

Appendix A

Conservation Authorities Act,

as proposed to be Amended by

Bill 68, An Act to implement Budget measures and to enact and amend various statutes

R.S.O. 1990, CHAPTER C.27

Additions shown thusly

Repeals shown thusly

Last amendment: 2024, c. 16, Sched. 12, s. 16.

Legislative History: 1993, c. 27, Sched.; 1994, c. 27, s. 127; 1996, c. 1, Sched. M, s. 40-47; 1996, c. 32, s. 66; 1997, c. 5, s. 64; 1997, c. 26, Sched.; 1997, c. 29, s. 54; 1997, c. 43, Sched. G, s. 19; 1998, c. 3, s. 33; 1998, c. 15, Sched. E, s. 3; 1998, c. 18, Sched. I, s. 1-14; 2000, c. 5, s. 8; 2001, c. 8, s. 203; 2001, c. 9, Sched. K, s. 1; 2002, c. 17, Sched. F, Table; 2004, c. 8, s. 46, Table; 2006, c. 3, Sched. D; 2006, c. 21, Sched. F, s. 105; 2006, c. 22, s. 113; 2006, c. 32, Sched. C, s. 8; 2008, c. 7, Sched. A, s. 19; 2009, c. 12, Sched. L, s. 2; 2010, c. 16, Sched. 10, s. 1; 2011, c. 9, Sched. 27, s. 22; 2017, c. 8, Sched. 17, s. 5; 2017, c. 23, Sched. 4 (but see 2019, c. 9, Sched. 2, s. 10 and 2020, c. 36, Sched. 6, s. 27); 2017, c. 23, Sched. 5, s. 20-23; 2018, c. 16, s. 3; 2019, c. 9, Sched. 2; (but see 2020, c. 36, Sched. 6, s. 28); 2020, c. 36, Sched. 6, s. 1-25 (but see 2021, c. 4, Sched. 6, s. 81 and 2022, c. 21, Sched. 2, s. 15); 2021, c. 4, Sched. 6, s. 39; 2022, c. 21, Sched. 2, s. 1-15; 2024, c. 16, Sched. 12, s. 16.

CONTENTS

PART I

PURPOSE AND INTERPRETATION

- [0.1](#) Purpose
- [1.](#) Definitions
- [1.1](#) Existing aboriginal or treaty rights

PART II

ESTABLISHMENT OF CONSERVATION AUTHORITIES

- [2.](#) Meeting to establish authority for watershed
- [3.](#) Establishment, jurisdiction and initial financing
- [4.](#) Upper-tier municipalities
- [5.](#) Toronto and Region Conservation Authority
- [6.](#) Hamilton Region Conservation Authority
- [7.](#) Grand River Conservation Authority
- [8.](#) Grouping of municipalities
- [9.](#) Establishment of authority for two or more watersheds

PART III

ENLARGING AREAS OF JURISDICTION, AMALGAMATIONS AND DISSOLUTIONS

- [10.](#) Enlargement of authority's area
- [11.](#) Amalgamation of authorities
- [13.](#) Participating municipalities following annexation, etc.
- [13.1](#) Dissolution of authority

PART IV

MEMBERSHIP AND GOVERNANCE

- [14.](#) Members of authority
- [15.](#) Meetings of authority
- [16.](#) Decision-making at meetings
- [17.](#) Chair, vice-chair

Appendix A

- [18.](#) Employees and advisory boards
- [19.](#) Executive committee
- [19.1](#) By-laws

[PART V](#)

OBJECTS, POWERS AND DUTIES

- [20.](#) Objects
- [21.](#) Powers of authorities
- [21.1](#) Mandatory programs and services
- [21.1.1](#) Municipal programs and services
- [21.1.2](#) Other programs and services
- [21.1.3](#) Consultation
- [21.1.4](#) Transition plan re s. 21.1.2 (2)
- [21.2](#) Fees for programs and services
- [21.3](#) Minister's direction re fee changes
- [22.](#) Agreement re road
- [23.](#) Minister's powers
- [23.1](#) Information required by Minister
- [23.2](#) Minister's order, etc.
- [23.3](#) Appointment of administrator
- [24.](#) Projects requiring approval
- [25.](#) Recovery of project capital costs
- [26.](#) Review of apportionment of capital costs
- [27.](#) Recovery of operating expenses
- [27.1](#) Review of apportionment of operating expenses
- [27.2](#) Other amounts owing to authority

[PART VI](#)

REGULATION OF AREAS OVER WHICH AUTHORITIES HAVE JURISDICTION

- [28.](#) Prohibited activities re watercourses, wetlands, etc.
- [28.1](#) Permits
- [28.1.1](#) Permits issued by Minister
- [28.1.2](#) Mandatory permits, zoning orders
- [28.2](#) Period of validity
- [28.3](#) Cancellation of permits
- [28.4](#) Delegation of power
- [28.5](#) Regulations: activities affecting natural resources
- [29.](#) Regulations: public use of authority's property

[PART VII](#)

ENFORCEMENT AND OFFENCES

- [30.1](#) Appointment of officers
- [30.2](#) Entry without warrant, permit application
- [30.3](#) Searches
- [30.4](#) Stop order
- [30.5](#) Offences
- [30.6](#) Limitation period
- [30.7](#) Rehabilitation orders

[PART VIII](#)

MATTERS RELATING TO LAND AND WATER USE

- [32.](#) Restrictions on projects
- [33.](#) Assessment of lands of authority
- [34.](#) Cemetery lands
- [35.](#) Right to use water power

[PART VIII.1](#) [THE AGENCY](#)

- [35.1](#) Corporation established
- [35.2](#) Crown agent
- [35.3](#) Application of other Acts
- [35.4](#) Objects of Agency
- [35.5](#) General powers
- [35.6](#) Board of directors
- [35.7](#) Board meetings
- [35.8](#) Chief executive officer

Appendix A

35.9	Employees, facilities, services
35.10	Affairs of Agency
35.11	Councils, committees, etc.
35.12	Delegation
35.13	Fiscal year
35.14	Financial statements
35.15	Report
35.16	Direction by Minister
35.17	Minister may require information
35.18	Memorandum of understanding, accountability etc.
35.19	Review
35.20	Winding up
35.21	Agency directions to authorities
35.22	Agency guidelines for authorities
35.23	Agency may require information
35.24	Funding of Agency
35.25	Fees to be paid to Agency
35.26	Cost recovery

PART IX **MISCELLANEOUS**

<u>36.</u>	Assent of electors not necessary
<u>36.1</u>	Delegation
<u>37.</u>	Spending by authority
<u>38.</u>	Annual audit
<u>39.</u>	Grants
39.1	Crown liability
39.2	Agency liability
39.3	Authority liability
39.4	Proceedings barred
<u>40.</u>	Regulations, Lieutenant Governor in Council
<u>41.</u>	Rolling incorporations

PART I **PURPOSE AND INTERPRETATION**

Purpose

0.1 The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. 2017, c. 23, Sched. 4, s. 1.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 1 - 12/12/2017

Definitions

1 In this Act,

“advisory board” means an advisory board appointed by an authority; (“conseil consultatif”)

“Agency” means the corporation established under section 35.1; (“Agence”)

“authority” means a conservation authority established by or under this Act or a predecessor of this Act; (“office”)

“executive committee” means the executive committee appointed by an authority; (“comité de direction”)

“land” includes buildings and any estate, term, easement, right or interest in, to, over or affecting land; (“bien-fonds”)

“Minister” means the Minister of Natural Resources and Forestry or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

Appendix A

“municipality” means a local municipality, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue money under section 69 of that Act; (“municipalité”)

“operating expenses” include,

- (a) salaries, per diems and travel expenses of employees and members of an authority,
- (b) rent and other office costs,
- (c) program expenses,
- (d) costs that are related to the operation or maintenance of a project, but not including the project’s capital costs, and
- (e) such other costs as may be prescribed by regulation; (“dépenses d’exploitation”)

“participating municipality” means a municipality that is designated by or under this Act as a participating municipality; (“municipalité participante”)

“project” means a work undertaken by an authority for the furtherance of its objects; (“projet”)

“watershed” means an area drained by a river and its tributaries. (“bassin hydrographique”) R.S.O. 1990, c. C.27, s. 1; 1996, c. 1, Sched. M, s. 40; 1998, c. 18, Sched. I, s. 1; 2002, c. 17, Sched. F, Table; 2017, c. 23, Sched. 4, s. 2; 2019, c. 9, Sched. 2, s. 1; 2022, c. 21, Sched. 2, s.1.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 40 (1, 2) - 30/01/1996; 1998, c. 18, Sched. I, s. 1 - 18/12/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2017, c. 23, Sched. 4, s. 2 (1, 2) - 01/07/2023

2019, c. 9, Sched. 2, s. 1 - 02/02/2021

2022, c. 21, Sched. 2, s. 1 - 28/11/2022

Existing aboriginal or treaty rights

1.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*. 2020, c. 36, Sched. 6, s. 1.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 1 - 02/02/2021

PART II

ESTABLISHMENT OF CONSERVATION AUTHORITIES

Meeting to establish authority for watershed

2 (1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed by resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined part thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or part thereof. R.S.O. 1990, c. C.27, s. 2 (1).

Representatives at meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:

1. Where the population is 1,000,000 or more, seven representatives.

1.1 Where the population is 500,000 or more but less than 1,000,000, six representatives.

1.2 Where the population is 250,000 or more but less than 500,000, five representatives.

2. Where the population is 100,000 or more but less than 250,000, four representatives.

3. Where the population is 50,000 or more but less than 100,000, three representatives.

4. Where the population is 10,000 or more but less than 50,000, two representatives.

5. Where the population is less than 10,000, one representative. R.S.O. 1990, c. C.27, s. 2 (2); 2001, c. 9, Sched. K, s.1 (1).

Appendix A

Authority of representatives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at the meeting. R.S.O. 1990, c. C.27, s. 2 (3).

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint. R.S.O. 1990, c. C.27, s. 2 (4); 2017, c. 23, Sched. 4, s. 4.

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. K, s. 1 (1) - 29/06/2001

2017, c. 23, Sched. 4, s. 4 - 12/12/2017

Establishment, jurisdiction and initial financing

Establishment and jurisdiction of authority

3 (1) Upon receipt by the Minister of a resolution passed at a meeting held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (1); 2017, c. 23, Sched. 4, s. 5 (1).

Where only part of municipality in watershed

(2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (2).

Name of authority

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words “conservation authority” in English and shall include the words “office de protection de la nature” in French. R.S.O. 1990, c. C.27, s. 3 (3).

Corporate body

(4) Every authority is a body corporate. R.S.O. 1990, c. C.27, s. 3 (4).

Borrowing power

(5) Every authority may, for its purposes, borrow on the promissory note of the authority such money as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1990, c. C.27, s. 3 (5); 2017, c. 23, Sched. 4, s. 5 (2).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 5 (1, 2) - 12/12/2017

Upper-tier municipalities

Regional municipalities to act in place of local municipalities

4 (1) An upper-tier municipality that was established as a regional municipality before the day subsection 6 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force,

- (a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for the purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and
- (b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities. R.S.O. 1990, c. C.27, s. 4 (1); 2017, c. 23, Sched. 4, s. 6 (1).

(2) REPEALED: 2017, c. 23, Sched. 4, s. 6 (2).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 6 (1, 2) - 12/12/2017

Appendix A

Toronto and Region Conservation Authority

5 (1) The Metropolitan Toronto and Region Conservation Authority is continued under the name Toronto and Region Conservation Authority in English and Office de protection de la nature de Toronto et de la région in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on December 31, 1990, as it may be altered under this Act. 1997, c. 26, Sched.

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (2).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate,

- (a) the municipalities that are the participating municipalities of the Toronto and Region Conservation Authority; and
- (b) the area over which the Toronto and Region Conservation Authority has jurisdiction. 1997, c. 26, Sched.

Members

(4) Despite subsections 14 (1), (2) and (5) but subject to subsection 14 (2.1), the number of members appointed to the Toronto and Region Conservation Authority by the City of Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1997, c. 26, Sched.; 2001, c. 9, Sched. K, s. 1 (3).

Section Amendments with date in force (d/m/y)

1997, c. 26, Sched. - 01/01/1998

2001, c. 9, Sched. K, s. 1 (2, 3) - 29/06/2001

Hamilton Region Conservation Authority

6 (1) The Hamilton Region Conservation Authority is continued under the name Hamilton Region Conservation Authority in English and Office de protection de la nature de la région de Hamilton in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1990, as it may be altered under this Act. R.S.O. 1990, c. C.27, s. 6 (1).

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (4).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction. R.S.O. 1990, c. C.27, s. 6 (3).

(4) REPEALED: 2000, c. 5, s. 8.

Section Amendments with date in force (d/m/y)

2000, c. 5, s. 8 - 01/01/2001

2001, c. 9, Sched. K, s. 1 (4) - 29/06/2001

Grand River Conservation Authority

7 (1) The Grand River Conservation Authority is continued under the name Grand River Conservation Authority in English and Office de protection de la nature de la rivière Grand in French as a conservation authority under this Act. R.S.O. 1990, c. C.27, s. 7 (1).

Designation of participating municipalities and area

(2) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction. 2001, c. 9, Sched. K, s. 1 (5).

(3) REPEALED: 2001, c. 9, Sched. K, s. 1 (5).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. K, s. 1 (5) - 29/06/2001

Grouping of municipalities

8 The participating municipalities may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities. R.S.O. 1990, c. C.27, s. 8; 1998, c. 18, Sched. I, s. 2.

Section Amendments with date in force (d/m/y)

Appendix A

1998, c. 18, Sched. I, s. 2 - 18/12/1998

Establishment of authority for two or more watersheds

9 Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply with necessary modifications. R.S.O. 1990, c. C.27, s. 9.

PART III

ENLARGING AREAS OF JURISDICTION, AMALGAMATIONS AND DISSOLUTIONS

Enlargement of authority's area

10 (1) If an authority has been established, the council of a municipality that is completely or partly outside the jurisdiction of the authority may call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include an area specified by the municipality. 1998, c. 18, Sched. I, s. 3 (1).

Notice of meeting

(1.1) Notice of the meeting shall be given to each participating municipality of the authority and to any municipality that is completely or partly within the area specified under subsection (1). 2017, c. 23, Sched. 4, s. 8.

Representatives

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2). 2017, c. 23, Sched. 4, s. 8.

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2). 2017, c. 23, Sched. 4, s. 8.

Resolution

(4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:

1. Agree to enlarge the area over which the authority has jurisdiction.
2. Designate participating municipalities for the enlarged area.
3. Designate the enlarged area over which the authority has jurisdiction. 2017, c. 23, Sched. 4, s. 8.

Two-thirds majority vote

(5) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting. 2017, c. 23, Sched. 4, s. 8.

Resolution in effect

(6) A resolution described in subsection (4) takes effect on such terms as it may specify despite anything to the contrary in the order in council establishing the authority. 2017, c. 23, Sched. 4, s. 8.

Minister's copy

(7) The municipality that called a meeting under subsection (1) shall provide the Minister with a copy of any resolution described in subsection (4) passed at the meeting promptly after the resolution is passed. 2017, c. 23, Sched. 4, s. 8.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 3 (1, 2) - 18/12/1998

2017, c. 23, Sched. 4, s. 8 - 12/12/2017

Amalgamation of authorities

11 (1) If two or more authorities have been established for adjoining watersheds or parts thereof, one or more of the authorities or the council of a participating municipality of one of the authorities may call a meeting to consider the establishment of one authority to have jurisdiction over the areas that are under separate jurisdictions. 1998, c. 18, Sched. I, s. 4 (1); 2017, c. 23, Sched. 4, s. 9 (1).

Notice of meeting

(1.1) Notice of the meeting shall be given to each participating municipality of the relevant authorities. 2017, c. 23, Sched. 4, s. 9 (2).

Appendix A

Public notice

(1.2) The body or bodies that call a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality. 2017, c. 23, Sched. 4, s. 9 (2).

Public representations

(1.3) No vote shall be taken on a resolution requesting amalgamation of the authorities unless members of the public have been given an opportunity at the meeting to make representations on the issue. 2017, c. 23, Sched. 4, s. 9 (2).

Representatives

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2). 2017, c. 23, Sched. 4, s. 9 (3).

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2). 2017, c. 23, Sched. 4, s. 9 (3).

Resolution

(4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:

1. Establish a new authority that has jurisdiction over areas that previously were under the separate jurisdiction of the two or more existing authorities of the adjoining watersheds.
2. Dissolve the existing authorities.
3. Designate the participating municipalities for the new authority.
4. Designate the area over which the new authority has jurisdiction. 2017, c. 23, Sched. 4, s. 9 (4).

Two-thirds majority vote

(4.1) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting. 2017, c. 23, Sched. 4, s. 9 (4).

Approval by Minister

(4.2) The authorities or the municipality who called a meeting under subsection (1) shall submit the resolution passed in accordance with subsection (4.1) to the Minister for approval and the Minister may approve the resolution with such changes and on such terms and conditions as he or she considers appropriate. 2017, c. 23, Sched. 4, s. 9 (4).

Resolution in effect

(4.3) The resolution takes effect in accordance with the terms of the resolution and the Minister's approval. 2017, c. 23, Sched. 4, s. 9 (4).

Assets and liabilities of former authorities

(5) When the establishment of a new authority and the dissolution of the existing authorities take effect under subsection (4.3), all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority. R.S.O. 1990, c. C.27, s. 11 (5); 2017, c. 23, Sched. 4, s. 9 (5).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 4 (1, 2) - 18/12/1998

2017, c. 23, Sched. 4, s. 9 (1-5) - 12/12/2017

12 REPEALED: 1998, c. 18, Sched. I, s. 5.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 5 - 18/12/1998

Appendix A

Participating municipalities following annexation, etc.

13 Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 13.

Dissolution of authority

13.1 (1) An authority shall call a meeting of the members of the authority to consider the dissolution of the authority if, by resolution, the councils of two or more participating municipalities request the meeting. 1996, c. 1, Sched. M, s. 41.

Public notice

(1.1) The authority that calls a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality. 2017, c. 23, Sched. 4, s. 10 (1).

Quorum

(2) Despite subsection 16 (2), a quorum at a meeting called under this section consists of two-thirds of the members of the authority. 1996, c. 1, Sched. M, s. 41; 2017, c. 23, Sched. 4, s. 10 (2).

(3), (4) REPEALED: 2017, c. 23, Sched. 4, s. 10 (3).

Public representations

(5) No vote shall be taken on a resolution requesting dissolution of the authority unless members of the public have been given an opportunity at the meeting to make representations on the issue. 1996, c. 1, Sched. M, s. 41.

Criteria for dissolution

(6) The Lieutenant Governor in Council may dissolve the authority, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, if,

- (a) the Minister receives a resolution requesting the dissolution passed by at least two-thirds of the members of the authority present and entitled to vote at a meeting held under this section and at which a quorum was present;
- (b) the Minister is satisfied that acceptable provision has been made for future flood control and watershed interests and for the disposition of all assets and liabilities of the authority; and
- (c) the Minister is satisfied that acceptable provision has been made for future protection of drinking water sources. 1996, c. 1, Sched. M, s. 41; 2006, c. 22, s. 113 (1); 2019, c. 9, Sched. 2, s. 2.

(7) REPEALED: 2017, c. 23, Sched. 4, s. 10 (4).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 41 - 30/01/1996

2006, c. 22, s. 113 (1) - 03/07/2007

2017, c. 23, Sched. 4, s. 10 (1-4) - 12/12/2017

2019, c. 9, Sched. 2, s. 2 - 02/02/2021

PART IV MEMBERSHIP AND GOVERNANCE

Members of authority

14 (1) Subject to subsection (3), members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers set out in subsection 2 (2) for the appointment of representatives. 2017, c. 23, Sched. 4, s. 12 (1); 2020, c. 36, Sched. 6, s. 2 (1).

Appendix A

Members of council appointed

(1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council, subject to subsection (1.2). 2020, c. 36, Sched. 6, s. 2 (2).

Exception

(1.2) Upon application by a participating municipality, the Minister may grant permission to the municipality to select less than 70 per cent of its appointees to an authority from among the members of the municipal council, subject to such conditions or restrictions as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 2 (2).

Changes in number of members

(2) The total number of municipally appointed members of the authority and the number of municipal councillors that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes. 2001, c. 9, Sched. K, s. 1 (6); 2020, c. 36, Sched. 6, s. 2 (3).

Agreement on number of members

(2.1) Despite subsections (1), (2) and (5), the total number of members of the authority and the number of members that each participating municipality may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities. 2001, c. 9, Sched. K, s. 1 (6).

Municipal agreement

(2.2) If the participating municipalities of an authority enter into an agreement with respect to the total number of municipally appointed members of the authority and the total number of members each municipality may appoint, the authority shall, within 60 days after the agreement is executed,

- (a) provide a copy of the agreement to the Minister; and
- (b) make the agreement available to the public by posting it on the authority's website and by any other means the authority considers appropriate. 2020, c. 36, Sched. 6, s. 2 (4).

Same, transition

(2.3) If an agreement referred to in subsection (2.2) is in force on the day subsection 2 (4) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020 comes into force, the relevant authority shall provide a copy of the agreement to the Minister within 60 days after that day. 2020, c. 36, Sched. 6, s. 2 (4).

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 14 (3).

Member from agricultural sector appointed

(4) In addition to the members of an authority appointed in accordance with subsections (1) to (2.1), an additional member may be appointed to the authority by the Minister as a representative of the agricultural sector. 2020, c. 36, Sched. 6, s. 2 (5).

Limitation on voting

(4.0.1) The member of an authority appointed under subsection (4) shall not vote on,

- (a) a resolution to enlarge an authority's area of jurisdiction that is presented at a meeting called under section 10;
- (b) a resolution to amalgamate an authority with another authority that is presented at a meeting called under section 11;
- (c) a resolution to dissolve the authority that is presented at a meeting called under section 13.1; or
- (d) a resolution relating to any budgetary matter that is presented at a meeting held under section 16. 2020, c. 36, Sched. 6, s. 2 (5).

Term

(4.1) A member shall be appointed for a term of up to four years, as may be determined by the council that appoints the member or, in the case of a member appointed under subsection (4), by the Minister. 2017, c. 23, Sched. 4, s. 12 (2); 2020, c. 36, Sched. 6, s. 2 (6).

Appendix A

Same

(4.2) A member's term begins at the first meeting of the authority after his or her appointment and expires immediately before the first meeting of the authority after the appointment of his or her replacement. 2017, c. 23, Sched. 4, s. 12 (2).

Replacement of member

(4.3) Despite subsections (4.1) and (4.2), a member may be replaced by the council of the participating municipality that appointed the member or, in the case of a member appointed under subsection (4), by the Minister. 2017, c. 23, Sched. 4, s. 12 (2); 2020, c. 36, Sched. 6, s. 2 (7).

Reappointment

(4.4) A member is eligible to be reappointed. 2017, c. 23, Sched. 4, s. 12 (2).

Where part of municipality in authority's area

(5) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and the population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality. R.S.O. 1990, c. C.27, s. 14 (5).

(6) REPEALED: 1996, c. 1, Sched. M, s. 42.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 42 - 30/01/1996; 1998, c. 18, Sched. I, s. 6 - 18/12/1998

2001, c. 9, Sched. K, s. 1 (6) - 29/06/2001

2017, c. 23, Sched. 4, s. 12 (1, 2) - 12/12/2017

2020, c. 36, Sched. 6, s. 2 (1-7) - 02/02/2021

14.1

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 3 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

Meetings of authority

15 (1) The first meeting of an authority shall be held at such time and place as may be determined by the Minister and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority. R.S.O. 1990, c. C.27, s. 15 (1).

Copies of minutes to members

(2) Within 30 days after any meeting of an authority or of an executive committee, the secretary-treasurer of the authority shall send a copy of the minutes of the meeting to each member of the authority. R.S.O. 1990, c. C.27, s. 15 (2); 1998, c. 18, Sched. I, s. 7.

Agenda, minutes to be made public

(2.1) Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, the authority shall,

- (a) make the agenda for a meeting of the authority or of its executive committee available to the public before the meeting takes place; and
- (b) make the minutes of a meeting of the authority or of its executive committee available to the public within 30 days after the meeting. 2020, c. 36, Sched. 6, s. 3.

Same

(2.2) An agenda for a meeting or its minutes that are to be made available to the public under subsection (2.1) shall be made available by posting them on the authority's website and by any other means the authority considers appropriate. 2020, c. 36, Sched. 6, s. 3.

Open meetings

(3) Every meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority. 2017, c. 23, Sched. 4, s. 13.

Appendix A

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 7 - 18/12/1998

2017, c. 23, Sched. 4, s. 13 - 12/12/2018

2020, c. 36, Sched. 6, s. 3 - 02/02/2021

Decision-making at meetings

16 (1) Each member of an authority is entitled to one vote. 1998, c. 18, Sched. I, s. 8.

Quorum

(2) At any meeting of an authority, a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum. R.S.O. 1990, c. C.27, s. 16 (2); 2006, c. 22, s. 113 (2).

Majority vote

(3) A majority vote of the members present at any meeting is required upon all matters coming before the meeting. R.S.O. 1990, c. C.27, s. 16 (3).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 8 - 18/12/1998

2006, c. 22, s. 113 (2) - 03/07/2007

Chair, vice-chair

17 (1) At the first meeting held in each year or at such other meeting as may be specified by the authority's by-laws, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43; 2017, c. 23, Sched. 4, s. 14.

Term of chair, vice-chair

(1.1) A chair or vice-chair appointed under subsection (1) shall hold office for a term of one year and shall serve for no more than two consecutive terms. 2020, c. 36, Sched. 6, s. 4.

Representation from each municipality

(1.2) An authority in respect of which more than one participating municipality has been designated shall appoint chairs and vice-chairs from among the members appointed to the authority by each participating municipality on a rotating basis so as to ensure that a member appointed to the authority by a particular participating municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed to the authority by the same participating municipality. 2020, c. 36, Sched. 6, s. 4.

Exception

(1.3) Despite subsections (1.1) and (1.2), upon application by an authority or a participating municipality, the Minister may grant permission to the authority or participating municipality to, subject to such conditions or restrictions as the Minister considers appropriate,

- (a) appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive terms; or
- (b) appoint as chair or vice-chair of the authority a member who was appointed to the authority by the same participating municipality that appointed the outgoing chair or vice-chair. 2020, c. 36, Sched. 6, s. 4.

Vacancy

(2) Subject to subsection (1), upon the death of the chair or a vice-chair, or upon the incapacity of the chair or a vice-chair to act, or upon the chair or a vice-chair ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy. R.S.O. 1990, c. C.27, s. 17 (2).

Absence of chair and vice-chairs

(3) In the event of the absence of the chair and the vice-chairs from any meeting of an authority, the members present shall appoint an acting chair who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chair. R.S.O. 1990, c. C.27, s. 17 (3).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 43 - 30/01/1996

Appendix A

2017, c. 23, Sched. 4, s. 14 - 12/12/2017

2020, c. 36, Sched. 6, s. 4 - 02/02/2021

Employees and advisory boards

Employees

18 (1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority. R.S.O. 1990, c. C.27, s. 18 (1).

Advisory boards

(2) An authority shall establish such advisory boards as may be required by regulation and may establish such other advisory boards as it considers appropriate. 2017, c. 23, Sched. 4, s. 15.

Same

(3) An advisory board shall comply with any requirements that may be prescribed by regulation with respect to its composition, functions, powers, duties, activities and procedures. 2017, c. 23, Sched. 4, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 15 - 12/12/2017

Executive committee

19 (1) The authority may appoint an executive committee from among the members of the authority. R.S.O. 1990, c. C.27, s. 19 (1).

Chair, vice-chair

(2) The chair and vice-chair of the authority shall be the chair and vice-chair of the executive committee. R.S.O. 1990, c. C.27, s. 19 (2).

(3) REPEALED: 1998, c. 18, Sched. I, s. 9.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 9 - 18/12/1998

By-laws

19.1 (1) An authority may make by-laws,

- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;
- (e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;
- (f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;
- (g) requiring accountability and transparency in the administration of the authority including,
 - (i) providing for the retention of records specified in the by-laws and for making the records available to the public,
 - (ii) establishing a code of conduct for the members of the authority, and
 - (iii) adopting conflict of interest guidelines for the members of the authority;

Appendix A

- (h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;
- (i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and
- (j) respecting such other matters as may be prescribed by regulation. 2017, c. 23, Sched. 4, s. 16.

Conflict with other laws

(2) If a by-law made by an authority conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts, the provision of the Act or regulation prevails. 2017, c. 23, Sched. 4, s. 16.

Periodic review of by-laws

(3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law. 2017, c. 23, Sched. 4, s. 16.

By-laws available to public

(4) An authority shall make its by-laws available to the public in the manner it considers appropriate. 2017, c. 23, Sched. 4, s. 16.

Transition

- (5) An authority shall make such by-laws under this section as are required for its proper administration,
 - (a) in the case of an authority that was established on or before the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of that day; and
 - (b) in the case of an authority that is established after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of the day the authority is established. 2017, c. 23, Sched. 4, s. 16.
- (6) REPEALED: 2020, c. 36, Sched. 6, s. 5.

Direction by Minister

(7) The Minister may give an authority a written direction to make or amend a by-law on any matter described in subsection (1), in accordance with the direction, within such period of time as may be specified in the direction. 2017, c. 23, Sched. 4, s. 16.

Compliance

(8) The authority that receives a direction under subsection (7) shall comply with the direction within the time specified in the direction. 2017, c. 23, Sched. 4, s. 16.

Regulation where failure to comply

(9) If an authority fails to adopt a by-law in accordance with the direction made under subsection (7), the Minister may make regulations in relation to the matters set out in the direction that are applicable in the area of jurisdiction of the authority. 2017, c. 23, Sched. 4, s. 16.

Same

(10) Any regulation made by the Minister under subsection (9) prevails over any conflicting by-law that the authority may have adopted. 2017, c. 23, Sched. 4, s. 16.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 16 - 12/12/2017

2020, c. 36, Sched. 6, s. 5 - 02/02/2021

PART V OBJECTS, POWERS AND DUTIES

Objects

- 20** (1) The objects of an authority are to provide, in the area over which it has jurisdiction,
- (a) the mandatory programs and services required under section 21.1;

Appendix A

- (b) any municipal programs and services that may be provided under section 21.1.1; and
- (c) any other programs or services that may be provided under section 21.1.2. 2020, c. 36, Sched. 6, s. 6 (1).

Same

(2) Subject to any other Act relating to gas or oil resources, authorities may enter into agreements to allow exploration, storage and extraction by others in order to share in the revenue from use of gas or oil resources owned by them if,

- (a) the use is compatible with the conservation, restoration, development and management of other natural resources; and
- (b) extraction occurs on land adjacent to, but not on, conservation authority land. 1998, c. 18, Sched. I, s. 10; 2020, c. 36, Sched. 6, s. 6 (2).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 10 - 18/12/1998

2017, c. 23, Sched. 4, s. 18 - 12/12/2017

2020, c. 36, Sched. 6, s. 6 (1, 2) - 01/10/2021

Powers of authorities

21 (1) For the purposes of accomplishing its objects, an authority has power,

- (a) to research, study and investigate the watershed and to support the development and implementation of programs and services intended to further the purposes of this Act;
 - (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land, with consent of the occupant or owner, and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
 - (c) to acquire by purchase, lease or otherwise any land that it may require, and, subject to subsections (2) and (4), to sell, lease or otherwise dispose of land so acquired;
 - (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;
 - (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
 - (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;
 - (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
 - (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
 - (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
 - (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
 - (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
 - (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
 - (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (m.1) REPEALED: 2017, c. 23, Sched. 4, s. 19 (3).
- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;
 - (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;
 - (p) REPEALED: 2020, c. 36, Sched. 6, s. 7 (4).

Appendix A

- (q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority. R.S.O. 1990, c. C.27, s. 21; 1996, c. 1, Sched. M, s. 44 (1, 2); 1998, c. 18, Sched. I, s. 11; 2017, c. 23, Sched. 4, s. 19; 2020, c. 36, Sched. 6, s. 7; 2022, c. 21, Sched. 2, s. 2 (1).

Notice to Minister

(2) Subject to subsection (6), if the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without providing a written notice of the proposed disposition to the Minister at least 90 days before the disposition. 2022, c. 21, Sched. 2, s. 2 (2).

Same

(3) If an authority is required to consult the public and post a notice of proposed disposition under subsection (4), the notice to the Minister required under subsection (2) shall, at a minimum, describe how the comments received during the public consultation, if any, were considered by the authority prior to the disposition. 2022, c. 21, Sched. 2, s. 2 (2).

Public consultation prior to disposition

(4) Subject to subsection (6), an authority shall conduct a public consultation and post a notice of the consultation on its website if the authority proposes, under clause (1) (c), to sell, lease or otherwise dispose of land in respect of which the Minister has made a grant under section 39 and the land includes,

- (a) areas of natural and scientific interest, lands within the Niagara Escarpment Planning Area or wetlands as defined in section 1 of the *Conservation Land Act*;
- (b) the habitat of threatened or endangered species;
- (c) lands in respect of which the authority has entered into an agreement with the Minister in relation to forestry development under section 2 of the *Forestry Act*; or
- (d) land that is impacted by a type of natural hazard listed in subsection 1 (1) of Ontario Regulation 686/21 (Mandatory Programs and Services) made under this Act. 2022, c. 21, Sched. 2, s. 2 (2).

Length of public consultation and content of notice

(5) The public consultation under subsection (4) shall last for a minimum of 45 days and the notice of public consultation to be posted on the authority's website prior to the proposed disposition shall include,

- (a) a description of the type of land referred to in clauses (4) (a) to (d) that the authority is proposing to dispose of;
- (b) the proposed date of the disposition; and
- (c) the proposed future use of the lands, if known. 2022, c. 21, Sched. 2, s. 2 (2).

Exceptions

(6) With regard to a disposition of land in respect of which the Minister has made a grant to an authority under section 39, the authority is not required to provide a notice to the Minister under subsection (2) or consult the public and post a notice under subsection (4) if,

- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
- (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
- (c) the authority informs the Minister of the disposition. 2022, c. 21, Sched. 2, s. 2 (2).

Minister's direction on disposition proceeds

(7) If the Minister receives a notice under subsection (2), the Minister may, within 90 days after receiving the notice, direct the authority to apply a specified share of the proceeds of the disposition to support programs and services provided by the authority under section 21.1. 2022, c. 21, Sched. 2, s. 2 (2).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 44 (1-3) - 30/01/1996; 1998, c. 18, Sched. I, s. 11 - 18/12/1998

2010, c. 16, Sched. 10, s. 1 (1) - 25/10/2010

2017, c. 23, Sched. 4, s. 19 (1, 2, 4, 5) - 12/12/2017; 2017, c. 23, Sched. 4, s. 19 (3) - 01/01/2023

2020, c. 36, Sched. 6, s. 7 (1-4) - 02/02/2021

Appendix A

2022, c. 21, Sched. 2, s. 2 (1, 2) - 01/01/2023

Mandatory programs and services

21.1 (1) An authority shall provide the following programs or services within its area of jurisdiction:

1. Programs or services that meet any of the following descriptions and that have been prescribed by the regulations:
 - i. Programs and services related to the risk of natural hazards.
 - ii. Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.
 - iii. Programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.
 - iv. Programs and services related to the authority's duties, functions and responsibilities under an Act prescribed by the regulations.
2. Programs or services, other than programs or services described in paragraph 1, that have been prescribed by the regulations on or before the first anniversary of the day prescribed under clause 40 (3) (i). 2020, c. 36, Sched. 6, s. 8 (1).

Same, Lake Simcoe Region Conservation Authority

(2) In addition to the programs and services required to be provided under subsection (1), the Lake Simcoe Region Conservation Authority shall provide, within its area of jurisdiction, such programs and services as are prescribed by the regulations and are related to its duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*. 2020, c. 36, Sched. 6, s. 8 (1).

Standards and requirements

(3) Programs and services required to be provided under subsections (1) and (2) shall be provided in accordance with such standards and requirements as may be set out in the regulations. 2020, c. 36, Sched. 6, s. 8 (1).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 20 (1) - 12/12/2017; 2017, c. 23, Sched. 4, s. 20 (2) - no effect - see 2019, c. 9, Sched. 2, s. 10 (1) - 06/06/2019

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1) - 01/10/2021

Municipal programs and services

21.1.1 (1) Subject to subsection (1.1), an authority may provide, within its area of jurisdiction, municipal programs and services that it agrees to provide on behalf of a municipality situated in whole or in part within its area of jurisdiction under a memorandum of understanding, or such other agreement as may be entered into with the municipality, in respect of the programs and services. 2020, c. 36, Sched. 6, s. 8 (1). 2022, c. 21, Sched. 2, s. 3 (1).

Exception, prescribed Acts

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act. 2022, c. 21, Sched. 2, s. 3 (2).

Memorandum, agreement available to public

(2) An authority shall make a memorandum of understanding or other agreement available to the public in such manner as may be determined in the memorandum or agreement. 2020, c. 36, Sched. 6, s. 8 (1).

Periodic review of memorandum, agreement

(3) An authority and a municipality who have entered into a memorandum of understanding or other agreement shall review the memorandum or agreement at such regular intervals as may be determined in the memorandum or agreement. 2020, c. 36, Sched. 6, s. 8 (1).

Terms and conditions

(4) Programs and services that an authority agrees to provide on behalf of a municipality shall be provided in accordance with,

- (a) the terms and conditions set out in the memorandum of understanding or agreement; and

Appendix A

- (b) such standards and requirements as may be prescribed. 2020, c. 36, Sched. 6, s. 8 (1).

Conflict

(5) If there is a conflict between the terms and conditions set out in the memorandum of understanding or agreement and the prescribed standard and requirements, the prescribed standards and requirements prevail. 2020, c. 36, Sched. 6, s. 8 (1).

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1) - 01/10/2021

2022, c. 21, Sched. 2, s. 3 (1, 2) - 01/01/2023

Other programs and services

21.1.2 (1) Subject to subsection (1.1), in addition to programs and services described in sections 21.1 and 21.1.1, an authority may provide, within its area of jurisdiction, any other programs and services that it determines are advisable to further the purposes of this Act. 2020, c. 36, Sched. 6, s. 8 (1); 2022, c. 21, Sched. 2, s. 4 (1).

Exception, prescribed Acts

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act. 2022, c. 21, Sched. 2, s. 4 (2).

Agreement

(2) On and after the day prescribed by the regulations, if financing under section 25 or 27 by a participating municipality is necessary in order for an authority to provide a program or service authorized to be provided under subsection (1), the program or service shall not be provided by the authority unless an agreement that meets the following criteria has been entered into between the authority and the participating municipality in respect of the program or service:

1. The agreement must provide for the participating municipality to pay to the authority,
 - i. an apportioned amount under section 25 in connection with a project related to the program or service, or
 - ii. an apportioned amount under section 27 in respect of the program or service.
2. The agreement must include provisions setting out the day on which the agreement terminates and a requirement that it be reviewed by the parties within the period specified in the regulations for the purpose of determining whether or not the agreement is to be renewed by the parties.
3. The agreement must meet such other requirements as may be prescribed by the regulations. See: 2020, c. 36, Sched. 6, s. 8 (2).

Terms and conditions

(3) Programs and services that an authority agrees to provide under an agreement described in subsection (2) shall be provided in accordance with,

- (a) such terms and conditions as may be set out in the agreement; and
- (b) such standards and requirements as may be prescribed. See: 2020, c. 36, Sched. 6, s. 8 (2).

Conflict

(4) If there is a conflict between the terms and conditions set out in an agreement described in subsection (2) and the prescribed standards and requirements, the prescribed standards and requirements prevail. See: 2020, c. 36, Sched. 6, s. 8 (2).

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1, 2) - 01/10/2021

2022, c. 21, Sched. 2, s. 4 (1, 2) - 01/01/2023

Consultation

21.1.3 An authority shall carry out such consultations with respect to the programs and services it provides as may be required by regulation and shall do so in the manner specified by regulation. 2020, c. 36, Sched. 6, s. 8 (1).

Appendix A

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1) - 01/10/2021

Transition plan re s. 21.1.2 (2)

21.1.4 (1) Every authority shall develop and implement a transition plan for the purpose of ensuring that it will be in compliance with subsection 21.1.2 (2) by the day prescribed by the regulations for the purpose of that subsection. 2020, c. 36, Sched. 6, s. 9.

Contents

(2) The transition plan shall address the following matters in accordance with the regulations:

1. Preparation by the authority of an inventory of the authority's programs and services.
2. Consultation by the authority with participating municipalities on the inventory of programs and services mentioned in paragraph 1.
3. If financing under section 25 or 27 by a participating municipality is necessary in order for the authority to provide a program or service authorized to be provided under subsection 21.1.2 (1), steps to be taken by the authority for the purposes of seeking to enter into an agreement with the participating municipality in respect of that program or service.
4. Such other matters as may be prescribed by the regulations. 2020, c. 36, Sched. 6, s. 9.

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 9 - 01/10/2021

Fees for programs and services

21.2 (1) The Minister may determine classes of programs and services in respect of which an authority may charge a fee. 2017, c. 23, Sched. 4, s. 21.

Publication of list

(2) The Minister shall publish the list of classes of programs and services in respect of which an authority may charge a fee in a policy document and distribute the document to each authority. 2017, c. 23, Sched. 4, s. 21.

Updating list

(3) If the Minister makes changes to the list of classes of programs and services in respect of which an authority may charge a fee, the Minister shall promptly update the policy document referred to in subsection (2) and distribute the new document to each authority. 2017, c. 23, Sched. 4, s. 21.

Where authority may charge fee

(4) An authority may charge a fee for a program or service that it provides only if it is set out on the list of classes of programs and services referred to in subsection (2). 2017, c. 23, Sched. 4, s. 21.

Amount of fee

(5) The amount of a fee charged by an authority for a program or service it provides shall be,

- (a) the amount prescribed by the regulations; or
- (b) if no amount is prescribed, the amount determined by the authority. 2017, c. 23, Sched. 4, s. 21.

Fee schedule

(6) Every authority shall prepare and maintain a fee schedule that sets out,

- (a) the list of programs and services that it provides and in respect of which it charges a fee; and
- (b) the amount of the fee charged for each program or service or the manner in which the fee is determined. 2017, c. 23, Sched. 4, s. 21.

Appendix A

Fee policy

(7) Every authority shall adopt a written policy with respect to the fees that it charges for the programs and services it provides, and the policy shall set out,

- (a) the fee schedule described in subsection (6);
- (b) the frequency within which the fee policy shall be reviewed by the authority under subsection (9);
- (c) the process for carrying out a review of the fee policy, including the rules for giving notice of the review and of any changes resulting from the review; and
- (d) the circumstances in which a person may request that the authority reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. 2017, c. 23, Sched. 4, s. 21.

Fee policy to be made public

(8) Every authority shall make the fee policy available to the public in a manner it considers appropriate. 2017, c. 23, Sched. 4, s. 21.

Periodic review of fee policy

(9) At such regular intervals as may be determined by an authority, the authority shall undertake a review of its fee policy, including a review of the fees set out in the fee schedule. 2017, c. 23, Sched. 4, s. 21.

Notice of fee changes

(10) If, after a review of a fee policy or at any other time, an authority wishes to make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, the authority shall give notice of the proposed change to the public in a manner it considers appropriate. 2017, c. 23, Sched. 4, s. 21.

Reconsideration of fee charged

(11) Any person who considers that the authority has charged a fee that is contrary to the fees set out in the fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to the authority in accordance with the procedures set out in the fee policy and request that it reconsider the fee that was charged. 2017, c. 23, Sched. 4, s. 21.

Powers of authority on reconsideration

(12) Upon reconsideration of a fee that was charged for a program or service provided by an authority, the authority may,

- (a) order the person to pay the fee in the amount originally charged;
- (b) vary the amount of the fee originally charged, as the authority considers appropriate; or
- (c) order that no fee be charged for the program or service. 2017, c. 23, Sched. 4, s. 21.

Reconsideration of fees for permit applications

(13) If an authority receives a request for reconsideration of a fee charged for an application for a permit made under subsection 28.1 (2), the authority shall make its decision within 30 days after receiving the request. 2020, c. 36, Sched. 6, s. 10.

Appeal if no decision

(14) If an authority fails to reconsider a fee described in subsection (13) within 30 days of receiving the request for reconsideration, the person who made the request may appeal the amount of the fee directly to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 10; 2021, c. 4, Sched. 6, s. 39 (1).

Payment of fee

(15) If, after reconsideration of a fee charged for an application for a permit made under subsection 28.1 (2), an authority orders a person to pay the fee under clause (12) (a) or (b), the person shall pay the fee in accordance with the order. 2020, c. 36, Sched. 6, s. 10.

Payment of fee under protest and appeal

(16) A person who pays a fee under subsection (15) may,

- (a) when paying the fee, indicate to the authority in writing that the fee is being paid under protest; and
- (b) within 30 days after payment of the fee, appeal the amount charged by the authority upon reconsideration to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 10; 2021, c. 4, Sched. 6, s. 39 (1).

Appendix A

Appeal of fee in fee schedule

(17) For greater certainty, an appeal of the amount of a fee under subsection (14) or clause (16) (b) applies even if the amount charged was set out in the fee schedule prepared by the authority under subsection (6). 2020, c. 36, Sched. 6, s. 10.

Hearing

(18) The Ontario Land Tribunal shall hear an appeal made under subsection (14) or clause (16) (b). 2020, c. 36, Sched. 6, s. 10; 2021, c. 4, Sched. 6, s. 39 (1).

Powers on appeal

(19) After hearing the appeal, Ontario Land Tribunal may,

- (a) dismiss the appeal;
- (b) vary the amount of the fee charged by the authority; or
- (c) order that no fee be charged. 2020, c. 36, Sched. 6, s. 10; 2021, c. 4, Sched. 6, s. 39 (1).

Refund

(20) If the Ontario Land Tribunal makes an order under clause (19) (b) or (c), it may order that the authority provide a refund to the appellant in such amount as the Tribunal determines. 2020, c. 36, Sched. 6, s. 10; 2021, c. 4, Sched. 6, s. 39 (1).

Where dismissal required

(21) Despite subsection (19), the Ontario Land Tribunal shall dismiss the appeal if it determines that the fee complies with a regulation made under clause 40 (3) (b). 2020, c. 36, Sched. 6, s. 10; 2021, c. 4, Sched. 6, s. 39 (1).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 21 - 01/01/2023

2020, c. 36, Sched. 6, s. 10 – 01/04/2024

2021, c. 4, Sched. 6, s. 39 (1) – 01/04/2024

Minister's direction re fee changes

21.3 (1) The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction. 2022, c. 21, Sched. 2, s. 5.

Compliance

(2) An authority that receives a direction under subsection (1) shall comply with the direction within the time specified in the direction. 2022, c. 21, Sched. 2, s. 5.

Section Amendments with date in force (d/m/y)

2022, c. 21, Sched. 2, s. 5 - 01/01/2023

Agreement re road

22 An authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes. R.S.O. 1990, c. C.27, s. 22.

Minister's powers

23 (1) Despite any powers conferred on an authority by this Act, the Minister may, when and for such periods as he or she considers necessary in the public interest,

- (a) require an authority to carry out flood control operations in a manner specified by the Minister;
- (b) require an authority to follow instructions issued by the Minister for the operation of one or more of the authority's water control structures; or
- (c) take over the operation of one or more of an authority's water control structures and require the authority to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Appendix A

Areas not under jurisdiction of authority

(2) Despite any powers conferred on the council of a municipality under this or any other Act, in an area that is not under the jurisdiction of an authority, the Minister may, when and for such periods as he or she considers necessary in the public interest,

- (a) require the council of a municipality to carry out flood control operations in a manner specified by the Minister;
- (b) require the council of a municipality to follow instructions issued by the Minister for the operation of one or more of the water control structures operated by the council; or
- (c) take over the operation of one or more of the water control structures operated by the council of a municipality and require the council to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Definition

(3) In subsection (2),

“municipality” includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 45 - 30/01/1996

2002, c. 17, Sched. F, Table - 01/01/2003

Information required by Minister

23.1 (1) An authority shall provide the Minister with such information as the Minister may require in relation to its operations, including the programs and services it provides. 2017, c. 23, Sched. 4, s. 22.

Same

(2) The information shall be provided at the time and in the manner as the Minister may specify. 2017, c. 23, Sched. 4, s. 22.

Publication

(3) If directed by the Minister to do so, an authority shall publish all or such portion of the information provided to the Minister under subsection (1) and shall do so at the time and in the manner specified by the Minister. 2017, c. 23, Sched. 4, s. 22.

Investigator

(4) The Minister may, at any time, appoint one or more investigators to conduct an investigation of an authority’s operations, including the programs and services it provides. 2019, c. 9, Sched. 2, s. 5.

Powers of investigator

(5) For the purposes of an investigation under subsection (4), an investigator may,

- (a) inquire into any or all of the authority’s affairs, financial and otherwise;
- (b) require the production of any records that may relate to the authority’s affairs;
- (c) inspect, examine, audit and copy anything required to be produced under clause (b);
- (d) conduct a financial audit of the authority’s operations, including its programs and services; and
- (e) require any member of the authority and any other person to appear before the investigator and give evidence on oath about the authority’s affairs. 2019, c. 9, Sched. 2, s. 5.

Application of *Public Inquiries Act, 2009*

(6) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation under subsection (4). 2019, c. 9, Sched. 2, s. 5.

Report of investigator

(7) On completion of an investigation, an investigator shall report in writing to the Minister, who shall promptly transmit a copy of the report to the authority. 2019, c. 9, Sched. 2, s. 5.

Cost of investigation

(8) The Minister may require the authority to pay all or part of the cost of an investigation under subsection (4). 2019, c. 9, Sched. 2, s. 5.

Appendix A

Immunity for investigators

~~(9) No action or other proceeding shall be instituted against an investigator appointed under subsection (4) for any act done in good faith in the performance or intended performance of their duties under this Act or for any alleged neglect or default in the performance in good faith of their duties. 2020, c. 36, Sched. 6, s. 11.~~

Same

~~(10) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (9) does not relieve the Crown of any liability to which it would otherwise be subject as a result of the actions of an investigator appointed under subsection (4). 2020, c. 36, Sched. 6, s. 11.~~

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 22 - 12/12/2017

2019, c. 9, Sched. 2, s. 5 - 02/02/2021

2020, c. 36, Sched. 6, s. 11 - 02/02/2021

Minister's order, etc.

23.2 (1) If, after reviewing the report of an investigator made under subsection 23.1 (7), the Minister believes that an authority has failed, or is likely to fail, to comply with a provision of this Act or the regulations or of any other Act or regulation that applies to the authority, the Minister may,

- (a) order the authority to do or refrain from doing anything to avoid, prevent or remedy the non-compliance; or
- (b) if the Minister believes it is advisable to do so, recommend to the Lieutenant Governor in Council that an administrator be appointed to take over the control and operation of the authority under section 23.3. 2020, c. 36, Sched. 6, s. 12.

Compliance with order

(2) An authority shall comply with an order made under clause (1) (a) within the time specified in the order. 2020, c. 36, Sched. 6, s. 12.

Public availability

(3) The Minister shall make every order made under clause (1) (a) available to the public in the manner the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 12.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 12 - 02/02/2021

Appointment of administrator

23.3 (1) If the Minister makes a recommendation under clause 23.2 (1) (b), the Lieutenant Governor in Council may make an order appointing an administrator to take over the control and operations of the authority, including the provision of programs and services that the authority provides. 2020, c. 36, Sched. 6, s. 12.

Powers of administrator

(2) The administrator may exercise all the powers and shall perform all the duties of the authority and of its members subject to such terms and conditions as may be specified in the appointment or by the Minister. 2020, c. 36, Sched. 6, s. 12.

Notice to authority

(3) The Minister shall ensure that a copy of an order under subsection (1) is delivered to the authority and to the participating municipalities as soon as is practical after it is made. 2020, c. 36, Sched. 6, s. 12.

Powers of Minister

(4) The Minister may issue directions to the administrator with regard to any matter within the jurisdiction of the administrator and the administrator shall carry out the directions. 2020, c. 36, Sched. 6, s. 12.

Immunity for administrator

~~(5) No action or other proceeding shall be instituted against an administrator appointed under subsection (1) for any act done in good faith in the performance or intended performance of their duties under this Act or for any alleged neglect or default in the performance in good faith of their duties. 2020, c. 36, Sched. 6, s. 12.~~

Appendix A

Same

~~(6) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (5) does not relieve the Crown of any liability to which it would otherwise be subject as a result of the actions of an administrator appointed under subsection (1). 2020, c. 36, Sched. 6, s. 12.~~

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 12 - 02/02/2021

Projects requiring approval

24 (1) Before proceeding with a project that involves money granted by the Minister under section 39, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 2017, c. 23, Sched. 4, s. 23.

Terms and conditions

(2) The Minister may impose terms and conditions on an approval given under subsection (1). 2022, c. 21, Sched. 2, s. 6 (2).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 46 - 30/01/1996; 1996, c. 32, s. 66 (1, 2) - 01/01/1993

2017, c. 23, Sched. 4, s. 23 - 01/07/2023; 2017, c. 23, Sched. 5, s. 20 - 03/04/2018

2021, c. 4, Sched. 6, s. 39 (2) - 01/06/2021

2022, c. 21, Sched. 2, s. 6 (1) - 01/01/2023; 2022, c. 21, Sched. 2, s. 6 (2) - 01/07/2023

Recovery of project capital costs

25 (1) An authority may, from time to time, determine the amount of capital costs to be incurred in connection with a project and apportion the capital costs to the participating municipalities in accordance with the regulations. 2017, c. 23, Sched. 4, s. 23.

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any capital costs in connection with a project related to a program or service authorized to be provided under subsection 21.1.2 (1). 2019, c. 9, Sched. 2, s. 6.

Same

(1.2) An authority shall include in the apportionment of capital costs to a participating municipality any capital costs in connection with a project related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2). 2019, c. 9, Sched. 2, s. 6.

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice. 2019, c. 9, Sched. 2, s. 6.

Notice of apportionment

(2) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the capital costs for a project that has been apportioned to the participating municipality. 2017, c. 23, Sched. 4, s. 23.

Payment of apportioned amount

(3) Each participating municipality shall pay to the authority the portion of the capital costs for a project that is specified in the notice of apportionment in accordance with the requirements set out in the notice and with this section. 2017, c. 23, Sched. 4, s. 23.

How money to be raised

(4) Each participating municipality may issue debentures to provide financing for the capital costs for a project of an authority. 2017, c. 23, Sched. 4, s. 23.

Appendix A

Where money raised over several years

(5) If the notice of apportionment requires a municipality to raise its portion of the capital costs for a project over a period of two or more years, the municipality shall, within 30 days of receiving the notice of apportionment, give the authority written notice of how it will pay its portion of the capital costs. 2017, c. 23, Sched. 4, s. 23.

Debt due

(6) The amount of the portion of the capital costs for a project that is specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such. 2017, c. 23, Sched. 4, s. 23.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 23 - 01/07/2023; 2017, c. 23, Sched. 5, s. 21 (1, 2) - 03/04/2018

2019, c. 9, Sched. 2, s. 6 - 01/07/2023

2021, c. 4, Sched. 6, s. 39 (3, 4) - 01/06/2021

Review of apportionment of capital costs

26 (1) Any participating municipality that receives a notice of apportionment under section 25 may, within 30 days after receiving the notice of apportionment, apply to the Ontario Land Tribunal, or to such other body as may be prescribed by regulation, for a review of the apportionment among the participating municipalities of the capital costs for the relevant project. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22; 2021, c. 4, Sched. 6, s. 39 (5).

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority. 2017, c. 23, Sched. 4, s. 23.

Hearing

(3) The Ontario Land Tribunal, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of capital costs among the participating municipalities, including considering whether the apportionment complies with section 25 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22; 2021, c. 4, Sched. 6, s. 39 (5).

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party, and such other persons as the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may determine. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22; 2021, c. 4, Sched. 6, s. 39 (5).

Requirement to pay costs stayed

(5) A participating municipality that makes an application under this section is not required to pay the portion of the capital costs that was apportioned to the municipality under the notice of apportionment until the determination of the application. 2017, c. 23, Sched. 4, s. 23.

Delay of notice

(6) A participating municipality that makes an application under this section is not required to give notice under subsection 25 (5) until 30 days after the final determination of the application. 2017, c. 23, Sched. 4, s. 23.

Powers on hearing

(7) Upon hearing an application under this section, the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the capital costs by the authority among the participating municipalities. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22; 2021, c. 4, Sched. 6, s. 39 (5).

Decision final

(8) A decision under subsection (7) is final. 2017, c. 23, Sched. 4, s. 23.

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 127 - 09/12/1994; 1996, c. 32, s. 66 (3) - 01/01/1993

2017, c. 23, Sched. 4, s. 23 - 01/07/2023; 2017, c. 23, Sched. 5, s. 22 - 03/04/2018

Appendix A

2021, c. 4, Sched. 6, s. 39 (5) - 01/07/2023

Recovery of operating expenses

27 (1) Every year an authority shall determine its operating expenses for the subsequent year and apportion those expenses to the participating municipalities in accordance with the regulations. 2017, c. 23, Sched. 4, s. 24 (1).

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any operating expenses related to a program or service authorized to be provided under subsection 21.1.2 (1). 2019, c. 9, Sched. 2, s. 7 (1).

Same

(1.2) An authority shall include in the apportionment of operating expenses to a participating municipality any operating expenses related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2). 2019, c. 9, Sched. 2, s. 7 (1).

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice. 2019, c. 9, Sched. 2, s. 7 (1).

Fixed portion for some municipalities

(2) Despite subsections (1) and (1.1) and subject to the regulations, an authority may establish a fixed minimal amount as the portion of the authority's operating expenses that a participating municipality is required to pay each year, and may apportion that amount to the municipality instead of the portion determined under subsections (1) and (1.1) in any year in which the fixed minimal amount exceeds the portion determined under subsections (1) and (1.1). 2017, c. 23, Sched. 4, s. 24 (1); 2019, c. 9, Sched. 2, s. 7 (2).

Notice of apportionment

(3) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the operating expenses that has been apportioned to the participating municipality. 2017, c. 23, Sched. 4, s. 24 (1).

Payment of apportioned amount

(4) Each participating municipality shall pay to the authority the portion of the operating expenses that is specified in the notice of apportionment in accordance with the requirements set out in the notice and with this section. 2017, c. 23, Sched. 4, s. 24 (1).

Debt due

(5) The amount of the portion of the operating expenses specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such. 2017, c. 23, Sched. 4, s. 24 (1).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1996, c. 1, Sched. M, s. 47 (1-4) - 30/01/1996; 1997, c. 29, s. 54 (1, 2) - 01/01/1998

2017, c. 8, Sched. 17, s. 5 (1, 2) - 01/04/2018; 2017, c. 23, Sched. 4, s. 24 (1) - 01/07/2023

2019, c. 9, Sched. 2, s. 7 (1, 2) - 01/07/2023

2021, c. 4, Sched. 6, s. 39 (6) - 01/06/2021

Review of apportionment of operating expenses

27.1 (1) Any participating municipality that receives a notice of apportionment under section 27 may, within 30 days of receiving the notice, apply to the Ontario Land Tribunal, or to such other body as may be prescribed by regulation, for a review of the apportionment of the operating expenses. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority. 2017, c. 23, Sched. 4, s. 24 (1).

Appendix A

Hearing

(3) The Ontario Land Tribunal, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of the operating expenses, including considering whether the apportionment complies with section 27 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party and such other persons as the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may determine. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

No stay

(5) The appellant municipality shall comply with the notice of apportionment pending the determination of the application. 2017, c. 23, Sched. 4, s. 24 (1).

Powers on hearing

(6) Upon hearing an application under this section, the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the operating expenses by the authority among the participating municipalities and may order participating municipalities to pay such portion of the operating expenses as it determines. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

Decision final

(7) A decision under subsection (6) is final. 2017, c. 23, Sched. 4, s. 24 (1).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 24 (1) - 01/07/2023; 2017, c. 23, Sched. 4, s. 24 (2) - no effect - see 2020, c. 36, Sched. 6, s. 27 - 08/12/2020

2020, c. 36, Sched. 6, s. 13 - no effect - see 2021, c. 4, Sched. 6, s. 81 (1) - 01/06/2021

2021, c. 4, Sched. 6, s. 39 (7) - 01/06/2021; 2021, c. 4, Sched. 6, s. 39 (8) - no effect - see 2021, c. 4, Sched. 6, s. 81 (1) - 01/06/2021

Other amounts owing to authority

Specified municipality

27.2 (1) In this section,

“specified municipality” means, when used in reference to an authority,

- (a) a municipality that is designated under the regulations made under the *Clean Water Act, 2006* as a participating municipality for the authority for the purposes of that Act but that is not one of the authority’s participating municipalities under this Act, or
- (b) a municipality that is designated under the regulations made under the *Lake Simcoe Protection Act, 2008* as a participating municipality for the Lake Simcoe Region Conservation Authority for the purposes of that Act but that is not one of the authority’s participating municipalities under this Act. 2019, c. 9, Sched. 2, s. 8 (1).

Determination of amounts owing by specified municipality

(2) An authority may, from time to time and in accordance with the regulations, determine the amounts owed by any of its specified municipalities in connection with the programs and services the authority provides in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*. 2019, c. 9, Sched. 2, s. 8 (1).

Notice

(3) If the authority determines under subsection (2) that amounts are owing by any of its specified municipalities, the authority shall send a notice in writing to the specified municipality, setting out the amounts that the specified municipality owes to the authority. 2019, c. 9, Sched. 2, s. 8 (1).

Payment of amounts

(4) Subject to subsections (5) to (10), each specified municipality shall pay to the authority the amounts specified in the notice in accordance with the requirements set out in the notice. 2019, c. 9, Sched. 2, s. 8 (1).

Appendix A

Review of notice

(5) Any specified municipality that receives a notice under subsection (3) may, within 30 days after receiving the notice, apply to the Ontario Land Tribunal, or to such other body as may be prescribed by regulation, for a review of the amounts owing. 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Same

(6) The specified municipality that makes an application under subsection (5) shall send a copy of the notice of application to the authority and to every other participating municipality and specified municipality of the authority. 2019, c. 9, Sched. 2, s. 8 (1).

Hearing

(7) The Ontario Land Tribunal, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the amounts owing, including considering whether the determination of the amounts owing was carried out in accordance with subsection (2). 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Parties

(8) The parties to the hearing are the applicant municipality, the authority, any other participating municipality or specified municipality of the authority that requests to be a party and such other persons as the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may determine. 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Powers on hearing

(9) Upon hearing an application under this section, the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may confirm or vary the amounts owing and may order the specified municipality to pay the amounts. 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Decision final

(10) A decision under subsection (9) is final. 2019, c. 9, Sched. 2, s. 8 (1).

Debt due

(11) The amounts owed to the authority set out in a notice sent to a specified municipality or in an order under subsection (9), as the case may be, are a debt due by the specified municipality to the authority and may be enforced by the authority as such. 2019, c. 9, Sched. 2, s. 8 (1).

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 8 (1) - 01/07/2023; 2019, c. 9, Sched. 2, s. 8 (2) - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 14 - no effect - see 2021, c. 4, Sched. 6, s. 81 (2) - 01/06/2021

2021, c. 4, Sched. 6, s. 39 (9) - 01/06/2021; 2021, c. 4, Sched. 6, s. 39 (10) - no effect - see 2021, c. 4, Sched. 6, s. 81 (2) - 01/06/2021

PART VI

REGULATION OF AREAS OVER WHICH AUTHORITIES HAVE JURISDICTION

Prohibited activities re watercourses, wetlands, etc.

28 (1) No person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
2. Development activities in areas that are within the authority's area of jurisdiction and are,
 - i. hazardous lands,
 - ii. wetlands,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
 - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
 - v. other areas in which development should be prohibited or regulated, as may be determined by the regulations. 2017, c. 23, Sched. 4, s. 25; 2022, c. 21, Sched. 2, s. 7 (1).

Appendix A

Exception, aggregates

(2) The prohibitions in subsection (1) do not apply to an activity approved under the *Aggregate Resources Act* after December 18, 1998, the date the *Red Tape Reduction Act, 1998* received Royal Assent. 2017, c. 23, Sched. 4, s. 25.

Same, prescribed activities

(3) The prohibitions in subsection (1) do not apply to an activity or a type of activity that is prescribed by regulation and is carried out in accordance with the regulations. 2017, c. 23, Sched. 4, s. 25.

Same, prescribed areas

(4) The prohibitions in subsection (1) do not apply to any activity described in that subsection if it is carried out,

- (a) in an area that is within an authority's area of jurisdiction and specified in the regulations; and
- (b) in accordance with any conditions specified in the regulations. 2017, c. 23, Sched. 4, s. 25.

Same, *Planning Act*

(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

- (a) the activity is part of development authorized under the *Planning Act*; and
- (b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied. 2022, c. 21, Sched. 2, s. 7 (2).

Same

(4.2) If a regulation prescribes activities, areas of municipalities or types of authorizations under the *Planning Act* for the purposes of this subsection, or prescribes any other conditions or restrictions relating to an exception under subsection (4.1), the exception applies only in respect of such activities, areas and authorizations and subject to such conditions and restrictions. 2022, c. 21, Sched. 2, s. 7 (2).

Definitions

(5) In this section,

“development activity” means a development activity as defined by regulation; (“activité d’aménagement”)

“hazardous land” means hazardous land as defined by regulation; (“terrain dangereux”)

“watercourse” means a watercourse as defined by regulation; (“cours d’eau”)

“wetland” means a wetland as defined by regulation. (“terre marécageuse”) 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (1, 2, 7, 8) - 01/04/1999; 1998, c. 18, Sched. I, s. 12 - 18/12/1998

2009, c. 12, Sched. L, s. 2 - 14/05/2009

2010, c. 16, Sched. 10, s. 1 (2, 3) - 25/10/2010

2017, c. 23, Sched. 4, s. 25 – 01/04/2024

2018, c. 16, s. 3 (1) - 01/01/2019

2021, c. 4, Sched. 6, s. 39 (11) - 01/06/2021

2022, c. 21, Sched. 2, s. 7 (1, 2) – 01/04/2024

28.0.1 REPEALED: 2020, c. 36, Sched. 6, s. 15 (2).

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 15 (1) - 08/12/2020; 2020, c. 36, Sched. 6, s. 15 (2) – 01/04/2024

2021, c. 4, Sched. 6, s. 39 (12) - 01/06/2021

2022, c. 21, Sched. 2, s. 8 (1-13) - 28/11/2022

Appendix A

Permits

28.1 (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) any other requirements that may be prescribed by the regulations are met. 2017, c. 23, Sched. 4, s. 25; 2022, c. 21, Sched. 2, s. 9 (1).

Application for permit

(2) A person who wishes to engage in an activity that is prohibited under section 28 in an area situated in the jurisdiction of an authority may apply to the authority for a permit under this section. 2017, c. 23, Sched. 4, s. 25.

Same

(3) An application for a permit shall be made in accordance with the regulations and include such information as is required by regulation. 2017, c. 23, Sched. 4, s. 25.

Conditions

(4) Subject to subsection (5), an authority may issue a permit with or without conditions. 2017, c. 23, Sched. 4, s. 25.

Hearing

(5) An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority. 2017, c. 23, Sched. 4, s. 25.

Renewable energy projects

(6) In the case of an application for a permit to engage in development related to a renewable energy project as defined in subsection 2 (1) of the *Electricity Act, 1998*,

- (a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- (b) despite subsection (4), the authority shall not attach conditions to the permit unless the conditions relate to controlling flooding, erosion, dynamic beaches or unstable soil or bedrock. 2017, c. 23, Sched. 4, s. 25; 2018, c. 16, s. 3 (2); 2022, c. 21, Sched. 2, s. 9 (2).

Reasons for decision

(7) If the authority, after holding a hearing, refuses a permit or issues the permit subject to conditions, the authority shall give the applicant written reasons for the decision. 2017, c. 23, Sched. 4, s. 25.

Request for Minister's review

(8) Subject to the regulations, where the authority refuses a permit or imposes any conditions on a permit to which the applicant objects, the applicant may, within 15 days of receiving reasons for the authority's decision, submit a request to the Minister for the Minister to review the authority's decision. 2020, c. 36, Sched. 6, s. 16 (2).

Reply by Minister

(9) Within 30 days after receiving a request under subsection (8), the Minister shall reply to the request and indicate in writing to the applicant and the authority whether or not the Minister intends to conduct a review of the authority's decision. Failure on the part of the Minister to reply to a request within the 30 day period is deemed to be an indication that the Minister does not intend to review the authority's decision. 2020, c. 36, Sched. 6, s. 16 (2).

Same

(10) If a reply given under subsection (9) indicates that the Minister intends to conduct a review, the Minister may in the reply require the applicant and the authority to provide the Minister with such information as the Minister considers necessary to conduct the review. 2020, c. 36, Sched. 6, s. 16 (2).

Information

(11) The applicant and the authority shall submit to the Minister such information as was specified in the reply given under subsection (9) within the time period specified in the reply. 2020, c. 36, Sched. 6, s. 16 (2).

Appendix A

Publication of notice of review

(12) The Minister shall publish on the Environmental Registry notice of the Minister's intention to review a decision made by an authority and shall do so within 30 days of giving a reply to that effect under subsection (9). 2020, c. 36, Sched. 6, s. 16 (2).

No hearing required

(13) The Minister is not required to hold a hearing while conducting a review of an authority's decision. 2020, c. 36, Sched. 6, s. 16 (2).

Conferring with persons, etc.

(14) Before making a decision with respect to a review, the Minister may confer with any person or body that the Minister considers may have an interest in the review. 2020, c. 36, Sched. 6, s. 16 (2).

Minister's decision

(15) After conducting a review of an authority's decision, the Minister may confirm or vary the authority's decision or make any decision that the Minister considers appropriate, including issuing the permit subject to conditions. 2020, c. 36, Sched. 6, s. 16 (2).

Same

(16) The Minister shall base any decision under subsection (15) on the criteria set out in clauses (1) (a), (b) and (c). 2020, c. 36, Sched. 6, s. 16 (2).

Reasons

(17) If, upon conducting a review of an authority's decision, the Minister decides to refuse to issue a permit or to issue a permit subject to conditions, the Minister shall give the applicant and the authority written reasons for the decision. 2020, c. 36, Sched. 6, s. 16 (2).

Copy to authority

(18) If the Minister issues a permit under subsection (15), the Minister shall give a copy of the permit to the authority within five days after the permit is issued. 2020, c. 36, Sched. 6, s. 16 (2).

Decision final

(19) A decision made by the Minister under subsection (15) is final. 2020, c. 36, Sched. 6, s. 16 (2).

Appeal to Tribunal

(20) Within 90 days after receiving the reasons for the authority's decision under subsection (7), the applicant may appeal the authority's decision to the Ontario Land Tribunal, subject to subsection (21). 2020, c. 36, Sched. 6, s. 16 (2); 2021, c. 4, Sched. 6, s. 39 (13).

Exception

(21) An applicant who submitted a request under subsection (8) for the Minister to conduct a review of an authority's decision shall not appeal the decision to the Ontario Land Tribunal under subsection (20) unless,

- (a) the Minister's reply under subsection (9) indicated that the Minister refused to conduct the review; or
- (b) 30 days have elapsed following the day the applicant submitted the request for a Minister's review and the Minister has not made a reply under subsection (9). 2020, c. 36, Sched. 6, s. 16 (2); 2021, c. 4, Sched. 6, s. 39 (13).

Appeal, no decision by authority

(22) If an application for a permit is made to the authority and the application complies with subsection (3), and if the authority fails to give the applicant notice of a decision with respect to the application within 90 days after the application is made, the applicant may appeal the application directly to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 16 (2); 2021, c. 4, Sched. 6, s. 39 (13); 2022, c. 21, Sched. 2, s. 9 (3).

Appeal, no decision by Minister

(23) If the Minister indicates in a reply given under subsection (9) that the Minister intends to review an authority's decision and the Minister fails to make a decision within 90 days of giving the reply, the applicant may, within the next 30 days, appeal the authority's decision directly to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 16 (2); 2021, c. 4, Sched. 6, s. 39 (13).

Appendix A

Notice of Appeal

(24) A notice of an appeal under subsection (20), (22) or (23) shall be sent to the Ontario Land Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 16 (2); 2021, c. 4, Sched. 6, s. 39 (13).

Hearing by Tribunal

(25) The Ontario Land Tribunal shall fix a date for a hearing of an appeal under subsection (20), (22) or (23), give notice to all interested parties and give all necessary direction for the hearing. 2020, c. 36, Sched. 6, s. 16 (2); 2021, c. 4, Sched. 6, s. 39 (13).

Powers of the Tribunal

(26) The Ontario Land Tribunal has authority to take evidence, to refuse the permit or to order the authority to issue the permit, with or without conditions. 2020, c. 36, Sched. 6, s. 16 (2); 2021, c. 4, Sched. 6, s. 39 (13).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 – 01/04/2024

2018, c. 16, s. 3 (2) - 01/01/2019

2020, c. 36, Sched. 6, s. 16 (1) - no effect - see 2022, c. 21, Sched. 2, s. 15 - 28/11/2022; 2020, c. 36, Sched. 6, s. 16 (2) – 01/04/2024

2021, c. 4, Sched. 6, s. 39 (13) – 01/04/2024

2022, c. 21, Sched. 2, s. 9 (1-3) – 01/04/2024

Permits issued by Minister

Minister's order

28.1.1 (1) Despite subsection 28.1 (1) and subject to the regulations, the Minister may, by order,

- (a) direct an authority not to issue a permit to a person who wishes to engage in a specified activity that, without the permit, would be prohibited under section 28 in the area of jurisdiction of the authority; or
- (b) direct the authorities that are specified in the order not to issue permits to persons who may wish to engage in a type or class of activity described in the order that, without the permit, would be prohibited under section 28 and to continue to refrain from doing so for such period as may be specified in the order. 2020, c. 36, Sched. 6, s. 17.

Minister's power

(2) If an order is made under subsection (1), the Minister has the power to issue a permit to engage in any activity described in the order that would otherwise be prohibited under section 28 if, in the Minister's opinion, the criteria described in clauses 28.1 (1) (a), (b) and (c) are satisfied. 2020, c. 36, Sched. 6, s. 17.

Same

(3) An order made under clause (1) (a) may be made either before or after an application for a permit has been submitted to the relevant authority. 2020, c. 36, Sched. 6, s. 17.

Same

(4) An order made under clause (1) (b) may provide that it applies to activities even if applications for permits have been submitted to the relevant authorities and decisions with respect to the applications are currently pending. 2020, c. 36, Sched. 6, s. 17.

Notice of order

(5) Notice of an order made under subsection (1) shall be,

- (a) given to every authority that is directed by the order not to issue one or more permits;
- (b) given to any person who submitted an application for the permits in question before the order was made where the application is still pending; and
- (c) posted on the Environmental Registry within 30 days of being made. 2020, c. 36, Sched. 6, s. 17.

Information forwarded to Minister

(6) If an application for a permit to engage in an activity is submitted to an authority under section 28.1 before the day an order is made under this section directing the authority to not issue such a permit,

Appendix A

- (a) the authority shall forward to the Minister all documents and information relating to the application that were submitted by the applicant and shall do so within the time period set out in the order, if any; and
- (b) the applicant shall forward to the Minister such further information as the Minister may specify in the order and shall do so within the time period set out in the order, if any. 2020, c. 36, Sched. 6, s. 17.

Application to Minister

(7) If an order is made under this section that prevents an authority from issuing a permit to engage in an activity in circumstances where an application for such a permit has not yet been submitted to the authority but may be submitted in the future,

- (a) any person who wishes to engage in the activity shall submit to the Minister,
 - (i) an application for a permit to do so that includes such information as may be specified in the regulation,
 - (ii) a fee in the same amount as the fee that the person would have paid to the authority had the application been submitted to the authority, and
 - (iii) any information that the Minister believes is necessary to make a determination with respect to the issuance of the permit and that may be specified in the order; and
- (b) if the authority receives an application for such a permit after the day the order is made, the authority shall direct the applicant to submit the application in accordance with clause (a). 2020, c. 36, Sched. 6, s. 17.

Conferring with persons, etc.

(8) Before making a decision with respect to an application for a permit, the Minister may confer with any person or body that the Minister considers may have an interest in the application. 2020, c. 36, Sched. 6, s. 17.

Conditions

(9) The Minister may issue a permit subject to such conditions as the Minister determines are appropriate. 2020, c. 36, Sched. 6, s. 17.

Reasons

(10) If the Minister refuses a permit or issues a permit subject to conditions, the Minister shall give the applicant written reasons for the decision and shall provide a copy of the reasons to the relevant authority. 2020, c. 36, Sched. 6, s. 17.

Copy to authority

(11) If the Minister issues a permit under this section, the Minister shall give a copy of the permit to the authority that has jurisdiction over the watershed for which the permit is valid within five days after the permit is issued. 2020, c. 36, Sched. 6, s. 17.

Decision final

(12) A decision made by the Minister with respect to an application for a permit is final. 2020, c. 36, Sched. 6, s. 17.

Appeal

(13) If an application for a permit is made or forwarded to the Minister under this section and the application complies with the requirements of subsection 28.1 (3) or clause (7) (a) of this section, as the case may be, and if the Minister fails to give the applicant notice of a decision with respect to the application within 90 days after the application is made, the applicant may appeal the application directly to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 17; 2021, c. 4, Sched. 6, s. 39 (14).

Same

(14) Subsections 28.1 (24), (25) and (26) apply with necessary modifications to an appeal to the Ontario Land Tribunal made under subsection (13). 2020, c. 36, Sched. 6, s. 17; 2021, c. 4, Sched. 6, s. 39 (14).

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 17 – 01/04/2024

2021, c. 4, Sched. 6, s. 39 (14) – 01/04/2024

Mandatory permits, zoning orders

28.1.2 (1) This section applies to any application submitted to an authority under section 28.1 for a permit to carry out a development project in the authority's area of jurisdiction if,

Appendix A

- (a) an order has been made by the Minister of Municipal Affairs and Housing under section 47 of the *Planning Act* authorizing the development project under that Act;
- (b) the lands in the authority's area of jurisdiction on which the development project is to be carried out are not located in the Greenbelt Area designated under section 2 of the *Greenbelt Act, 2005*; and
- (c) such other requirements as may be prescribed are satisfied. 2020, c. 36, Sched. 6, s. 17; 2022, c. 21, Sched. 2, s. 10 (1); 2024, c. 16, Sched. 12, s. 16 (1).

Definition

- (2) In this section,

“development project” means development activity as defined in subsection 28 (5) or any other act or activity that, without a permit issued under this section or section 28.1, would be prohibited under section 28. 2020, c. 36, Sched. 6, s. 17; 2022, c. 21, Sched. 2, s. 10 (2).

Permit to be issued

- (3) Subject to the regulations, an authority that receives an application for a permit to carry out a development project in the authority's area of jurisdiction shall issue the permit if all of the requirements in clauses (1) (a), (b) and (c) are satisfied. 2020, c. 36, Sched. 6, s. 17.

Same

- (4) For greater certainty, an authority shall not refuse to issue a permit to carry out a development project under subsection (3) despite,
- (a) the prohibitions in subsection 28 (1) and the fact that the development project may not meet the criteria for issuing a permit under subsection 28.1 (1); and
 - (b) anything in subsection 3 (5) of the *Planning Act*. 2020, c. 36, Sched. 6, s. 17.

Conditions prescribed by regulations

- (5) A permit granted under this section is subject to such conditions as may be prescribed. 2020, c. 36, Sched. 6, s. 17; 2022, c. 21, Sched. 2, s. 10 (3).

Conditions specified by authority

- (6) Subject to subsection (7), an authority may attach conditions to the permit, including conditions to mitigate,
- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
 - (b) any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; or
 - (c) any other matters that may be prescribed by regulation. 2020, c. 36, Sched. 6, s. 17; 2022, c. 21, Sched. 2, s. 10 (4).

Hearing

- (7) An authority shall not attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority. 2020, c. 36, Sched. 6, s. 17.

Reasons for conditions

- (8) If, after holding a hearing, an authority issues a permit subject to conditions, the authority shall give the permit holder written reasons for deciding to attach the conditions. 2020, c. 36, Sched. 6, s. 17.

Request for Minister's review

- (9) A permit holder who objects to any conditions attached to the permit by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations. 2022, c. 21, Sched. 2, s. 10 (5).

Minister's review

- (10) Subsections 28.1 (9) to (14) apply with necessary modifications to a Minister's review conducted pursuant to a request made under subsection (9). 2020, c. 36, Sched. 6, s. 17.

Appendix A

Minister's decision

(11) After conducting a review of an authority's decision, the Minister may confirm or vary the conditions attached by the authority to a permit, including removing conditions or requiring that such additional conditions be attached to the permit as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 17; 2022, c. 21, Sched. 2, s. 10 (6).

Same

- (12) In making a decision under subsection (11), the Minister shall consider,
- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
 - (b) conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; or
 - (c) any other matters as may be prescribed by the regulations. 2020, c. 36, Sched. 6, s. 17; 2022, c. 21, Sched. 2, s. 10 (7).

Decision final

(13) A decision made by the Minister under subsection (11) is final. 2020, c. 36, Sched. 6, s. 17.

Appeal

(14) A permit holder who objects to any conditions attached to the permit by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Ontario Land Tribunal to review the conditions if,

- (a) the permit holder has not submitted a request under subsection (9) to the Minister to review the conditions; or
- (b) the permit holder has submitted a request to the Minister to review the conditions under subsection (9) and,
 - (i) 30 days have elapsed following the day the permit holder submitted the request and the Minister did not make a reply in accordance with subsection 28.1 (9), or
 - (ii) the Minister made a reply in accordance with subsection 28.1 (9) indicating that the Minister refused to conduct the review. 2020, c. 36, Sched. 6, s. 17; 2021, c. 4, Sched. 6, s. 39 (14); 2022, c. 21, Sched. 2, s. 10 (8).

Same

(15) If the Minister indicates in a reply given in accordance with subsection 28.1 (9) that the Minister intends to review an authority's decision and the Minister fails to make a decision within 90 days of giving the reply, the permit holder may, within the next 30 days, appeal the conditions attached by the authority directly to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 17; 2021, c. 4, Sched. 6, s. 39 (14); 2022, c. 21, Sched. 2, s. 10 (9).

Same

(16) Subsections 28.1 (24), (25) and (26) apply with necessary modifications to an appeal made under subsection (14) or (15). 2020, c. 36, Sched. 6, s. 17.

Agreement

(17) An authority that issues a permit to carry out a development project under this section shall enter into an agreement with respect to the development project with the permit holder and the authority and the permit holder may add a municipality or such other person or entity as they consider appropriate as parties to the agreement. 2020, c. 36, Sched. 6, s. 17.

Content of agreement

(18) An agreement under subsection (17) shall set out actions or requirements that the permit holder must complete or satisfy in order to compensate for ecological impacts and any other impacts that may result from the development project. 2020, c. 36, Sched. 6, s. 17.

Limitation on development

(19) No person shall begin a development project until an agreement required under subsection (17) has been entered into. 2020, c. 36, Sched. 6, s. 17.

Same

(19.1) If a regulation made under subsection 40 (4) provides that a development project may begin prior to entering into an agreement under subsection (17), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until such time the agreement is entered into. 2022, c. 21, Sched. 2, s. 10 (10).

Appendix A

Conflict

(20) If the conditions attached to a permit issued under this section conflict with the terms of an order made under section 47 of the *Planning Act*, the terms of the order shall prevail. 2022, c. 21, Sched. 2, s. 10 (11); 2024, c. 16, Sched. 12, s. 16 (2).

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 17 - 01/04/2024

2021, c. 4, Sched. 6, s. 39 (14) - 01/04/2024

2022, c. 21, Sched. 2, s. 10 (1-11) - 01/04/2024

2024, c. 16, Sched. 12, s. 16 (1, 2) - 06/06/2024

Period of validity

28.2 A permit shall be valid for a period to be determined in accordance with the regulations. 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 – 01/04/2024

Cancellation of permits

28.3 (1) An authority may cancel a permit issued under section 28.1 or 28.1.1 if it is of the opinion that the conditions of the permit have not been met or that the circumstances that are prescribed by regulation exist. 2017, c. 23, Sched. 4, s. 25; 2020, c. 36, Sched. 6, s. 18 (1).

Notice

(2) Before cancelling a permit, an authority shall give a notice of intent to cancel to the permit holder indicating that the permit will be cancelled on a date specified in the notice unless the holder requests a hearing under subsection (3). 2017, c. 23, Sched. 4, s. 25.

Request for hearing

(3) Within 15 days of receiving a notice of intent to cancel a permit from the authority, the permit holder may submit a written request for a hearing to the authority. 2017, c. 23, Sched. 4, s. 25.

Hearing

(4) The authority shall set a date for the hearing and hold the hearing within a reasonable time after receiving a request for a hearing. 2017, c. 23, Sched. 4, s. 25.

Power

(5) After a hearing, the authority may confirm, rescind or vary the decision to cancel a permit. 2017, c. 23, Sched. 4, s. 25.

Appeal

(6) If the authority confirms the cancellation of a permit or makes another order under subsection (5) to which the permit holder objects, the permit holder may, within 90 days of receiving notice of the authority's decision, appeal the decision to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 18 (2); 2021, c. 4, Sched. 6, s. 39 (15).

Same

(7) A notice of an appeal under subsection (6) shall be sent to the Ontario Land Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 18 (2); 2021, c. 4, Sched. 6, s. 39 (15).

Hearing

(8) The Ontario Land Tribunal shall fix a date for a hearing of an appeal under subsection (6), give notice to all interested parties and give all necessary direction for the hearing. 2020, c. 36, Sched. 6, s. 18 (2); 2021, c. 4, Sched. 6, s. 39 (15).

Powers of the Tribunal

(9) The Ontario Land Tribunal has authority to take evidence, to confirm, rescind or vary the decision to cancel the permit, with or without conditions. 2020, c. 36, Sched. 6, s. 18 (2); 2021, c. 4, Sched. 6, s. 39 (15).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 – 01/04/2024

2020, c. 36, Sched. 6, s. 18 (1, 2) – 01/04/2024

Appendix A

2021, c. 4, Sched. 6, s. 39 (15) – 01/04/2024

Delegation of power

28.4 An authority may delegate any of its powers relating to the issuance or cancellation of permits under this Act or the regulations, or to the holding of hearings in relation to the permits, to the authority's executive committee or to any other person or body, subject to any limitations or requirements that may be prescribed by regulation. 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 – 01/04/2024

Regulations: activities affecting natural resources

28.5 (1) The Lieutenant Governor in Council may make regulations with respect to activities that may impact the conservation, restoration, development or management of natural resources and that may be carried out in the areas of jurisdiction of authorities, including regulations,

- (a) identifying activities that have or may have an impact on the conservation, restoration, development or management of natural resources for the purposes of the regulation;
- (b) regulating those activities;
- (c) prohibiting those activities or requiring that a person obtain a permit from the relevant authority to engage in the activities in the authority's area of jurisdiction. 2017, c. 23, Sched. 4, s. 26.

Same

(2) A regulation under clause (1) (c) that requires that a person obtain a permit from the relevant authority to engage in an activity described in subsection (1) may,

- (a) provide for applications to be made to an authority for the permit and specify the manner, content and form of the application;
- (b) provide for the issuance, expiration, renewal and cancellation of a permit;
- (c) require hearings in relation to any matter referred to in clauses (a) and (b) and specify the person before whom, or the body before which, the matter shall be heard, provide for notices and other procedural matters relating to the hearing and provide for an appeal from any decision. 2017, c. 23, Sched. 4, s. 26.

Same

(3) A regulation made under this section may be limited in its application to one or more authorities or activities. 2017, c. 23, Sched. 4, s. 26.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 26 – 01/04/2024

Regulations: public use of authority's property

29 (1) The Minister may make regulations with respect to land and other property owned by authorities including regulations,

- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;

Appendix A

- (h) subject to the *Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires. R.S.O. 1990, c. C.27, s. 29 (1); 1998, c. 18, Sched. I, s. 13 (1); 2017, c. 23, Sched. 4, s. 27 (1).

(1.1), (1.2) REPEALED: 2017, c. 23, Sched. 4, s. 27 (2).

Same

(2) A regulation made under this section may be limited in its application to one or more authorities. 2017, c. 23, Sched. 4, s. 27 (2).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 13 (1-3) - 18/12/1998

2017, c. 23, Sched. 4, s. 27 (1, 2) – 01/04/2024

30 REPEALED: 2017, c. 23, Sched. 4, s. 28.

Section Amendments with date in force (d/m/y)

2006, c. 21, Sched. F, s. 105 - 25/07/2007

2017, c. 23, Sched. 4, s. 28 - 12/12/2017

PART VII ENFORCEMENT AND OFFENCES

Appointment of officers

30.1 An authority may appoint officers for the purposes of ensuring compliance with this Act and the regulations. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 14 - 18/12/1998

2017, c. 23, Sched. 4, s. 29 – 01/04/2024

Entry without warrant, permit application

30.2 (1) An officer appointed by an authority under section 30.1 may enter any land situated in the authority's area of jurisdiction, without a warrant and without the consent of the owner or occupier, if,

- (a) an application has been submitted under section 28.1 or 28.1.1 for a permit to engage in an activity with respect to the land;
- (b) the entry is for the purpose of determining whether to issue a permit; and
- (c) the officer has given reasonable notice of the entry to the owner or occupier of the property. 2020, c. 36, Sched. 6, s. 19 (1).

Entry without warrant, compliance

(1.1) An officer appointed by an authority under section 30.1 may enter any land situated in the authority's area of jurisdiction, without a warrant and without the consent of the owner or occupier, if,

- (a) the entry is for the purpose of ensuring compliance with subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1), with a regulation made under section 28.5 or with the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);
- (b) the officer has reasonable grounds to believe that a contravention of a provision of the Act or a regulation referred to in clause (a) or of a condition of a permit referred to in clause (a) is causing or is likely to cause significant damage and,
 - (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or
 - (ii) in the event of a natural hazard, the damage will or is likely to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property; and
- (c) the officer has reasonable grounds to believe that the entry is required to prevent or reduce the effects or risks described in clause (b). 2020, c. 36, Sched. 6, s. 19 (1); 2022, c. 21, Sched. 2, s. 11.

Appendix A

No entry to buildings

(2) The power to enter land under subsection (1) or (1.1) does not authorize the entry into a dwelling or other building situated on the land. 2017, c. 23, Sched. 4, s. 29; 2020, c. 36, Sched. 6, s. 19 (2).

Time of entry

(3) The power to enter land under subsection (1) or (1.1) may be exercised at any reasonable time. 2017, c. 23, Sched. 4, s. 29; 2020, c. 36, Sched. 6, s. 19 (2).

Power upon entry

(4) An officer who enters land under subsection (1) or (1.1) may do any of the following things:

1. Inspect any thing that is relevant to the inspection.
2. Conduct any tests, take any measurements, take any specimens or samples, set up any equipment and make any photographic or other records that may be relevant to the inspection.
3. Ask any questions that are relevant to the inspection to the occupant of the land. 2017, c. 23, Sched. 4, s. 29; 2020, c. 36, Sched. 6, s. 19 (2).

No use of force

(5) Subsection (1) or (1.1) does not authorize the use of force. 2017, c. 23, Sched. 4, s. 29; 2020, c. 36, Sched. 6, s. 19 (2).

Experts, etc.

(6) An officer who enters land under this section may be accompanied and assisted by any person with such knowledge, skills or expertise as may be required for the purposes of the inspection. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 – 01/04/2024

2020, c. 36, Sched. 6, s. 19 (1, 2) – 01/04/2024

2022, c. 21, Sched. 2, s. 11 (1, 2) – 01/04/2024

Searches

Search with warrant

30.3 (1) An officer may obtain a search warrant under Part VIII of the *Provincial Offences Act* in respect of an offence under this Act. 2017, c. 23, Sched. 4, s. 29.

Assistance

(2) The search warrant may authorize any person specified in the warrant to accompany and assist the officer in the execution of the warrant. 2017, c. 23, Sched. 4, s. 29.

Search without warrant

(3) If an officer has reasonable grounds to believe that there is something on land that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the officer may, without warrant, enter and search the land. 2017, c. 23, Sched. 4, s. 29.

No entry to buildings

(4) The power to enter land under subsection (3) does not authorize the entry into a dwelling or other building situated on the land. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 – 01/04/2024

Stop order

30.4 (1) An officer appointed under section 30.1 may make an order requiring a person to stop engaging in or not to engage in an activity if the officer has reasonable grounds to believe that,

- (a) the person has engaged in, is engaging in or is about to engage in the activity and, as a result, is contravening or will contravene,
 - (i) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or

Appendix A

- (ii) the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);
- (b) the activity has caused, is causing or is likely to cause significant damage and,
 - (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or
 - (ii) in the event of a natural hazard, the damage will or is likely to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property; and
- (c) the order will prevent or reduce the damage described in clause (b). 2020, c. 36, Sched. 6, s. 20 (1); 2022, c. 21, Sched. 2, s. 12.

Information to be included in the order

- (2) The order shall,
 - (a) specify the provision that the officer believes is being or is about to be contravened;
 - (b) briefly describe the nature of the contravention and its location;
 - (c) briefly describe the nature of the damage being caused or likely to be caused by the activity; and
 - (d) state that a hearing on the order may be requested in accordance with this section. 2020, c. 36, Sched. 6, s. 20 (1).

Service of order

- (3) An order under this section shall be served personally or by registered mail addressed to the person against whom the order is made at the person's last known address. 2017, c. 23, Sched. 4, s. 29.

Registered mail

- (4) An order served by registered mail shall be deemed to have been served on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the order until a later date. 2017, c. 23, Sched. 4, s. 29.

Effective date

- (5) An order under this section takes effect when it is served, or at such later time as is specified in the order. 2017, c. 23, Sched. 4, s. 29.

Right to hearing

- (6) A person who is served with an order under this section may request a hearing before the authority or, if the authority so directs, before the authority's executive committee by mailing or delivering to the authority, within 30 days after service of the order, a written request for a hearing that includes a statement of the reasons for requesting the hearing. 2017, c. 23, Sched. 4, s. 29.

Powers of authority

- (7) After holding a hearing, the authority or executive committee, as the case may be, shall,
 - (a) confirm the order;
 - (b) amend the order; or
 - (c) remove the order, with or without conditions. 2017, c. 23, Sched. 4, s. 29.

Reasons for decision

- (8) The authority or executive committee, as the case may be, shall give the person who requested the hearing written reasons for the decision. 2017, c. 23, Sched. 4, s. 29.

Appeal

- (9) Within 30 days after receiving the reasons in subsection (8), the person who requested the hearing may appeal to the Minister or to a body prescribed by the regulations and, after reviewing the submissions, the Minister or the prescribed body may,
 - (a) confirm the order;
 - (b) amend the order; or

Appendix A

(c) remove the order, with or without conditions. 2017, c. 23, Sched. 4, s. 29; 2020, c. 36, Sched. 6, s. 20 (2).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 – 01/04/2024

2020, c. 36, Sched. 6, s. 20 (1, 2) – 01/04/2024

2022, c. 21, Sched. 2, s. 12 (1, 2) – 01/04/2024

Offences

30.5 (1) Every person is guilty of an offence if the person contravenes,

- (a) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1);
- (b) a regulation respecting activities permitted under subsection 28 (3), (4) or (4.1) or a regulation made under section 28.5;
- (c) the conditions of a permit that was issued under section 28.1, 28.1.1 or 28.1.2 or under a regulation made under clause 28.5 (1) (c); or
- (d) a stop order issued under section 30.4. 2020, c. 36, Sched. 6, s. 21; 2022, c. 21, Sched. 2, s. 13.

Penalty

(2) A person who commits an offence under subsection (1) is liable on conviction,

- (a) in the case of an individual,
 - (i) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both, and
 - (ii) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a corporation,
 - (i) to a fine of not more than \$1,000,000, and
 - (ii) to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues. 2017, c. 23, Sched. 4, s. 29.

Monetary benefit

(3) Despite the maximum fines set out in clauses (2) (a) and (b), a court that convicts a person of an offence under clause (1) (a) or (b) may increase the fine it imposes on the person by an amount equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence. 2017, c. 23, Sched. 4, s. 29.

Contravening s. 29 regulations

(4) Every person who contravenes a regulation made under section 29 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. 2017, c. 23, Sched. 4, s. 29.

Obstruction of officer

(5) Every person who prevents or obstructs an officer from entering land under section 30.2 or 30.3 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 – 01/04/2024

2020, c. 36, Sched. 6, s. 21 – 01/04/2024

2022, c. 21, Sched. 2, s. 13 (1, 2) – 01/04/2024

Limitation period

30.6 A proceeding shall not be commenced with respect to an offence under subsection 30.5 (1), (4) or (5) more than two years after the day on which the offence first comes to the attention of an officer appointed under section 30.1. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

Appendix A

2017, c. 23, Sched. 4, s. 29 – 01/04/2024

Rehabilitation orders

30.7 (1) In addition to any other remedy or penalty provided by law, the court, upon convicting a person of an offence under clause 30.5 (1) (a) or (b), may order the convicted person to,

- (a) remove, at the convicted person's expense, any development within such reasonable time as the court orders; and
- (b) take such actions as the court directs, within the time the court may specify, to repair or rehabilitate the damage that results from or is in any way connected to the commission of the offence. 2017, c. 23, Sched. 4, s. 29.

Non-compliance with order

(2) If a person does not comply with an order made under subsection (1), the authority having jurisdiction may arrange for any removal, repair or rehabilitation that was required of a person under subsection (1) to be carried out. 2017, c. 23, Sched. 4, s. 29.

Liability for certain costs

(3) The person to whom an order is made under subsection (1) is liable for the cost of any removal, repair or rehabilitation arranged by an authority under subsection (2), and the amount is recoverable by the authority by action in a court of competent jurisdiction. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 – 01/04/2024

PART VIII MATTERS RELATING TO LAND AND WATER USE

31 REPEALED: 2020, c. 36, Sched. 6, s. 22.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 22 - 02/02/2021

Restrictions on projects

Crown land affected

32 (1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chair or vice-chair of the authority shall be deposited with the Minister, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister. R.S.O. 1990, c. C.27, s. 32 (1).

Interference with public work

(2) Where a project or a part thereof may interfere with a public work of Ontario, the authority shall file with the Minister of Infrastructure a plan and description of the project or a part thereof together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Infrastructure. R.S.O. 1990, c. C.27, s. 32 (2); 1998, c. 15, Sched. E, s. 3 (3); 2011, c. 9, Sched. 27, s. 22.

Interference with highway

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Transportation a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Transportation. R.S.O. 1990, c. C.27, s. 32 (3).

Costs, how to be borne

(4) The cost of rebuilding any road, highway, bridge, public work or any part thereof and the cost of any other work that any of the Ministers of the Crown may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario. R.S.O. 1990, c. C.27, s. 32 (4); 1998, c. 15, Sched. E, s. 3 (4).

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (3, 4) - 01/04/1999

Appendix A

2011, c. 9, Sched. 27, s. 22 - 06/06/2011

Assessment of lands of authority

33 (1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable for municipal purposes by levy under section 312 of the *Municipal Act, 2001* or section 277 of the *City of Toronto Act, 2006*, as the case may be, upon the assessment and classification of such land determined in each year by the Municipal Property Assessment Corporation and the land shall be assessed under the *Assessment Act* as if the works erected by the authority on the land had not been erected. 1997, c. 5, s. 64 (1); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 8.

Assessment of rented property

(2) Despite subsection (1), section 18 of the *Assessment Act* applies with necessary modifications in respect of lands vested in an authority. R.S.O. 1990, c. C.27, s. 33 (2).

Notice

(3) The Municipal Property Assessment Corporation shall deliver or mail to each authority concerned and to the clerk of each municipality in which any of the land is situated a notice setting out the assessment and the classification of the land in the municipality. 1997, c. 5, s. 64 (2); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Reconsideration under *Assessment Act*

(4) The authority may request a reconsideration under section 39.1 of the *Assessment Act*. 1997, c. 5, s. 64 (3).

Appeal to the Assessment Review Board

(5) The authority or the municipality may appeal to the Assessment Review Board under section 40 of the *Assessment Act* and the last day for appealing is the day that is 90 days after the authority or the clerk of the municipality, as applicable, is notified. 2008, c. 7, Sched. A, s. 19.

***Assessment Act* to apply**

(6) The *Assessment Act* applies, with necessary modifications, with respect to a request for a reconsideration or an appeal. 2008, c. 7, Sched. A, s. 19.

(7) REPEALED: 1997, c. 5, s. 64 (3).

Assessment for next year's taxation

(8) The assessment of land under subsection (1) shall be determined by the Municipal Property Assessment Corporation in each year for the purpose of taxation in the following year. R.S.O. 1990, c. C.27, s. 33 (8); 1997, c. 5, s. 64 (4); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Section Amendments with date in force (d/m/y)

1997, c. 5, s. 64 (1-4) - 01/01/1998; 1997, c. 43, Sched. G, s. 19 - 31/12/1998; 1998, c. 3, s. 33 - 11/06/1998

2001, c. 8, s. 203 - 29/06/2001

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 8 - 01/01/2007

2008, c. 7, Sched. A, s. 19 - 14/05/2008

Cemetery lands

34 (1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in the cemetery or other place of interment. R.S.O. 1990, c. C.27, s. 34 (1).

Notice to plot owners

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or the owner's whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein. R.S.O. 1990, c. C.27, s. 34 (2).

Publication of notice

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,

Appendix A

- (a) that the cemetery or other place of interment has been acquired for the purposes of the authority;
- (b) that other land, describing it, has been acquired by the authority for the purpose of reintering the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at the expense of the owner or person if the owner or person obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines. R.S.O. 1990, c. C.27, s. 34 (3).

Removal of bodies

(4) The authority has full power to cause the removal of any body from the cemetery or place of interment to any lands acquired under subsection (1) despite any other Act and to authorize the removal by any other person of the body for reinterment in any other cemetery or place of interment. R.S.O. 1990, c. C.27, s. 34 (4).

Removal of headstones

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment. R.S.O. 1990, c. C.27, s. 34 (5).

Conveyance of lands for reinterment

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed. R.S.O. 1990, c. C.27, s. 34 (6).

Right to use water power

35 (1) The authority has the right to use any water power created upon lands vested in it for its own uses. 1998, c. 15, Sched. E, s. 3 (5).

(2) REPEALED: 2006, c. 3, Sched. D, s. 1.

Obligation to pay

(3) Any person using water power created upon authority lands shall pay to the authority an annual reasonable compensation for the use of the water power. 1998, c. 15, Sched. E, s. 3 (5).

Arbitration

(3.1) Where the authority and a person described in subsection (3) are unable to agree on the amount of the annual compensation, the matter shall be arbitrated under the *Arbitration Act, 1991*. 1998, c. 15, Sched. E, s. 3 (5).

Charge for power

(4) Subject to review by the Minister of Natural Resources, an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power generated from increased head or flow due to the works undertaken by the authority. R.S.O. 1990, c. C.27, s. 35 (4); 1998, c. 15, Sched. E, s. 3 (6).

When section not to apply

(5) This section does not apply to water power reserved to the Crown under the *Public Lands Act*. R.S.O. 1990, c. C.27, s. 35 (5).

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (5, 6) - 01/04/1999

2006, c. 3, Sched. D, s. 1 - 19/10/2006

PART VIII.1 THE AGENCY

Corporation established

Appendix A

35.1 A corporation to be known in English as Ontario Provincial Conservation Agency and in French as Agence ontarienne de protection de la nature is established as a corporation without share capital.

Crown agent

35.2 The Agency is an agent of the Crown and may exercise its powers only as an agent of the Crown.

Application of other Acts

Not-for-Profit Corporations Act, 2010

35.3 (1) Except for section 41, subsection 43 (1) and section 46 of the Not-for-Profit Corporations Act, 2010, which apply to the Agency with necessary modifications, that Act does not apply to the Agency except as prescribed by regulation and subject to such modifications as may be prescribed by regulation.

Same, indemnity

(2) The Agency shall not give an indemnity under section 46 of the Not-for-Profit Corporations Act, 2010 to any person unless the indemnity has been approved in accordance with section 28 of the Financial Administration Act.

Corporations Information Act

(3) The Corporations Information Act does not apply to the Agency, except as prescribed by regulation and subject to such modifications as may be prescribed by regulation.

Objects of Agency

35.4 The objects of the Agency are the following:

1. Oversee the governance of authorities and other aspects of authorities such as their operations, including the programs and services they provide, to further the purposes of the Act.
2. Oversee the transition to a regional watershed-based framework for authorities in Ontario.
3. Promote consistent policies, standards and fees for programs and services provided by authorities.
4. Assess and report on the effectiveness of authorities in furthering the conservation, restoration, development and management of natural resources in watersheds in Ontario, including outcomes related to the implementation of their programs and services.
5. Oversee and evaluate the financial performance of authorities to ensure their long-term operational and capital financial sustainability, including the financial sustainability of their programs and services required under section 21.1.
6. Guide and evaluate the strategic planning by authorities to ensure it aligns with provincial objectives.
7. Support the development and implementation of a standardized and centralized system for processing applications for permits issued by authorities.
8. Lead the development and implementation of digital strategies and shared services to support the operations of authorities, including their programs and services.
9. Support strategic investment in programs and services provided by authorities, including leveraging funding available to Ontario and authorities.
10. Advise the Government of Ontario in respect of the programs and services authorities provide under the Act and any matters related to the objects of the Agency.
11. Any other objects prescribed by regulation.

General powers

35.5 (1) Except as limited by this Act and the regulations, the Agency has the capacity, rights and powers of a natural person for carrying out its objects.

Financial activities

(2) The Agency shall not borrow money, invest funds or manage financial risks except in accordance with a by-law of the Agency that has been approved by the Minister of Finance.

Co-ordination of certain financial activities

Appendix A

(3) Subject to subsection (4), the Ontario Financing Authority shall co-ordinate and arrange all borrowing, investing of funds and managing of financial risk of the Agency.

Direction of Minister of Finance

(4) The Minister of Finance may, in writing, direct a person other than the Ontario Financing Authority to perform the functions referred to in subsection (3).

Same

(5) A direction of the Minister of Finance under subsection (4) may be general or specific and may include terms and conditions that the Minister of Finance considers advisable.

Use of revenue

(6) The Agency shall carry out its operations without the purpose of gain and shall not use its revenue, including all money or assets it receives by grant, contribution or otherwise, for any purpose other than to further its objects.

Revenues and investments

(7) Despite Part I of the *Financial Administration Act*, the revenues and investments of the Agency do not form part of the Consolidated Revenue Fund.

No political donations

(8) The Agency shall not make any political donations.

No registration as charity

(9) The Agency shall not apply for or obtain registration as a registered charity under the *Income Tax Act* (Canada).

Board of directors

35.6 (1) Subject to the regulations, the Agency shall consist of at least five and not more than 12 members appointed by the Lieutenant Governor in Council who shall form the board of directors of the Agency.

Ineligibility

(2) A person is not eligible to be appointed if the person is a member of Parliament or a member of the Assembly or satisfies such criteria as may be prescribed by regulation.

Considerations

(3) The Lieutenant Governor in Council shall, in appointing a person as a member of the board of directors, take into consideration,

- (a) the person's knowledge and experience in public administration, corporate governance and finance;
- (b) the person's knowledge of programs and services provided by authorities; and
- (c) such other matters as may be prescribed by regulation.

Term

(4) A member of the board of directors shall be appointed for a term of up to three years, as may be determined by the Lieutenant Governor in Council and, subject to subsection (5), may be reappointed.

Limit

(5) A person may serve as a member of the board of directors for no more than nine years in total, whether the years are served consecutively or otherwise.

Termination

(6) A member ceases to be a member of the board of directors if, before the term of the member expires,

- (a) the Lieutenant Governor in Council revokes the member's appointment; or
- (b) the member dies, resigns as a member of the board of directors or becomes bankrupt.

Expenses

(7) The members of the board of directors shall be paid such remuneration and expenses as may be determined by the Lieutenant Governor in Council.

Appendix A

Chair and vice-chairs

(8) Subject to subsection (12), the Lieutenant Governor in Council shall designate a chair and up to two vice-chairs from among the members of the board of directors.

Chair's role

(9) The chair shall preside over the meetings of the board of directors.

Absence of chair

(10) If the chair is absent or otherwise unable to act or if the office is vacant, a vice-chair has the powers and shall perform the duties of the chair.

Absence of chair and vice-chairs

(11) In the absence of the chair and the vice-chairs, a director that the board of directors designates has the powers and shall perform the duties of the chair.

Where no designation

(12) If the Lieutenant Governor in Council has not designated a chair or a vice-chair, the members of the board of directors may select a chair or vice-chair from among their members to hold office as provided for by by-law, until such time as the Lieutenant Governor in Council makes a designation.

Board meetings

35.7 (1) The board of directors shall meet regularly throughout the year and in any event shall hold at least four meetings in each year.

Quorum

(2) A majority of the board of directors constitutes a quorum for the conduct of the business of the board.

Chief executive officer

35.8 (1) The Secretary of the Cabinet shall appoint the first chief executive officer to be employed by the Agency.

Same

(2) The Agency shall appoint and employ a chief executive officer following the completion of the term of the first chief executive officer and shall appoint subsequent chief executive officers.

Role

(3) The chief executive officer is responsible for the management and administration of the affairs of the Agency, subject to the supervision and direction of the board of directors.

Restriction

(4) The chief executive officer shall not be a member of the board of directors.

Remuneration

(5) The Agency shall pay such remuneration and benefits to the Chief Executive Officer as is determined by the board of directors.

Employees, facilities, services

35.9 The chief executive officer may, as the chief executive officer considers necessary for the proper conduct of the affairs of the Agency, appoint employees, arrange for facilities and equipment and obtain expert or technical services.

Affairs of Agency

35.10 (1) Subject to this Act, the board of directors shall manage or supervise the management of the activities and affairs of the Agency.

By-laws and resolutions

(2) The board of directors may make by-laws and pass resolutions regulating its proceedings and generally for the conduct and management of the affairs of the Agency.

Appendix A

Officers

(3) Without limiting the generality of subsection (2), the board of directors may make by-laws or pass resolutions to appoint officers and assign to them such powers and duties as the board considers appropriate.

Councils, committees, etc.

35.11 The board of directors may, by by-law, establish such councils, committees and other bodies as it considers appropriate.

Delegation

35.12 (1) Subject to subsection (2), the board of directors may, as it considers appropriate, by by-law delegate any of its powers or assign any of its duties under this Act or any other Act to employees of the Agency or to any councils, committees or other bodies established under section 35.11 and may impose conditions and restrictions with respect to the delegation.

Restrictions

(2) The board shall not delegate the powers prescribed by regulation, nor shall it assign any duties prescribed by regulation.

Fiscal year

35.13 The fiscal year of the Agency begins on April 1 in each year and ends on March 31 in the following year.

Financial statements

35.14 (1) The Agency shall prepare annual financial statements in accordance with generally accepted accounting principles.

Auditors

(2) The Agency shall appoint one or more auditors licensed under the *Public Accounting Act, 2004* to audit the financial statements of the Agency for each fiscal year.

Auditor General

(3) The Auditor General may also audit the financial statements of the Agency

Other audits

(4) In addition to the requirement for an annual audit,

- (a) the Minister may, at any time, audit any aspect of the operations of the Agency; and
- (b) the Auditor General may, at any time, audit any aspect of the operations of the Agency.

Report

35.15 The Agency shall provide a report to the Minister no later than March 31, 2029 and every subsequent three years on March 31 respecting the following:

1. The activities and effectiveness of the Agency during the previous three years in achieving its objects.
2. The Agency's planned activities to achieve its objects during the year of the report and the subsequent two years and the Agency's strategic priorities for the longer term.
3. Such other matters as may be prescribed by the regulations.

Direction by Minister

35.16 (1) Where the Minister considers it to be in the public interest to do so, the Minister may issue directions to the Agency.

Timing

(2) Except in the case of a Minister's direction mentioned in subsection 35.21 (5) that must be issued during a notice period respecting a proposed direction of the Agency, the Minister may issue a direction to the Agency at any time.

Same

(3) For greater certainty, in addition to a direction mentioned in subsection 35.21 (5) respecting a proposed direction of the Agency, the Minister may at any time issue a direction requiring the Agency to issue a direction.

Appendix A

Binding

(4) The Agency shall comply with every direction of the Minister.

General or particular

(5) A direction of the Minister may be general or particular in its application and may relate to the Agency's exercise of its powers and duties under this or any other Act.

Non-application of *Legislation Act, 2006*

(6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to directions of the Minister.

Public availability

(7) The Agency shall publish every direction under this section on a website.

Conflict

(8) For greater certainty, in the event of a conflict between a direction issued under this section and a provision of any applicable Act or regulation, the Act or regulation prevails.

Minister may require information

35.17 (1) The Minister may require that the Agency provide information to the Minister at the time and in the manner specified by the Minister.

Same

(2) Without limiting the generality of subsection (1), the information that the Agency may be required to provide includes information relating to its operations, employees, assets, liabilities, rights and obligations, which may include plans, reports and financial statements, including audited financial statements, and may include personal information.

Personal information

(3) The Minister may collect personal information from the Agency or from individuals for the purposes of exercising powers or performing duties under this Act.

Duty to comply

(4) The Agency shall comply with subsection (1) within the time and in the form that the Minister specifies.

No notice to individual

(5) Any collection by the Minister of personal information under this section is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*.

Consistent purpose

(6) For the purposes of the *Freedom of Information and Protection of Privacy Act*, personal information collected under this section may be used by the Ministry for the purposes of exercising powers or performing duties under this Act, and that use shall be deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled.

Provision of information despite privilege

(7) The Agency shall comply with the requirement to provide information under subsection (1) even if the information required to be provided is privileged or confidential.

No waiver of privilege

(8) A disclosure under subsection (7) does not constitute a waiver of privilege.

Publication

(9) Subject to subsections (10) and (11), if directed by the Minister to publish all or a portion of the information provided to the Minister under subsection (1), the Agency shall do so at the time and in the manner specified by the Minister.

Limitation

(10) Subsection (9) does not apply in respect of any privileged or confidential information.

Same

Appendix A

(11) Subsection (9) shall not be read as limiting the application of the *Freedom of Information and Protection of Privacy Act* in respect of the information.

Memorandum of understanding, accountability etc.

35.18 (1) The Minister and the Agency shall enter into a memorandum of understanding, which must set out, at a minimum,

(a) the requirements relating to the governance of the Agency and the expectations between the Ministry and Agency regarding the Agency's operations;

(b) the accountability relationships between the Minister and the Agency and the roles and responsibilities for Ministry and Agency personnel, the chair, vice-chairs and board of directors; and

(c) the requirements with which the Agency shall comply in connection with carrying out its objects.

Conflict

(2) For greater certainty, in the event of a conflict between the memorandum of understanding and a provision of any applicable Act or regulation, the Act or regulation prevails.

Review

35.19 (1) The Minister may,

(a) require that policy, legislative or regulatory reviews related to the powers and duties of the Agency under this Act, the regulations or the memorandum of understanding be carried out by,

(i) the Agency or by a person or entity acting on behalf of the Agency, or

(ii) a person or entity specified by the Minister; or

(b) require that reviews of the Agency, of its operations or of both, including, without limitation, performance, governance, accountability and financial reviews, be carried out by,

(i) the Agency or by a person or entity acting on behalf of the Agency, or

(ii) a person or entity specified by the Minister.

Access to records

(2) If a review is carried out by a person or entity specified by the Minister, the Agency shall give the person or entity and the employees and agents of the person or entity access to all records and other information required to conduct the review.

Report to Minister

(3) The results of reviews under this section shall be reported to the Minister, within the time specified by the Minister.

Terms and conditions

(4) The Minister may impose terms and conditions with respect to a review carried out under this section.

Winding up

35.20 (1) If the Minister considers it to be in the public interest to wind up the affairs of the Agency, the Minister may do all things necessary to accomplish that, including dealing with the assets and liabilities of the Agency by,

(a) liquidating or selling the assets and paying the proceeds into the Consolidated Revenue Fund;

(b) transferring the assets and liabilities to the Crown, including another agency of the Crown; or

(c) transferring the Agency's employees to the Crown or to another agency of the Crown.

Dissolution

(2) When the winding up of the Agency is complete, the Lieutenant Governor in Council may, by order, dissolve the Agency as of the date specified in the order.

Agency directions to authorities

Definitions

35.21 (1) In this section,

Appendix A

“notice period” means the 45-day period following the day on which a copy of a proposed direction is provided under subsection (4) or such other period as may be prescribed by the regulations.

Issuing of directions

(2) The Agency may issue directions to one or more authorities, in accordance with this section and the regulations, governing the operations of authorities, including the programs and services that authorities provide.

Same

(3) Without limiting the generality of subsection (2), and subject to the regulations, a direction may address the following:

1. Key performance indicators, key results or service delivery targets.
2. Service standards.
3. Information technology.
4. Procurement.
5. Training of members and employees.
6. Budgeting.
7. Asset management plans.
8. Strategic planning.

Notice

(4) Except as otherwise provided by the regulations, the Agency shall, before issuing a direction, initiate the notice period in respect of the direction by providing the Minister with a copy of the proposed direction.

Minister’s options during notice period

(5) The Minister may, during the notice period, issue a direction under section 35.16 directing the Agency to take any action in relation to the proposed direction as specified in the Minister’s direction and requiring the Agency to report to the Minister on what actions the Agency took to comply with the Minister’s direction.

Timing

(6) The Agency shall not issue a direction until,

(a) if the Minister provides the Agency with a written statement that the Agency may proceed with the proposed direction, the day the Minister’s statement is issued;

(b) if the Minister issues a direction mentioned in subsection (5), the day the Minister provides the Agency with a written statement that the Minister is satisfied that the Agency has complied with the Minister’s direction; or

(c) if the Minister does not issue any direction or provide any written statement mentioned in clause (a) during the notice period, the day after the final day of the notice period.

Compliance by authority

(7) An authority shall comply with every direction of the Agency.

General or particular

(8) A direction of the Agency may be general or particular in its application.

Non-application of Part III of the *Legislation Act, 2006*

(9) Part III (Regulations) of the *Legislation Act, 2006* does not apply to directions of the Agency.

Publication

(10) The Agency shall publish every direction under this section on a website.

Conflict

(11) For greater certainty, in the event of a conflict between a direction issued under this section and a provision of any applicable Act or regulation or a Minister’s direction under section 35.16, the Act, regulation or Minister’s direction prevails.

Appendix A

Agency guidelines for authorities

35.22 (1) The Agency may issue guidelines to authorities in respect of the same matters for which directions may be issued under section 35.21 or for the purpose of supporting the implementation of any directions issued under section 35.21.

Publication

(2) The Agency shall publish every guideline under this section on a website.

Agency may require information

35.23 (1) The Agency may, for the purposes of achieving its objects, require that an authority provide information to the Agency at the time and in the manner specified by the Agency.

Same

(2) Without limiting the generality of subsection (1), the information that the Agency may require from an authority includes information relating to its operations, employees, assets, liabilities, rights and obligations, which may include plans, reports and financial statements, including audited financial statements, and may include personal information.

Personal information

(3) The Agency may collect personal information from an authority or from individuals for the purposes of exercising powers or performing duties under this Act.

Duty to comply

(4) An authority shall comply with a requirement under subsection (1) within the time and in the form that the Agency specifies.

No notice to individual

(5) Any collection by the Agency of personal information under this section is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*.

Consistent purpose

(6) For the purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, personal information collected under this section may be used by the Agency for the purposes of exercising powers or performing duties under this Act, and that use shall be deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled.

Provision of information despite privilege

(7) An authority required under subsection (1) to provide information shall comply with the requirement even if the information required to be provided is privileged or confidential.

No waiver of privilege

(8) The disclosure of information required under subsection (7) does not constitute a waiver of privilege.

Publication

(9) Subject to subsections (10) and (11), if directed by the Agency to publish all or a portion of the information provided to the Agency under subsection (1), the authority shall do so at the time and in the manner specified by the Agency.

Limitation

(10) Subsection (9) does not apply in respect of any privileged or confidential information.

Same

(11) Subsection (9) shall not be read as limiting the application of the *Municipal Freedom of Information and Protection of Privacy Act* in respect of the information.

Funding of Agency

35.24 The Minister may provide funding to the Agency on the terms and conditions that the Minister considers appropriate.

Fees to be paid to Agency

35.25 (1) The Agency may, by notice,

Appendix A

- (a) establish and require the payment of fees in respect of any matter related to the performance of its duties and the exercise of its powers under this Act, including respecting a direction issued under section 35.21;
- (b) provide for the refund or partial refund of a fee referred to in clause (a);
- (c) require the payment of interest or penalty, including payment of collection costs, when fees referred to in clause (a) are unpaid or are paid after the due date; and
- (d) specify the rate of interest or penalty, or the basis for determining that rate.

Fees to be paid to another person

- (2) In such circumstances as may be prescribed by the regulations, the Agency may, by notice,
 - (a) establish and require the payment of fees described in clause (1) (a) to a person other than the Agency;
 - (b) provide for that person to retain all or part of the fees; and
 - (c) provide for the refund or partial refund of the fees by that person.

Fees, etc. not public money

- (3) Any amount of a fee required to be paid under a notice and any interest or penalty that the Agency or a person is authorized to retain pursuant to the notice is not public money within the meaning of the *Financial Administration Act*.

Publication

- (4) The Agency shall publish every notice under this section on a website.

General or particular

- (5) A notice of the Agency may be general or particular in its application.

Legislation Act, 2006, Part III

- (6) Part III of the *Legislation Act, 2006* does not apply to notices of the Agency.

Cost recover

35.26 (1) For the purpose of recovering the costs and expenses the Agency incurs, the Agency may, in accordance with any regulations,

- (a) determine the amounts of the costs and expenses that the authorities collectively owe to the Agency; and
- (b) apportion those amounts to the authorities.

Notice to authority

- (2) After apportioning amounts to an authority under clause (1) (b), the Agency may issue a notice to the authority, in accordance with any regulations, setting out the amount the authority shall pay to the Agency.

Payment

- (3) Upon receipt of the notice, the authority shall pay the amount specified in the notice in accordance with any directions set out in the notice.

Debt due

- (4) The amount set out in the notice issued to the authority is a debt due by the authority to the Agency and may be enforced by the Agency as such.

PART IX MISCELLANEOUS

Assent of electors not necessary

36 Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, the power may be exercised and the duty shall be performed by the council of the municipality without the assent of the electors. R.S.O. 1990, c. C.27, s. 36.

Delegation

36.1 (1) The Minister may in writing delegate any of his or her powers or duties under this Act to an employee in the Ministry specified in the delegation, other than the power to make a regulation under this Act. 2020, c. 36, Sched. 6, s. 23.

Appendix A

Same

(2) A reference in this Act or the regulations to the Minister shall, for the purpose of a delegation under subsection (1), be deemed to be a reference to the delegate. 2020, c. 36, Sched. 6, s. 23.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 23 - 02/02/2021

Spending by authority

37 All money that is paid to an authority for specified purposes under this Act may be spent by the authority as it considers proper. 2017, c. 23, Sched. 4, s. 32.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 32 - 12/12/2017

Annual audit

38 (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the *Public Accounting Act, 2004* and shall ensure that the annual audit is prepared in accordance with generally accepted accounting principles for local governments recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada, as they exist from time to time. 2020, c. 36, Sched. 6, s. 24 (1).

Auditor

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his or her professional capacity. R.S.O. 1990, c. C.27, s. 38 (2).

Auditor's report

(3) An authority shall, upon receipt of the auditor's report of the examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. R.S.O. 1990, c. C.27, s. 38 (3).

Report made publicly available

(4) Within 60 days of receiving the auditor's report, an authority shall make the report available to the public on its website and by any other means that the authority considers appropriate. 2020, c. 36, Sched. 6, s. 24 (2).

Section Amendments with date in force (d/m/y)

2004, c. 8, s. 46, Table - 01/11/2005

2020, c. 36, Sched. 6, s. 24 (1, 2) - 02/02/2021

Grants

39 Grants may be made by the Minister to any authority out of the money appropriated therefor by the Legislature in accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 39.

Crown liability

No personal liability

39.1 (1) No cause of action arises against any current or former member of the Executive Council, employee, officer or agent of the Crown or an investigator appointed under subsection 23.1 (4) or an administrator appointed under subsection 23.3 (1) for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Crown remains vicariously liable

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) of this section does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in that subsection.

No liability for acts or omissions of others

Appendix A

(3) No cause of action arises against the Crown or any person specified in subsection (1) for an act or omission of a person other than the Crown or a person specified in that subsection, if the act or omission is related, directly or indirectly, to the exercise or performance, or intended exercise or performance, of a power, duty or function under this Act.

Employment, etc. with Agency

(4) If a person who is an employee or agent of the Crown is employed in or assigned to or otherwise performs duties directly for the Agency, the person is deemed to be an employee of the Agency and not an employee or agent of the Crown specified in subsection (1) in relation to the person's acts or omissions arising from the employment, assignment or performance for the purposes of this section and sections 39.2 and 39.4 as well as any claim for vicarious liability.

Agency liability

No personal liability

39.2 (1) No cause of action arises against any current or former member, director, officer, volunteer, employee or agent of the Agency or any person appointed to a council, committee or other body established by the Agency under section 35.11 for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Agency remains vicariously liable

(2) Subsection (1) does not relieve the Agency of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in that subsection.

No liability for acts or omissions of others

(3) No cause of action arises against the Agency or any person specified in subsection (1) for an act or omission of a person other than the Agency or a person specified in that subsection, if the act or omission is related, directly or indirectly, to the exercise or performance, or intended exercise or performance, of a power, duty or function under this Act.

Proceedings by Crown not prevented

(4) This section does not apply with respect to proceedings brought by the Crown.

Authority liability

No personal liability

39.3 (1) No cause of action arises against any current or former member, director, officer, volunteer, employee or agent of an authority or any person appointed to an advisory board established under subsection 18 (2) for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Authority vicariously liable

(2) Subsection (1) does not relieve an authority of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in that subsection.

Proceedings by Crown not prevented

(3) This section does not apply with respect to proceedings brought by the Crown.

Proceedings barred

39.4 (1) No proceeding shall be commenced against,

- (a) any person specified in subsection 39.1 (1) in respect of a matter referred to in that subsection;
- (b) the Crown or any person specified in subsection 39.1 (1) in respect of a matter referred to in subsection 39.1 (3);
- (c) any person specified in subsection 39.2 (1) in respect of a matter referred to in that subsection;
- (d) the Agency or any person specified in subsection 39.2 (1) in respect of a matter referred to in subsection 39.2 (3); or
- (e) any person specified in subsection 39.3 (1) in respect of a matter referred to in that subsection.

Application

(2) Subsection (1) does not apply with respect to an application for judicial review or a claim for a constitutional remedy or any proceeding that is specifically provided for under this Act, but does apply with respect to any other court, administrative

Appendix A

or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief, a remedy in contract, restitution, unjust enrichment or tort, a remedy for breach of trust or fiduciary obligation or any equitable remedy, enforcement of a judgment, order or award made outside Ontario or any form of compensation or damages including loss of revenue or profit.

Proceedings by Crown not prevented

(3) This section does not apply with respect to proceedings brought by the Crown.

Regulations, Lieutenant Governor in Council

40 (1) The Lieutenant Governor in Council may make regulations,

- (a) governing advisory boards established under subsection 18 (2), including requiring authorities to establish one or more advisory boards and prescribing requirements with respect to the composition, functions, powers, duties, activities and procedures of any advisory board that is established;
- (b) governing programs and services that authorities may provide including,
 - (i) prescribing mandatory programs and services for the purposes of subsections 21.1 (1) and (2),
 - (ii) prescribing Acts for the purposes of subparagraph 1 iv of subsections 21.1 (1), and
 - (iii) respecting standards and requirements applicable to programs and services for the purposes of subsection 21.1 (3);
- (c) governing the apportionment of an authority's capital costs in connection with a project for the purposes of section 25;
- (d) governing reviews under sections 26 and 27.1, including prescribing a body that may conduct such reviews instead of the Ontario Land Tribunal;
- (e) governing the apportionment of an authority's operating expenses for the purposes of section 27, prescribing expenses as operating expenses for the purposes of section 27, governing the amount that participating municipalities are required to pay under section 27, including the fixed amount that a participating municipality may be required to pay under subsection 27 (2), and restricting and prohibiting the apportionment of certain types of operating expenses;
- (f) governing budgetary matters relating to authorities including,
 - (i) prescribing matters as budgetary matters for the purposes of clause 14 (4.0.1) (d) and for the regulations,
 - (ii) respecting the process authorities must follow when preparing a budget and the consultations that are required, and
 - (iii) providing for rules and procedures governing meetings at which budgetary matters are discussed, including the quorum for such meetings and the rules respecting voting on budgetary matters, and providing for those rules and procedures to apply despite anything in section 16.
- (g) governing exceptions under subsection 28 (4.1) from the prohibitions set out in subsection 28 (1), including,
 - (i) prescribing municipalities to which the exception applies,
 - (ii) respecting any conditions or restrictions that must be satisfied to obtain the exception, or in carrying out the activity, including conditions or restrictions applying to the municipality in which the exception applies,
 - (iii) prescribing activities, areas of municipalities, types of authorizations under the *Planning Act* and other conditions or restrictions for the purposes of subsection 28 (4.2),
 - (iv) governing transitional matters resulting from an exception under subsection 28 (4.1);
- (h) governing Minister's reviews of decisions made by an authority to refuse to issue a permit or to issue permits subject to conditions that may be requested under subsection 28.1 (8), including prescribing circumstances under which reviews may or may not be requested or conducted;
- (i) governing transitional matters resulting from the implementation of Minister reviews requested under subsection 28.1 (8) and from the coming into force of section 28.1.1;
- (j) governing the issuance of permits by the Minister under section 28.1.1 including prescribing circumstances in which the Minister may or may not make an order under subsection 28.1.1 (1);

Appendix A

- (k) governing transitional matters relating to the repeal of section 28.0.1 by subsection 15 (2) of Schedule 6 of the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020 and any permissions that were granted under that section prior to the repeal and the enactment of section 28.1.2;
- (l) governing Minister's reviews requested under subsection 28.1.2 (9) and appeals under subsections 28.1.2 (14) and (15) and specifying circumstances in which a review may not be requested or an appeal may not be made;
- (m) prescribing a body for the purposes of subsection 30.4 (9);
- (m.1) prescribing provisions of the Not-for-Profit Corporations Act, 2010 and the Corporations Information Act and prescribing modifications affecting those provisions for the purposes of subsections 35.3 (1) and (3);
- (m.2) prescribing objects of the Agency for the purposes of paragraph 11 of section 35.4;
- (m.3) prescribing limits on the Agency's capacities, rights and powers described in subsection 35.5 (1);
- (m.4) for the purposes of subsection 35.6 (1) in respect of the number of members of the board of directors of the Agency appointed by the Lieutenant Governor in Council,
 - (i) prescribing a minimum number that is lower than five, and
 - (ii) prescribing a maximum number that is lower than 12;
- (m.5) prescribing criteria for ineligibility for appointment to the board of directors of the Agency for the purposes of subsection 35.6 (2);
- (m.6) prescribing for the purposes of clause 35.6 (3) (c), matters to be taken into consideration in appointing a person as a member of the board of directors of the Agency;
- (m.7) prescribing circumstances for the purposes of subsection 35.25 (2);
- (m.8) governing transitional matters that may arise due to the enactment of Schedule 3 to the *Plan to Protect Ontario Act (Budget Measures)*, 2025 (No. 2);
- (m.9) governing the recovery of costs and expenses by the Agency under section 35.26, including,
 - (i) the types of costs and expenses that may recovered by the Agency,
 - (ii) the method of determining the amounts of the costs and expenses that the authorities collectively owe to the Agency,
 - (iii) the method of apportioning amounts, and
 - (iv) requirements respecting notices, including the contents of the notice and the process for issuing them;
- (n) defining any term that is used in this Act and that is not defined in this Act;
- (o) respecting anything that is necessary or advisable for the proper administration of this Act. 2020, c. 36, Sched. 6, s. 25 (1); 2021, c. 4, Sched. 6, s. 39 (16, 17); 2022, c. 21, Sched. 2, s. 14 (1).

Same

- (2) The standards and requirements established for programs and services in a regulation made under clause (1) (b) may include standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency. 2020, c. 36, Sched. 6, s. 25 (1).

Regulations, Minister

- (3) The Minister may make regulations,
 - (a) prescribing matters that may be the subject of by-laws made under clause 19.1 (1) (j);
 - (b) respecting the amount of any fee that may be charged by an authority in relation to a program or service, including determining the manner in which the fee is calculated;
 - (c) respecting standards and requirements applicable to programs and services for the purposes of clauses 21.1.1 (4) (b) and 21.1.2 (3) (b);
- (c.1) prescribing Acts for the purposes of subsections 21.1.1 (1.1) and 21.1.2 (1.1);
- (d) prescribing the period for the purposes of paragraph 2 of subsection 21.1.2 (2);
- (e) prescribing requirements for the purposes of paragraph 3 of subsection 21.1.2 (2);

Appendix A

- (f) governing consultations that an authority must carry out for the purposes of section 21.1.3;
- (g) governing the matters to be addressed in a transition plan under section 21.1.4 and prescribing additional matters to be addressed, including requiring the submission to the Ministry of the inventory mentioned in paragraph 1 of subsection 21.1.4 (2);
- (h) governing the information that authorities must provide to the Minister under section 23.1, including the publication of that information;
- (i) prescribing a day for the purposes of subsections 25 (1.1) and 27 (1.1);
- (j) prescribing circumstances for the purposes of subsections 25 (1.3) and 27 (1.3);
- (k) governing the determination of amounts owed under subsection 27.2 (2). 2020, c. 36, Sched. 6, s. 25 (1); 2022, c. 21, Sched. 2, s. 14 (2, 3).
- (l) prescribing powers and duties for the purposes of subsection 35.12 (2);
- (m) prescribing matters to be addressed in a report for the purposes of paragraph 3 of section 35.15;
- (n) governing directions issued by the Agency under subsection 35.21 (2), including,
 - (i) prescribing a period other than 45 days for the purposes of the definition of “notice period” in subsection 35.21 (1),
 - (ii) prescribing matters that may not be addressed by the directions or circumstances in which directions do not apply,
 - (iii) requiring the Agency to consult with prescribed persons or bodies before providing the Minister with a copy of a proposed direction, and
 - (iv) for the purposes of subsection 35.21 (4), specifying circumstances in which the Agency is not required to provide the Minister with a copy of a proposed direction;

Minister’s regulations, ss. 28 to 28.4

- (4) The Minister may make regulations,
 - (a) governing the prohibitions set out in section 28, including,
 - (i) prescribing the limits on river and stream valleys for the purposes of subparagraph 2 iii of subsection 28 (1),
 - (ii) determining or specifying areas for the purposes of subparagraph 2 iv of subsection 28 (1),
 - (iii) determining or specifying areas in which development should be prohibited or regulated for the purposes of subparagraph 2 v of subsection 28 (1),
 - (iv) prescribing activities or types of activities to which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities or types of activities may be carried out and any conditions or restrictions that apply to the activity or type of activity,
 - (v) prescribing areas in which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities may be carried out in such areas, and any conditions or restrictions that apply to carrying out activities in such areas,
 - (vi) defining “development activity”, “hazardous land”, “watercourse” and “wetland” for the purposes of section 28;
 - (b) governing applications for permits under section 28.1, the issuance of the permits and the power of authorities to refuse permits, including prescribing requirements that must be met for the issuance of permits under clause 28.1 (1) (c), conditions that may or may not be attached to a permit or circumstances in which a permit may be cancelled under section 28.3 and respecting the period for which a permit is valid under section 28.2;
 - (c) REPEALED: 2022, c. 21, Sched. 2, s. 14 (5).
 - (d) prescribing requirements for the purposes of clause 28.1.2 (1) (c);
 - (e) governing permits issued under section 28.1.2 including,
 - (i) requiring that permits be issued within a specified time period after the application for the permit is submitted to an authority,
 - (i.1) limiting the types of conditions that an authority may attach to a permit under section 28.1.2;
 - (ii) prescribing conditions for the purposes of subsection 28.1.2 (5),

Appendix A

- (iii) prescribing matters for the purposes of clause 28.1.2 (6) (c);
- (f) prescribing matters for the purposes of clause 28.1.2 (12) (c);
- (g) governing agreements required under subsection 28.1.2 (17) including,
 - (i) prescribing the content of the agreements,
 - (ii) specifying the time within which agreements are to be concluded and signed;
- (h) specifying lands or development projects to which section 28.1.2 does not apply;
- (h.1) exempting lands or development projects from subsections 28.1.2 (5), (17) and (19), subject to such conditions or restrictions as may be specified;
- (i) governing the delegation of powers by an authority under section 28.4 and prescribing any limitations or requirements related to the delegation;
- (j) respecting anything necessary or advisable for the effective implementation or enforcement of sections 28 to 28.4. 2020, c. 36, Sched. 6, s. 25 (2); 2022, c. 21, Sched. 2, s. 14 (4-7).

General or particular

- (5) A regulation made under this section may be general or particular in its application. 2020, c. 36, Sched. 6, s. 25 (3).

Section Amendments with date in force (d/m/y)

2010, c. 16, Sched. 10, s. 1 (4) - 25/10/2010

2017, c. 23, Sched. 4, s. 33 (1, 2) - no effect - see 2019, c. 9, Sched. 2, s. 10 (2) - 06/06/2019; 2017, c. 23, Sched. 5, s. 23 - 03/04/2018

2019, c. 9, Sched. 2, s. 9 (1-3) - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 25 (1, 3) - 01/10/2021; 2020, c. 36, Sched. 6, s. 25 (2) - 01/04/2024

2021, c. 4, Sched. 6, s. 39 (16) - 01/10/2021; 2021, c. 4, Sched. 6, s. 39 (17) - 01/06/2021

2022, c. 21, Sched. 2, s. 14 (1, 4-7) - 01/04/2024; 2022, c. 21, Sched. 2, s. 14 (2) - 28/11/2022; 2022, c. 21, Sched. 2, s. 14 (3) - 01/01/2023

Rolling incorporations

41 A regulation made under this Act that adopts a document by reference may adopt the document as it may be amended from time to time after the regulation is made. 2017, c. 23, Sched. 4, s. 34.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 34 - 12/12/2017

Français

Back to top