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**Legal**

NOTICE IS HEREBY GIVEN that the Corporation of the County of Halton will apply to the Legislative Assembly of the Province of Ontario at its next Session for an Act to authorize and empower the Corporation of the County of Halton to receive from persons or for the credit of persons admitted or to be admitted to Homes for the Aged and other homes for the care of the aged, ill and infirm, property, both real and personal, and to hold and administer the same as effectually and to the fullest extent to which such persons might themselves do, and for such purposes as may be agreed upon by the Corporation of the County of Halton, and by or on behalf of such persons.

DATED at Milton, this 3rd day of July, 1961.

**SHARPE & NICHOLS**, 146 Main St., Milton, Ont., Solicitors for the Applicant. c-86



DEPARTMENT OF HIGHWAYS

**NOTICE**

TO SUPPLIERS OF STRAW FOR SEEDING

Separate sealed bids marked "Bid for Supply of Straw - Hamilton District" will be received by the District Engineer, Box 279, Burlington, Ontario, until 12:00 o'clock noon, D.S.T., AUGUST 29th, 1961.

Specification, bid forms and bid envelopes may be obtained at the above-mentioned address. The lowest or any quotation not necessarily accepted.

DEPT. OF HIGHWAYS, Ontario, Hamilton District. c-13

**Notice to Creditors AND OTHERS**

IN THE MATTER OF THE Estate of MARY JOSEPHINE ROSS, late of the Town of Milton, in the County of Halton, Widow, deceased.

All persons having claims against the Estate of MARY JOSEPHINE ROSS, late of the Town of Milton, in the County of Halton, Widow, deceased, who died on or about the 14th day of April, 1961, are requested to send particulars of their claims to the undersigned on or before the 28th day of August, 1961, after which date the said Estate will be distributed among the parties entitled thereto, and the Executor will not be liable for any claims of which he has not then received notice.

Dated the 24th day of July, 1961.

**JOSEPH GEORGE KELMAN**, 114 Wakefield Road, Milton, Ontario, Executor last Will and Testament of Mary Josephine Ross, deceased. c-113

**Text of Decision on Oakville-Trafalgar Amalgamation**

The following is the complete text of the Decision of the Ontario Municipal Board released this week dealing with the Oakville-Trafalgar amalgamation heard by the board on June 20.

While these are in form separate applications by the Town of Oakville and the Township of Trafalgar respectively for amalgamation of the two municipalities into one new municipality with status of a town, it is actually a joint application for that purpose and the two municipalities have reached agreement on practically every question that it will be necessary for this Board to decide on this application.

The circumstances of this case are very interesting indeed and in many respects unusual. Whether it will set a pattern for other cases in the future, time alone will tell. On March 19th, 1957 and again on October 6th, 1958, the Town of Oakville instituted proceedings for annexation to the town of parts of the Town-

ship of Trafalgar. Each application met vigorous opposition from the township and neither resulted in any lands being annexed to Oakville. Arising out of the second application, however, was the passing by the Legislature in the year 1960 of a Private Bill on the joint application of Oakville and Trafalgar which entrusted to a joint commission having jurisdiction in both municipalities, the control and management of water production and distribution, supply and distribution of electrical power and certain other powers in a part of the Township of Trafalgar. This statute is known as **The Oakville-Trafalgar Public Utilities Commission Act, 1960**.

Almost immediately following the coming into force of this Act, interested and responsible citizens of the two municipalities, and soon the elected councils, set out upon a course which can only be described as negotiating terms upon which a joint application would be made for amalgamation.

Trafalgar has one of the larger township areas in this province, comprising 68,142 acres. Oakville was carved out of the lower portion of the township and while it has grown in population in recent years, its boundaries have not been changed for a great many years. In recent years, some considerable industrial development has occurred in the general area that is Oakville and southern Trafalgar. Most notable single item was the location in the year 1951, in Trafalgar, of the assembly plant of Ford, of the assembly plant of Canada. Accompanying this industrial development was a sub-

stantial population growth so that at present the population of Trafalgar Township is about three times that of Oakville, or 30,293 in Trafalgar and 10,247 in Oakville.

Practically all the urban development in Trafalgar has occurred south of the Upper Middle Road so that at present the township could be said to be largely urban south of that road and almost entirely rural to the north. More or less in the centre of this southern urban portion of the township lies the Town of Oakville.

According to the evidence, the southern portion of Trafalgar and the Town of Oakville have developed as a single community. Even before the passing of **The Oakville-Trafalgar Public Utilities Commission Act, 1960**, a great many services were on a co-operative basis and wise local administrative bodies had engendered and fostered a degree of joint projects and services which is rarely found. In fact, it is simply a case of two separate municipalities with so many common problems and interests that they were in fact one community and were slowly moving or sliding toward amalgamation.

Indeed, were it not for the large rural area lying north of the Upper Middle Road, or in other words, were it only the largely urbanized part of the township south of that line which sought to be united with the Town of Oakville, an order for amalgamation would be made almost as of course. There is a question here, however, which must give pause. A large rural area comprising upwards of 50,000 acres is to be

elevated to urban status, governed by the council of a town in which this rural area will be only one of four wards, and paying a tax rate in which part of the cost of many urban services not needed in rural areas will certainly be included. But after ample notice directed by this Board and after the widest publicity which this matter has received for many months, not one rural resident, not one farmer from north of the Upper Middle Road came forward at the hearing to object. The Board must conclude that the rural residents and owners north of that road are in favour of amalgamation.

Whether this is a new departure in local government in Ontario, encouraged by experience in neighbouring Burlington which is similarly composed, or whether the heavy industrial assessments in the southern part of the township are the magnet attracting the northern rural area to remain in the new town, it is impossible for the Board to determine. Since this amalgamation appears to be almost the unanimous will of the residents and ratepayers concerned after ample opportunity to study all the implications, then it seems to the Board that the order sought should be made, notwithstanding some misgivings that a town which includes such a very large rural area may not work out permanently to the complete satisfaction of all.

It must be remembered, of course, that the composition of the new town will be little different in most respects from that of the present township, except

that the population of the urban section will be increased substantially. Further, if the new town does not prove to be the success that those now supporting it hope for, it would always be possible to arrange some new alignment whereby the large rural area could be detached from the town if that should appear to be preferable after a trial period. On the other hand, the amalgamation sought will give a good opportunity to try out an idea which many are now proposing, that is to bring a much larger area under a single jurisdiction and so afford a greater scope for unified planning and unified jurisdiction. The experience to be gained may prove invaluable as a measure of changing times.

The lone objector was Mrs. Burkholder, the owner of farm land north of the Queen Elizabeth Way and west of Twelve Mile Creek. Her objection was that her land would bear heavy urban taxes for a considerable period before urban services could be extended so as to make her land suitable for urban development. In the opinion of the Board it will be possible to protect this land against a heavy tax load for urban services by giving to the owner the full benefits available under the various provisions of **The Assessment Act** in that behalf. It will be incumbent on the council of the new town to take measures necessary to ensure that no hardship will result in circumstances such as these.

These applications were made to the Board under the authority of substantially similar by-laws passed by the town and the township councils respectively. Each by-law contained a schedule of conditions which the two municipal councils had agreed should be proposed to this Board as terms and conditions to be included in the order for amalgamation. Conditions numbered 1 to 6, insofar as they relate to division into wards, composition of council and other matters over which this Board finds that it has jurisdiction, will be included in the order.

Condition numbered 7 reads "That that part of Trafalgar which is in Union School Section No. 5 with the Town of Milton be detached therefrom." The Board was informed by council at the hearing that the matter of the dissolution of this union school section was the subject of negotiations which were continuing at the time of the hearing. Since that time this Board has been advised that the parties interested have arrived at an agreement which is designed to accomplish a gradual dissolution over a period of the next five years. The provisions of this agreement will be duly incorporated in the order to be issued.

Conditions numbered 8 to 29 have to do with the dissolution of present local boards and the constitution of new local boards, the making of assessments in the year 1961 for taxation in the year

1962, the preparation of voters' lists and the nomination and election of council and local boards for the new municipality. These conditions will be incorporated as terms in the order.

Conditions numbered 30 and 31 would dissolve sewer, garbage, street lighting and water areas and would create a new area to bear present and all future rates of that class. The order will implement these conditions insofar as they apply to areas which the council of either municipality will have set up prior to December 31st, 1961. This Board does not consider that it has power to set up any special area in the municipality for the purpose of imposing of rates to pay for the cost of works or schemes to be undertaken after the effective date of the amalgamation order. It seems to the Board that to do this would be in effect to grant to a new municipality a "special charter" which, of course, is the sole responsibility of the Legislature.

By condition numbered 32 the Board is asked to declare that the boundaries of the two municipalities shall remain stable for a substantial length of time. The Board is of the opinion that it has no right to make such a declaration.

Condition numbered 33 proposes that the Board make a certain recommendation to the Legislature with respect to compensation to members of council. The Board must decline to make representations to the Legislature in a proceeding of this nature.

Condition numbered 34 proposes that the Board reserve to itself certain powers not exercised at this time. The Board is of the opinion that its only jurisdiction in this matter and its only powers are to be found in the statute and that unless the statute gives the Board the right to make subsequent orders, the Board would have no power to do so whether or not it might attempt to reserve such a power.

Since the passing of these by-laws the councils of the town and the township respectively have agreed to request, with the concurrence of the present separate school boards, that the order provide that all existing separate school boards in Oakville and Trafalgar be dissolved and that a new separate school board shall be established for the new municipality have eight trustees elected by general vote for a term of two years with one-half of the trustees retiring in each year as provided by section 35 of **The Separate Schools Act**. It is also requested with similar concurrence that a meeting of persons entitled to support separate schools in the new town will be held for the nomination of candidates for separate school boards at St. Mary's School, 171 King Street, Oakville, at the hour of eight o'clock in the afternoon of Wednesday, November 22nd, 1961, that the returning officer be John W. Stothers of the Township of Trafalgar, or in his absence a chairman chosen by the meeting, and if a poll be demanded that it shall be held at St. Mary's School aforesaid

on Wednesday, the 29th day of November, 1961, all in accordance with the provisions of section 38 of **The Separate Schools Acts**. These requests with respect to the creation, composition and election of a separate school board will be included in the order.

The Board will now deal with the question of a name for the new town. The two councils have agreed on the hyphenated name of Oakville-Trafalgar which, of course, has much to recommend it, but on the other hand it seems to the Board to have certain obvious points of objection. In a case such as this, where the two councils after long months of careful and praiseworthy negotiation have arrived at a solution of virtually all the questions in issue, the Board is loathe to interfere with what might be said to be an integral and inseparable term of the settlement. However, there were strong objections to the hyphenated name presented at the hearing and two samplings of public opinion reported showed a strong preference for the name Oakville.

The councils which agreed to the hyphenated name did so as trustees representing their electors. It seems to the Board that the nature and importance of this question make it appropriate to be submitted for a choice by the voters at the election to be held to choose a council and local boards for the new town. The order to be issued after expiration of the statutory period will provide that the two names, Oakville-Trafalgar and Oakville, will be submitted for a choice to be made by majority vote.

The cost incurred by the Board in reporting this proceeding will be paid, one-half by each applicant. There will be no other order as to costs.

DATED at Toronto this 8th day of August 1961.

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