

BY-LAW NO. 5

METROLINX (the "Corporation")

A by-law regarding to the appointment of officers for the purposes of administering and enforcing by-laws of the Corporation passed under section 21(1) of the *Metrolinx Act, 2006*.

BE IT ENACTED as a by-law of the Corporation as follows:

WHEREAS subsection 21(5) of the *Metrolinx Act, 2006* (the "Act") provides that the Corporation may appoint in writing one or more of its employees as an officer or officers for the purposes of administering the by-laws passed under Section 21(1); and

WHEREAS subsection 21(5.1) of the Act provides that any person appointed under Section 21(5) is a constable at common law for the purposes administering and enforcing the by-laws passed under Section 21(1); and

WHEREAS subsection 21(5.2) of the Act provides a person appointed under Section 21(5) of the Act is deemed to be an officer appointed for carrying out the provisions of the *Highway Traffic Act* for the purposes of section 33 of that Act while the person is on land owned, leased or occupied by the Corporation or its subsidiary corporation for the purpose of the regional transit system or any local transit system or other transportation service provided by the Corporation or its subsidiary corporation by agreement with a municipality; and

WHEREAS subsection 21(6) of the Act provides that a person appointed under subsection 21(5) shall, while carrying out his or her duties under the appointment, have in his or her possession a certificate of the appointment and shall produce the certificate upon request;

This by-law provides:

1. THAT By-law No. 4 and By-law No. 5 and any amendments thereto of the Greater Toronto Transit Authority are repealed and the by-law contained herein shall become By-law No. 5 of the Corporation with respect to the appointment of officers for the purposes of administering and enforcing by-laws of the Corporation passed under section 21(1) of the Act; and
2. THAT any person employed by the Corporation for the purposes of administering or enforcing any of the by-laws passed under section 21(1) of the Act by the Corporation is hereby appointed an officer for that purpose upon commencing their employment; and

3. THAT the appointment of a person as an officer for that purpose shall cease immediately upon such person ceasing to be an employee of the Corporation or upon such person ceasing to be employed by the Corporation for the purposes of administering or enforcing any of the by-laws passed under section 21(1) of the Act; and
4. THAT all such employees shall be provided with a certificate of appointment by the Corporation and the certificate of appointment shall be carried by such employee while carrying out their duties.

This By-law No. 5 is hereby consented to and passed by the Board of Directors of the Corporation, this 13th day of July, 2009, pursuant to section 21(5) of the *Metrolinx Act, 2006*.