



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

Bill Pr5

*(Chapter Pr3
Statutes of Ontario, 2002)*

An Act respecting Groves Memorial Community Hospital

Mr. Arnott

| | |
|--------------|---------------|
| 1st Reading | May 15, 2002 |
| 2nd Reading | June 27, 2002 |
| 3rd Reading | June 27, 2002 |
| Royal Assent | June 27, 2002 |

Printed by the Legislative Assembly of Ontario



An Act respecting Groves Memorial Community Hospital

Preamble

The Corporation of the Township of Centre Wellington and The Groves Memorial Community Hospital Commission have applied for special legislation to incorporate the Groves Memorial Community Hospital as a corporation without share capital. The applicants also wish to transfer to the hospital corporation any gifts, trusts and bequests made to the Township in trust for the hospital. The applicants represent that the Alexandra Hospital was transferred to The Corporation of the Village of Fergus by Abraham Groves, M.D. in 1931. The applicants further represent that the transfer was validated and the name of the hospital was changed to The Groves Memorial Hospital by *The Village of Fergus Act, 1932* and that the name of the hospital was changed to The Groves Memorial Community Hospital and its management was vested in The Groves Memorial Community Hospital Commission by *The Town of Fergus Act, 1954*. The applicants further represent that The Corporation of the Township of Centre Wellington, created pursuant to a restructuring order under section 25.2 of the *Municipal Act* dated November 26, 1997, is the successor to The Corporation of the Town of Fergus and The Corporation of the Village of Fergus.

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:

Definitions

1. In this Act,

“catchment area”, with respect to the hospital corporation, means the geographic area that is regularly and consistently served by the hospital corporation;

“hospital commission” means the Groves Memorial Community Hospital Commission;

“hospital corporation” means the corporation established under section 2;

“Township” means The Corporation of the Township of Centre Wellington.

Hospital corporation incorporated

2. (1) Groves Memorial Community Hospital is hereby established as a corporation without share capital.

Composition

(2) The hospital corporation is composed of its board of directors and such other persons who later become members of the hospital corporation in accordance with its by-laws.

Objects

3. The objects of the hospital corporation are,
- (a) to establish, equip, maintain and operate a public hospital;
 - (b) to maintain and operate related facilities;
 - (c) to participate in the education of persons who provide health care; and
 - (d) to provide health care services and programs, including long-term care facilities and in-home health care services.

Powers

4. The hospital corporation has the capacity and the rights, powers and privileges of a natural person.

Board of directors

5. (1) The affairs of the hospital corporation shall be governed by its board of directors.

Composition

- (2) The board of directors shall be composed of,
- (a) the persons required by the *Public Hospitals Act*;
 - (b) three members of the Township council;
 - (c) one member of the Wellington County council;
 - (d) the president of the volunteer association of the hospital corporation; and
 - (e) 11 persons, who are representative of the public within the catchment area, appointed by the Township council after considering the recommendations of the nominating committee of the hospital corporation made in accordance with the hospital corporation's by-laws.

First board

(3) Despite subsection (2), the members of the first board of directors shall be the members of the hospital commission in office immediately before the coming into force of this Act, and they shall remain in office until their successors are appointed in accordance with this Act and the hospital corporation's by-laws.

In the event of Township being restructured

(4) In the event that the Township is restructured under the *Municipal Act* in a manner described in subsection (6), the board of directors of the hospital corporation shall be composed of a maximum of 18 persons, being,

- (a) the persons required by the *Public Hospitals Act*;

- (b) three members (or, if there are not three members, such lesser number of members) of the council of the restructured municipality who, for a continuous period of at least three months, have resided or been employed or carried on a business in the catchment area of the hospital corporation;
- (c) the president of the volunteer association of the hospital corporation; and
- (d) such other persons, who are representative of the public within the catchment area, elected by the members of the hospital corporation as are required by the hospital corporation's by-laws.

First board following restructuring

(5) Despite subsection (4), the members of the board of directors of the hospital corporation immediately before the Township is restructured shall remain in office until the first annual meeting of the hospital corporation after the restructuring.

Application, details of restructuring

(6) Subsections (4) and (5) apply only if the Township is restructured under the *Municipal Act* such that,

- (a) the population of the catchment area of the hospital corporation that was within the geographic boundaries of the Township immediately before the restructuring is less than two-thirds of the population of the entire restructured municipality; or
- (b) there is a public hospital other than Groves Memorial Community Hospital within the geographic boundaries of the restructured municipality and the board of the other hospital is elected by the members of the other hospital.

Interest in property

6. (1) Any interest of the Township in real or personal property that is used by or held in trust for the hospital commission immediately before this Act comes into force is hereby transferred to the hospital corporation.

Exception — scheduled land

(2) Despite subsection (1) and subsections 7 (1), (2) and (3), the land described in the Schedule shall continue to be held by the Township in trust for the hospital corporation for as long as the hospital corporation continues to operate as a public hospital and no part of that land shall be sold, leased, mortgaged or otherwise disposed of without the requisite government approvals, if any, and the approval of the hospital corporation.

Gifts, etc.

7. (1) The hospital corporation shall hold and administer all gifts, trusts and bequests made to the Township in trust for the hospital commission or the hospital corporation, unless the gift, trust or bequest expressly provides otherwise.

Same

(2) A gift, trust or bequest described in subsection (1) shall be transferred to the hospital corporation.

Trustee of trust property

(3) The hospital corporation is the trustee of property that, before its transfer under this Act, is trust property held in trust by the Township for the hospital commission or the hospital corporation and, following the transfer, the property remains trust property.

Claims

(4) Subject to subsection (7), claims that may be made by or against the Township with respect to property held in trust by the Township for the hospital commission or the hospital corporation before this Act comes into force may be made by or against the hospital corporation in its place when this Act comes into force.

Same

(5) Subject to subsection (7), no claim may be made by or against the Township with respect to property held in trust by the Township for the hospital commission or hospital corporation before this Act comes into force.

Proceedings

(6) Subject to subsection (7), the hospital corporation replaces the Township as a party in any ongoing proceeding with respect to property held in trust by the Township for the hospital commission or hospital corporation before this Act comes into force.

Exceptions — scheduled land

(7) Subsections (4), (5) and (6) do not apply to claims or proceedings relating to the land described in the Schedule.

Transfers upon dissolution

8. Upon the dissolution of the hospital corporation, the remaining property of the hospital corporation after claims against the hospital corporation are satisfied shall be given to charitable organizations to provide health care services to the residents of the hospital corporation's catchment area as it was constituted immediately prior to dissolution.

Repeal

9. The following are repealed:

1. *The Village of Fergus Act, 1932.*
2. *The Town of Fergus Act, 1954.*

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 *Groves Memorial Community Hospital Act, 2002.*

SCHEDULE

Part of Queen Street (dedicated by By-law No. 1660 – Instrument No. M-53763) and Part of 5 Acre Lot, East of Gowrie Street abutting the river, and Part Lot 8, Registered Plan 350, Town of Fergus, now in the Township of Centre Wellington being more fully described as PARTS 2, 3, 4, 5, 6 and 10 on Reference Plan 61R-8496 together with a right of way over Lot 4 and Part of Lot 8, Registered Plan 350, Town of Fergus, now in the Township of Centre Wellington being more fully described as PARTS 7 and 11 on Reference Plan 61R-8496.