

BILL 115

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act to confirm an Agreement between The Massey
Foundation and The Governors of the University of
Toronto and to incorporate The Master and
Fellows of Massey College**

MR. ROBARTS

TORONTO
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EXPLANATORY NOTE

This Bill confirms an Agreement between The Massey Foundation and The Governors of the University of Toronto which provides for the erection of a hall of residence to be known as Massey College on lands provided by the University to be owned and controlled by a corporation which is incorporated by this Act under the name of The Master and Fellows of Massey College.

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An Act to confirm an Agreement between The Massey Foundation and The Governors of the University of Toronto and to incorporate The Master and Fellows of Massey College

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between The Massey Foundation and The Governors of the University of Toronto, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the parties are hereby authorized to carry out the terms thereof.

2. William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., The Right Honourable Vincent Massey, C.H., P.C., M.A. (Oxon.), LL.D., Litt.D., D.C.L., Claude Thomas Bissell, M.A., Ph.D., D.Litt., LL.D., F.R.S.C., Andrew Robertson Gordon, O.B.E., M.A., Ph.D., F.R.S.C., and Raymond Hart Massey, LL.D., Litt.D., D.Hum., D.F.A., and such other persons as may hereafter become Master and Fellows of Massey College, are hereby created a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", hereinafter called the Corporation.

3.—(1) There shall be a head of the Corporation who shall be known as "the Master".

(2) The first Master is William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., and his successors in that office shall be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by the University of Toronto.

4. The President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto are *ex officio* Fellows.

Objects of Corporation

5. The objects and purposes of the Corporation are the advancement of learning and,

- (a) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of the Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto; and
- (b) to complement the functions of the University of Toronto by providing amenities and facilities for a community of scholars, both residential and non-residential,

but do not include the power to conduct teaching courses or to confer degrees.

Property

R.S.O. 1960,
c. 191

6. The Corporation has, subject to the Schedule hereto, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust property vested in Corporation

7. Subject to the Schedule hereto, all property, whether real or personal, heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the Corporation, subject to any trusts affecting the same, shall be vested in the Corporation.

Tax exemption

8. The property, real and personal, vested in the Corporation and any lands and premises leased to and occupied by the Corporation are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as they are actually used and occupied for the purposes of the Corporation.

Real property of Corporation not liable to expropriation

9. Real property vested in the Corporation is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such property unless in the Act conferring the power it is made in express terms to apply thereto.

10. The Corporation has power to enact statutes and from ^{Statutes of Corporation} time to time to repeal, re-enact and amend such statutes for the attainment of the objects and purposes of the Corporation and for the government and operation of Massey College relating to,

- (a) the election of the Master by the Fellows and his term of office, provided that the election of the Master is subject to a confirming appointment by The Governors of the University of Toronto;
- (b) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto who are *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
- (c) the variation of the number of Fellows at any time and from time to time;
- (d) the election of a Visitor who, when elected, is a Fellow of the Corporation, and the duties, powers and privileges of the Visitor;
- (e) the making of rules and regulations pertaining to,
 - (i) the meetings of the Corporation,
 - (ii) the election of officers, including the Master,
 - (iii) the appointment of committees and the conferring upon any such committees of authority to act for the Corporation with respect to any matter,
 - (iv) the operation of Massey College,
 - (v) admission to residence and, subject to consultation with The Governors of the University of Toronto, the fixing of rates and charges;
- (f) the salaries and employment of servants;
- (g) the financing of the operation of Massey College;
- (h) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships.

Investment
of funds

11. The Corporation has power to invest the funds of the Corporation not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as the Corporation may in its uncontrolled discretion consider advisable, and the Corporation is not limited to investments authorized by law for trustees, provided that the funds of the Corporation shall be applied for the attainment of the objects and purposes for which the Corporation and Massey College are founded.

Commence-
ment

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

Short title

13. This Act may be cited as *The Master and Fellows of Massey College Act, 1960-61*.

SCHEDULE

THIS AGREEMENT made the 23rd day of February, one thousand nine hundred and sixty-one.

BETWEEN:

The Massey Foundation, hereinafter called "The Foundation",

OF THE FIRST PART,

— and —

The Governors of The University of Toronto, hereinafter called "The University",

OF THE SECOND PART.

WHEREAS The Foundation proposes to erect, furnish and equip a hall of residence to be known as Massey College, on lands provided by The University, to be owned and controlled by an independent corporation to be known as "The Master and Fellows of Massey College".

AND WHEREAS The University has approved the proposal of The Foundation and, subject to ratification of this Agreement by Act of the Ontario Legislature, is willing to provide the land required for the purposes of Massey College as described in Schedule "A" attached hereto, and The Foundation and The University are willing to assume and discharge the burdens imposed upon them respectively as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows:

1. The Foundation and The University shall jointly petition the Legislative Assembly of the Province of Ontario for the enactment of a statute ratifying this Agreement and creating a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", (hereinafter sometimes called "The Corporation").

2. The University shall cause to be conveyed to The Corporation the lands and premises situate at the north west corner of Devonshire Place and Hoskin Avenue in the City of Toronto, more particularly described in Schedule "A" annexed hereto and made part hereof, cleared for building purposes, subject to the right of The University to remain in possession of the said lands and premises until the 31st day of July, 1961.

3. The Foundation shall, at its own expense, cause to be erected, furnished and equipped a building to be known as Massey College on the said lands and premises.

4. If at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and any and all buildings and improvements which at such time stand upon the said lands and premises and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise, in respect to their contribution to the cost of the said buildings, improvements, furnishings and equipment but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is impossible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine.

5. The plans and specifications for any buildings to be erected by The Foundation on the said lands and premises, and for any buildings to be erected on any other land hereinafter conveyed by The University to The Corporation, shall be the subject of prior consultation with The University for its consent prior to the erection of any of the said buildings and any material alterations in the said plans and specifications during the process of erection of any of the said buildings shall likewise be the subject of prior consultation with The University, and no such buildings shall be erected and no such material alterations shall be made without prior consultation with and approval in writing by The University. The Foundation shall, however, have the sole and entire responsibility for the erection of any buildings on the said lands and premises in conformity with the said plans, specifications and alterations as approved by The University.

6. The prayer of the petition for the enactment of a statute of the Legislature of Ontario shall include *inter alia*, the following:

- (a) Incorporation as a body corporate under the name of "The Master and Fellows of Massey College" of the persons named in the petition who shall be selected jointly by The Foundation and The University, and such other persons as may thereafter become Master and Fellows of Massey College, the first Master and Fellows to be named jointly by The Foundation and The University;
- (b) provision for a head of Massey College who shall be known as "the Master", the first Master to be the person named in the said petition and his successors to be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by The University. The Foundation may from time to time contribute to the funds of The Corporation;
- (c) the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto shall be *ex officio* Fellows;
- (d) a statement of the objects and purposes of The Corporation which (without the power to conduct teaching courses or to confer degrees) shall be the advancement of learning and, *inter alia*:
 - (i) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of The Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto;
 - (ii) to complement the functions of The University by providing amenities and facilities for a community of scholars, both residential and non-residential;
- (e) power to hold all lands at any time acquired by The Corporation in perpetuity, subject to the condition that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and all buildings and improvements which at such time stand upon the said lands and premises, and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise in respect of their contribution to the cost of the said buildings, improvements, furnishings and equipment, but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is im-

possible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine;

- (f) exemption of property vested in The Corporation from taxation for provincial, municipal or school purposes, so long as the same is actually used and occupied for the purposes of The Corporation;
- (g) provision that real property vested in the Corporation shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose and that no power to expropriate real property conferred subsequent to the enactment of such statute shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto;
- (h) power in The Corporation to enact statutes and from time to time to repeal, re-enact and amend the same for the attainment of the objects and purposes of The Corporation and for the government and operation of Massey College and relating to:
 - (i) The election of the Master by the Fellows, and his term of office, provided that the election of the Master shall be subject to a confirming appointment by The University;
 - (ii) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto, who shall be *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
 - (iii) the variation of the number of Fellows at any time and from time to time;
 - (iv) provision for the election of a Visitor who shall be a Fellow of The Corporation and the making of statutes concerning the duties, powers and privileges of the Visitor;
 - (v) the making of rules and regulations pertaining to: The meetings of The Corporation; the election of officers, including the Master; the appointment of committees and the conferring upon any such committees authority to act for The Corporation with respect to any matter; the operation of Massey College; admission to residence; and, subject to consultation with The University, the fixing of rates and charges;
 - (vi) the salaries and employment of servants;
 - (vii) the financing of the operation of Massey College;
 - (viii) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships;
- (i) power to receive gifts of money and property of any kind, to hold the same as trustees and, subject to any trust or trusts affecting the same, to apply the same or the proceeds thereof for the attainment of the objects and purposes of The Corporation, provided that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the balance of the funds then held by The Corporation shall, subject to any trust or trusts affecting the same, vest in The University, and The University shall apply such funds in its discretion for purposes consonant with the objects of The Corporation;

(j) power to invest and reinvest the funds of The Corporation, not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as The Corporation may in its uncontrolled discretion consider advisable and The Corporation shall not be limited to investments authorized by law for trustees, provided that the funds of The Corporation shall be applied for the attainment of the objects and purposes for which The Corporation and Massey College is founded;

(k) the annual budgets of The Corporation relating to Massey College shall be made available to The University.

7. The University shall and it hereby covenants that it will at its own expense:

(a) maintain the fabric of the buildings of Massey College to be erected on the lands described in Schedule "A" hereto, effect repairs and renovations thereof and thereto and in general maintain the said buildings to the same extent as if they were buildings of The University;

(b) supply or pay for the supply of heat, light, water, gas and power, fire and supplemental risks insurance, and such other maintenance services (other than the provision of cleaning staff and facilities), as may be required to enable Massey College to perform its functions.

8. The University shall advise with respect to the receipts and expenditures of Massey College and may pay and discharge from time to time any deficits arising from its operations.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals, attested by the signatures of their proper officers in that behalf.

THE MASSEY FOUNDATION :

VINCENT MASSEY.
LIONEL MASSEY.

(Seal)

THE GOVERNORS OF THE UNIVERSITY
OF TORONTO :

W. ERIC PHILLIPS,
Chairman.

(Seal)

J. F. BROOK,
Secretary.

Schedule "A"

UNIVERSITY OF TORONTO AND MASSEY COLLEGE

DESCRIPTION OF LANDS

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and being composed of all of Lots Nos. 1, 2 and 3 on the north side of Hoskin Avenue, and all of Lots Nos. 7 and 8 on the west side of Devonshire Place, and all of Lot No. 9 on the west side of Devonshire Place (save and except the northerly thirty feet (30') thereof throughout from front to rear); all according to a plan filed in the Registry Office for the City of Toronto as No. 101E.

BILL 115

An Act to confirm an Agreement between
The Massey Foundation and The Govern-
ors of the University of Toronto and to
incorporate The Master and Fellows of
Massey College

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

1960-61