of the Legislative Assembly of Ontario should be used. The excerpt of the Standing Orders of the Legislative Assembly relating to Private Bills and the references to the Standing Orders made herein, refer to Standing Orders in force at the time of publication. Applicants are advised to check that no further changes to the Standing Orders have been adopted by the Legislative Assembly.

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GENERAL

Bills are divided into two major classes: public and private. The respective procedures differ greatly in both theoretical and practical aspects.

A Public Bill relates to a matter of public policy and is usually general in its application and character and is initiated by a Minister or member.

A Private Bill, on the other hand, relates to a matter of special benefit to a particular person or group of persons and is the vehicle by which a member of the public may initiate a Bill by applying to the Legislative Assembly. A Private Bill has as its objective a privilege, i.e., an exception from the general law or a provision for something that cannot be obtained under the general law. Where one or more individuals, an association or other organization, a company, municipality or other local authority seeks any special privilege requiring legislative sanction, the legislation can only be obtained by means of a Private Bill on the application of the parties concerned. The application is effected by filing with the Clerk of the House a copy of the Bill, proof of publication of advertisements, name of Member sponsoring the Bill, a compendium of background information and the payment of fees. These requirements are indispensable conditions to the reception and passage of a Private Bill.

TIMING

An application for a Private Bill may be commenced at any time in the year. The advertising for a Private Bill is valid for the calendar year in which the last notice is published and until July 1 of the following calendar year (S.O. 85 (f)). If the application is not perfected within that period of time, it will be necessary to publish new notices. Where the application for a Private Bill is made during a Session but the Bill is not introduced in the House, or where the Bill, having received First Reading, is not considered by the Standing Committee on Procedure and House Affairs, it will be considered during the next regular Session without further publication of notice (S.O. 85 (g)).

PUBLICATION OF NOTICE

A notice of the application must be published in *The Ontario Gazette* and in at least one newspaper circulated in the locality most affected by the Bill. The notice must run once a week for four weeks. The notice must specify, clearly and distinctly, the nature and object of the application and, where the application refers to any proposed work, indicate generally the location of the work. The notice must also state that interested parties who wish to make submissions to the Standing Committee on Procedure and House Affairs when the Bill is being considered, must notify the Clerk of the House in writing (S.O. 85 (e)). The notice must be signed by, or on behalf of, the applicant. The Private Bill will not receive First Reading until after the declaration proving publication of notices has been received by the Clerk of the House.

When the notice appears in *The Ontario Gazette*, the Clerk of the Standing Committee on Procedure and House Affairs will check to ensure that the notice meets the requirements set out in the Standing Orders. If there are any questions about the Standing Orders, contact the Clerk of the Standing Committee on Procedure and House Affairs. Although the applicant is responsible for ensuring that the advertisement complies with the Standing Orders, Legislative Counsel may be consulted in respect of the content of the notice.

The notice may read as follows:

NOTICE IS HEREBY GIVEN that on behalf of (name of applicant) application will be made to the Legislative Assembly of the Province of Ontario for an Act (here set out the nature of the special legislation applied for).

The application may be considered by the Standing Committee on Procedure and House Affairs. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Procedure and House Affairs should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2.

Dated at....., this.....day of.....20.....

.....
(person, etc. making application or signing on behalf of applicant).

Where the application is made by a municipal corporation for authority to issue debentures, the notice must set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required (S.O. 85 (e) (iv)).

The rates for advertising and instructions in connection therewith are set out in each issue of *The Ontario Gazette*.

Publication of the notice required by Standing Order 85 (e) must be proven by filing with the Clerk of the House a statutory declaration with respect to such notice (S.O. 85 (a) (iii)). The dates of the publication should be set out and a copy of the notice attached. The following is the usual form of the body of the declaration:

1. I am.....
2. I have examined the issues of *The Ontario Gazette* dated....., and find that the notice, a copy of which is attached hereto and marked A, appeared in each of those issues.
3. I have examined the issues of....., a newspaper published in the....., dated....., and find that the notice, a copy of which is attached hereto and marked B, appeared in each of those issues.

APPLICATIONS

Any person, group or corporation may apply for a Private Bill by filing with the Clerk of the House a copy of the draft Bill together with a fee of \$150, and a statutory declaration proving publication of the necessary notices (S.O. 85 (a)). The applicant must also file, prior to First Reading, a compendium of background information.

The name of the private member of the Legislature who is to introduce the Bill in the House should be forwarded with the Bill.

Normally, the applicant would approach the member from the applicant's local riding to sponsor the Bill. In the case of a corporation, it would be appropriate to contact the member from the riding in which the corporation's head office is located. A Cabinet Minister or the Speaker, by convention and tradition, cannot introduce a Private Bill.

The Office of Legislative Counsel will prepare the draft Bill and circulate copies of the draft Bill to the Ministries for their comment.

FORM OF BILL

Every Private Bill must have a preamble but in other respects its form is the same as that of a Public Bill.

Where the purpose of a Private Bill is to revive a corporation, it is suggested that the preamble read, with necessary modifications, as follows:

(Applicant/Applicants) has/have applied for special legislation to revive (name of corporation). The applicant(s) represent(s) that he/she/they (describe their status: for example, is/are the director(s), officer(s) or share-holder(s) of the ongoing organization carried on in the name of the corporation or was/were the director(s), officer(s) or shareholder(s) of the corporation when it was dissolved). The corporation was dissolved under (name of statute, for example, the *Business Corporations Act*) on.....(month, day, year) (describe the reason: for example, for failure to comply with section 115 or 118 of that Act or pursuant to articles of dissolution). The applicant(s) represent(s) that the default was inadvertent (if appropriate) and that business has been carried on in the name of the corporation despite the dissolution. (Or, if the corporation was dissolved pursuant to articles of dissolution: The applicant(s) would like to revive the corporation in order to deal with certain property that was held in the corporation's name at the time of the dissolution.)

Where the applicant is a municipality or a local board thereof and the application refers to two or more unrelated matters, it is suggested that the preamble of the Bill read as follows:

....., called the Corporation (or as the case may be) in this Act has applied for special legislation in respect of the matters set out in this Act. It is appropriate to grant the application.

In all other cases, the preamble should set out as fully and accurately as possible the nature of the proposed special legislation. It should be noted that a preamble forms part of a Bill and may be used in interpreting the substantive provisions of the Bill.

Precedents for the form of the substantive provisions of the Bill can be found in the recent annual volumes of the Ontario Statutes and on the e-Laws website (www.ontario.ca/laws). Precedents on e-Laws can be found under Source Law, Private Statutes as Enacted.

Where any letters patent or agreement is to be confirmed, a *certified copy* of the letters patent or agreement must be attached to the Bill as a schedule (S.O. 87). Likewise, by-laws or other

documents to be validated should form a schedule to the Bill.

SPECIAL RULES

Bills relating to the status of a corporation will be given First Reading only if the certificate of the Minister of Finance, showing that all taxes payable under the *Corporations Tax Act* have been paid, has been deposited with the Clerk of the House (S.O. 88).

Special rules apply in the case of an Estate Bill (S.O. 91), or where the purpose of the Bill is the consolidation of a floating debt or the consolidation or renewal of debentures of a municipality (S.O. 90).

FEES AND PRINTING COSTS

A cheque for \$150 payable to the Legislative Assembly of Ontario must be deposited with the Clerk of the House. The application will not be considered by the Legislature until the fee has been paid.

An account for the balance of the charges, namely, the cost of printing the Bill, any necessary reprinting of the Bill, and any special fees called for by the rules, will be forwarded to the applicant or the applicant's solicitor soon after the end of the Session. It is payable forthwith. It should be noted that the cost of printing a Bill may be several hundred dollars per page. In the case of Bills having religious, charitable or educational objects, it is usual for the fee of \$150 to be remitted. All or part of the cost of printing may also be remitted (S.O. 85 (d)). To obtain a remission, a motion to such effect is made by a member of the Standing Committee before the Bill is reported back to the House from the Committee. If the motion is carried, it takes the form of a recommendation to the House, which is usually accepted. *However, a fee of \$150 is payable in every case when the Bill is filed with the Clerk.* Where remission of the fee is ordered by the House, the fee will be applied first against the cost of printing and any other charges outstanding. If there is no outstanding balance, a refund will be made.

The Parliamentary Agent (i.e., the solicitor) of the applicant is personally responsible to the House for the payment of all fees and charges and for the observance of the Standing Orders (S.O. 98).

PROCEDURE ON FILING OF BILL

Every Bill received by the Clerk of the House is forwarded to the Office of Legislative Counsel for comment. The applicant may also contact the Office of Legislative Counsel directly and forward a draft Bill to that office for review. It is the duty of Legislative Counsel to examine the Bill and determine whether the subject-matter is within the competency of the Legislature; to remove any errors or improprieties; to see that the Bill does not amend a general statute; to revise the Bill whenever necessary; to add marginal notes and, generally, to see that the Bill is in proper form. Any substantial point in connection with either the form or substance of a Bill is settled by Legislative Counsel after discussion with the applicant's solicitor. In practice, it is helpful if the Bill is settled with the Office of Legislative Counsel before it is filed with the Clerk of the House. It is recommended that this be done at the earliest possible time.

FILING OF COMPENDIUM OF BACKGROUND INFORMATION

The applicant, or the applicant's solicitor, must file a compendium of background information with the Clerk of the House. It is recommended that this be done at the earliest possible time and, in any event, must be received by the Clerk before First Reading (S.O. 89 (c)).

GUIDELINES ON COMPENDIUM

On February 11, 1987, the Standing Committee on Regulations and Private Bills adopted the following guidelines relating to the form and content of compendium (S.O. 89 (e)). It is recommended that *all* points be addressed. If a point does not apply, a notation "N/A" is sufficient.

A compendium should provide the following information:

1. The name, address and telephone number of the applicant.
2. The name, address and telephone number of the applicant's solicitor or parliamentary agent, if any.
3. Citations of any precedents used in the drafting of the Bill and an up-to-date consolidation of existing legislation that is amended by the Bill (see Standing Order 89 (d)).
4. A brief summary of the background as to why the Bill is necessary including the citation of any reports, studies or legal opinions supporting the necessity of the Bill. A copy of the report, study or a legal opinion should be included in an appendix to the compendium.
5. If the applicant is a municipality,
 - (a) a copy of the municipal resolution or by-law authorizing the application; and
 - (b) a statement as to why the municipality's circumstances are different from those of other municipalities if any exception to public legislation is requested.
6. If the Bill affects the interest or property of any municipality or local board or the tax base of any municipality, the applicant should indicate that specific notice has been given to the affected body or bodies and the date that notice was given.
7. If the Bill revives a corporation,
 - (a) a statement as to the reasons for the dissolution; and
 - (b) a statement that the Companies and Personal Property Security Branch of the Ministry of Government and Consumer Services and the Corporations Tax Branch of the Ministry of Finance have been consulted including an indication as to whether either Ministry objects to the Bill.
8. The names and addresses of any persons or groups who are known to the applicant to be opposed to the Bill and the reasons for such opposition, if known.
9. Any responses received from affected persons or groups.
10. What measures, if any, have been taken to reach an agreement or compromise with any persons or groups opposed to the Bill.
11. A statement as to the effect, if any, that the Bill might have on public legislation or, if the Bill is requesting an exception from public legislation, a statement that this is the case.

AMENDING BILLS

Where it is proposed to amend a provision of an existing Private Act, the entire section must be re-enacted (S.O. 89 (f)). This rule applies both to textual amendments and Bills that would have the effect of amending by reference.

PROCEDURES IN THE HOUSE AND COMMITTEE

Where the Clerk of the House is of the opinion that an application for a Private Bill has not complied with the Standing Orders, the application will be referred to the Standing Committee on Procedure and House Affairs prior to First Reading (S.O. 86).

Where an applicant has met all the requirements of the Standing Orders, the Bill may be introduced upon a motion for leave for introduction and First Reading.

Special rules apply in the case of an Estate Bill or a Bill providing for the consolidation of a floating debt or for the consolidation or renewal of debentures (other than local improvement debentures) of a municipal corporation.

Subject to Standing Orders 90 and 91, every private bill when read a first time shall remain ordered for second reading, unless a request is filed in writing to refer the bill to the Standing Committee on Procedure and House Affairs with the Clerk of the House by either a permanent member of the Committee or 5 members of the Assembly who are not members of the Committee. In such case the order for second reading of the bill shall be discharged and the bill shall be deemed to be referred to the Standing Committee on Procedure and House Affairs.

If no such request is received within 16 Sessional days of the bill being read a first time, the order for second reading of the bill may be called at the discretion of the Government House Leader. When such order is called, the Speaker shall without debate or amendment put all questions necessary to dispose of this stage of the bill. A private bill given second reading shall be ordered for third reading, and the order for third reading shall then immediately be called and the Speaker shall put the question forthwith without debate or amendment.

If a request is received, the Standing Committee on Procedure and House Affairs may meet and deal with the Bill after the giving of five calendar days' notice of the meeting (S.O. 92). Notice of the meeting at which the Bill is to be considered is sent to the member whose name appears on the Bill, the applicant or the applicant's solicitor or other agent and any others for or against the Bill who indicate to the Clerk of the House that they wish to attend. The Chair calls upon the member concerned to speak to the Bill. It is usual for the member to introduce to the Committee the applicant or the applicant's counsel who addresses the members and answers questions. Anyone who wishes personally, or through counsel, to speak for or against the Bill may then do so. Motions made in the Committee are decided by a majority and in the case of a tie, the Chair has the casting vote.

When the Bill is reported back to the House by the Committee, it is placed on the *Orders and Notices Paper* for Second Reading (S.O. 94), which Orders may then be called by the Government House Leader. The Order for Third Reading shall then immediately be called and the Speaker shall put the question forthwith without debate or amendment.

After Third Reading, the Bill is given Royal Assent. The Clerk of the House will publish notice of Bills receiving Royal Assent in *The Ontario Gazette*. Private Bills are reprinted after Royal Assent. Twelve copies of the final Bill will be forwarded to the applicant. An invoice for the cost of printing, less the fees, where applicable, will be sent to the applicant or parliamentary agent soon after the end of the Session. The invoice is payable upon receipt.

SUBMISSIONS TO STANDING COMMITTEE

Any person who has an interest in the subject-matter of any application and who supports, or objects to, the application may make submissions to the Standing Committee on Procedure and House Affairs.

A person who wishes to make submissions should notify, in writing, the Clerk of the House. Submissions may be made in writing or orally to the Committee. It is recommended that, as soon as possible after First Reading of the Bill, persons wishing to make oral submissions submit to the Clerk a brief summary of their proposed submissions. If the bill is to be considered by the Committee, persons who notify the Clerk of their wish to make submissions will be notified by the Clerk of the time and place of the hearing.

SUMMARY

The consideration of Private Bills will be facilitated if the following instructions are observed:

- I. Applicants should,
 - (a) publish notice in accordance with Standing Order 85 (e);
 - (b) forward to the Clerk of the House,
 - (i) the Bill,
 - (ii) the name of the member who is to introduce the Bill, and
 - (iii) a cheque for \$150 payable to the Legislative Assembly of Ontario;
 - (c) file with the Clerk of the House, upon completion of the publication of the notice, a statutory declaration proving the publication; and
 - (d) file with the Clerk of the House as soon as possible and, in any event, before first reading, a compendium of background information.
- II. Supporters and objectors should notify the Clerk of the House of their wish to make submissions and it is recommended that supporters and objectors submit to the Clerk a brief summary of their proposed submissions.

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Queen's Park
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APPENDIX A – EXCERPT FROM THE STANDING ORDERS OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

XVI. PRIVATE BILLS

The procedures that the Committee follows, with respect to Private Bills, are set out in Standing Orders 85 through 99:

85. (a) Any person, group or corporation may make an application for a private bill by filing with the Clerk of the House,

(i) a copy of the bill;

(ii) a fee of \$150; and

(iii) a declaration proving publication of the notices referred to in clause (e).

(b) Every applicant for a private bill shall pay,

(i) the cost of printing the bill at all of its stages, including reprinting if it is amended; and

(c) Where, at the request of the applicant, a Standing Order is suspended with reference to a private bill, a charge of \$50 shall be levied.

(d) Where a private bill relates to a charitable organization within the meaning of the *Income Tax Act* (Canada), the Standing Committee on Procedure and House Affairs may recommend that the fee paid under clause (a) be remitted and, if the recommendation is approved by the House, the remitted fee shall be applied to reduce any costs payable under clause (b) and the Committee may, having regard to the circumstances, recommend that all or part of the costs payable under clause (b) be waived and, if the recommendation is approved by the House, the costs shall be waived.

(e) Notice of an application for a private bill shall be given before it is read a first time by publishing the notice once a week for at least 4 weeks in each of *The Ontario Gazette* and 1 newspaper circulated in the municipality most affected and the notice shall,

(i) be signed by or on behalf of the applicant;

(ii) clearly state the nature and object of the application;

(iii) when the application refers to any proposed work, indicate generally the location of the work;

(iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and

(v) state that any person who has an interest in the application and who wishes to make submissions for or against the application when it is considered by the Standing Committee on Procedure and House Affairs should notify the Clerk of the House in writing.

(f) Notice of an application for a private bill is valid for the calendar year in which the last notice is published and until the first day of July in the next following calendar year.

(g) Where,

(i) an application for a private bill is made during a Session but the bill is not read a first time; or

(ii) a private bill is read a first time but is not considered by the Standing Committee on Procedure and House Affairs before dissolution or prorogation, the application shall be considered during the next regular Session of the House without publishing further notice of the application and without payment of additional fees under clause (a).

86. The Clerk of the House shall refer to the Standing Committee on Procedure and House Affairs any application that, in his or her opinion, does not comply with the Standing Orders.

87. When any private bill confirming any letters patent or agreement is presented to the House, a copy of the letters patent or agreement shall be included in the bill.

88. No private bill relating to the status of a corporation shall be given first reading until there has been deposited with the Clerk of the House a certificate of the Minister of Finance showing that all taxes payable under the *Corporations Tax Act* in respect of the corporation have been paid.

89. (a) Subject to Standing Orders 90 and 91, every private bill when read a first time shall remain ordered for second reading, unless a request is filed in writing to refer the bill to the Standing Committee on Procedure and House Affairs with the Clerk of the House by,

(i) a permanent member of the Standing Committee on Procedure and House Affairs; or

(ii) 5 members of the Assembly not of the Standing Committee on Procedure and House Affairs,

in which case the order for second reading of the bill shall be discharged and the bill shall be deemed to be referred to the Standing Committee on Procedure and House Affairs.

(b) If no such request is received within 16 Sessional days of the bill being read a first time, the order for second reading of the bill may be called at the discretion of the Government House Leader. When such order is called, the Speaker shall without debate or amendment put all questions necessary to dispose of this stage of the bill. A private bill given second reading shall

be ordered for third reading, and the order for third reading shall then immediately be called and the Speaker shall put the question forthwith without debate or amendment.

(c) No private bill shall be given first reading unless a compendium of background information has been deposited with the Clerk of the House by the applicant.

(d) The compendium required under clause (c) shall cite the precedents, if any, used in drafting the private bill and shall contain an up-to-date consolidation of existing legislation that is amended by the bill.

(e) The Standing Committee on Procedure and House Affairs may adopt guidelines related to the form and content of the compendium required by clause (c).

(f) Where the purpose of a private bill application is to amend a section of an existing Private Act or the private bill would have the effect of amending a section of an existing Private Act, the private bill shall re-enact the section in its entirety.

90. (a) Every private bill or part of a bill of a municipal corporation providing for the consolidation of a floating debt, or the consolidation or renewal of debentures, other than local improvement debentures, stands referred to the Ontario Land Tribunal after first reading.

(b) The Tribunal, after due enquiry, shall report to the House whether or not it is reasonable that the bill, or that part thereof relating to the matters referred to in clause (a), should pass and what, if any, alterations are necessary.

(c) A report of the Ontario Land Tribunal shall be transmitted to the Clerk of the House.

(d) The bill and report shall stand referred to the Standing Committee on Procedure and House Affairs.

91. (a) Every Estate bill or part of a bill that contains an Estate bill provision stands referred to the Commissioners of Estate Bills after first reading.

(b) The Commissioners of Estate Bills, or any two of them, shall report their opinion on the bill or the part thereof that has been submitted to them, and whether, presuming the allegations contained in the preamble to be proven to the satisfaction of the House, it is reasonable for the bill or the part thereof to pass and what, if any, alterations are necessary.

(c) A report of the Commissioners of Estate Bills shall be transmitted to the Clerk of the House.

(d) Where the Commissioners of Estate Bills report that, in their opinion, it is not reasonable that the bill or the part thereof submitted to them pass into law, the bill or the part thereof shall not be further considered.

(e) Where the bill or the part thereof submitted to the Commissioners of Estate Bills is reported favourably by the Commissioners, the bill and the report shall stand referred to the Standing

Committee on Procedure and House Affairs and where only part of a bill is submitted to the Commissioners and the Commissioners report that, in their opinion, it is not reasonable that the part pass into law, the bill shall stand referred to the Standing Committee on Procedure and House Affairs and the Committee shall amend the bill by deleting therefrom the part to which the report relates.

92. The Clerk of the House shall publish 5 calendar days' notice of the date on which any private bill is to be considered by the Standing Committee on Procedure and House Affairs.

93. (a) The Speaker shall advise the House of any notices received by the Clerk of the House pursuant to Standing Order 85(e)(v) and all submissions related to the bill shall stand referred to the Standing Committee on Procedure and House Affairs.

(b) Any person whose interest or property may be affected by a Private Bill, when required, shall appear before the Standing Committee on Procedure and House Affairs to express his or her consent or objection, or may consent in writing, proof of which may be demanded by the Committee.

94. Private Bills when reported by the Standing Committee on Procedure and House Affairs shall be placed on the Orders and Notices Paper for Second Reading, which Orders may then be called by the Government House Leader, and the provisions of Standing Order 89(b) shall then apply.

95. Private bills amended by a Committee may be reprinted before further consideration, as the Clerk of the House may direct.

96. Except when waived by unanimous consent of the House, notice is required for a motion to dispense with any Standing Order relating to private bills.

97. A Private Bill Register shall be kept in the office of the Clerk of the House, in which shall be entered the name, description, and place of residence of the parties applying for the bill, or of their agent, and all the proceedings thereon, such Register to be open to public inspection daily, during office hours.

98. (a) Every parliamentary agent conducting proceedings before the House is personally responsible to the House and to the Speaker for the observance of the Standing Orders and practices of Parliament, and also for the payment of all fees and charges.

(b) Any parliamentary agent who wilfully acts in violation of the Standing Orders and practices of Parliament, or who wilfully misconducts himself or herself in prosecuting any proceedings before the House, is liable to an absolute or temporary prohibition to practise as a parliamentary agent, at the pleasure of the Speaker.

99. The Clerk of the House shall publish weekly in *The Ontario Gazette* the following notice:

**APPLICATIONS TO PARLIAMENT
PRIVATE BILLS
PUBLIC NOTICE**

The rules of procedure and the fees and costs related to applications for private bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at www.ola.org or from:

Procedural Services Branch
Room 1405, Whitney Block
Queen's Park
Toronto, Ontario
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Telephone: (416) 325-3500
(Collect calls will be accepted.)

Applicants should note that consideration of applications for private bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.