



2ND SESSION, 37TH LEGISLATURE, ONTARIO
50 ELIZABETH II, 2001

Bill Pr13

An Act respecting The Boys' Home

Ms. Churley

Private Bill

1st Reading June 11, 2001
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

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

An Act respecting The Boys' Home

Preamble

The Boys' Home (the "Home") has applied for special legislation to restate its objects and to make changes to its powers. The Home was incorporated by the Statutes of the Province of Canada, 1861, chapter 114 and continued by the Statutes of Ontario, 1963, chapter 152.

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 Boys' Home is continued as a corporation without share capital under the name "The Boys' Home".

Composition

(2) The Home is composed of its members, selected in accordance with the by-laws.

Objects

2. (1) The following are the objects of the Home:
1. To provide for and assist Youth by establishing, operating and maintaining,
 - i. homes, facilities, institutions, half-way houses, residential placements and other forms of housing arrangements,
 - ii. detention centres and correctional facilities, and
 - iii. foster care programs and facilities.
 2. To provide educational services and programs to Youth that are designed to provide regular and special education and to teach life skills and employment skills.
 3. To provide counselling services and programs to Youth, their families and victims of crime.
 4. To organize and participate in community-based programs designed to address the needs of Youth, their families and victims of crime.
 5. To operate family support programs designed to offer family therapy for families of Youth and to operate parent support groups for families of Youth.

6. To provide information resources to Youth, their families, victims of crime and the public respecting issues related to Youth.

7. To educate the public about the needs of Youth in order to promote harmonious and beneficial relationships between the public and Youth.

Restriction

(2) The Home shall be carried on without the purpose of gain from its members and any profits or accretions to the Home shall be used to further its objects.

Deeming provision

(3) The Home shall be deemed to have been authorized after September 1, 1999 to provide services in respect of Youth who are female.

Same

(4) The Home shall be deemed to have been authorized after February 23, 1989 to provide for and assist Youth by establishing, operating and maintaining detention centres and correctional facilities and to provide services to the families of Youth.

Same

(5) The Home shall be deemed to have been authorized after December 14, 1984 to provide services in respect of individuals who are 18 years of age or more.

"Youth"

(6) In this section,
"Youth" means individuals who are 24 years of age or less and who are facing crisis or are otherwise in need.

Powers

3. (1) The Home has the capacity and the rights, powers and privileges of a natural person.

Same

(2) Without limiting the generality of subsection (1), the powers of the Home include the following:

1. To co-operate, associate and contract with any person, government, government agency, association or organization in order to further the objects of the Home.
2. To give donations, scholarships and bursaries in order to further the objects of the Home.

3. To establish, own and operate one or more publishing offices, printing plants, distribution centres or retail facilities for the publication, printing, distribution and sale of all types of publications related to the objects of the Home.
4. To produce programs and materials related to the objects of the Home for presentation, broadcast and distribution by any means.
5. To solicit donations and to enter into agreements, contracts and undertakings incidental to them.
6. To establish and maintain one or more funds and to apply all or part of the income or capital, or both, of such funds for the objects of the Home and for the benefit of charities registered under the *Income Tax Act* (Canada) that have charitable objects similar to the objects of the Home.
7. To give property and funds of the Home to charitable organizations that are qualified donees within the meaning of the *Income Tax Act* (Canada) in order to further the objects of the Home.
8. To carry on related businesses within the meaning of the *Income Tax Act* (Canada) in order to further the objects of the Home.

Board of directors

4. (1) The affairs of the Home shall be managed by its board of directors.

Composition

(2) The board of directors of the Home is composed of not less than five persons as determined by by-law.

Eligibility

(3) The eligibility of a person to hold office as a director is determined in accordance with the by-laws.

Term of office

(4) The term of office of directors is determined in accordance with the by-laws.

Remuneration and expenses

(5) The directors are not entitled to remuneration but may be reimbursed for reasonable expenses incurred by them in the performance of their duties.

Prohibition

(6) Directors are prohibited from receiving any profit, directly or indirectly, from their position as a director.

Officers

5. (1) Each year, the directors shall elect from among themselves a president, one or more vice-presidents, a secretary and a treasurer to hold office during the year or until their successors are elected, whichever is the later.

Election

(2) The election must be conducted in accordance with the by-laws.

Additional officers

(3) Such other officers as may be specified by the by-laws may be elected by the directors in accordance with the by-laws.

By-laws

6. The board of directors may pass by-laws to carry out the objects of the Home and to manage and operate it and respecting such other matters as the board considers appropriate.

Declaration by directors, etc.

7. Each director, officer and member of the Home is required to declare in writing his or her adherence to the objects of the Home.

Investments

8. (1) This section applies with respect to the investment of assets of the Home and the assets held in trust by the Home.

Type of investments, criteria

(2) When making investments, the Board is not limited to investments authorized by law for trustees and is not limited to the criteria established by law for trustees.

Standard

(3) The Board is authorized to make investments that are reasonable, prudent and sagacious and that do not constitute a conflict of interest, either directly or indirectly.

Investment managers

(4) The Board may employ or retain persons to make investments if the Board considers it reasonable, prudent and sagacious to do so and may pay them from capital or income, or both.

Common fund

(5) Donations received by the Home may be combined and held in a common trust fund, whether or not the donations are made for a designated purpose, and the fund shall be administered in accordance with terms of reference established by the Board.

Accumulation of funds

(6) Investments may be accumulated from time to time.

Non-application of *Trustee Act*

(7) Subsections 27 (1), (2), (5) and (6) of the *Trustee Act* do not apply with respect to the investment of the assets of the Home and assets held in trust by the Home.

Distribution upon dissolution

9. Upon the dissolution of the Home, all of its remaining assets, after the payment of all its debts or liabilities, shall be distributed or disposed of to one or more charitable organizations in Canada that have objects similar to the objects of the Home and that are registered charities under the *Income Tax Act* (Canada).

Repeal

10. *The Boys' Home Act, 1962-63* is repealed.

Commencement

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

Short title

12. The short title of this Act is the *The Boys' Home Act, 2001*.