

Conservation Authorities Act

Note: the More Homes Built Faster Act, 2022, proposes some amendments to sections of the Act that are not yet in force. Those sections are shown shaded.

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,

“administration costs” means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenses and maintenance costs of projects; (“frais d’administration”)

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, the definition of “administration costs” in section 1 of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 2 (1))

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

“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”)

“maintenance costs” means all expenditures required specifically in relation to the operation or maintenance of a project; (“frais d’entretien”)

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, the definition of “maintenance costs” in section 1 of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 2 (1))

~~“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)~~

“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”)

“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”)

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by adding the following definition: (See: 2017, c. 23, Sched. 4, s. 2 (2))

“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; 2019, c. 9, 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

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).

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

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)

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).

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

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).

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).

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.

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

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;
- (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;
- (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)~~subject to subsection (2)~~, 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) to charge fees for services approved by the Minister;

Note: On January 1, 2023, the day named by proclamation of the Lieutenant Governor, clause 21 (1) (m.1) of the Act is repealed. (See: 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).

- (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 (1, 2, 4, 5); 2020, c. 36, Sched. 6, s. 7.

Approval of Minister

- ~~(2) 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 the approval of the Minister except 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. 2010, c. 16, Sched. 10, s. 1 (1).~~

Terms and conditions

- ~~(3) The Minister may impose terms and conditions on an approval given under subsection (2), including a condition that the authority pay a specified share of the proceeds of the disposition to the Minister. 1996, c. 1, Sched. M, s. 44 (3).~~

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.

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.

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.

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.

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.

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.

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

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).

(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.

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
- (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

Other programs and services

21.1.2 (1) Subject to subsection (1.1) ~~I~~n 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).

(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.

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

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).

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

Note: On January 1, 2023, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 23, Sched. 4, s. 21)

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.

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.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 21.2 of the Act is amended by adding the following subsections: (See: 2020, c. 36, Sched. 6, s. 10)

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 Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 10.

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 Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 10.

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 Local Planning Appeal Tribunal shall hear an appeal made under subsection (14) or clause (16) (b). 2020, c. 36, Sched. 6, s. 10.

Powers on appeal

(19) After hearing the appeal, the Local Planning Appeal 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.

Refund

(20) If the Local Planning Appeal 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.

Where dismissal required

(21) Despite subsection (19), the Local Planning Appeal 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.

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 10 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 21.2 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 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 - not in force

2021, c. 4, Sched. 6, s. 39 (1) - not in force

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.

Compliance

(2) An authority that receives a direction under subsection (1) shall comply with the direction within the time specified in the direction.

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.

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.

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.

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 of authority

24 (1) Before proceeding with a project, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 1996, c. 32, s. 66 (1).

(2) REPEALED: 1996, c. 32, s. 66 (1).

Notice re raising of portion of cost

(3) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of apportionment, notify the authority in writing whether the portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years. R.S.O. 1990, c. C.27, s. 24 (3).

Time for notice where apportionment under review

(4) When a municipal council has, in accordance with subsection 25 (2), notified the Ontario Land Tribunal that it is dissatisfied with any apportionment, the time allowed for notifying the authority under subsection (3) shall be reckoned from the date of the order confirming or varying the apportionment. R.S.O. 1990, c. C.27, s. 24 (4); 2017, c. 23, Sched. 5, s. 20; 2021, c. 4, Sched. 6, s. 39 (2).

(5) REPEALED: 1996, c. 32, s. 66 (2).

Approval of works on lakes or rivers

(6) Despite the *Lakes and Rivers Improvement Act*, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act. R.S.O. 1990, c. C.27, s. 24 (6).

Application

(7) This section does not apply to a project unless the project involves money granted by the Minister under section 39. 1996, c. 1, Sched. M, s. 46.

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, section 24 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

Projects requiring approval

24 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).

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

Apportionment of benefit

25 (1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of the apportionment to be sent to the council of each participating municipality by registered mail. R.S.O. 1990, c. C.27, s. 25 (1).

Review of apportionment by Tribunal

(2) Any municipal council that is dissatisfied with any apportionment may, within thirty days after it receives notice of the apportionment, notify the Ontario Land Tribunal and the authority in writing by registered mail that it applies for a review of the apportionment by the Ontario Land Tribunal. R.S.O. 1990, c. C.27, s. 25 (2); 2017, c. 23, Sched. 5, s. 21 (1); 2021, c. 4, Sched. 6, s. 39 (3).

Hearing

(3) Upon application, the Ontario Land Tribunal shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing. R.S.O. 1990, c. C.27, s. 25 (3); 2017, c. 23, Sched. 5, s. 21 (2); 2021, c. 4, Sched. 6, s. 39 (3).

Powers of Tribunal on hearing

(4) The Ontario Land Tribunal has authority to take evidence and to confirm or vary the apportionment of the authority, and its decision is final and conclusive and is not open to appeal. R.S.O. 1990, c. C.27, s. 25 (4); 2017, c. 23, Sched. 5, s. 21 (2); 2021, c. 4, Sched. 6, s. 39 (4).

Variation of apportionment

(5) In the event of the authority varying any apportionment made by it, this section applies with necessary modifications. R.S.O. 1990, c. C.27, s. 25 (5).

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, section 25 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

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.

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, section 25 of the Act is amended by adding the following subsections: (See: 2019, c. 9, Sched. 2, s. 6)

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.

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

Determination of capital expenditure

26 (1) An authority may, from time to time, determine what money will be required for capital expenditure in connection with any project. R.S.O. 1990, c. C.27, s. 26 (1).

Portion to be raised by participating municipalities

(2) The portion of the money so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities. R.S.O. 1990, c. C.27, s. 26 (2).

How money to be raised

(3) Upon notice in writing of the amount required to be raised, signed by the secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such money as may be required by the authority for capital expenditure. R.S.O. 1990, c. C.27, s. 26 (3); 1996, c. 32, s. 66 (3).

Enforcement of payment

(4) Subject to subsection (3), an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 26 (4).

Where only part of municipality in area

(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality. R.S.O. 1990, c. C.27, s. 26 (5).

(6) REPEALED: 1994, c. 27, s. 127.

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, section 26 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

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 Local Planning Appeal 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.

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 Local Planning Appeal 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.

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 Local Planning Appeal 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.

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 Local Planning Appeal 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.

Decision final

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

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, section 26 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (5))

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

2021, c. 4, Sched. 6, s. 39 (5) - not in force

Maintenance and administration costs

27 (1) REPEALED: 1997, c. 29, s. 54 (1).

Apportionment of maintenance costs

(2) Subject to the regulations made under subsection (16), after determining the approximate maintenance costs for the succeeding year, the authority shall apportion the costs to the participating municipalities according to the benefit derived or to be derived by each municipality, and the amount apportioned to each such municipality shall be levied against the municipality. R.S.O. 1990, c. C.27, s. 27 (2); 1996, c. 1, Sched. M, s. 47 (1).

Apportionment of administration costs

(3) Subject to the regulations made under subsection (16), after determining the approximate administration costs for the succeeding year, the authority shall apportion the costs to the participating municipalities and the amount apportioned to each such municipality shall be levied against the municipality. 1997, c. 29, s. 54 (2).

Minimum levy for administration costs

(4) Subject to the regulations made under subsection (16), an authority may establish a minimum sum that may be levied for administration costs by the authority against a participating municipality, and, where the amount apportioned to any municipality under subsection (3) is less than the minimum sum, the authority may levy the minimum sum against the municipality. R.S.O. 1990, c. C.27, s. 27 (4); 1996, c. 1, Sched. M, s. 47 (3).

Notice of apportionment

(5) The secretary-treasurer of the authority, forthwith after the amounts have been apportioned under subsections (2), (3) and (4), shall certify to the clerk of each participating municipality the total amount that has been levied under those subsections, and the amount shall be collected by the municipality in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (5).

Levy where only part of municipality in area

(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (6).

Enforcement of payment

(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 27 (7).

Appeal

(8) A municipality against which a levy is made under this section may appeal the levy to the Ontario Land Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (1); 2021, c. 4, Sched. 6, s. 39 (6).

Time for appeal

(9) The appeal must be commenced within 30 days after the municipality receives notice of the levy from the authority. 1996, c. 1, Sched. M, s. 47 (4).

Parties

(10) The parties to the appeal are the municipality, the authority and any other person added as a party by the Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

Compliance pending determination

(11) The municipality shall comply with the levy pending the determination of the appeal. 1996, c. 1, Sched. M, s. 47 (4).

Matters to be considered at hearing

(12) The Tribunal shall hold a hearing on the appeal and shall consider,

- (a) whether the levy complies with this section and the regulations made under subsection (16); and
- (b) whether the levy is otherwise appropriate. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

Powers of Tribunal

(13) The Tribunal may, by order, confirm, rescind or vary the amount of the levy and may order the authority or the municipality to pay any amount owing as a result. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

No appeal

(14) No appeal lies from the decision of the Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

When subss. (8-14) begin to apply

(15) Subsections (8) to (14) do not apply until the first regulation made under subsection (16) comes into force. 1996, c. 1, Sched. M, s. 47 (4).

Regulations re levies

(16) The Lieutenant Governor in Council may make regulations governing the nature and amount of the levies made by authorities under this section, including regulations that restrict or prohibit the making of levies described in the regulations. 1996, c. 1, Sched. M, s. 47 (4).

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, section 27 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 24 (1))

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).

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, section 27 of the Act is amended by adding the following subsections: (See: 2019, c. 9, Sched. 2, s. 7 (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 subsection (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 subsection (1) in any year in which the fixed minimal amount exceeds the portion determined under subsection (1). 2017, c. 23, Sched. 4, s. 24 (1).

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, subsection 27 (2) of the Act is amended by striking out "subsection (1)" wherever it appears and substituting in each case "subsections (1) and (1.1)". (See: 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).

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

Note: On July 1, 2023, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2019, c. 9, Sched. 2, s. 8 (1))

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).

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

Regulations by authority re area under its jurisdiction

28 (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

(a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;

- (b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- (c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;
- (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;
- (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.

Delegation of powers

(2) A regulation made under subsection (1) may delegate any of the authority's powers or duties under the regulation to the authority's executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. 1998, c. 18, Sched. I, s. 12.

Conditional permission

(3) A regulation made under clause (1) (b) or (c) may provide for permission to be granted subject to conditions and for the cancellation of the permission if conditions are not met. 1998, c. 18, Sched. I, s. 12.

References to maps

(4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed at the head office of the authority and are available for public review during normal office business hours. 1998, c. 18, Sched. I, s. 12.

Minister's approval of development regulations

- (5) The Minister shall not approve a regulation made under clause (1) (c) unless the regulation applies only to areas that are,
- (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;
 - (b) river or stream valleys;
 - (c) hazardous lands;
 - (d) wetlands; or
 - (e) other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority. 1998, c. 18, Sched. I, s. 12.

Regulations by L.G. in C. governing content of authority's regulations

(6) The Lieutenant Governor in Council may make regulations governing the content of regulations made by authorities under subsection (1), including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by authorities under subsection (1). 1998, c. 18, Sched. I, s. 12.

Invalid regulation

(7) A regulation made by an authority under subsection (1) that does not conform with the requirements of a regulation made by the Lieutenant Governor in Council under subsection (6) is not valid. 1998, c. 18, Sched. I, s. 12.

Transition

(8) Subject to subsection (9), if a regulation is made by the Lieutenant Governor in Council under subsection (6), subsection (7) does not apply to a regulation that was previously made by an authority under subsection (1) until two years after the regulation made by the Lieutenant Governor in Council comes into force. 1998, c. 18, Sched. I, s. 12.

Same

(9) If a regulation made by the Lieutenant Governor in Council under subsection (6) is amended by an amending regulation, subsection (7) does not apply, in respect of the amendment, to a regulation that was made by an authority under subsection (1) before the amending regulation, until such time as may be specified in the amending regulation. 1998, c. 18, Sched. I, s. 12.

Exceptions

(10) No regulation made under subsection (1),

- (a) shall limit the use of water for domestic or livestock purposes;
- (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
- (d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act, 1998*, c. 15, Sched. E, s. 3 (8); 1998, c. 18, Sched. I, s. 12.

Activities under the *Aggregate Resources Act*

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent. 1998, c. 18, Sched. I, s. 12.

Right to hearing

(12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee. 1998, c. 18, Sched. I, s. 12.

Powers of authority

(13) After holding a hearing under subsection (12), the authority or executive committee, as the case may be, shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.

Grounds for refusing permission

(13.1) If the permission that the person requests is for development related to a renewable energy project, as defined in subsection 2 (1) of the *Electricity Act, 1998*, the authority or executive committee, as the case may be,

- (a) shall not refuse the permission unless it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and
- (b) shall not impose conditions unless they relate to controlling pollution, flooding, erosion or dynamic beaches. 2009, c. 12, Sched. L, s. 2; 2018, c. 16, s. 3 (1).

Reasons for decision

(14) If the authority or its executive committee, after holding a hearing, refuses permission or grants permission subject to conditions, the authority or executive committee, as the case may be, shall give the person who requested permission written reasons for the decision. 1998, c. 18, Sched. I, s. 12.

Appeal

(15) A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Ontario Land Tribunal, and the Tribunal may,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12; 2021, c. 4, Sched. 6, s. 39 (11).

Offence: contravening regulation

(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).

Limitation for proceeding

(16.1) A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of officers appointed under clause (1) (d) or persons appointed under clause (1) (e). 2010, c. 16, Sched. 10, s. 1 (3).

Orders

(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,

- (a) remove, at that person's expense, any development within such reasonable time as the court orders; and
- (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders. 1998, c. 18, Sched. I, s. 12.

Non-compliance with order

(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated. 1998, c. 18, Sched. I, s. 12.

Liability for certain costs

(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction. 1998, c. 18, Sched. I, s. 12.

Powers of entry

(20) An authority or an officer appointed under a regulation made under clause (1) (d) or (e) may enter private property, other than a dwelling or building, without the consent of the owner or occupier and without a warrant, if,

- (a) the entry is for the purpose of considering a request related to the property for permission that is required by a regulation made under clause (1) (b) or (c); or
- (b) the entry is for the purpose of enforcing a regulation made under clause (1) (a), (b) or (c) and the authority or officer has reasonable grounds to believe that a contravention of the regulation is causing or is likely to cause significant environmental damage and that the entry is required to prevent or reduce the damage. 1998, c. 18, Sched. I, s. 12.

Time of entry

(21) Subject to subsection (22), the power to enter property under subsection (20) may be exercised at any reasonable time. 1998, c. 18, Sched. I, s. 12.

Notice of entry

(22) The power to enter property under subsection (20) shall not be exercised unless,

- (a) the authority or officer has given reasonable notice of the entry to the owner of the property and, if the occupier of the property is not the owner, to the occupier of the property; or
- (b) the authority or officer has reasonable grounds to believe that significant environmental damage is likely to be caused during the time that would be required to give notice under clause (a). 1998, c. 18, Sched. I, s. 12.

No use of force

(23) Subsection (20) does not authorize the use of force. 1998, c. 18, Sched. I, s. 12.

Offence: obstruction

(24) Any person who prevents or obstructs an authority or officer from entering property under subsection (20) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1998, c. 18, Sched. I, s. 12.

Definitions

(25) In this section,

“development” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“aménagement”)

“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)

“pollution” means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies; (“pollution”)

“watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; (“cours d’eau”)

“wetland” means land that,

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.

Transition

(26) A regulation that was in force immediately before the day the *Red Tape Reduction Act, 1998* received Royal Assent and that was lawfully made under clause (1) (e) or (f) of this section as it read immediately before that day shall be deemed to have been lawfully made under clause (1) (c). 1998, c. 18, Sched. I, s. 12.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 25)

PART VI REGULATION OF AREAS OVER WHICH AUTHORITIES HAVE JURISDICTION

Prohibited activities re watercourses, wetlands, etc.

28 (1) ~~Subject to subsections (2), (3) and (4) and section 28.1, n~~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.

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.

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.

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 - not in force

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

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

Permission for development, zoning order

28.0.1 (1) This section applies to any application submitted to an authority under a regulation made under subsection 28 (1) for permission to carry out all or part of a development project in the authority’s area of jurisdiction if,

~~— (a) a zoning 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;~~

(a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 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. 15 (1).

Definition

(2) In this section,

~~“development project” means a development project that includes any development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority. 2020, c. 36, Sched. 6, s. 15 (1).~~

“development project” means development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

Permission to be granted

(3) Subject to the regulations made under subsection (35), an authority that receives an application for permission to carry out all or part of a development project in the authority’s area of jurisdiction shall grant the permission if all of the requirements in clauses (1) (a), (b) and (c) are satisfied. 2020, c. 36, Sched. 6, s. 15 (1).

Same

(4) For greater certainty, an authority shall not refuse to grant permission for a development project under subsection (3) despite,

- (a) anything in section 28 or in a regulation made under section 28; and
- (b) anything in subsection 3 (5) of the *Planning Act*. 2020, c. 36, Sched. 6, s. 15 (1).

Conditions prescribed by regulations

(5) A permission granted under this section is subject to such conditions as may be prescribed. 2020, c. 36, Sched. 6, s. 15 (1).

Conditions specified by authority

(6) Subject to subsection (7), an authority may attach conditions to the permission, including conditions to mitigate,

~~—(a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;~~

(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. 15 (1).

Hearing

(7) An authority shall not attach conditions to a permission unless the applicant for the permission has been given an opportunity to be heard by the authority. 2020, c. 36, Sched. 6, s. 15 (1).

Reasons for conditions

(8) If, after holding a hearing, an authority grants the permission subject to conditions, the authority shall give the holder of the permission written reasons for deciding to attach the conditions. 2020, c. 36, Sched. 6, s. 15 (1).

~~Request for Minister’s review~~

~~(9) The holder of a permission who objects to the conditions proposed in the reasons given under subsection (8) may, within 15 days of the reasons being given, submit a request to the Minister for the Minister to review the proposed conditions, subject to the regulations. 2020, c. 36, Sched. 6, s. 15 (1).~~

Request for Minister’s review

(9) The holder of a permission who objects to any conditions attached to the permission 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.

Minister’s review

(10) Within 30 days after receiving a request under subsection (9), the Minister shall reply to the request and indicate in writing to the holder of the permission 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. 15 (1).

Same

(11) If a reply given under subsection (10) indicates that the Minister intends to conduct a review, the Minister may in the reply require the holder of the permission 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. 15 (1).

Information

(12) The holder of the permission and the authority shall submit to the Minister such information as was specified in the reply given under subsection (10) within the time period specified in the reply. 2020, c. 36, Sched. 6, s. 15 (1).

Publication of notice of review

(13) 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 (10). 2020, c. 36, Sched. 6, s. 15 (1).

No hearing required

(14) The Minister is not required to hold a hearing while conducting a review of an authority's decision. 2020, c. 36, Sched. 6, s. 15 (1).

Conferring with persons, etc.

(15) 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. 15 (1).

Minister's decision

(16) After conducting a review of an authority's decision, the Minister may confirm or vary the [conditions attached by the authority to a permission](#) ~~conditions that the authority proposes to attach to a permission~~ granted under this section, including removing conditions or requiring that such additional conditions be attached to the permission as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 15 (1).

Same

(17) In making a decision under subsection (16), the Minister shall consider,

~~— (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;~~

— (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. 15 (1).

Decision final

(18) A decision made by the Minister under subsection (16) is final. 2020, c. 36, Sched. 6, s. 15 (1).

Appeal

~~(19) The holder of a permission who objects to the conditions proposed by an authority in the reasons given under subsection (8) may, within 90 days of the reasons being issued, appeal to the Ontario Land Tribunal to review the conditions if,~~

Appeal

(19) The holder of a permission who objects to any conditions attached to the permission 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 holder of the permission has not submitted a request to the Minister to review the conditions under subsection (9); or

(b) the holder of the permission has submitted a request to the Minister to review the conditions under subsection (9) and,

(i) 30 days have elapsed following the day the holder of the permission submitted the request and the Minister did not make a reply in accordance with subsection (10), or

(ii) the Minister made a reply in accordance with subsection (10) indicating that the Minister refused to conduct the review. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Same

(20) If the Minister indicates in a reply given under subsection (10) 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 holder of the permission may, within the next 30 days, appeal the conditions ~~proposed-attached~~ by the authority directly to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Notice of appeal

(21) Notice of an appeal under subsection (19) or (20) shall be sent to the Ontario Land Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Hearing by Tribunal

(22) The Ontario Land Tribunal shall fix a date for a hearing of an appeal under subsection (19) or (20), give notice to all interested parties and give all necessary direction for the hearing. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Powers of the Tribunal

(23) The Ontario Land Tribunal has authority to hear evidence and to confirm, vary, remove or add to the conditions attached to the permission as the Tribunal considers appropriate. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Agreement

(24) An authority that grants permission for a development project under this section shall enter into an agreement with respect to the development project with the holder of the permission and the authority and holder of the permission may agree to add a municipality or such other person or entity as they consider appropriate as parties to the agreement. 2020, c. 36, Sched. 6, s. 15 (1).

Content of agreement

(25) An agreement under subsection (24) shall set out actions or requirements that the holder of the permission 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. 15 (1).

Limitation on development

(26) No person shall begin a development project until an agreement required under subsection (24) has been entered into. 2020, c. 36, Sched. 6, s. 15 (1).

Same

(26.1) If a regulation made under this section provides that a development project may begin prior to entering into an agreement under subsection (24), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until an agreement is entered into.

Period of validity of permission and extension

(27) A permission granted by an authority under this section may be granted for a period of time determined in accordance with the rules that apply to permissions granted by authority under a regulation made under subsection 28 (1) and may be extended in accordance with the rules for extending permission set out in those same regulations. 2020, c. 36, Sched. 6, s. 15 (1).

Offence

(28) A person is guilty of an offence if the person contravenes,
(a) a condition of a permission granted under this section; or
(b) subsection (26) or (26.1)~~subsection (26)~~. 2020, c. 36, Sched. 6, s. 15 (1).

Penalty

(29) A person who commits an offence under subsection (28) 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. 2020, c. 36, Sched. 6, s. 15 (1).

Monetary benefit

(30) Despite the maximum fines set out in clauses (29) (a) and (b), a court that convicts a person of an offence under subsection (28) 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. 2020, c. 36, Sched. 6, s. 15 (1).

Rehabilitation orders

(31) In addition to any penalty under subsection (29) or any other remedy or penalty provided by law, the court, upon convicting a person of an offence under subsection (28), 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. 2020, c. 36, Sched. 6, s. 15 (1).

Non-compliance with order

(32) If a person does not comply with an order under subsection (31), the authority that issued the permission under this section may arrange for any removal, repair or rehabilitation that was required in the order. 2020, c. 36, Sched. 6, s. 15 (1).

Liability for certain costs

(33) The person to whom an order is made under subsection (31) is liable for the cost of any removal, repair or rehabilitation arranged by an authority under subsection (32), and the amount is recoverable by the authority by action in a court of competent jurisdiction. 2020, c. 36, Sched. 6, s. 15 (1).

Conflict

~~(34) If the conditions in a permission granted under this section conflict with the terms of a zoning order made under section 47 of the *Planning Act*, the terms of the zoning order shall prevail. 2020, c. 36, Sched. 6, s. 15 (1).~~

(34) If the conditions attached to a permission granted under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

Regulations, Minister

(35) The Minister may make regulations,

- (a) prescribing requirements for the purposes of clause (1) (c);
- (b) governing permissions granted under this section including,
 - (i) requiring that the permission be granted within a specified time period after the application is submitted to the authority,
 - (i.1) limiting the types of conditions that an authority may attach to a permission under this section.
 - (ii) prescribing conditions for the purposes of subsection (5), and
 - (iii) prescribing matters for the purposes of clause (6) (c);
- (c) prescribing matters for the purposes of clause (17) (c);
- (d) governing agreements required under subsection (24) including,
 - (i) prescribing the content of the agreements, and
 - (ii) specifying the time within which agreements are to be concluded and signed;

~~— (e) exempting lands or development projects from this section or from a part of this section or the regulations made under this section, including from the requirement to enter into an agreement under subsection (24) or from including any provision of an agreement that is prescribed by a regulation under clause (d);~~

(e) specifying lands or development projects to which this section does not apply;

(e.1) exempting lands or development projects from subsection (5), (24) or (26), subject to such conditions or restrictions as may be specified;

(f) respecting anything that is necessary or advisable for the effective implementation or enforcement of this section. 2020, c. 36, Sched. 6, s. 15 (1).

Regulations, Lieutenant-Governor in Council

(36) The Lieutenant-Governor in Council may make regulations governing Minister's reviews requested under subsection (9) and appeals under subsections (19) and (20) and specifying circumstances in which a review may not be requested or an appeal may not be made. 2020, c. 36, Sched. 6, s. 15 (1).

General or particular

(37) A regulation made under subsection (35) or (36) may be general or particular in its application. 2020, c. 36, Sched. 6, s. 15 (1).

Transition

(38) This section applies to an application for permission to carry out a development project that was submitted to an authority before the day this section came into force if the conditions described in clauses (1) (a), (b) and (c) have been satisfied as of that day. 2020, c. 36, Sched. 6, s. 15 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28.0.1 of the Act is repealed. (See: 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) - not in force

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

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 pollution or the conservation of land;~~

(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.

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 pollution, flooding, erosion or dynamic beaches; and~~

~~— (b) despite subsection (4), the authority shall not impose conditions on the permit unless the conditions relate to controlling pollution, flooding, erosion or dynamic beaches. 2017, c. 23, Sched. 4, s. 25; 2018, c. 16, s. 3 (2).~~

(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.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28.1 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 6, s. 16 (1))

Definition, pollution

(6.1) In subsection (1) and (6),

“pollution” means pollution as defined by regulation. 2020, c. 36, Sched. 6, s. 16 (1).

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.

Appeal

(8) An applicant who has been refused a permit or who objects to conditions imposed on a permit may, within 30 days of receiving the reasons under subsection (7), appeal to the Minister who may,

(a) refuse the permit; or

(b) order the authority to issue the permit, with or without conditions. 2017, c. 23, Sched. 4, s. 25.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28.1 (8) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 16 (2))

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).

Definition

(9) In this section,

“pollution” means pollution as defined by regulation. 2017, c. 23, Sched. 4, s. 25.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28.1 (9) of the Act is repealed and the following substituted: (See: 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).

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 Local Planning Appeal Tribunal, subject to subsection (21). 2020, c. 36, Sched. 6, s. 16 (2).

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 Local Planning Appeal 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).

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 120 days after the application is made, the applicant may appeal the application directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 16 (2).

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 120-90 days of giving the reply, the applicant may, within the next 30 days, appeal the authority's decision directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 16 (2).

Notice of Appeal

(24) A notice of an appeal under subsection (20), (22) or (23) shall be sent to the Local Planning Appeal Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 16 (2).

Hearing by Tribunal

(25) The Local Planning Appeal 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).

Powers of the Tribunal

(26) The Local Planning Appeal 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).

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day subsection 16 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.1 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (13))

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

2017, c. 23, Sched. 4, s. 25 - not in force

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

2020, c. 36, Sched. 6, s. 16 (1, 2) - not in force

2021, c. 4, Sched. 6, s. 39 (13) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections: (See: 2020, c. 36, Sched. 6, s. 17)

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,

- (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 Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 17.

Same

(14) Subsections 28.1 (24), (25) and (26) apply with necessary modifications to an appeal to the Local Planning Appeal Tribunal made under subsection (13). 2020, c. 36, Sched. 6, s. 17.

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.1.1 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (14))

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

2020, c. 36, Sched. 6, s. 17 - not in force

2021, c. 4, Sched. 6, s. 39 (14) - not in force

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,

~~— (a) a zoning 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;~~

(a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 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.

Definition

(2) In this section,

~~“development project” means a development project that includes any development activity as defined in subsection 28 (5) and 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.~~

“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.

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~~permission granted under this section is subject to such conditions as may be prescribed. 2020, c. 36, Sched. 6, s. 17.

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 pollution or the conservation of land;~~

(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.

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 the conditions proposed in the reasons given under subsection (8) may, within 15 days of the reasons being given, submit a request to the Minister for the Minister to review the proposed conditions, subject to the regulations. 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.

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.

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 ~~conditions that the authority proposes to attach 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.

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 pollution or the conservation of land;~~

(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.

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 the conditions proposed by an authority in the reasons given under subsection (8) may, within 90 days of the reasons being issued, appeal to the Local Planning Appeal Tribunal to review the conditions if,~~

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 Local Planning Appeal 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.

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 proposed~~ by the authority directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 17.

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.

Conflict

~~(20) If the conditions in a permit issued under this section conflict with the terms of a zoning order made under section 47 of the *Planning Act*, the terms of the zoning order shall prevail. 2020, c. 36, Sched. 6, s. 17.~~

Conflict

(20) If the conditions attached to a permit issued under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.1.2 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (14))

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

2020, c. 36, Sched. 6, s. 17 - not in force

2021, c. 4, Sched. 6, s. 39 (14) - not in force

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 - not in force

Cancellation of permits

28.3 (1) An authority may cancel a permit issued under section 28.1 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.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28.3 (1) of the Act is amended by striking out “section 28.1” and substituting “section 28.1 or 28.1.1”. (See: 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.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28.3 of the Act is amended by adding the following subsections: (See: 2020, c. 36, Sched. 6, s. 18 (2))

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 Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 18 (2).

Same

(7) A notice of an appeal under subsection (6) shall be sent to the Local Planning Appeal Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 18 (2).

Hearing

(8) The Local Planning Appeal 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).

Powers of the Tribunal

(9) The Local Planning Appeal 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).

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day subsection 18 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.3 of the Act is amended by striking out "Local Planning Appeal Tribunal" wherever it appears and substituting in each case "Ontario Land Tribunal". (See: 2021, c. 4, Sched. 6, s. 39 (15))

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

2017, c. 23, Sched. 4, s. 25 - not in force

2020, c. 36, Sched. 6, s. 18 (1, 2) - not in force

2021, c. 4, Sched. 6, s. 39 (15) - not in force

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 - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 23, Sched. 4, s. 26)

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 - not in force

Regulations by authority re lands owned by it

29 (1) An authority may make regulations applicable to lands owned by the authority,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following: (See: 2017, c. 23, Sched. 4, s. 27 (1))

Regulations: public use of authority's property

- (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;
 - (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).

Regulations by L.G. in C. governing content of authority's regulations

(1.1) The Lieutenant Governor in Council may make regulations governing the content of regulations made under subsection (1), including the standards that may be used, and setting out what must be included or excluded from regulations made under subsection (1). 1998, c. 18, Sched. I, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1.1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 27 (2))

Invalid regulation

(1.2) A regulation made under subsection (1) that does not conform with the requirements of a regulation made under subsection (1.1) is not valid unless it has been approved by the Minister. 1998, c. 18, Sched. I, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1.2) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 27 (2))

Offence: contravening regulation

(2) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. C.27, s. 29 (2); 1998, c. 18, Sched. I, s. 13 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (2) of the Act is repealed and the following substituted: (See: 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) - not in force

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

Restriction on entry

30.1 (1) An authority or an officer appointed under a regulation made under clause 28 (1) (d) or (e) shall not enter land without,

- (a) the consent of the owner of the land and, if the occupier of the land is not the owner, the consent of the occupier of the land; or
- (b) the authority of a warrant under the *Provincial Offences Act*. 1998, c. 18, Sched. I, s. 14.

Exceptions

(2) Subsection (1) does not apply to entry under clause 21 (1) (b) or subsection 28 (20). 1998, c. 18, Sched. I, s. 14.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 30.1 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 29)

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 - not in force

Entry without warrant

30.2 (1) An officer appointed by an authority under section 30.1 may, subject to subsections (2) and (3), enter any land situated in the authority's area of jurisdiction for the purposes of determining compliance with subsection 28 (1), a regulation made under subsection 28 (3) or section 28.5 or with the conditions of a permit issued under section 28.1 or under a regulation made under clause 28.5 (1) (c). 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 19 (1))

Entry without warrant, permit application

(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) or 28.1.2 (19), 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);~~

(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 pollution or the conservation of land, or~~

(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).

No entry to buildings

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

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (2) of the Act is amended by striking out "subsection (1)" and substituting "subsection (1) or (1.1)". (See: 2020, c. 36, Sched. 6, s. 19 (2))

Time of entry

(3) The power to enter land under subsection (1) may be exercised at any reasonable time. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (3) of the Act is amended by striking out "subsection (1)" and substituting "subsection (1) or (1.1)". (See: 2020, c. 36, Sched. 6, s. 19 (2))

Power upon entry

(4) An officer who enters land under subsection (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.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (4) of the Act is amended by striking out "subsection (1)" and substituting "subsection (1) or (1.1)". (See: 2020, c. 36, Sched. 6, s. 19 (2))

No use of force

(5) Subsection (1) does not authorize the use of force. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (5) of the Act is amended by striking out “subsection (1)” and substituting “subsection (1) or (1.1)”. (See: 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 - not in force

2020, c. 36, Sched. 6, s. 19 (1, 2) - not in force

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 - not in force

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 the person is engaging in the activity, has engaged in the activity or is about to engage in the activity and, as a result, is contravening,

- (a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5; or
- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c). 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.4 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 20 (1))

Stop order

(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) or 28.1.2 (19) or a regulation made under section 28.5, or~~
 - (i) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or
 - (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 the pollution or the conservation of land, or~~

(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).

Information to be included in order

(2) The order shall,

(a) specify the provision that the officer believes is being, has been or is about to be contravened;

(b) briefly describe the nature of the contravention and its location; and

(c) state that a hearing on the order may be requested in accordance with this section. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.4 (2) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 20 (1))

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 mentioned in subsection (8), the person who requested the hearing may appeal to the Minister and, after reviewing the submissions, the Minister may,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.4 (9) of the Act is amended by striking out the portion before clause (a) and substituting the following: (See: 2020, c. 36, Sched. 6, s. 20 (2))

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
- (c) remove the order, with or without conditions. 2017, c. 23, Sched. 4, s. 29.

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

2017, c. 23, Sched. 4, s. 29 - not in force

2020, c. 36, Sched. 6, s. 20 (1, 2) - not in force

Offences

30.5 (1) Every person is guilty of an offence if he or she contravenes,

~~—(a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5;~~

(a) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1);

- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c); or
- (c) a stop order issued under section 30.4. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.5 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 21)

Offences

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

- (a) subsection 28 (1) or 28.1.2 (19);
- (b) a regulation respecting activities permitted under subsection 28 (3), (4) or (4.1)~~subsection 28 (3) or (4)~~ 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.

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 - not in force

2020, c. 36, Sched. 6, s. 21 - not in force

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)

2017, c. 23, Sched. 4, s. 29 - not in force

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 - not in force

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

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,

- (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 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.

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.

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);
- (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);
- (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).

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 \(3\) \(b\)](#) ~~clause 21.1.1 (4) (b) and subsection 21.1.2 (2)~~;
- [\(c.1\) 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);
 - (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).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 40 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 6, s. 25 (2))

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~~ **may 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) defining “pollution” for the purposes of section 28.1;~~

- (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),
- (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) exempting lands or development projects from section 28.1.2 or from a part of that section or the regulations made under that section, including from the requirement to enter into an agreement under subsection 28.1.2 (17) or from including any provision of an agreement that is prescribed by a regulation under clause (g);~~

(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).

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) - not in force

2021, c. 4, Sched. 6, s. 39 (16) - 01/10/2021; 2021, c. 4, Sched. 6, s. 39 (17) - 01/06/2021

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

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