



3RD SESSION, 37TH LEGISLATURE, ONTARIO  
51 ELIZABETH II, 2002

# **Bill Pr9**

## **An Act respecting The Elliott**

**Mr. Arnott**

**Private Bill**

1st Reading    June 19, 2002  
2nd Reading  
3rd Reading  
Royal Assent

Printed by the Legislative Assembly of Ontario



## EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

## An Act respecting The Elliott

### Preamble

The Corporation of the City of Guelph, referred to in this Act as the City, and the Board of Trustees of The Elliott have applied for special legislation to alter the composition of the board of trustees, including by permitting up to one-third of the members of the board of trustees to be non-residents of the City of Guelph, and to alter its powers. The applicants represent that The Elliott was created in 1903 as an institution known as The Guelph Home of the Friendless by the will of George Elliott, late of the City of Guelph, was incorporated by special legislation in 1907 and was continued under the name The Elliott by special legislation in 1963. The applicants further represent that The Elliott has been operating since its inception as a home for the aged for the benefit of the residents of the City of Guelph and its surrounding areas and that both applicants are committed to working together for the continued provision of services for seniors in the community.

It is appropriate to grant the application.

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

### Corporation continued

1. (1) The corporation known as The Elliott is continued as a corporation without share capital under the same name.

### Current board continued

(2) The Board of Trustees of The Elliott in office immediately before this Act comes into force shall continue in office until a board of trustees is appointed under this Act.

### Local board

2. The Elliott is a local board, within the meaning of the *Municipal Affairs Act*, of the City.

### Object

3. (1) The object of The Elliott is to provide care and services to persons of senior years who, because of infirmity or physical, developmental, financial, emotional or social disadvantage, are unable to support themselves or are in need of such care or services.

### Same

(2) The Elliott shall construct, establish, operate and maintain the buildings, institutions and facilities it considers necessary to carry out its object.

### Board of trustees

4. (1) The affairs of The Elliott shall be managed by its board of trustees.

### Composition

(2) The board of trustees shall be composed of a minimum of five and a maximum of 11 persons, including the mayor of the City.

### Same

(3) The mayor of the City may appoint another member of the City council to represent him or her and act in his or her place on the board of trustees at any time.

### Residency requirements

(4) Every member of the board of trustees must be a resident of Ontario and at least two-thirds of the members must be residents of the City of Guelph.

### Appointment

(5) The members of the board of trustees shall be appointed by the City council from among the persons recommended by the nominating committee of the board of trustees.

### Same

(6) Despite subsection (5), the City council may request that the nominating committee provide additional names for its consideration and, after considering three revised lists of names submitted by the nominating committee in respect of one appointment to the board of trustees or if the nominating committee does not provide a revised list within 30 days of the City council's request, the City council may appoint any person to the board of trustees, whether or not that person was recommended by the nominating committee.

### Term

(7) The members of the board of trustees shall be appointed for a term of three years, but members shall continue to serve after their terms have expired until their successors are appointed.

### First appointments

(8) Despite subsection (7), a maximum of one-third of the first members of the board of trustees shall be appointed for a one-year term and a maximum one-third of the first members of the board of trustees shall be appointed for a two-year term, as determined by the City council.

### Reappointment

(9) Every member of the board of trustees is eligible for reappointment at the end of his or her term, but a

member shall not be reappointed after serving for 10 consecutive years; after serving for 10 consecutive years, a former member of the board of trustees is again eligible for reappointment after the expiry of one year when he or she was not a member of the board of trustees.

#### Removal

(10) The City council may remove a member of the board of trustees before the expiry of his or her term by serving the member with written notice of the removal, together with reasons,

- (a) upon the recommendation to the council by the board of trustees; or
- (b) on the council's initiative and after consulting with the board of trustees.

#### By-laws

(11) The board of trustees may pass by-laws and make rules, not contrary to this Act, for the governance and administration of The Elliott.

#### Powers

5. (1) The Elliott has all the powers necessary to carry out its object.

#### Same

(2) Without limiting the generality of subsection (1), The Elliott may,

- (a) subject to the *Charitable Gifts Act*, purchase or otherwise acquire, take or receive by gift, bequest or devise, and hold and enjoy any estate or property, whether real or personal, and sell, grant, convey, mortgage, pledge or otherwise dispose of or deal with such estate or property or any part of it;
- (b) invest surplus funds not required for its immediate purposes, and sections 27 to 29 of the *Trustee Act* apply, with necessary modifications, to the investment of those funds;
- (c) subject to subsection (3), borrow money and create mortgages, bonds and debentures as security for the repayment of the money.

#### Borrowing restrictions

(3) The Elliott may not borrow money without the prior consent of the City council, and the City council shall, if its consent is requested, reply within 45 days of the request and shall not withhold its consent unreasonably.

#### Auditor

6. (1) Despite being a local board of the City, the board of trustees shall appoint an auditor who is licensed

under the *Public Accountancy Act* to audit The Elliott's accounts and transactions each year.

#### Annual report

(2) The auditor shall submit an annual report to the board of trustees.

#### Same

(3) The board of trustees shall give a copy of each annual report to the City council within 30 days after it receives the report from the auditor.

#### Lease of land

7. (1) The Elliott shall lease from the City the lands owned by the City and further described in subsection (2) and on which, immediately before this Act comes into force, The Elliott operated and maintained buildings, institutions and facilities in furtherance of its object.

#### Same

(2) Subsection (1) applies to the lands comprising Lots 61, 62, 63, 64 and 65 on Registered Plan 221, being Parts 11, 12 and 13 on Plan WGR 50, in the City of Guelph (formerly the Township of Guelph) in the County of Wellington.

#### Use of assets

8. Despite the residuary clause of the will of George Elliott and despite any stipulation to the contrary in any gift, devise or bequest made before this Act comes into force in favour of The Guelph Home of the Friendless or The Elliott, the assets and property of The Elliott, except for restricted trust property held for the benefit of specific residents, may, in the discretion of the board of trustees, be applied and expended in furtherance of The Elliott's object, as set out in section 3.

#### Repeals

9. (1) **Section 1 of *An Act to incorporate The Guelph Home of the Friendless, and for other purposes, being chapter 119 of the Statutes of Ontario, 1907, is repealed.***

#### Same

(2) **The *Elliott Act, 1962-63* is repealed.**

#### Commencement

10. **This Act comes into force on the day it receives Royal Assent.**

#### Short title

11. **The short title of this Act is the *Elliott Act, 2002.***