



1ST SESSION, 38TH LEGISLATURE, ONTARIO  
53 ELIZABETH II, 2004

# Bill Pr4

## An Act respecting the Ontario Recreation Facilities Association

**Mr. Brownell**

**Private Bill**

1st Reading      April 21, 2004  
2nd Reading  
3rd Reading  
Royal Assent

Printed by the Legislative Assembly of Ontario



EXPLANATORY NOTE

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

## An Act respecting the Ontario Recreation Facilities Association

### Preamble

The Ontario Recreation Facilities Association Inc. has applied for special legislation to enable it to govern and discipline its members and to grant to certain of its members the right to the exclusive use of the designations Registered Recreation Facilities Operator, Registered Recreation Facilities Supervisor, Registered Recreation Facilities Manager, Registered Recreation Facilities Administrator, Certified Ice Technician, Certified Aquatics Technician and Certified Parks Technician and their respective initials, R.R.F.O., R.R.F.S., R.R.F.M., R.R.F.A., C.I.T., C.A.T. and C.P.T. The applicant represents that it is a corporation.

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:

### Association continued

1. (1) The Ontario Recreation Facilities Association Inc. is continued as a corporation without share capital under the name Ontario Recreation Facilities Association.

### Members

(2) The Association is composed of its members.

### Continuation of present executive

(3) The members of the executive and the officers of the Association in office immediately before the coming into force of this Act are continued in office until their successors are elected or appointed under this Act.

### Letters patent revoked

(4) The letters patent and supplementary letters patent of the Association are revoked, but their revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

### Special Act corporation

(5) The Association shall be deemed to be a corporation incorporated by a special Act.

### Objects

2. The objects of the Association are,

(a) to advance its members' knowledge of the design, planning, maintenance, safe operation, management and activity programming of recreation facilities;

- (b) to foster high professional standards in the design, planning, maintenance, safe operation, management and activity programming of recreation facilities;
- (c) to develop, encourage and support the professional development of recreation facility staff;
- (d) to foster communication and co-operation among the persons involved in the design, planning, maintenance, operation, management and activity programming of recreation facilities;
- (e) to advocate for the provision of high quality recreation facilities and their professional management;
- (f) to represent the interests of its members to government, other recreational associations, the recreation facility industry and the public.

### Executive

3. (1) The affairs of the Association shall be managed by its executive.

### Same

(2) The composition of the executive and all matters respecting the election of the executive and its powers to hold meetings and vote shall be as set out in the Association's by-laws.

### By-laws

4. (1) The executive may pass by-laws regarding matters that are necessary to manage the affairs and carry out the objects of the Association.

### Same

(2) Without restricting the generality of subsection (1), the executive may pass by-laws,

- (a) establishing classes of membership in the Association;
- (b) prescribing the qualifications for the different classes of membership;
- (c) providing for the continuing education and professional development of the Association's members;
- (d) regulating and governing the conduct of the Association's members in the practice of their business or profession by prescribing a code of ethics, rules of professional conduct and standards of practice and by establishing procedures for considering complaints made against members and discipline for professional misconduct;

- (e) governing the calling, holding and conducting of annual, general and special meetings of the Association and of the executive;
- (f) providing bursaries for student members of the Association;
- (g) establishing those committees that the executive considers necessary to manage the affairs and carry out the objects of the Association.

**Public access**

(3) The by-laws shall be open to examination by the public at the head office of the Association during normal office hours.

**Membership**

5. The Association shall grant membership to every person who applies for it in accordance with the by-laws of the Association and who meets the requirements specified in the by-laws of the Association for the class of membership applied for.

**Register**

6. (1) The executive director of the Association shall keep a register that shows the names of its members in good standing and their class of membership.

**Public access**

(2) The register shall be open to examination by the public at the head office of the Association during normal office hours.

**Certificate of registration**

7. (1) The executive shall cause a certificate of registration to be issued each year to every member whose name appears in the register.

**Same**

(2) The certificate shall set out the class of membership to which the member belongs and the date on which the certificate expires.

**Appeals**

8. (1) A person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws of the Association may appeal to the Divisional Court from the refusal to grant membership or from the sanction.

**Record**

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the executive director of the Association shall provide the party with a certified copy of the record of the proceeding being appealed, including the documents received in evidence and the decision or order that is the subject of the appeal.

**Grounds for appeal**

(3) An appeal under this section may be made on a question of law or fact or both.

**Powers of the court**

(4) The court may confirm, vary or rescind the decision being appealed, may substitute its opinion for that of the Association or of the executive or a committee of the Association, as the case may be, may exercise any power of the Association, executive or committee, may direct the Association, executive or committee to take any action it is empowered to take or may refer the matter back for rehearing, in whole or in part, in accordance with any directions that the court considers appropriate.

**Designations**

9. (1) A registered member of the Association may use a designation set out below, as is appropriate to his or her class of membership:

1. Registered Recreation Facilities Operator or R.R.F.O.
2. Registered Recreation Facilities Supervisor or R.R.F.S.
3. Registered Recreation Facilities Manager or R.R.F.M.
4. Registered Recreation Facilities Administrator or R.R.F.A.
5. Certified Ice Technician or C.I.T.
6. Certified Aquatics Technician or C.A.T.
7. Certified Parks Technician or C.P.T.

**Offence**

(2) Any person who is not a registered member of the Association is guilty of an offence if the person takes or uses any designation set out in subsection (1) alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that the person is a registered member of the Association.

**Evidence**

10. (1) A copy of the register, certified by the executive director of the Association to be a true copy, shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of a person's membership and class of membership in the Association.

**Same**

(2) A certificate purporting to be signed by the executive director of the Association is proof, in the absence of evidence to the contrary, that the person is the executive director without proof of that person's signature or of that person being the executive director.

**Same**

(3) The absence of the name of any person from a copy of the register certified in accordance with subsection (1) is proof, in the absence of evidence to the contrary, that the person is not a registered member of the Association.

**Right to work unaffected**

11. This Act does not affect or interfere with the right of any person who is not a member of the Association to work in a recreation facility in Ontario.

**Surplus**

**12.** Any surplus derived from carrying on the affairs of the Association shall be applied solely in promoting and carrying out its objects and shall not be divided among its members.

**Commencement**

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

**Short title**

**14. The short title of this Act is the *Ontario Recreation Facilities Association Act, 2004*.**