

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2370

Being a By-law authorizing the replacement of certain sidewalks in the City of North Bay at the expense of The Corporation of the City of North Bay.

WHEREAS the sidewalks more particularly specified and described in Schedule "A" to this By-law need to be replaced;

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

1. For the purposes of this By-law:

- (a) "City" shall mean The Corporation of the City of North Bay.
- (b) "Council" shall mean the Council of The Corporation of the City of North Bay.
- (c) "Engineer" shall mean the Engineer for the time being of The Corporation of the City of North Bay.

2. That the sidewalks more particularly specified and described in Schedule "A" to this By-law (and which said Schedule "A" shall be deemed to be incorporated in and form a part of this By-law) shall be replaced at the expense of the City pursuant to the provisions of The Local Improvement Act R.S.O. 1960 Chapter 223 Section 59(1).

3. That the Engineer do forthwith make all necessary plans, profiles and specifications and furnish such information as may be necessary for the entering into of a contract for the execution of the said work.

4. That the said work shall be carried out and executed under the superintendence of and according to the directions and orders of the Engineer.

5. The Mayor and Clerk of the City are hereby authorized, on behalf of the City, to enter into a contract for the performance of the said work subject to the approval of Council to be declared by Resolution.

6. That the Mayor or Deputy Mayor and the Treasurer of the City of North Bay are hereby authorized to borrow from time to time from any bank or person by way of promissory note or notes temporary advances of money to meet the cost of construction as aforesaid pending the completion thereof and pending the issue and sale of the debentures hereinafter referred to but in no event shall the aggregate of such borrowings exceed the amount limited in this By-law.

7. That the cost of the said work be borne by the City and that a By-law be enacted for the issue of debentures to cover the cost of the said work.

8. That the debentures to be issued to pay for the cost of such work shall bear interest at such rate as the Council may determine and shall be made payable within ten years on the instalment plan.

9. This By-law shall not become effective until approval in writing has been secured from the Ontario Municipal Board pursuant to Section 64(1) of The Ontario Municipal Board Act R.S.O. 1960 Chapter 274.

READ A FIRST TIME IN OPEN COUNCIL THIS 6TH DAY OF MARCH 1967
READ A SECOND TIME IN OPEN COUNCIL THIS 6TH DAY OF MARCH 1967

.....
MAYOR

..... *E.E. Armstrong*
CITY CLERK

BY-LAW READ A THIRD TIME IN OPEN COUNCIL THIS 1ST DAY OF MAY, 1967
AND FINALLY PASSED.

..... MAYOR

..... *E.E. Armstrong* CITY CLERK

SCHEDULE "A"
 TO BY-LAW NO. 2370

SUMMARY OF PROPOSED 1967 LOCAL IMPROVEMENT SIDEWALK PROGRAMME

REPLACEMENT SIDEWALKS

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE</u>	<u>WIDTH</u>	<u>LENGTH</u>	<u>UNIT PRICE</u>	<u>TOTAL COST</u>	<u>CORP. SHARE</u>
1.	Morin Street	Cedar Street	High Street	East	5'6"	712'	8.7251	\$6,212.25	\$6,212.26
2.	Cedar Street	Douglas Street	Morin Street	South	5'6"	284'	7.2507	2,059.20	2,059.20
3.	Worthington Street	Cassells Street	Algonquin Avenue	North	5'	730'	6.0425	4,411.00	4,411.00
4.	Burril Street	Copeland Street	McIntyre Street	West	5'	284'	6.0113	1,707.20	1,707.20
5.	Victoria Street	Fraser Street	½-way on Lot #153	East	5'	307'	6.1879	1,899.70	1,899.70
6.	Copeland Street	Timmins Street	Nipissing Street	North	5'	442'	6.2167	2,747.80	2,747.80
7.	Worthington Street	Regina Street	Fisher Street	East	5'	552'	6.4565	3,564.00	3,564.00
8.	Worthington Street	Regina Street	Fisher Street	West	5'	548'	6.4635	3,542.00	3,542.00
TOTALS						3859'		\$26,143.15	\$26,143.15
<u>NOTE:</u> No. 1 and 2 are sidewalks with integral curb.								\$24.435.95	\$24.435.95



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1800-67

IN THE MATTER OF Section 64 of The Ontario Municipal Board Act, (R.S.O. 1960, c. 274), and

Section 59 of The Local Improvement Act, (R.S.O. 1960, c. 223)

- and -

IN THE MATTER OF an application by The Corporation of the City of North Bay for approval of the replacement of certain sidewalks and of the borrowing of the sum of \$26,143.15, being the estimated cost thereof

B E F O R E :

J. A. KENNEDY, Q.C.
Chairman

- and -

A. H. ARRELL, Q.C.
Vice-Chairman

WEDNESDAY, the 19th
day of APRIL, 1967

UPON THE APPLICATION of The Corporation of the City of North Bay for approval of the replacement of the sidewalks described in Schedule "A" attached hereto and of the borrowing of the sum of \$26,143.15, being the estimated cost thereof, and upon reading the material filed;

THE BOARD ORDERS, under and in pursuance of the legislation hereinbefore referred to, and of any and all other powers vested in the Board, that the said application be and the same is hereby granted, and that the corporation may now proceed with the said undertaking and for such purpose may pass all requisite by-laws, including by-laws providing for the issue of debentures in a principal amount not exceeding \$26,143.15 repayable over a term of not more than ten years, and may borrow money to the extent sufficient to provide an amount not exceeding \$26,143.15 therefor, provided:



ONTARIO

THE ONTARIO MUNICIPAL BOARD

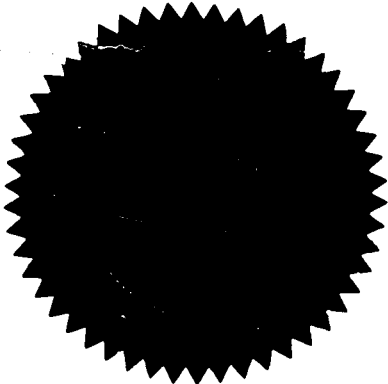
G 1800-67


- 2 -

1. that the said Corporation may borrow the whole or any part of the said sum of \$26,143.15 as required pending receipt of subsidies and the sale of debentures, or of moneys to be received from any other source, and
2. that the Corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.



ACTING SECRETARY



ENTERED	
O. B. No.	45
Folio No.	170
APR 20 1967	
	
Acting Secretary, Ontario Municipal Board	



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1800-67

SCHEDULE "A"

to the order of The Ontario Municipal Board made
on the 19th day of April, 1967

Replacement of SIDEWALKS, on:

1. <u>MORIN STREET</u> (East Side) from Cedar Street to High Street, 712 feet	\$ 6,212.25
2. <u>CEDAR STREET</u> (South Side) from Douglas Street to Morin Street, 284 feet	\$ 2,059.20
3. <u>WORTHINGTON STREET</u> (North Side) from Cassells Street to Algonquin Avenue, 730 feet	\$ 4,411.00
4. <u>DURRIL STREET</u> (West Side) from Copeland Street to McIntyre Street, 284 feet	\$ 1,707.20
5. <u>VICTORIA STREET</u> (East Side) from Fraser Street to 1/2-way on Lot No. 153, 307 feet	\$ 1,899.70
6. <u>COPELAND STREET</u> (North Side) from Timmins Street to Nipissing Street, 442 feet	\$ 2,747.80
7. <u>WORTHINGTON STREET</u> (East Side) from Regina Street to Fisher Street, 552 feet	\$ 3,564.00
8. <u>WORTHINGTON STREET</u> (West Side) from Regina Street to Fisher Street, 548 feet	<u>\$ 3,542.00</u>
Estimated Cost	\$26,143.15



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1800-67
(Item 4)

IN THE MATTER OF Section 64 of
The Ontario Municipal Board Act,
(R.S.O. 1960, c. 274), and

Section 59 of The Local Improve-
ment Act, (R.S.O. 1960, c. 223)

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
replacement of certain sidewalks
and of the borrowing of the sum
of \$26,143.15, being the esti-
mated cost thereof

B E F O R E :

J. A. KENNEDY, Q.C.
Chairman

- and -

D. JAMIESON
Vice-Chairman

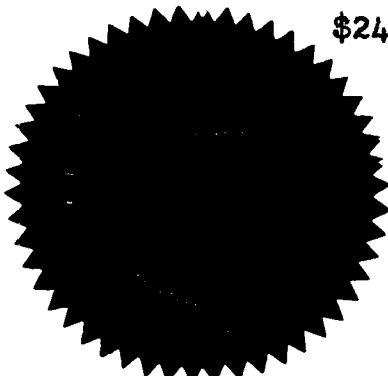
MONDAY, the 18th day
of DECEMBER, 1967

UPON THE APPLICATION of The Corporation of the City
of North Bay for an order rescinding approval of the re-
placement of a sidewalk on Durril Street, (West Side),
from Copeland Street to McIntyre Street, 284 feet, being
Item 4 in Schedule "A" to order of the Board made herein
on the 19th day of April, 1967;

THE BOARD ORDERS, under and in pursuance of the legis-
lation hereinbefore referred to, and of any and all other
powers vested in the Board, that the application be and the
same is hereby granted and that its order made herein on
the 19th day of April, 1967 and entered in order book No.
G 5 at folio 170 on the 20th day of April, 1967, be and
the same is hereby amended by deleting Item 4 from Schedule
"A" thereto and the cost and the amount approved by that
order for debentures is hereby reduced from \$26,143.15 to
\$24,435.95.

[Handwritten Signature]
SECRETARY

ENTERED
O. B. No. <i>1912</i>
Folio No. 40
DEC 22 1967
<i>[Handwritten Signature]</i>
Secretary, Ontario Municipal Board





ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 2006-67
(Item 2)

IN THE MATTER OF Section 8 of
The Local Improvement Act,
(R.S.O. 1960, c. 223) and

Section 64 of The Ontario Muni-
cipal Board Act, (R.S.O. 1960,
c. 274)

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of certain asphalt
pavement, with concrete curbs
and gutters, in accordance with
its council's notice of inten-
tion first published on the 2nd
day of March, 1967, and for ap-
proval of the borrowing for such
purpose of the sum of \$29,333.44,
being the estimated cost thereof

B E F O R E :

J. A. KENNEDY, Q.C.
Chairman

- and -

W. T. SHRIVES
Member

TUESDAY, the 12th day
of SEPTEMBER, 1967

UPON THE APPLICATION of The Corporation of the City of
North Bay for an order rescinding approval of the construction
of an asphalt pavement on Duke Street referred to as Item
2 in Schedule "A" to order of the Board made herein on the
21st day of August, 1967,

THE BOARD ORDERS, under and in pursuance of the legis-
lation hereinbefore referred to, and of any and all other
powers vested in the Board, that the application be and the
same is hereby granted and that its order made herein on the
21st day of August, 1967, and entered in order book No.
G 9 at folio 38 on the 31st day of August, 1967, be and the



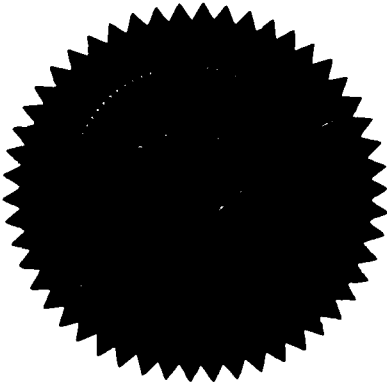
ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 2006-67
(Item 2)

- 2 -

same is hereby amended by deleting Item 2 from Schedule "A" thereto and the cost and the amount approved by that order for debentures is hereby reduced to the sum of \$18,805.60.



[Signature]
SECRETARY

ENTERED	
O. B. No. <i>189</i>	185
Folio No.
SEP 13 1967	
<i>[Signature]</i>	
Secretary, Ontario Municipal Board	



G-2006-67
(Items 2, 5 & 6)

THE ONTARIO MUNICIPAL BOARD

IN THE MATTER OF Section 8 of
The Local Improvement Act
(R.S.O. 1960, c. 223), and

Section 64 of The Ontario Municipal Board Act (R.S.O. 1960,
c. 274),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of certain asphalt
pavement, with concrete curbs and
gutters, in accordance with its
Council's notice of intention
first published on the 2nd day of
March, 1967, and for approval of
the borrowing for such purpose of
the sum of \$49,333.19, being the
estimated cost thereof, repayable
over a term not exceeding five
years.

REPORT TO THE BOARD

Under an authority granted pursuant to Section 15 of The Ontario Municipal Board Act, I attended at the Juvenile and Family Court Building in North Bay and conducted a public hearing of this application on August 9, 1967, with respect to those items which had not been approved previously. The items not yet approved are as follows:

- ✓ Item 2 - asphalt pavement on Duke Street from Cassells Street to a line between Lots 484 and 485 at a cost of \$10,427.84.
- ✓ Item 5 - asphalt pavement with concrete curbs and gutters on Aubrey Street from Cassells Street to High Street at a cost of \$18,805.60.
- Item 6 - asphalt pavement with concrete curbs and gutters on Hammond Street from Third Avenue to Haig Street at a cost of \$20,099.75.

Only one objection to the work described in Item 2 was voiced at the hearing, and this was more in the nature of a request for

information as to the reasons why the estimated cost per foot was higher than the estimated cost for the works proposed in Items 5 and 6 although the latter included curbs and gutters. The explanation given by the city engineer is that rock conditions on Duke Street will cause the extra costs. No objection was voiced at the hearing to the work described in Item 5.

Objection and support from owners of abutting properties to the work proposed for Hammond Street was about evenly divided. This street was paved previously but deteriorated considerably as a result of being used as a detour route when Fisher Street was rebuilt three years ago. When the city indicated it would resurface the street, some residents indicated a desire for curbs and gutters on the north side to alleviate flooding conditions which are said to occur on the lots on that side after heavy rain because the land slopes in that direction. This resulted in a plan to widen the road to 28 feet with curbs and gutters but this was abandoned when other residents expressed a desire for a paved width of 32 feet with curbs and gutters. It is this latter proposal which is embodied in this application.

There are also objections to the cost. The policy of the city, expressed in By-law 2278, for the original paving of a residential street is to charge abutting properties for the cost to a width of 24 feet only and the city bears the cost of any width in excess of 24 feet as well as the costs of curbs and gutters and storm sewers. That by-law does not apply here as this is not an original paving. Instead, the city proposes to bear the cost for repaving up to the width of 24 feet and to charge all additional costs to the abutting properties on the grounds that resurfacing would not require reconstruction whereas a width of 32 feet would require complete rebuilding. According to the evidence of the city engineer, curbs and gutters and a width in excess of 24 feet are not necessary on this street.

It should be noted that the work proposed for Hammond Street is not on petition and it does not appear from the evidence that those seeking the greater width represent a majority of those who would be charged. The lack of necessity precludes, in my opinion, the imposition of a special charge on a dissident majority to meet the desires of a minority. For this reason alone, in my opinion, approval should be refused. The city was not represented by legal counsel and it is not clear whether any consideration was given to Section 26 of The Local Improvement Act which seems to suggest that in the case of the widening of a pavement undertaken without petition the whole of the cost of construction or reconstruction for the width in excess of the existing width is to be added to the municipality's share for the construction or reconstruction to the existing width.

In summary, I recommend that Items 2 and 5 be approved and that approval of Item 6 be refused.

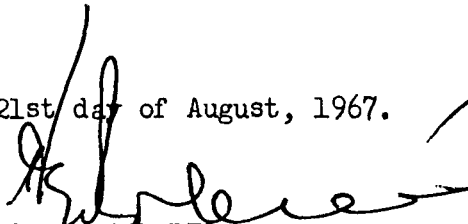
DATED at Toronto this 21st day of August, 1967.



F. G. BLAKE
MEMBER

The foregoing report is hereby adopted as the decision of the Board.

DATED at Toronto this 21st day of August, 1967.



H. E. ROBERTS
VICE-CHAIRMAN



W. GREENWOOD
MEMBER



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 2006-67
(Items 2 and 5)

IN THE MATTER OF Section 8 of
The Local Improvement Act,
(R.S.O. 1960, c. 223) and

Section 64 of The Ontario Muni-
cipal Board Act, (R.S.O. 1960,
c. 274),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of certain asphalt
pavement, with concrete curbs
and gutters, in accordance with
its council's notice of inten-
tion first published on the 2nd
day of March, 1967, and for ap-
proval of the borrowing for such
purpose of the sum of \$29,333.44,
being the estimated cost thereof

B E F O R E :

H. E. ROBERTS,
Vice-Chairman

- and -

W. GREENWOOD,
Member

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MONDAY, the 21st
day of AUGUST, 1967

THIS APPLICATION having come on for public hearing
on the 9th day of August, 1967, in the City of North
Bay, before F. G. Blake, Member of the Board duly author-
ized by the Chairman of the Board pursuant to Section 15
of The Ontario Municipal Board Act, in the presence of a
certain ratepayer in opposition thereto, and it appearing
that notice of the said hearing had been given in accord-
ance with the directions of the Board, and the said Member
having reported to the Board and the Board having considered
his report;



ONTARIO

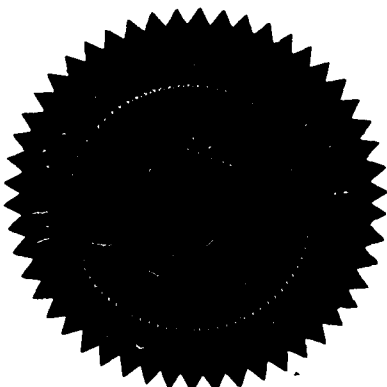
THE ONTARIO MUNICIPAL BOARD

G 2006-67
(Items 2 and 5)

- 2 -

THE BOARD ORDERS, under and in pursuance of the legis-
lation hereinbefore referred to, and of any and all other
powers vested in the Board, that the said application be
and the same is hereby granted, and that the corporation
may now proceed with the work as set forth in Schedule
"A" attached hereto and for such purpose may pass all
requisite by-laws, including by-laws providing for the
issue of debentures in a principal amount not exceeding
\$29,233.44 repayable over a term of not more than five
years, and may borrow money to the extent sufficient to
provide an amount not exceeding \$29,233.44 therefor, pro-
vided:

1. that the said corporation may borrow the whole
or any part of the said sum of \$29,233.44 as
required pending receipt of subsidies and the
sale of debentures, or of moneys to be received
from any other source, and
2. that the amount to be debentured shall not ex-
ceed in any event the net cost to the corpora-
tion after deducting any grant or contribution
from the Province of Ontario or from any other
source in respect of the said work, and
3. that the corporation in exercising any of its
powers approved by this order shall comply
with all statutory and other legal require-
ments related thereto.



SECRETARY

ENTERED	
O. B. No.	49
Folio No.	38
AUG 31 1967	
<i>R. Scott</i>	
Secretary, Ontario Municipal Board	



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 2006-67
(Items 2 and 5)

SCHEDULE "A"

to the order of The Ontario Municipal Board
made on the 21st day of August, 1967

Construction of:

ASPHALT PAVEMENT, on:

2. DUKE STREET from Cassells Street
to a line between Lots 484 and
485

\$10,427.84

ASPHALT PAVEMENT WITH CONCRETE CURBS
AND GUTTERS, on:

5. AUBREY STREET from Cassells Street
to High Street

18,805.60

Total Estimated Cost.....\$29,233.44



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 2006-67
(Items 1, 3 & 4)

IN THE MATTER OF Section 64 of
The Ontario Municipal Board Act,
(R.S.O. 1960, c. 274), and

Section 8 of The Local Improve-
ment Act, (R.S.O. 1960, c. 223),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of certain asphalt
pavement in accordance with its
council's notice of intention
first published on the 2nd day
of March, 1967, and the borrowing
of the sum of \$31,505.16, being
the estimated cost thereof

B E F O R E :

J. A. KENNEDY, Q.C.,
Chairman

- and -

W. GREENWOOD,
Member

)
) THURSDAY, the 4th
)
) day of MAY, 1967
)
)

UPON THE APPLICATION of The Corporation of the City of
North Bay for approval of the construction of the asphalt
pavements described in Schedule "A" attached hereto and of
the borrowing of the sum of \$31,505.16 being the estimated
cost thereof, and upon reading the material filed;

THE BOARD ORDERS, under and in pursuance of the legis-
lation hereinbefore referred to, and of any and all other
powers vested in the Board, that the said application be and
the same is hereby granted, and that the corporation may now
proceed with the said undertaking and for such purpose may
pass all requisite by-laws, including by-laws providing for
the issue of debentures in a principal amount not exceeding
\$31,505.16 repayable over a term of not more than five years,
and may borrow money to the extent sufficient to provide an
amount not exceeding \$31,505.16 therefor, provided:



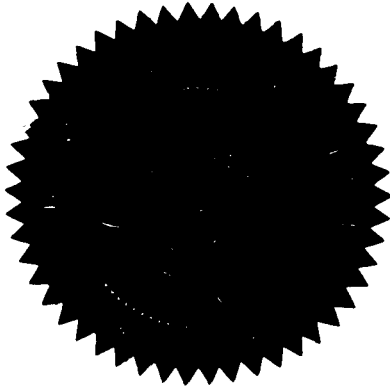
ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 2006-67
(Items 1, 3 & 4)

- 2 -

1. that the said corporation may borrow the whole or any part of the said sum of \$31,505.16 as required pending receipt of subsidies and the sale of debentures or of moneys to be received from any other source, and
2. that the amount to be debentured shall not exceed in any event the net cost to the corporation after deducting any grant or contribution from the Province of Ontario or from any other source in respect of the said work, and
3. that the corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.



ACTING SECRETARY

ENTERED	
O. B. No.	25
Folio No.	302
MAY 9 1967	
Acting Secretary, Ontario Municipal Board	



ONTARIO

THE ONTARIO MUNICIPAL BOARD G 2006-67
(Items 1, 3 & 4)

SCHEDULE "A"

to the order of The Ontario Municipal Board
made on the 4th day of May, 1967

Construction of:

ASPHALT PAVEMENT on:

1.	<u>PRINCESS STREET</u> from Ferguson Street to Wyld Street	\$ 10,343.69
3.	<u>DOUGLAS STREET</u> from Rose Avenue to City Limits	10,007.91
4.	<u>QUEENSWAY AVENUE</u> from McKay Street to City Limits	11,153.56
	Total Estimated Cost	<u>\$31,505.16</u>