

**Minister's Order**  
**Township of Black River-Matheson**  
**Made under Section 266 of the *Municipal Act, 2001***

The Ministry of Municipal Affairs and Housing (the Ministry), having inquired into the affairs of the Township of Black River-Matheson, has found the council has not held a meeting since February 27, 2024, because of a failure to obtain a quorum. This is despite Ministry efforts to encourage council to meet so that the business of the municipality can move forward. These efforts included Ministry staff sending a letter dated March 18, 2024, followed by the Minister sending a letter dated April 9, 2024, to the Mayor and Council of the Township of Black River-Matheson.

Regular and special council meetings must take place for council to exercise its duties and obligations under the *Municipal Act, 2001*, and other applicable legislation. These duties and obligations include meeting to fill a vacant council seat, a requirement that council is unable to fulfill because council is not meeting. As of the Order Date, it has been 62 days since the council of Black River-Matheson Township held a meeting, because of a failure to obtain a quorum.

Subsection 266(1) of the *Municipal Act, 2001*, provides as follows:

If the council of a municipality is unable to hold a meeting for a period of 60 days because of a failure to obtain a quorum, the Minister may by order declare all the offices of the members of the council to be vacant and a by-election shall be held in accordance with the *Municipal Elections Act, 1996*.

**Therefore, I order that:**

- 1. Effective April 29, 2024 (the "Order Date"), the seven seats of the Township of Black River-Matheson council (six members of council and one head of council) are declared vacant.**
- 2. The Township of Black River-Matheson clerk shall conduct the by-election to elect a new council in accordance with the *Municipal Elections Act, 1996*, starting with fixing a nomination day not less than 30 days and not more than 60 days after the Order Date, as required by subparagraph 65(4)1.iv of the *Municipal Elections Act, 1996*.**

And subsection 266(3) of the *Municipal Act, 2001*, provides as follows:


Where the Minister makes an order under subsection (1), or the offices of a majority of the members of a council are for any reason declared vacant, the Minister may by order exercise or appoint one or more persons to exercise the duties and obligations of the council until such time as a by-election is held in accordance with the *Municipal Elections Act, 1996*, and the members so elected have taken office.

Therefore, I further order that:

3. **Effective April 29, 2024, Kathy Horgan, Manager of Local Government and Housing for the Ministry (the “Appointee”) is appointed to exercise the following duties and obligations of the Township of Black River-Matheson council:**
  - (a) **to make any decisions that would otherwise be made by council, if required, to assist with the by-election for a new council.**
  - (b) **to make any other decision that would otherwise be made by council, if required, in accordance with the duties and obligations of council as set out in the *Municipal Act, 2001*, any by-law or policy of the Township or any other applicable legislation.**
4. **The Appointee shall exercise their duties and obligations under section 3 of this Order in accordance with the Township Procedural By-law 2020-07 and any other applicable requirements, to the extent possible as council would have exercised them, including holding a meeting or meetings.**
5. **The Appointee shall report to the Minister of Municipal Affairs and Housing on the 15<sup>th</sup> and 30<sup>th</sup> of each month on the exercise of their duties and obligations under section 3 in such detail and form as the Minister may require and shall post these reports on the Township of Black River-Matheson website.**

In accordance with section 266 of the *Municipal Act, 2001*, the Appointee has all the authority of council in exercising these duties and obligations including the ability to access to all records of the municipality, to inspect and/or copy them or otherwise use them as needed.

The term of the Appointee shall be until the election for a new council has taken place and the clerk has administered the declarations of office for all elected members at the first meeting of council in accordance with the Township Procedural By-law 2020-07, or at any earlier time as determined by the Minister.



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Minister of Municipal Affairs and Housing

Dated at Toronto this 29<sup>th</sup> day of April 2024