



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 213-2001

*To amend By-law 61-2000*

*To amend By-law 61-2000, being a by-law to transfer the employees, assets, liabilities, rights and obligations of the Brampton Hydro-Electric Commission and of The Corporation of the City of Brampton in respect of the distribution and retailing of electricity to a corporation and its subsidiary corporations incorporated under the Business Corporation Act (Ontario) pursuant to Section 142 of the Electricity Act, 1998 (Ontario).*

**WHEREAS:**

1. Pursuant to Subsection 145(1) of the *Electricity Act, 1998* (Ontario) the Council passed By-law 61-2000 on April 26, 2000, transferring employees, assets, liabilities, rights and obligations of The Corporation of the City of Brampton (the "City") and of the Brampton Hydro-Electric Commission (the "Commission") to Brampton Hydro Corporation and its subsidiaries, which corporations have been incorporated under the *Business Corporations Act* (Ontario) pursuant to Section 142 of the *Electricity Act, 1998* (Ontario);
2. Pursuant to clause 153(1)(a) of the *Electricity Act, 1998* (Ontario), a transfer by-law may provide that any liability or obligation that is transferred by the by-law may be enforced against the transferor, the transferee, or both of them;
3. Pursuant to clause 153(1)(b) of the *Electricity Act, 1998* (Ontario), a transfer by-law may provide that any right that is transferred by the by-law may be enforced by the transferor, the transferee, or both of them.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRAMPTON ENACTS AS FOLLOWS:**

That By-law 61-2000 be amended effective as of May 1, 2000 as follows:

1. **Article IV, Section 4.09 is amended by deleting Section 4.09 in its entirety and replacing it with the following:**

4.09 Assumption of Liabilities. Each of the Corporations shall be bound by, assume, pay, satisfy, discharge, observe, perform and fulfil, and indemnify and save harmless the City and the Commission from and against the Assumed Liabilities assumed by it, but not the Excluded Liabilities. The transfer of the Assumed Liabilities under Part XI of the Electricity Act and this By-law releases the City and the Commission from any liability or obligation in connection with the Assumed Liabilities pursuant to Section 153 of the Electricity Act, but does not release the City or the Commission from any liability or obligation with respect to the Excluded Liabilities. For greater certainty, the Excluded Liabilities

will continue to be the liabilities and obligations of the City and of the Commission and shall not be the liabilities or obligations of any of the Corporations or their respective successors. Notwithstanding the provisions of this By-law, in the event that it is ever determined that the Excluded Liabilities or any part thereof have been transferred to any of the Corporations pursuant to the Electricity Act, this By-law or otherwise, the liabilities and obligations for the Excluded Liabilities will, pursuant to Section 153(1) of the Electricity Act, only be enforceable against the City and the Commission as transferor, and not against any of the Corporations or their respective successors as transferee.

**2. Schedule "A" is amended by adding the following part:**

(gg) "MEARIE" means the Municipal Electric Association Reciprocal Insurance Exchange and any predecessor or successor thereto.

**3. Schedule "F" is amended by adding the following part:**

(iv) all rights, title and benefits of the City and of the Commission in and to or arising in respect of or in connection with MEARIE and any insurance issued under MEARIE.

**4. Schedule "G" is amended by deleting the word "Nil" therefrom and adding the following part:**

(a) All liabilities, obligations, costs, expenses, charges and assessments relating directly or indirectly in any manner whatsoever to the Excluded Assets, whether known or unknown, foreseen or unforeseen, vested or contingent, current or future, regardless of whether same or the basis therefor arose prior to or after the Effective Date, and including, without limitation, all such liabilities, obligations, costs, expenses, charges and assessments relating directly or indirectly in any manner whatsoever to MEARIE, the Subscribers Agreement made as of January 1, 1989, as amended, or to any insurance issued under MEARIE.

**READ a FIRST, SECOND and THIRD TIME and PASSED** in Open Council this 25<sup>th</sup> day of July, 2001.

Approved  
as to Form  
and Content  
*[Signature]*  
07/25/2001

*[Signature]*  
SUSAN FENNELL MAYOR

*[Signature]*  
LEONARD J. MIKULICH CLERK