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Far North Act, 2010

[S.O. 2010, CHAPTER 18](https://www.ontario.ca/laws/statute/S10018)

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Interpretation and Application

Purpose of the Act

**1** The purpose of this Act is to provide for community based land use planning in the Far North that,

(a) sets out a joint planning process between the First Nations and Ontario;

(b) supports the environmental, social and economic objectives for land use planning for the peoples of Ontario that are set out in section 5; and

(c) is done in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982, including the duty to consult. 2010, c. 18, s. 1.

Definitions

**2** In this Act,

“band” and “reserve” have the same meaning as in the Indian Act (Canada); (“bande”, “réserve”)

“community based land use plan” means a land use plan that has been prepared under section 9 and approved as required by that section; (“plan communautaire d’aménagement du territoire”)

“council” with respect to a band, has the same meaning as “council of the band” as defined in the Indian Act (Canada); (“conseil”)

“Far North” means,

(a) the portion of Ontario that lies north of the land consisting of,

(i) Woodland Caribou Provincial Park,

(ii) the following management units designated under section 7 of the Crown Forest Sustainability Act, 1994 as of May 1, 2009: Red Lake Forest, Trout Lake Forest, Lac Seul Forest and Caribou Forest,

(iii) Wabakimi Provincial Park, and

(iv) the following management units designated under section 7 of the Crown Forest Sustainability Act, 1994 as of May 1, 2009: Ogoki Forest, Kenogami Forest, Hearst Forest, Gordon Cosens Forest and Cochrane-Moose River, or

(b) the area, if any, that is set out in the regulations made under this Act and that describes the area described in clause (a) more specifically; (“Grand Nord”)

“Far North land use strategy” means the strategy for land use planning in the Far North that may be prepared under section 8; (“stratégie d’aménagement du Grand Nord”)

“Far North policy statement” means a policy statement issued by the Minister under subsection 7 (7); (“déclaration de principes sur le Grand Nord”)

“First Nation” means a band having one or more reserves set apart for it in the area of Treaty No. 5 or The James Bay Treaty - Treaty No. 9 which latter treaty was made in 1905 and 1906 with adhesions made in 1929 and 1930; (“Première Nation”)

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the Executive Council Act; (“ministre”)

“planning area” means an area of public land in the Far North that is designated in an order made under subsection 9 (4); (“zone d’aménagement”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“protected area” means an area of land that is designated as such by a land use plan under clause 9 (9) (c) if the plan is approved as a community based land use plan; (“zone protégée”)

“public land” has the same meaning as in the Public Lands Act. (“terres publiques”) 2010, c. 18, s. 2; 2021, c. 40, Sched. 10, s. 1.

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

[2021, c. 40, Sched. 10, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S21040" \l "sched10s1s1) - 09/12/2021

Non-application of Act

**3** This Act does not apply to,

(a) any part of a reserve;

(b) land vested in the Crown in right of Canada;

(c) any part of a municipality; or

(d) land that is not public land. 2010, c. 18, s. 3.

Orders under Act

**4** (1)  An order of the Minister or the Lieutenant Governor in Council made under this Act is not a regulation within the meaning of Part III of the Legislation Act, 2006. 2010, c. 18, s. 4 (1).

No hearing required

(2)  The Minister or the Lieutenant Governor in Council is not required to hold or afford to a person an opportunity for a hearing before making an order under this Act. 2010, c. 18, s. 4 (2).

Publication

(3)  The Minister shall post on the Government of Ontario site on the Internet a copy of the orders that the Minister and the Lieutenant Governor in Council make under this Act. 2010, c. 18, s. 4 (3).

Land Use Planning

Objectives for land use planning

**5** The following are objectives for land use planning in the Far North:

1. A significant role for First Nations in the planning.

2. The protection of areas of cultural value in the Far North and the protection of ecological systems in the Far North by various means, including the designation of protected areas in community based land use plans.

3. The maintenance of biological diversity, ecological processes and ecological functions, including the storage and sequestration of carbon in the Far North.

4. Enabling sustainable economic development that benefits the First Nations. 2010, c. 18, s. 5; 2021, c. 40, Sched. 10, s. 2.

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

[2021, c. 40, Sched. 10, s. 2](http://www.ontario.ca/laws/statute/S21040" \l "sched10s2) - 09/12/2021

Contributions by First Nations

**6** Contributions of traditional knowledge and perspectives on protection, conservation and sustainable development made by First Nations for the purposes of land use planning under this Act shall be considered as land use planning is carried out under this Act. 2021, c. 40, Sched. 10, s. 3.

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

[2021, c. 40, Sched. 10, s. 3](http://www.ontario.ca/laws/statute/S21040" \l "sched10s3) - 09/12/2021

Joint body

**7** (1)  If seven or more First Nations indicate to the Minister their interest in the establishment of a joint body that would perform the functions described in subsection (2) relating to land use planning in the Far North, and their commitment to participate in the joint body once established, the Minister shall participate in discussions with the First Nations regarding the terms of reference of the joint body. 2021, c. 40, Sched. 10, s. 4 (1).

Functions of the joint body

(2)  The joint body may perform any of the following functions that are set out in its terms of reference:

1. Advising those involved in land use planning under this Act on the development, implementation and coordination of land use planning in the Far North in accordance with this Act.

2. Such other functions relating to the development, implementation and coordination of land use planning in the Far North as may be set out in the terms of reference, including making recommendations to those involved in land use planning under this Act on the following:

i. matters to be included in the Far North land use strategy, including statements that may be issued as Far North policy statements.

ii. appropriate dispute resolution processes for land use planning under this Act.

iii. funding to support First Nations working with Ontario on land use planning in the Far North. 2021, c. 40, Sched. 10, s. 4 (1).

First Nations who initiate and participate in discussions

(3)  A First Nation may indicate its interest and commitment under subsection (1) and participate in discussions under that subsection only if the First Nation,

(a) has one or more reserves in the Far North; or

(b) despite not having a reserve in the Far North, has agreed with the Minister under subsection 9 (2) to prepare terms of reference to guide the preparation of a land use plan. 2021, c. 40, Sched. 10, s. 4 (1).

Participation of Indigenous organizations

(4)  Upon request by an Indigenous organization, and with the agreement of the Minister and of the First Nations that participate in discussions under subsection (1), the Indigenous organization may become a participant in the discussions. 2021, c. 40, Sched. 10, s. 4 (1).

Joint work on terms of reference

(5)  The Minister, First Nations and Indigenous organizations that participate in discussions under subsection (1) shall work together to prepare the terms of reference of the joint body. 2021, c. 40, Sched. 10, s. 4 (1).

Matters to be discussed

(6)  The Minister, First Nations and Indigenous organizations that participate in discussions under subsection (1) shall consider the following matters for inclusion in the terms of reference of the joint body:

1. The composition of the joint body including,

i. the maximum and minimum numbers of members of the joint body, and

ii. the criteria that a person must meet to become a member of the joint body.

2. Who will be the first members of the joint body, and the processes for their withdrawal and replacement and for the addition of new members to the joint body.

3. The term for which the joint body will be established and whether the term should be for less than the five years referred to in subsection (6.7).

4. The functions of the joint body referred to in subsection (2) that the Minister and First Nations agree the joint body should perform.

5. The working groups or subcommittees that should be established to assist the joint body in carrying out its functions.

6. The procedures to be followed by the joint body in carrying out its functions.

7. The procedures for amending the terms of reference of the joint body.

8. Resources required to carry out the functions of the joint body.

9. How information related to the work of the joint body should be accessed or shared.

10. Any other matters with respect to the functions of the joint body that the Minister and First Nations agree should be addressed in the terms of reference. 2021, c. 40, Sched. 10, s. 4 (1).

Timeframe to finalize terms of reference

(6.1)  If terms of reference for the joint body are not completed within 12 months after the day on which the first meeting to discuss the terms of reference for the joint body took place, the Minister and the First Nations that are participating in the discussions at the end of the 12 months shall review the progress and determine if they wish to continue to work together towards the completion of the terms of reference. 2021, c. 40, Sched. 10, s. 4 (1).

Approval of terms of reference

(6.2)  Once the terms of reference for the joint body have been completed, they shall be,

(a) ratified by resolution of the band councils of the seven or more First Nations that are participating in the discussions of the terms of reference on the day the terms of reference are completed;

(b) if any of the first members of the joint body represent a First Nation that is not one of the seven or more First Nations referred to in clause (a), ratified by resolution of the band council of that First Nation;

(c) if any of the first members of the joint body represent an Indigenous organization, approved by the Indigenous organization; and

(d) approved by the Minister. 2021, c. 40, Sched. 10, s. 4 (1).

Establishment of joint body

(6.3)  Upon the terms of reference being ratified and approved in accordance with subsection (6.2), the joint body is established. 2021, c. 40, Sched. 10, s. 4 (1).

First members of joint body

(6.4)  The first members of the joint body shall be named in the terms of reference. 2021, c. 40, Sched. 10, s. 4 (1).

Withdrawal, replacement, etc. of members

(6.5)  After the joint body is established, the members of the joint body may withdraw and be replaced, and new members may be added, in accordance with the terms of reference. 2021, c. 40, Sched. 10, s. 4 (1).

Amendments to terms of reference

(6.6)  The joint body may amend its terms of reference in accordance with the terms of reference and with the approval of the Minister. 2021, c. 40, Sched. 10, s. 4 (1).

Term of joint body

(6.7)  The joint body shall be established for a term of five years or for such shorter term as may be set out in the terms of reference. 2021, c. 40, Sched. 10, s. 4 (1).

Renewal of term

(6.8)  Before the end of the joint body’s first term, the Minister and the First Nations who have members on the joint body may agree to continue the joint body for a further term of no more than five years and the joint body shall amend its terms of reference in accordance with subsection (6.6) to provide for its continuance and to specify the length of its further term. 2021, c. 40, Sched. 10, s. 4 (1).

Same, further renewals

(6.9)  If the joint body is established or continued for a term of less than five years, subsection (6.8) applies with necessary modifications to allow for the continuation of the joint body for further terms but the joint body shall not be continued past the 10th anniversary of the day of its establishment. 2021, c. 40, Sched. 10, s. 4 (1).

Dissolution of joint body

(6.10)  The joint body shall be dissolved on,

(a) the 10th anniversary of the day of its establishment; or

(b) the last day of a term of the joint body that falls before the 10th anniversary of its establishment, if the term is not renewed in accordance with subsection (6.8) or (6.9). 2021, c. 40, Sched. 10, s. 4 (1).

Establishment of subsequent joint body

(6.11)  After the joint body is dissolved, seven or more First Nations may indicate to the Minister their interest in the establishment of a subsequent joint body that would perform the functions described in subsection (2) relating to land use planning in the Far North, and their commitment to participate in that subsequent joint body once established, and,

(a) the Minister shall participate in discussions with the First Nations regarding the terms of reference of that joint body; and

(b) subsections (3) to (6.10) apply with necessary modifications to the establishment of that joint body. 2021, c. 40, Sched. 10, s. 4 (1).

Far North policy statements

(7)  The Minister may submit a statement to the Lieutenant Governor in Council and, with the approval of the Lieutenant Governor in Council, issue the statement as a Far North policy statement if,

(a) the joint body, pursuant to its function described in subparagraph 2 i of subsection (2), recommends to the Minister that the statement be issued as a Far North policy statement;

(b) the Minister is of the opinion that the statement takes into account the objectives set out in section 5; and

(c) the statement relates to any of the following matters:

(i) cultural and heritage values,

(ii) ecological systems, processes and functions, including considerations for cumulative effects and for climate change adaptation and mitigation,

(iii) the interconnectedness of protected areas,

(iv) biological diversity,

(v) areas of natural resource value for potential economic development,

(vi) electricity transmission, roads and other infrastructure,

(vii) tourism, and

(viii) other matters that are relevant to land use planning under this Act if the Minister and the joint body agree to the matters. 2021, c. 40, Sched. 10, s. 4 (2).

(8)  Repealed: 2020, c. 18, Sched. 6, s. 53.

Posting on the Internet

(9)  Upon issuing a Far North policy statement, the Minister shall post it on the Government of Ontario site on the Internet. 2010, c. 18, s. 7 (9); 2021, c. 40, Sched. 10, s. 4 (3).

Amendment

(10)  At least every 10 years after issuing a Far North policy statement, the Minister shall request the joint body to advise the Minister whether it is necessary to amend it. 2010, c. 18, s. 7 (10).

Process for amendment

(11)  The joint body may recommend to the Minister amending a Far North policy statement and subsections (7), (8) and (9) apply to the amendment with necessary modifications. 2010, c. 18, s. 7 (11).

Same

(12)  After the joint body is dissolved, a Far North policy statement may be amended in accordance with a prescribed process. 2021, c. 40, Sched. 10, s. 4 (4).

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

[2020, c. 18, Sched. 6, s. 53](http://www.ontario.ca/laws/statute/S20018" \l "sched6s53) - 22/02/2024

[2021, c. 40, Sched. 10, s. 4 (1-4)](http://www.ontario.ca/laws/statute/S21040" \l "sched10s4s1) - 09/12/2021

Far North land use strategy

**8** (1)  The Minister may prepare a strategy to assist in the preparation of land use plans in the Far North under section 9 and to guide the integration of matters that are beyond the geographic scope of the planning area of each of those land use plans. 2021, c. 40, Sched. 10, s. 5.

Objectives to consider

(2)  The Minister shall ensure that the objectives set out in section 5 and the advice, if any, provided by the joint body on matters related to the strategy are taken into account in the preparation of the strategy. 2021, c. 40, Sched. 10, s. 5.

Contents of strategy

(3)  The Far North land use strategy shall contain all Far North policy statements issued from time to time and may contain,

(a) policies relating to,

(i) requirements and restrictions that apply to amending community based land use plans and the process for making the amendments,

(ii) categories of land use designations that describe the developments, land uses and activities that are permitted or are not permitted in a category of land use designation, and

(iii) categories of protected areas that describe the developments, land uses and activities that are permitted or are not permitted in a category of protected area, subject to the restrictions set out in subsection 14 (2); and

(b) any other matters that the Minister considers are advisable and relevant to the strategy. 2010, c. 18, s. 8 (3).

(4)  Repealed: 2020, c. 18, Sched. 6, s. 53.

Posting on the Internet

(5)  The Minister shall ensure that a current copy of the Far North land use strategy is posted on the Government of Ontario site on the Internet. 2010, c. 18, s. 8 (5).

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

[2020, c. 18, Sched. 6, s. 53](http://www.ontario.ca/laws/statute/S20018" \l "sched6s53) - 22/02/2024

[2021, c. 40, Sched. 10, s. 5](http://www.ontario.ca/laws/statute/S21040" \l "sched10s5) - 09/12/2021

Community based land use plan

**9** (1)  If one or more First Nations having one or more reserves in the Far North indicate to the Minister their interest in initiating the planning process, the Minister shall work with them to prepare terms of reference to guide the designation of an area in the Far North as a planning area and the preparation of a land use plan for the purposes of this section. 2010, c. 18, s. 9 (1).

Same, other First Nations

(2)  The Minister and one or more First Nations not having a reserve in the Far North that indicate to the Minister their interest in initiating the planning process may agree to work with each other to prepare the terms of reference. 2010, c. 18, s. 9 (2).

Joint planning team

(3)  The First Nations that work with the Minister under subsection (1) or (2) and the Minister shall,

(a) create a joint planning team that the parties shall use when preparing the terms of reference, the land use plan mentioned in subsection (6) and any amendments to the terms of reference, the planning area or the plan;

(b) include a description of the joint planning team in the terms of reference; and

(c) take into account the objectives set out in section 5 when preparing the terms of reference. 2010, c. 18, s. 9 (3).

Order

(4)  The Minister may make an order designating a planning area if,

(a) the Minister has approved the terms of reference;

(b) the council of each of the First Nations that works with the Minister under subsection (1) or (2) has passed a resolution approving the terms of reference; and

(c) in designating the area, the Minister follows the terms of reference. 2010, c. 18, s. 9 (4).

Posting on the Internet

(5)  Upon approving the terms of reference, the Minister shall post a copy of them on the Government of Ontario site on the Internet. 2010, c. 18, s. 9 (5).

Preparation of plan

(6)  The First Nations that work with the Minister under subsection (1) or (2) may work with the Minister to prepare a land use plan for the planning area. 2010, c. 18, s. 9 (6).

Factors to consider

(7)  In preparing a land use plan under subsection (6), the First Nations that prepare the plan and the Minister shall take into account the objectives set out in section 5 and the Far North land use strategy, if any, as it exists at the time the plan is prepared. 2010, c. 18, s. 9 (7).

Process for preparing plan

(8)  In preparing a land use plan under subsection (6), the First Nations that prepare the plan and the Minister shall,

(a) jointly prepare a draft plan that follows the terms of reference as they apply to guide the preparation of the plan;

(b) provide to the public notice of the draft plan that indicates where members of the public may access a copy of the draft plan;

(c) ensure there is an opportunity for the public to provide written comments on the draft plan within the time period that the Minister specifies; and

(d) take other steps that they jointly consider necessary to prepare the plan. 2010, c. 18, s. 9 (8).

Mandatory contents of plan

(9)  A land use plan prepared under subsection (6) shall,

(a) specify the prescribed category of land use designation to which areas in the planning area belong, if categories of land use designations have been prescribed;

(b) specify land use designations in the planning area and the development, land uses and activities that are permitted or are not permitted in the area to which each such designation applies, if no categories of land use designations have been prescribed;

(c) designate one or more areas in the planning area as protected areas;

(d) specify to which category of protected area each protected area belongs, if categories of protected areas are prescribed;

(e) describe how the plan has addressed the significant cultural and ecological features, land uses and land use designations for areas adjacent to the planning area that the joint planning team has identified;

(f) specify when the parties that prepared the plan are required to review it, which shall not be more frequently than once every 10 years after the plan is approved as a community based land use plan; and

(g) contain the other matters, if any, that are prescribed. 2010, c. 18, s. 9 (9).

Additional contents of plan

(10)  A land use plan prepared under subsection (6) may contain other matters related to land use planning in addition to the matters required by subsection (9). 2010, c. 18, s. 9 (10).

Amended planning area

(11)  At any time before a land use plan mentioned in subsection (6) is approved as a community based land use plan for a planning area, the Minister may make an order amending the boundaries of the area, including if,

(a) the First Nations that work with the Minister under subsection (1) or (2) on preparing the original terms of reference work with the Minister to prepare terms of reference to guide the making of the amendment;

(b) the Minister has approved the terms of reference to guide the making of the amendment;

(c) the council of each of the First Nations that work with the Minister under subsection (1) or (2) on preparing the original terms of reference has passed a resolution approving the terms of reference to guide the making of the amendment; and

(d) in making the order, the Minister follows the terms of reference to guide the making of the amendment. 2010, c. 18, s. 9 (11).

Amended terms of reference

(12)  At any time before a land use plan mentioned in subsection (6) is approved as a community based land use plan, the First Nations that worked with the Minister under subsection (1) or (2) on preparing the terms of reference may work with the Minister to amend the terms of reference as they apply to guide the preparation of the plan. 2010, c. 18, s. 9 (12).

Approval of amended terms of reference

(13)  The terms of reference as they apply to guide the preparation of the plan are amended to contain the amendment mentioned in subsection (12) if,

(a) the Minister approves the terms of reference containing the amendment; and

(b) the council of each of the First Nations that prepared the original terms of reference with the Minister has passed a resolution approving the terms of reference containing the amendment. 2010, c. 18, s. 9 (13).

Approval of plan

(14)  A land use plan prepared under subsection (6) has no effect until,

(a) the Minister, by order, approves the parts of the plan that subsection (9) requires be included in the plan; and

(b) the council of each of the First Nations mentioned in subsection (6) passes a resolution approving the plan. 2010, c. 18, s. 9 (14).

Minister’s approval

(15)  The Minister shall not make an order approving a land use plan under clause (14) (a) unless the plan is a land use plan for the planning area as it exists at the time the Minister makes the order. 2010, c. 18, s. 9 (15).

Factors for Minister to consider

(16)  In deciding whether to make an order approving a land use plan under clause (14) (a), the Minister shall take into account the objectives set out in section 5 and the Far North land use strategy, if any, as it exists at the time the Minister decides whether to make the order. 2010, c. 18, s. 9 (16).

Notice of approval

(17)  When a land use plan is approved under subsection (14), the Minister shall post on the Government of Ontario site on the Internet,

(a) a notice indicating that the plan has been approved as required by that subsection;

(b) a copy of the parts of the plan that the Minister by order has approved under clause (14) (a);

(c) a copy of the parts of the plan that are approved under clause (14) (b), other than the parts that subsection (9) requires be included in the plan, if the council of each of the First Nations mentioned in that clause has approved the posting under this clause; and

(d) a notice specifying under which one of clauses (b) and (c) the parts of the plan are so posted. 2010, c. 18, s. 9 (17).

Contents of approved plan

(18)  A land use plan approved under subsection (14) consists of the parts of the plan approved under clause (14) (a) and the parts of the plan approved under clause (14) (b) that subsection (9) does not require be included in the plan. 2010, c. 18, s. 9 (18).

(19)  Repealed: 2020, c. 18, Sched. 6, s. 53.

Grants

(20)  The Minister may make grants for the purpose of preparing a land use plan under subsection (6) or implementing or reviewing a community based land use plan and the grants shall be paid out of money appropriated for that purpose by the Legislature. 2010, c. 18, s. 9 (20).

Transition

(21)  The area to which the document entitled “Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas”, approved on June 26, 2006 and as amended from time to time, applies is deemed to be a planning area; that document is deemed to be a community based land use plan and the Minister shall ensure the document is made available to the public. 2010, c. 18, s. 9 (21).

(22)  Repealed: 2021, c. 40, Sched. 10, s. 6.

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

[2020, c. 18, Sched. 6, s. 53](http://www.ontario.ca/laws/statute/S20018" \l "sched6s53) - 22/02/2024

[2021, c. 40, Sched. 10, s. 6](http://www.ontario.ca/laws/statute/S21040" \l "sched10s6) - 09/12/2021

Amendment of plan

**10** (1)  Any of the First Nations that have approved a community based land use plan or the Minister may, with respect to land use designations in the planning area, the designation of protected areas in the planning area or the specification of permitted land uses in the planning area propose an amendment to the plan in accordance with any prescribed requirements and restrictions. 2010, c. 18, s. 10 (1); 2021, c. 40, Sched. 10, s. 7.

Process for amendment

(2)  Subsections 9 (7), (9), (10) and (14) to (20) apply to a proposed amendment to a community based land use plan, reading references to a land use plan as references to the proposed amendment and references to the First Nations that prepared the plan with the Minister as references to the First Nations that approved the plan. 2010, c. 18, s. 10 (2).

Amended planning area

(3)  The Minister may make an order amending the boundaries of a planning area after a community based land use plan is approved under section 9 for the area, including if,

(a) the First Nations that worked with the Minister under that section to prepare the plan work with the Minister to prepare terms of reference to guide the making of the amendment;

(b) the Minister has approved the terms of reference to guide the making of the amendment;

(c) the council of each of the First Nations that worked with the Minister under that section to prepare the plan has passed a resolution approving the terms of reference to guide the making of the amendment; and

(d) in making the order, the Minister follows the terms of reference to guide the making of the amendment. 2010, c. 18, s. 10 (3).

Process

(4)  For greater certainty, nothing in section 9 applies to the making of an order under subsection (3). 2010, c. 18, s. 10 (4).

Effect on plan

(5)  When the Minister makes an order under subsection (3), the community based land use plan,

(a) ceases to apply to any area that the order removes from the planning area; and

(b) does not apply to any area that the order adds to the planning area unless the plan is amended under subsection (1) with respect to the added area. 2010, c. 18, s. 10 (5).

Amended publication

(6)  Upon making an order under subsection (3) that removes any area from the planning area, the Minister shall amend the copy of the community based land use plan posted on the Government of Ontario site on the Internet in accordance with subsection 9 (17) to indicate the effect of the order on the plan. 2010, c. 18, s. 10 (6).

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

[2021, c. 40, Sched. 10, s. 7](http://www.ontario.ca/laws/statute/S21040" \l "sched10s7) - 09/12/2021

Regulation for boundaries of protected areas

**11** (1)  After a community based land use plan is approved under section 9 for a planning area, the council of each of the First Nations may jointly request that the Minister make a regulation specifying the boundaries of a protected area in the planning area. 2010, c. 18, s. 11 (1).

Procedure

(2)  For greater certainty, nothing in section 9 applies to the making of a regulation under subsection (1). 2010, c. 18, s. 11 (2).

Effect of regulation

(3)  The boundaries of a protected area that are specified in a regulation made under subsection (1) supersede the boundaries of the area that are specified in the designation of the area made by the community based land use plan that applies to the area. 2010, c. 18, s. 11 (3).

Amended publication

(4)  Upon making a regulation under subsection (1), the Minister shall amend the copy of the community based land use plan posted on the Government of Ontario site on the Internet in accordance with subsection 9 (17) to indicate the effect of the regulation on the plan. 2010, c. 18, s. 11 (4).

No amendment by parties

(5)  If the Minister makes a regulation under subsection (1) specifying the boundaries of a protected area designated in a community based land use plan, none of the First Nations nor the Minister may propose an amendment to the plan under subsection 10 (1) to specify the boundaries of the area. 2010, c. 18, s. 11 (5).

**12** Repealed: 2021, c. 40, Sched. 10, s. 8.

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

[2010, c. 18, s. 22 (3)](http://www.ontario.ca/laws/statute/S10018" \l "s22s3) - no effect - see [2021, c. 40, Sched. 10, s. 8](http://www.ontario.ca/laws/statute/S21040" \l "sched10s8) - 09/12/2021

[2021, c. 40, Sched. 10, s. 8](http://www.ontario.ca/laws/statute/S21040" \l "sched10s8) - 09/12/2021

Area of provisional protection

**13** (1)  If there is no community based land use plan for an area in the Far North, a First Nation may request that the Minister make an order designating the area as an area of provisional protection. 2010, c. 18, s. 13 (1).

Order

(2)  At the request of a First Nation under subsection (1) or on his or her own initiative, the Minister may make the order described in that subsection if the Minister is of the opinion that the prescribed criteria have been met. 2010, c. 18, s. 13 (2).

Effect of order

(3)  An order designating an area as an area of provisional protection shall specify the developments, land uses and activities that are not permitted in the area, subject to the restriction that no person shall carry on any of the developments, land uses and activities described in any of paragraphs 2 to 6 of subsection 14 (2) in the area. 2010, c. 18, s. 13 (3).

Withdrawing land from mining claim registration

(4)  If the Minister makes an order under subsection (2) with respect to an area,

(a) the Minister shall request the Minister responsible for the administration of the Mining Act to make an order under that Act withdrawing the area from mining claim registration under that Act; or

(b) if the Minister is responsible for the administration of both this Act and the Mining Act, the Minister may make an order in accordance with that Act withdrawing the area from mining claim registration under that Act. 2021, c. 40, Sched. 10, s. 9.

(5)  Repealed: 2020, c. 18, Sched. 6, s. 53.

Termination of order

(6)  An order that designates an area as an area of provisional protection ceases to have any effect if a community based land use plan takes effect for the area. 2010, c. 18, s. 13 (6).

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

[2020, c. 18, Sched. 6, s. 53](http://www.ontario.ca/laws/statute/S20018" \l "sched6s53) - 22/02/2024

[2021, c. 40, Sched. 10, s. 9](http://www.ontario.ca/laws/statute/S21040" \l "sched10s9) - 09/12/2021

Development if community based land use plan

**14** (1)  If there is a community based land use plan for a planning area, no person shall make any decision under an Act respecting the allocation, disposition or use of public land and natural resources in the area or carry on any activity in the area that is related to that allocation, disposition or use unless the decision or the activity, as the case may be, is consistent with the land use designations and permitted land uses specified in the plan and any permitted activities prescribed for the purpose of the plan. 2010, c. 18, s. 14 (1); 2021, c. 40, Sched. 10, s. 10 (1).

Protected areas

(2)  No person shall carry on any of the following developments, land uses and activities in a protected area:

1. Prospecting, mining claim registration or mineral exploration.

2. Opening a mine if:

i. the person is required to file a closure plan for the mine under section 141 of the Mining Act in order to commence or recommence mine production, and

ii. the Director did not acknowledge receipt of a closure plan for the mine under section 141 of the Mining Act before January 31, 2011.

3. Commercial timber harvest.

4. Oil and gas exploration or production.

5. Constructing an electrical generation facility that uses wind or water as a source unless a person issues an authorization for the construction under an Act administered by the Minister because the person is of the opinion that the construction is incidental or complementary to land use or land use activities that are not prohibited under paragraph 1, 2, 3, 4 or 6.

6. Any other development, land use or activity that is prescribed as not being permitted for the category of protected area to which the area belongs. 2010, c. 18, s. 14 (2); 2021, c. 40, Sched. 10, s. 10 (2).

Definition, mine production

(2.1)  In paragraph 2 of subsection (2),

“mine production” means mining that produces any mineral or mineral-bearing substance for immediate sale or stockpiling for future sale, and includes the development of a mine for such purposes. 2021, c. 40, Sched. 10, s. 10 (3).

Exception, mining claims, etc.

(3)  If a community based land use plan is made or amended after a mining claim, mining lease, patent or licence of occupation for mining purposes is registered, recorded, issued or granted in an area to which the plan applies, nothing in subsection (1) or (2), other than paragraph 2 of subsection (2) shall affect,

(a) the validity of the mining claim, mining lease, patent or licence of occupation for mining purposes; or

(b) any of the following if the mining claim, mining lease, patent or licence of occupation for mining purposes is in good standing at the time the plan is made or amended:

(i) obtaining a lease of the mining claim pursuant to the Mining Act,

(ii) obtaining a mining lease with respect to any lands subject to the licence of occupation in accordance with the terms of the licence,

(iii) pursuant to the Mining Act, obtaining the necessary approvals and permits or making the necessary filings for mineral exploration and development activities in relation to the land subject to the mining claim, mining lease, patent or licence of occupation,

(iv) pursuant to the Mining Act, undertaking mineral exploration and development activities in relation to the land subject to the mining claim, mining lease, patent or licence of occupation. 2010, c. 18, s. 14 (3); 2021, c. 40, Sched. 10, s. 10 (4).

Exception, order

(4)  Subsection (1) or (2) does not apply if the Lieutenant Governor in Council, after taking into account the objectives set out in section 5, by order determines that the allocation, disposition or use of public land and natural resources in the planning area or the development in the planning area, as the case may be, is in the social and economic interests of Ontario. 2010, c. 18, s. 14 (4).

Restriction on making order

(5)  The Lieutenant Governor in Council shall not make an order under subsection (4) unless,

(a) the Minister has proposed an amendment to a community based land use plan in accordance with subsection 10 (1) to permit the allocation, disposition or use of public land and natural resources or the development, as the case may be;

(b) nine months have passed since the day on which the Minister proposed the amendment; and

(c) the required parties have not approved the proposed amendment as an amendment to the community based land use plan. 2010, c. 18, s. 14 (5); 2021, c. 40, Sched. 10, s. 10 (5).

Existing rights

(6)  Nothing in subsection (1) or (2) affects the right of a person to acquire, use or occupy any public land or carry on activities on public land under any Act in a planning area for which there is a community based land use plan if the person acquired the right to do so before the day the plan or an amendment to the plan that prohibits the right to do so comes into force and the right is in good standing on that day. 2010, c. 18, s. 14 (6).

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

[2010, c. 18, s. 22 (4)](http://www.ontario.ca/laws/statute/S10018" \l "s22s4) - no effect - see [2021, c. 40, Sched. 10, s. 11](http://www.ontario.ca/laws/statute/S21040" \l "sched10s11) - 09/12/2021

[2021, c. 40, Sched. 10, s. 10 (1-5)](http://www.ontario.ca/laws/statute/S21040" \l "sched10s10s1) - 09/12/2021

Compliance order

**15** (1)  The Minister may, by order, require any person to stop any activity that, in the opinion of the Minister, is in contravention of subsection 14 (1) or (2). 2010, c. 18, s. 15 (1).

Compliance

(2)  No person shall contravene or fail to comply with the Minister’s order. 2010, c. 18, s. 15 (2).

Offence

(3)  Every person who contravenes subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than $10,000 and to an additional fine of not more than $1,000 for each day during which the offence continues. 2010, c. 18, s. 15 (3).

General

Agreements made by Minister

**16** The Minister may enter into agreements for the purpose of enabling land use planning in the Far North in accordance with this Act. 2010, c. 18, s. 16.

Minister’s authority unaffected by growth plan

**17** Despite any other Act, the Minister’s authority to do anything under this Act is not affected or restricted by a growth plan approved under section 7 of the Places to Grow Act, 2005, including all amendments to the plan. 2010, c. 18, s. 17.

Collection of personal information

**18** For the purposes of this Act, the Minister may collect personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act. 2010, c. 18, s. 18.

No liability

**19** (1)  In this section,

“person” includes the Crown and its employees and agents, members of the Executive Council and their employees and agents. 2010, c. 18, s. 19 (1).

No cause of action

(2)  No cause of action arises as a direct or indirect result of,

(a) the enactment or repeal of any provision of this Act;

(b) the making or revocation of any provision of the regulations made under this Act;

(c) the preparation of a community based land use plan or the preparation of an amendment to such a plan;

(d) anything done or not done in accordance with this Act or the regulations made under it; or

(e) any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations made under it or any neglect or default in the performance or exercise in good faith of such duty or power. 2010, c. 18, s. 19 (2).

No remedy

(3)  No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything mentioned in subsection (2). 2010, c. 18, s. 19 (3).

Proceedings barred

(4)  No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything mentioned in subsection (2) may be brought or maintained against any person. 2010, c. 18, s. 19 (4).

Same

(5)  Subsection (4) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this Act. 2010, c. 18, s. 19 (5).

Proceedings set aside

(6)  Any proceeding mentioned in subsection (4) commenced before the day this Act comes into force shall be deemed to have been dismissed, without costs, on the day this Act comes into force. 2010, c. 18, s. 19 (6).

No expropriation

(7)  Nothing in this Act and nothing done or not done in accordance with this Act constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law. 2010, c. 18, s. 19 (7).

Conflict

**20** (1)  If there is a conflict between a provision of this Act and a provision of the Places to Grow Act, 2005, the provision of this Act prevails. 2010, c. 18, s. 20 (1).

Definition

(2)  In this section,

“growth plan” means a growth plan approved under section 7 of the Places to Grow Act, 2005, including all amendments to the plan. 2010, c. 18, s. 20 (2).

Conflict, Far North land use strategy

(3)  Despite any other Act, if there is a conflict on matters related to land use between a growth plan and the Far North land use strategy, the strategy prevails. 2010, c. 18, s. 20 (3).

Same, community based land use plan

(4)  Despite any other Act, if there is a conflict on matters related to land use between a growth plan and the matters that subsection 9 (9) requires be included in a community based land use plan, those matters included in the community based land use plan prevail. 2010, c. 18, s. 20 (4).

Regulations

**21** (1)  The Lieutenant Governor in Council may make regulations describing the boundaries of the Far North. 2010, c. 18, s. 21 (1).

Same, Minister

(2)  The Minister may make regulations,

(a) specifying anything that this Act describes as being prescribed;

(b) specifying requirements and restrictions that apply to amendments that parties who prepared a community based land use plan propose to the plan under subsection 10 (1), including the nature of the amendments that they can propose, the times at which they can propose the amendments and the process governing the making of the amendments;

(c) specifying categories of land use designations in a planning area and the developments, land uses and activities that are permitted or are not permitted in a category of land use designation;

(d) specifying categories of protected areas and the developments, land uses and activities that are permitted or are not permitted in a category of protected area;

(e) specifying boundaries of a protected area in a planning area for the purpose of subsection 11 (1);

(f) providing for matters to facilitate the implementation of this Act or any provision of it, including providing for transitional matters in relation to,

(i) the coming into force of a community based land use plan, or

(ii) the amendment of a planning area or a community based land use plan. 2010, c. 18, s. 21 (2).

22 Omitted (provides for amendments to this Act). 2010, c. 18, s. 22; 2021, c. 40, Sched. 10, s. 11.

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

[2021, c. 40, Sched. 10, s. 11](http://www.ontario.ca/laws/statute/S21040" \l "sched10s11) - 09/12/2021

23-25Omitted (amends, repeals or revokes other legislation). 2010, c. 18, ss. 23-25.

26Omitted (provides for coming into force of provisions of this Act). 2010, c. 18, s. 26.

27Omitted (enacts short title of this Act). 2010, c. 18, s. 27.

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