

PART IV  
**Incorporation of Cities**

DIVISION 1  
**Incorporation**

**Incorporating orders**

**39(1)** The minister may, by order, incorporate a town that is incorporated or continued pursuant to *The Municipalities Act* as a city pursuant to this Act if:

- (a) the town has a population of 5,000 or more; and
  - (b) the council of the town requests the change in status.
- (2) In making an order pursuant to subsection (1), the minister shall:
- (a) declare the city to be incorporated, assign a name to it and describe its boundaries;
  - (b) state the day on which the order becomes effective;
  - (c) fix a day, hour and place for the nomination day for the election of a council, which day may be before the effective date of the order;
  - (d) appoint a person to act as the returning officer for the election;
  - (e) fix a day, hour and place for the first meeting of the council; and
  - (f) include any other provision the minister considers necessary to facilitate the incorporation of the city and to enable it to hold its first election and first meeting of council.

2002, c.C-11.1, s.39; 2005, c.M-36.1, s.418.

**Consequences of incorporating order**

**40** If the minister makes an order incorporating a town as a city pursuant to section 39:

- (a) the council of the former town shall immediately make the necessary arrangements for the election of the council of the city, and the council of the former town continues in office until the first meeting of the council of the city;
- (b) each officer and employee of the former town continues as an officer or employee of the city with the same rights and duties until the council of the city otherwise directs;
- (c) all bylaws and resolutions of the former town that are in effect on the date that the former town is incorporated pursuant to this Act continue as the bylaws and resolutions of the city, to the extent that they are not inconsistent with this Act, until they are repealed or other bylaws and resolutions are made in their place;
- (d) all taxes and revenues due to the former town are deemed to be taxes and revenues due to the city and may be collected and dealt with by the city as if it had imposed them;
- (e) all rights of action and actions by or against the former town may be commenced, continued or maintained by or against the city;

(f) all property vested in the former town becomes vested in the city and may be dealt with by the city in its own name subject to any trusts or other conditions applicable to the property; and

(g) all other assets, liabilities, rights, duties, functions and obligations of the former town become vested in the city, and the city may deal with them in its own name.

2002, c.C-11.1, s.40.

**Change of name**

**41(1)** At the request of the council, the minister may change the name of a city.

(2) If the minister changes the name of a city pursuant to subsection (1):

(a) the minister shall publish notice of the change in Part I of the Gazette; and

(b) any seal formerly used by the city continues to be the seal of the city until changed by the council.

(3) A change in the name of a city made in accordance with this section does not affect any obligation, right, action, land or improvements incurred, established, taken or acquired before the change.

2002, c.C-11.1, s.41.

**Reversion of status**

**42(1)** The minister may, by order, revert the status of a city to that of a town pursuant to *The Municipalities Act* if:

(a) the population of the city is less than 5,000; and

(b) one of the following occurs:

(i) the council requests the reversion of status;

(ii) the majority of the electors of the city who vote on the question of whether the status of the city should be reverted vote in favour of the change;

(iii) the minister is of the opinion that the reversion of status is in the public interest.

(2) If the minister proposes to order a reversion of status pursuant to subclause (1)(b)(iii), the minister shall first cause a notice of the proposed reversion to be:

(a) published in a newspaper circulating in the city; and

(b) posted in a conspicuous place within the city.

- (3) If an elector of the city files an objection with the minister within two weeks after the publication and posting of the notice pursuant to subsection (2), the minister shall:
- (a) publish a notice in a newspaper circulating in the city stating the date, time and place of a public meeting to be held on the question of the reversion of status and requesting all electors of the city to attend; and
  - (b) appoint a person to conduct the public meeting who shall:
    - (i) hear any elector of the city who wishes to be heard; and
    - (ii) prepare and deliver a report respecting the public meeting to the minister.
- (4) In making a reversion order pursuant to this section, the minister shall state the day on which the order becomes effective.
- (5) On the making of a reversion order pursuant to this section:
- (a) the former city becomes a town that is subject to *The Municipalities Act* and that Act applies to the town; and
  - (b) this Act ceases to apply to that town.

2002, c.C-11.1, s.42; 2005, c.M-36.1, s.418.

## DIVISION 2

### **Alteration of Boundaries and Amalgamation**

#### **Preliminary proceedings**

- 43(1)** A council that intends to apply for an alteration of a city's boundaries or for amalgamation or restructuring with other municipalities shall:
- (a) publish a notice of its intention at least once each week for two successive weeks in a newspaper circulating in the area affected by the proposed alteration, amalgamation or restructuring; and
  - (b) personally deliver, or send by ordinary mail, a copy of the notice to:
    - (i) each person assessed on the last revised assessment roll with respect to land or improvements located in the area affected by the proposed alteration, amalgamation or restructuring;
    - (ii) the councils of all other municipalities affected by the proposed alteration, amalgamation or restructuring; and
    - (iii) the boards of all school divisions affected by the proposed alteration, amalgamation or restructuring.