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Ministry of Infrastructure Act, 2011

[S.O. 2011, CHAPTER 9](https://www.ontario.ca/laws/statute/s11009)  
Schedule 27

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Definitions

**1** In this Act,

“Deputy Minister” means the Deputy Minister of Infrastructure; (“sous-ministre”)

“Government” means,

(a) the Government of Ontario and the Crown in right of Ontario,

(b) a ministry of the Government of Ontario,

(c) a Crown agency, other than a college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002, and

(d) any board, commission, authority or unincorporated body of the Crown; (“gouvernement”)

“Government property” means property described in section 1.1; (“biens du gouvernement”)

“Minister” means, unless the context requires otherwise, the Minister of Infrastructure or such other member of the Executive Council as may be assigned the administration of this Act under the Executive Council Act; (“ministre”)

“Ministry” means the Ministry of Infrastructure; (“ministère”)

“public sector organization” means,

(a) a municipality within the meaning of the Municipal Act, 2001,

(b) a local board, as defined in subsection 1 (1) of the Municipal Act, 2001,

(c) a board, as defined in subsection 1 (1) of the Education Act,

(d) a post-secondary educational institution in Ontario that receives regular operating funding from the Government,

(e) a hospital within the meaning of the Public Hospitals Act,

(f) a board of health, as defined in subsection 1 (1) of the Health Protection and Promotion Act,

(g) such other persons and entities, including the Office of the Assembly and the offices of officers of the Assembly, as may be prescribed for the purposes of this definition. (“organisation du secteur public”) 2011, c. 9, Sched. 27, s. 1; 2015, c. 38, Sched. 7, s. 51 (1-5); 2018, c. 17, Sched. 45, s. 10.

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

[2015, c. 38, Sched. 7, s. 51 (1-5)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s1) - 10/12/2016

[2018, c. 17, Sched. 45, s. 10](http://www.ontario.ca/laws/statute/S18017" \l "sched45s10) - 06/12/2018

Government property

**1.1**(1)  For the purposes of this Act, land or interests in land, and fixtures or interests in fixtures installed or placed in or used in connection with the land, are Government property if they belong to the Government. 2015, c. 38, Sched. 7, s. 51 (6).

Same, certain buildings and structures

(2)  For the purposes of this Act, a building or structure or an interest in a building or structure is also Government property if,

(a) the building, structure or interest is owned separately from the land on which the building or structure is located; and

(b) the building, structure or interest belongs to the Government. 2015, c. 38, Sched. 7, s. 51 (6).

Method of acquisition not affecting status

(3)  Property described in this section as Government property has that status regardless of how it vested in the Crown. 2015, c. 38, Sched. 7, s. 51 (6).

Commodities, furnishings and equipment

(4)  For greater certainty, commodities, furnishings and equipment referred to in the Ministry of Government Services Act are not Government property for the purposes of this Act. 2015, c. 38, Sched. 7, s. 51 (6).

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

[2015, c. 38, Sched. 7, s. 51 (6)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s6) - 10/12/2016

Ministry continued

**2** The Ministry of the public service known in English as the Ministry of Infrastructure and in French as ministère de l’Infrastructureis continued. 2011, c. 9, Sched. 27, s. 2.

Minister to have charge

**3** The Minister shall preside over and have charge of the Ministry. 2011, c. 9, Sched. 27, s. 3.

Deputy Minister

**4** The Lieutenant Governor in Council shall appoint a Deputy Minister of Infrastructure who shall be the deputy head of the Ministry. 2011, c. 9, Sched. 27, s. 4.

Employees

**5** Such employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under Part III of the Public Service of Ontario Act, 2006. 2011, c. 9, Sched. 27, s. 5.

Protection from personal liability

**6** (1)  No action or other civil proceeding shall be instituted against the Deputy Minister or any public servant who works in the Ministry, anyone acting under authority delegated by the Minister under section 19, or a member of a committee established under section 20 for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of his or her duty. 2011, c. 9, Sched. 27, s. 6 (1).

Liability of Crown

(2)  Subsection (1) does not, by reason of subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 2011, c. 9, Sched. 27, s. 6 (2); 2019, c. 7, Sched. 17, s. 112.

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

[2019, c. 7, Sched. 17, s. 112](http://www.ontario.ca/laws/statute/S19007" \l "sched17s112) - 01/07/2019

Responsibilities of the Minister

**7** (1)  The Minister or, subject to the direction and control of the Minister, the Deputy Minister, shall,

(a) review matters relating to infrastructure and to Government property on a continuing basis with regard to Ontario’s short-term and long-term goals and needs in respect of infrastructure and Government property;

(b) advise and assist the Government in its dealings with other governments regarding infrastructure matters and growth management;

(c) make recommendations, establish policies and undertake programs for the purposes of growth plans and growth management in support of strong communities;

(d) make recommendations for the effective co-ordination and development, within Government, of infrastructure and Government property;

(e) make recommendations regarding priorities for infrastructure and Government property;

(f) establish policies relating to infrastructure and Government property;

(g) engage in the planning and development of infrastructure and Government property;

(h) advise the Government on and be responsible for corridor land within the meaning of Part IX.1 of the Electricity Act, 1998; and

(i) engage in such activities, projects and programs as the Minister considers appropriate in the exercise of his or her authority and the performance of his or her duties, functions and responsibilities. 2011, c. 9, Sched. 27, s. 7 (1); 2015, c. 38, Sched. 7, s. 51 (7).

Same, Government property

(2)  The Minister is responsible for,

(a) acquiring land, buildings and structures or interests in land, buildings and structures;

(a.1) disposing of or leasing Government property;

(b) designing, constructing, renovating, servicing, maintaining, repairing, furnishing, equipping, managing and administering Government property; and

(c) deciding which Government properties or parts of Government properties should be open to the public, and managing and administering those properties or parts, including,

(i) regulating vehicular and pedestrian traffic,

(ii) reserving for a limited use all or part of any building or structure that is Government property, and

(iii) fixing and collecting fees for parking in any area set aside for parking in, on or under Government property. 2011, c. 9, Sched. 27, s. 7 (2); 2015, c. 38, Sched. 7, s. 51 (8-10).

Administration of Acts

(3)  The Minister is responsible for the administration of this Act and any Acts that are assigned to the Minister by the Legislature or by the Lieutenant Governor in Council. 2011, c. 9, Sched. 27, s. 7 (3).

Authority of Minister

(4)  The Minister or, subject to the direction and control of the Minister, the Deputy Minister may, in respect of any matter for which the Minister has responsibility under this or any other Act,

(a) undertake research;

(b) establish policies;

(c) do any one or more of promoting, commissioning or participating in research, experiments, feasibility studies, pilot or demonstration projects, testing activities and evaluations;

(d) develop, co-ordinate and implement plans and programs;

(e) promote and engage in public education and the dissemination of information;

(f) facilitate the resolution of disputes;

(g) enter into agreements for and in the name of the Crown;

(h) make grants;

(i) make loans, subject to the approval of the Lieutenant Governor in Council; and

(j) issue directions to the agencies for which the Minister is responsible. 2011, c. 9, Sched. 27, s. 7 (4).

Same

(5)  Despite Part I of the Financial Administration Act, the Minister may do the following:

1. Receive funds that are not public money within the meaning of subsection 1 (3) of the Financial Administration Act, if the Minister receives the funds under an agreement authorized by clause (4) (g) in relation to an infrastructure project or Government property.

2. Exercise control over funds that are not public money within the meaning of subsection 1 (3) of the Financial Administration Act and that are held in an account that is not in the name of the Crown, if the Minister obtains control over the funds under an agreement authorized by clause (4) (g) in relation to an infrastructure project or Government property.

3. Establish accounts in the name of the Minister with an entity referred to in subsection 2 (2) of the Financial Administration Act.

4. Deposit funds referred to in paragraph 1 or 2 into accounts established under paragraph 3.

5. Pay out the funds referred to in paragraph 1 or 2 and the income earned on those funds in accordance with the agreement referred to in paragraph 1 or 2, as the case may be. 2011, c. 9, Sched. 27, s. 7 (5); 2015, c. 38, Sched. 7, s. 51 (11).

Same, income paid into CRF

(6)  Where income earned on funds referred to in paragraph 1 or 2 of subsection (5) is public money within the meaning of subsection 1 (3) of the Financial Administration Act, the Minister shall cause the income to be paid into the Consolidated Revenue Fund. 2011, c. 9, Sched. 27, s. 7 (6).

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

[2015, c. 38, Sched. 7, s. 51 (7-11)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s7) - 10/12/2016

Investing in a transit-oriented community project

**7.1**(1)  The Minister may, subject to the approval of the Lieutenant Governor in Council, establish, acquire, manage, participate in or otherwise deal with corporations, partnerships, joint ventures or other entities for the purpose of investing assets in, supporting or developing transit-oriented community projects related to priority transit projects. 2020, c. 18, Sched. 20, s. 4 (1).

Borrowing and risk management

(2)  When acting under subsection (1), the Minister may borrow or manage financial risks as long as,

(a) the Minister of Finance has, in writing, approved the borrowing or management; and

(b) the Ontario Financing Authority co-ordinates and arranges the borrowing or management, unless otherwise agreed to in writing by the Minister of Finance. 2020, c. 18, Sched. 20, s. 4 (1).

Investment policy

(3)  The Minister shall ensure that every entity referred to in subsection (1) invests any funds that it receives either directly or indirectly from the Minister in accordance with an investment policy that has been approved in writing by the Minister of Finance. 2020, c. 18, Sched. 20, s. 4 (1).

Regulations

(4)  The Lieutenant Governor in Council may make regulations,

(a) prescribing and governing any additional powers that the Minister may require in order to carry out the activities set out in subsection (1);

(b) prescribing and governing any limitations to permitted activities for the purposes of subsection (1);

(c) prescribing provisions of the Corporations Act, Business Corporations Act, Not-for-Profit Corporations Act, 2010 and Corporations Information Act that apply or do not apply to any particular corporation referred to in subsection (1) and, in the case of provisions prescribed as applying, prescribing such modifications of those provisions as the Lieutenant Governor in Council considers necessary or advisable;

(d) providing that an entity referred to in subsection (1) is or is not a Crown agent;

(e) prescribing and respecting the governance structure, purposes, powers or duties for a partnership, joint venture or other entity referred to in subsection (1) that is not a corporation;

(f) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for the purposes of this section, including to ensure that an entity referred to in subsection (1) may effectively carry out its purposes, powers and duties. 2020, c. 18, Sched. 20, s. 4 (1); 2021, c. 34, Sched. 13, s. 1.

Definitions

(5)  In this section,

“priority transit project” means,

(a) the line known as the Ontario Line located in the City of Toronto,

(b) the subway extension known as the Scarborough Subway Extension, and also known as the Line 2 East Extension, located in the City of Toronto,

(c) the subway extension known as the Yonge Subway Extension, and also known as the Yonge North Subway Extension, extending from within the City of Toronto to within the Regional Municipality of York, or

(d) the light rail transit extension known as the Eglinton Crosstown West Extension extending westward from within the City of Toronto at the station known as Mount Dennis; (“projet de transport en commun prioritaire”)

“transit-oriented community project” means a development project of any nature or kind and for any usage in connection with the construction or operation of a station that is part of a priority transit project, and includes a development project located on transit corridor land within the meaning of the Building Transit Faster Act, 2020. (“projet communautaire axé sur le transport en commun”) 2020, c. 35, Sched. 3, s. 3.

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

[2020, c. 18, Sched. 20, s. 4 (1)](http://www.ontario.ca/laws/statute/S20018" \l "sched20s4s1) - 21/07/2020; [2020, c. 35, Sched. 3, s. 3](http://www.ontario.ca/laws/statute/S20035" \l "sched3s3) - 08/12/2020

[2021, c. 34, Sched. 13, s. 1](http://www.ontario.ca/laws/statute/S21034" \l "sched13s1) - 02/12/2021

Procurement policies, Government property

**8** Before an agreement is entered into for and in the name of the Crown in respect of the construction, renovation, repair or improvement of Government property, the Ministry or a Crown agency for which the Minister is responsible, as the case may be, shall comply with the applicable policies and directives of Management Board of Cabinet. 2011, c. 9, Sched. 27, s. 8; 2015, c. 38, Sched. 7, s. 51 (12).

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

[2015, c. 38, Sched. 7, s. 51 (12)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s12) - 10/12/2016

Acquiring and disposing of property

Acquiring property

**9** (1)  For the purposes of exercising the responsibilities and authorities set out in section 7, the Minister may acquire, by purchase, lease or otherwise, for the use or purposes of the Government, land, buildings and structures, or interests in land, buildings and structures. 2015, c. 38, Sched. 7, s. 51 (13).

Acquiring property on request

(2)  If requested by the Government or by a public sector organization, the Minister may acquire, by purchase, lease or otherwise, for the use or purposes of the Government or the public sector organization, land, buildings and structures, or interests in land, buildings and structures. 2015, c. 38, Sched. 7, s. 51 (13).

Holding Government property

(3)  The Minister may hold Government property for the use or purposes of,

(a) the Government, if the property was acquired for the purposes mentioned in subsection (1); or

(b) the Government or the public sector organization that requested the acquisition of the property, if the property was acquired as a result of a request mentioned in subsection (2). 2015, c. 38, Sched. 7, s. 51 (13).

Disposing of Government property

(4)  The Minister may dispose of Government property by sale, lease or otherwise,

(a) when the property is no longer required for the use or purposes of the Government, if the property was acquired for the purposes mentioned in subsection (1); or

(b) when the property is no longer required for the use or purposes of the Government or the public sector organization that requested the acquisition of the property, if the property was acquired as a result of a request mentioned in subsection (2). 2015, c. 38, Sched. 7, s. 51 (13).

Dispositions subject to approval

(5)  A disposition of Government property by the Minister or by a Crown agency to which the Minister has delegated his or her authority under subsection 19 (2) is subject to the approval of the Lieutenant Governor in Council. 2015, c. 38, Sched. 7, s. 51 (13).

Exceptions

(6)  Subsection (5) does not apply to,

(a) a grant of a lease for a term of less than 21 years;

(b) a grant of easement;

(c) a disposition of Government property described in subsection 1.1 (2); or

(d) a disposition made under the Forfeited Corporate Property Act, 2015. 2015, c. 38, Sched. 7, s. 51 (13).

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

[2012, c. 8, Sched. 33, s. 1](http://www.ontario.ca/laws/statute/S12008" \l "sched33s1) - 20/06/2012

[2015, c. 38, Sched. 7, s. 51 (13)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s13) - 10/12/2016

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2022, c. 2, Sched. 11, s. 1)

Centre of realty excellence

**9.1**The Minister shall establish, within the ministry, a centre of realty excellence to carry out the following functions:

1. Develop and implement a co-ordinated and consistent approach to,

i. identifying and putting back into productive use Government property that is underutilized, and

ii. identifying and disposing of Government property that is no longer required for the use or purposes of the Government.

2. Ensure that, to the extent possible, Government property is utilized in a manner that is aligned with the recommendations regarding priorities for Government property made under clause 7 (1) (e).

3. Such other functions related to Government property as the Minister may direct. 2022, c. 2, Sched. 11, s. 1.

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

[2022, c. 2, Sched. 11, s. 1](http://www.ontario.ca/laws/statute/S22002" \l "sched11s1) - not in force

Expropriation

**10** (1)  Subject to the Expropriations Act, the Minister, for and in the name of the Crown, may, without consent of the owner, enter on, take and expropriate any land or interest in land that the Minister considers necessary for the use or purposes of the Government. 2011, c. 9, Sched. 27, s. 10 (1).

Lieutenant Governor in Council direction

(2)  Subject to the Expropriations Act, the Minister, on the direction of the Lieutenant Governor in Council, for and in the name of the Crown, shall, without consent of the owner, enter on, take and expropriate any land or interest in land that the Lieutenant Governor in Council considers necessary for the benefit of the public. 2011, c. 9, Sched. 27, s. 10 (2).

Expropriation by Minister on behalf of Government or public sector organization

(3)  Subject to the Expropriations Act, the Minister, on the request of the Government or a public sector organization, may, on behalf of the Government or the public sector organization, without consent of the owner, enter on, take and expropriate land or any interest in land, that the Minister considers necessary for the use or purposes of the Government or the public sector organization, for and in the name of the Crown. 2011, c. 9, Sched. 27, s. 10 (3).

Same

(4)  Subsection (3) applies whether or not the Government or the public sector organization has authority under any other Act to enter on, take and expropriate land or any interest in land without the consent of the owner of the land. 2011, c. 9, Sched. 27, s. 10 (4).

Government property vested in Crown

**11** Except as otherwise provided in any other Act or by order of the Lieutenant Governor in Council, all Government property is vested in the Crown and is under the Minister’s control. 2015, c. 38, Sched. 7, s. 51 (14).

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

[2012, c. 8, Sched. 33, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched33s2) - 20/06/2012

[2015, c. 38, Sched. 7, s. 51 (14)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s14) - 10/12/2016

Prescribed entities not to hold interests in land, etc.

Application

**11.0.1**(1)  This section applies with respect to the entities prescribed in the regulations made by the Minister for the purposes of this section. 2023, c. 5, Sched. 2, s. 1.

No authority to hold interests in land, etc.

(2)  Despite anything in any other Act or in any regulation, other than a regulation under section 22, a prescribed entity shall not hold or control, or acquire by purchase, lease or otherwise, any,

(a) land, buildings or structures;

(b) interests in land, buildings or structures; or

(c) fixtures or interests in fixtures installed or placed in or used in connection with land, buildings or structures. 2023, c. 5, Sched. 2, s. 1.

Transition, deemed vesting in Crown

(3)  On the day on which a regulation prescribing an entity for the purposes of this section comes into force, any land, buildings or structures, any interests in land, buildings or structures and any fixtures or interests in fixtures installed or placed in or used in connection with land, buildings or structures that belonged to the entity immediately before the regulation came into force are deemed to vest in the Crown and to be under the Minister’s control. 2023, c. 5, Sched. 2, s. 1.

No expropriation or injurious affection

(4)  Nothing done or not done in accordance with this section or a regulation made under section 22 constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law. 2023, c. 5, Sched. 2, s. 1.

Acquiring property for use of prescribed entity

(5)  Without limiting the generality of section 9, if the Minister acquires, by purchase, lease or otherwise, land, buildings or structures or interests in land, buildings or structures for the use of an entity that is a prescribed entity but that is not part of the Government within the meaning of section 1, the acquisition is deemed to be for the use or purposes of the Government under section 9. 2023, c. 5, Sched. 2, s. 1.

Exceptions, etc.

(6)  This section is subject to any exceptions, conditions, limitations or restrictions set out in the regulations made by the Minister. 2023, c. 5, Sched. 2, s. 1.

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

[2023, c. 5, Sched. 2, s. 1](http://www.ontario.ca/laws/statute/S23005" \l "sched2s1) - 01/04/2024

Transfer of control

**11.1**(1)  The Minister may, by order, transfer to another Minister or to a Crown agency jurisdiction over, or administration or control of, any Government property described in subsection 1.1 (1) that is under the Minister’s control. 2015, c. 38, Sched. 7, s. 51 (15).

Terms and conditions

(2)  A transfer under subsection (1) is subject to the terms and conditions set out in the order. 2012, c. 8, Sched. 33, s. 3.

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

[2012, c. 8, Sched. 33, s. 3](http://www.ontario.ca/laws/statute/S12008" \l "sched33s3) - 20/06/2012

[2015, c. 38, Sched. 7, s. 51 (15)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s15) - 10/12/2016

Instruments creating rights analogous to easements

**12** (1)  A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Government, in respect of Government property, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, despite the fact that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Government. 2011, c. 9, Sched. 27, s. 12 (1); 2015, c. 38, Sched. 7, s. 51 (16).

Terms of instrument binding on successors

(2)  On and after the registration of an instrument to which subsection (1) applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding on and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument. 2011, c. 9, Sched. 27, s. 12 (2).

Liability of grantor for breach of covenant limited

(3)  A party to an instrument to which subsection (1) applies or a person to whom subsection (2) applies is not liable for breach of a covenant or condition contained in the instrument committed after the person ceased to be the owner of the land mentioned in the instrument, or after the person ceased to hold the interest in the land by virtue of which the person or the person’s predecessor in title executed the instrument. 2011, c. 9, Sched. 27, s. 12 (3).

Land to remain subject to instrument when sold for taxes

(4)  Where the land mentioned in an instrument to which subsection (1) applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument. 2011, c. 9, Sched. 27, s. 12 (4).

Application

(5)  This section applies despite the fact that the right, interest, covenant or condition was granted or created by or contained in an instrument executed before June 18, 1974. 2011, c. 9, Sched. 27, s. 12 (5).

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

[2015, c. 38, Sched. 7, s. 51 (16)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s16) - 10/12/2016

Government public utilities

Definitions

**13** (1)  In this section,

“government public utility” means a public utility owned and operated by the Crown as represented by the Minister; (“service public gouvernemental”)

“government public utility easement” means an easement of the Crown as represented by the Minister in respect of a government public utility; (“servitude de service public gouvernemental”)

“public utility” means a water works or water supply system, sewage works, steam or hot water distribution system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, or a transportation system. (“service public”) 2011, c. 9, Sched. 27, s. 13 (1).

*Registry Act* does not apply

(2)  Part III of the Registry Act does not apply to a claim of a person in respect of a part of a government public utility constructed on land before June 21, 1990 with the consent of the owner of the land. 2011, c. 9, Sched. 27, s. 13 (2).

Interference with utilities

(3)  No person shall interfere with a part of a government public utility for which there is no government public utility easement unless,

(a) the Minister consents; or

(b) the interference is authorized by a court order under this section. 2011, c. 9, Sched. 27, s. 13 (3).

Court orders with respect to utilities

(4)  The Superior Court of Justice may make an order authorizing interference with a part of a government public utility on the application of a person who has an interest in the land where the part is located if the use of the land by the person is substantially affected. 2011, c. 9, Sched. 27, s. 13 (4).

Notice

(5)  A person making an application for an order under subsection (4) in respect of a part of a government public utility shall give the Minister 90 days notice of the application or such other notice as the court may direct. 2011, c. 9, Sched. 27, s. 13 (5).

Other orders

(6)  In making an order under subsection (4), the court may make such other orders as it considers necessary, including an order that the applicant provide an easement for the alternative location of the public utility for such compensation as the court may determine. 2011, c. 9, Sched. 27, s. 13 (6).

Stay of orders

(7)  The court shall stay an order under subsection (4) at the request of the Minister for such time as the court determines to allow the Government to acquire an interest in land to accommodate the part of the public utility that is subject to the order. 2011, c. 9, Sched. 27, s. 13 (7).

Right to repair utilities

(8)  Subject to any court order under this section, the Minister may enter on any land to repair and maintain a government public utility. 2011, c. 9, Sched. 27, s. 13 (8).

Utilities located by mistake

(9)  If, before June 21, 1990, the Government located a part of a government public utility where it had no right to do so in the mistaken belief that the part was being located on a municipal road allowance, the Crown as represented by the Minister shall be deemed to have an easement in respect of the utility and the owner of the land on which the part is located shall be entitled to compensation for the easement determined in accordance with the Expropriations Act. 2011, c. 9, Sched. 27, s. 13 (9).

Offence

(10)  Every person who knowingly contravenes subsection (3) is guilty of an offence. 2011, c. 9, Sched. 27, s. 13 (10).

Money required by the Ministry

**14** The expenditures of the Ministry shall be paid out of money appropriated therefor by the Legislature. 2011, c. 9, Sched. 27, s. 14.

Charge for services

**15** Subject to the Financial Administration Act, the Minister may charge for services provided under this Act. 2011, c. 9, Sched. 27, s. 15; 2015, c. 38, Sched. 7, s. 51 (17).

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

[2015, c. 38, Sched. 7, s. 51 (17)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s17) - 10/12/2016

Bonds

**16** The Minister may require and take security by way of bond, with or without collateral security, or by way of deposit of money for the due performance of an agreement entered into under this Act. 2011, c. 9, Sched. 27, s. 16.

Seal

**17** (1)  The Lieutenant Governor in Council may authorize a seal for the Ministry. 2011, c. 9, Sched. 27, s. 17 (1).

Same

(2)  The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction. 2011, c. 9, Sched. 27, s. 17 (2).

Same

(3)  When reproduced in accordance with subsection (2), the seal has the same effect as if it is manually affixed. 2011, c. 9, Sched. 27, s. 17 (3).

Accounting statement related to financial assistance

**18** The Minister may require a person or an organization that has received financial assistance under this Act to submit to the Minister a statement prepared by an individual licensed under the Public Accounting Act, 2004 that sets out the details of the disposition of the financial assistance by the person or organization. 2011, c. 9, Sched. 27, s. 18.

Delegation

Delegation to Ministry

**19** (1)  Where, under this or any other Act, responsibility or authority is granted to or vested in the Minister, other than the power to expropriate, the Minister may in writing delegate that responsibility or authority to the Deputy Minister or to any public servant who works in the Ministry, subject to the terms and conditions that the Minister sets out in the delegation. 2011, c. 9, Sched. 27, s. 19 (1).

Delegation to Crown agency

(2)  The Minister may in writing delegate his or her responsibility or authority under the following provisions to any Crown agency for which the Minister is responsible, subject to the terms and conditions that the Minister sets out in the delegation:

1. Subsection 7 (2).

2. Clause 7 (4) (g), if the agreement entered into for and in the name of the Crown is in respect of a matter mentioned in subsection 7 (2).

2.1 Section 7.1.

3. Subsections 9 (1), (2), (3) and (4).

4. Section 10.

5. Section 11.1. 2011, c. 9, Sched. 27, s. 19 (2); 2012, c. 8, Sched. 33, s. 4; 2015, c. 38, Sched. 7, s. 51 (18); 2020, c. 18, Sched. 20, s. 4 (2).

Same

(3)  The Minister may in writing delegate his or her responsibility or authority under subsection 7 (5), subject to the terms and conditions that the Minister sets out in the delegation, to,

(a) the Ontario Infrastructure and Lands Corporation; or

(b) if the Minister of Finance approves, any other Crown agency for which the Minister is responsible. 2015, c. 38, Sched. 7, s. 51 (19).

Same, Forfeited Corporate Property Act, 2015

(3.1)  The Minister may in writing delegate any responsibility or authority given to the Minister under the Forfeited Corporate Property Act, 2015 to a Crown agency for which the Minister is responsible, subject to the terms and conditions that the Minister sets out in the delegation. 2015, c. 38, Sched. 7, s. 51 (19).

Access to delegations

(4)  Where the Minister considers it appropriate to do so, the Minister shall take steps that the Minister considers appropriate to ensure that the delegation is readily available to the public. 2011, c. 9, Sched. 27, s. 19 (4).

General or specific

(5)  A delegation made under this section may be general or specific. 2011, c. 9, Sched. 27, s. 19 (5).

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

[2012, c. 8, Sched. 33, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched33s4s1) - 20/06/2012

[2015, c. 38, Sched. 7, s. 51 (18, 19)](http://www.ontario.ca/laws/statute/S15038" \l "sched7s51s18) - 10/12/2016

[2020, c. 18, Sched. 20, s. 4 (2)](http://www.ontario.ca/laws/statute/S20018" \l "sched20s4s2) - 21/07/2020

Advisory committees

**20** (1)  The Lieutenant Governor in Council or the Minister may,

(a) establish advisory committees to advise the Minister on the exercise of his or her authority and the performance of his or her duties, functions and responsibilities;

(b) appoint the members of the committees, and designate one member as chair and one or more members as vice-chair; and

(c) determine the terms of reference of the committees. 2011, c. 9, Sched. 27, s. 20 (1).

Remuneration and expenses

(2)  The Lieutenant Governor in Council may determine the remuneration and expenses of persons appointed under clause (1) (b). 2011, c. 9, Sched. 27, s. 20 (2).

Regulations

**21** The Lieutenant Governor in Council may make regulations prescribing persons and entities as public sector organizations for the purpose of clause (g) of the definition of “public sector organization” in section 1. 2011, c. 9, Sched. 27, s. 21.

Regulations, s. 11.0.1

Minister

**22** (1)  The Minister may make regulations,

(a) prescribing entities for the purposes of section 11.0.1;

(b) prescribing exceptions, conditions, limitations or restrictions in connection with section 11.0.1;

(c) clarifying the meaning of a term used in or in connection with section 11.0.1 that is not defined in this Act;

(d) governing agreements with respect to interests described in section 11.0.1, including, without limitation,

(i) deeming specified terms or conditions to be or not to be included in an agreement,

(ii) requiring the parties to an agreement to include specified terms or conditions in the agreement,

(iii) prohibiting an agreement from including specified terms or conditions,

(iv) negating or limiting the liability of the Crown or an officer, employee or agent of the Crown, or any other specified person or entity, in respect of an agreement;

(e) governing transitional matters arising from the implementation of section 11.0.1, including the vesting of real property and the registration on title of interests that are deemed to vest in the Crown. 2023, c. 5, Sched. 2, s. 2.

Lieutenant Governor in Council

(2)  The Lieutenant Governor in Council may make regulations,

(a) governing agreements that have been entered into with respect to interests described in section 11.0.1, including, without limitation,

(i) deeming specified terms or conditions to be or not to be included in an agreement,

(ii) negating or limiting the liability of the Crown or an officer, employee or agent of the Crown, or any other specified person or entity, in respect of an agreement;

(b) in circumstances where an entity prescribed for the purposes of section 11.0.1 has not complied with that section or the regulations associated with it,

(i) respecting measures to be taken by the entity, the Minister, the Ontario Infrastructure and Lands Corporation or any other specified person or entity in connection with the non-compliance,

(ii) governing the rights, powers and obligations of persons or entities who were directly or indirectly affected by the non-compliance,

(iii) governing the vesting of real property and the registration on title of interests described in section 11.0.1 in connection with the non-compliance,

(iv) negating or limiting the liability of the Crown or an officer, employee or agent of the Crown, or any other specified person or entity, in respect of subclauses (i) to (iii). 2023, c. 5, Sched. 2, s. 2.

Retroactive

(3)  A regulation made under subsection (2) is, if it so provides, effective with respect to a period before it is filed. 2023, c. 5, Sched. 2, s. 2.

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

[2023, c. 5, Sched. 2, s. 2](http://www.ontario.ca/laws/statute/S23005" \l "sched2s2) - 01/04/2024

23-41Omitted (amends, repeals or revokes other legislation). 2011, c. 9, Sched. 27, ss. 23-41.

42Omitted (provides for coming into force of provisions of this Act). 2011, c. 9, Sched. 27, s. 42.

43Omitted (enacts short title of this Act). 2011, c. 9, Sched. 27, s. 43.

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[Français](http://www.ontario.ca/fr/lois/loi/11m09b)

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