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Highway 407 East Act, 2012

[S.o. 2012, chapter 8](https://www.ontario.ca/laws/statute/s12008)  
Schedule 22

**Consolidation Period:** From June 1, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2022, c. 2, Sched. 5](http://www.ontario.ca/laws/statute/S22002" \l "sched5s1).

Legislative History: [2015, c. 14, s. 1-3](http://www.ontario.ca/laws/statute/S15014" \l "s1); [2015, c. 20, Sched. 16](http://www.ontario.ca/laws/statute/S15020" \l "sched16s1); [2017, c. 34, Sched. 19, s. 24](http://www.ontario.ca/laws/statute/S17034" \l "sched19s24s1); [2019, c. 14, Sched. 16, s. 6-9](http://www.ontario.ca/laws/statute/S19014" \l "sched16s6s1); [2022, c. 2, Sched. 5](http://www.ontario.ca/laws/statute/S22002" \l "sched5s1).

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Interpretation

Interpretation

Definitions

**1** (1)  In this Act,

“enforcement fee” means a fee charged by the Minister for the purposes of recovering costs associated with a person’s failure to pay a toll or fee; (“frais de recouvrement”)

“Highway 407 East” means the highway between the easterly end of Highway 407, as defined in the Highway 407 Act, 1998, and Highway 35/115 and improvements and fixtures on the highway; (“autoroute 407 Est”)

“Minister” means the Minister of Transportation or such other member of the Executive Council to whom the administration of this Act is assigned under the Executive Council Act; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“prescribed”, except in the definition of “toll device”, means prescribed in the regulations made under this Act; (“prescrit”)

“toll device” means a toll device prescribed under clause 191.4 (a) of the Highway Traffic Act; (“appareil à péage”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “toll device” in subsection 1 (1) of the Act is amended by striking out “clause 191.4 (a)” and substituting “clause 191.4 (1) (a)”. (See: 2017, c. 34, Sched. 19, s. 24 (1))

“vehicle permit” means a permit as defined in section 6 of the Highway Traffic Act. (“certificat d’immatriculation de véhicule”) 2012, c. 8, Sched. 22, s. 1 (1); 2019, c. 14, Sched. 16, s. 6 (1); 2022, c. 2, Sched. 5, s. 1.

References to Minister, Ministry

(2)  Where an agreement is entered into under subsection 14 (1) and is in force, references to the Minister or the Ministry in the following provisions shall be read as referring to the person or entity that is party to the agreement with the Minister:

0.1 The definition of “enforcement fee” in subsection 1 (1).

1. Subsections 3 (1) and (4).

2. Subsection 5 (1), subclauses 5 (2) (c) (i) and (iii) and clause 5 (2) (d).

3. Subsections 6 (2), (5), (6), (7) and (8).

4. Subsections 8 (1), (2), (3), (4), (6), (7) and (8).

5. Subsection 9 (1).

6. Subsections 11 (1), (2) and (7) to (11). 2012, c. 8, Sched. 22, s. 1 (2); 2019, c. 14, Sched. 16, s. 6 (2-4).

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

[2017, c. 34, Sched. 19, s. 24 (1)](http://www.ontario.ca/laws/statute/S17034" \l "sched19s24s1) - not in force

[2019, c. 14, Sched. 16, s. 6 (1-4)](http://www.ontario.ca/laws/statute/S19014" \l "sched16s6s1) - 10/12/2019

[2022, c. 2, Sched. 5, s. 1](http://www.ontario.ca/laws/statute/S22002" \l "sched5s1) - 01/06/2023

Designations of Highway 407 East as a Controlled-Access and Toll Highway

Designations

Controlled-access highway

**2** (1)  Highway 407 East is deemed to be designated as a controlled-access highway under section 36 of the Public Transportation and Highway Improvement Act, thereby making it part of the King’s Highway, and an order in council confirming this designationmay be registered in the proper land registry offices. 2012, c. 8, Sched. 22, s. 2 (1).

Toll highway

(2)  Subject to a regulation made under clause 17 (a), Highway 407 East is designated as a toll highway. 2012, c. 8, Sched. 22, s. 2 (2).

Tolling and Enforcement

Obligation to pay toll

**3** (1)  A toll and any related fee and interest payable under this Act for the operation of a vehicle on Highway 407 East shall be paid to the Ministry by,

(a) if a toll device is not affixed to the vehicle, the person in whose name the plate portion of the vehicle permit is issued;

(b) if a toll device is affixed to the vehicle, the person to whom the toll device is registered. 2012, c. 8, Sched. 22, s. 3 (1).

Evidence

(2)  Photographic or electronic evidence of the use of Highway 407 East is proof, in the absence of evidence to the contrary, of the obligation to pay a toll. 2012, c. 8, Sched. 22, s. 3 (2).

Application

(3)  Sections 5 to 12 apply to the collection and enforcement of tolls and related fees and interest payable under this Act by a person described in subsection (1), but do not apply to the collection and enforcement of tolls, fees and interest if,

(a) the person is responsible for the payment of the tolls, fees and interest under clause (1) (b); and

(b) the toll device that was affixed to the vehicle in question was obtained without providing information identifying the plate portion of a vehicle permit. 2012, c. 8, Sched. 22, s. 3 (3).

Validation of toll devices

(4)  For the purposes of subsection 191.2 (2) of the Highway Traffic Act, a toll device is a validated toll device under this Act if a toll device agreement is in effect between the person to whom the toll device is registered and the Minister with respect to that toll device. 2012, c. 8, Sched. 22, s. 3 (4).

Payment of toll

**4** (1)  Subject to any agreement between the Minister and a person responsible for the payment of a toll, a toll or fee is payable on the day an invoice for the toll and fee is sent to that person. 2012, c. 8, Sched. 22, s. 4 (1).

Interest

(2)  Subject to any agreement between the Minister and a person responsible for the payment of a toll, interest on a toll or fee begins to accrue and is payable 35 daysafter the invoice for the toll and fee is sent to that person. 2012, c. 8, Sched. 22, s. 4 (2).

Same

(3)  Subject to a regulation made under clause 18 (c), the rate of interest under subsection (2) is the maximum rate of interest fixed under subsection 10 (4) of the Financial Administration Act. 2012, c. 8, Sched. 22, s. 4 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 4 (3) of the Act is repealed and the following substituted: (See: 2017, c. 34, Sched. 19, s. 24 (2))

Same

(3)  Subject to a regulation made under clause 18 (c), the rate of interest under subsection (2) is the rate of interest established under subsection 10 (3) of the Financial Administration Act. 2017, c. 34, Sched. 19, s. 24 (2).

Exception — enforcement fees

(3.1)  Despite subsections (1) and (2), an enforcement fee is payable on the day it is charged and interest on the enforcement fee begins to accrue and is payable 35 days after the enforcement fee is charged. 2019, c. 14, Sched. 16, s. 7.

Debt to person or entity

(4)  Any fee and interest described in clause 14 (1) (d) or (e) that a person or entity with whom the Minister enters into an agreement under subsection 14 (1) is entitled to establish or charge pursuant to that agreement are a debt owing to the person or entity, and the person or entity has a cause of action enforceable in any court of competent jurisdiction for the payment of that debt. 2012, c. 8, Sched. 22, s. 4 (4).

Debt to Crown

(5)  Despite an agreement described in subsection 14 (1) that authorizes a person or entity to collect and enforce the payment of tolls, related fees and interest as described in clause 14 (1) (a), those tolls, related fees and interest are a debt owing to the Crown. 2012, c. 8, Sched. 22, s. 4 (5).

Same

(6)  The Crown has a cause of action enforceable in any court of competent jurisdiction for the payment of the debt described in subsection (5) and, where an agreement is entered into under subsection 14 (1) and is in force, the person or entity with whom the Minister enters into the agreement may also enforce the Crown’s cause of action in a court of competent jurisdiction for the payment of that debt. 2012, c. 8, Sched. 22, s. 4 (6).

Debt to Crown extinguished by payment to person or entity

(7)  The debt to the Crown described in subsection (5) is extinguished if the person who is responsible under section 3 for paying those tolls, fees and interest pays them to the person or entity authorized under the agreement described in subsection 14 (1) to collect them, and for the purposes of this subsection, an amount is paid when the person or entity receives final and irrevocable settlement of the amount. 2012, c. 8, Sched. 22, s. 4 (7).

Debt not enforced if disputed or appealed

(8)  A debt described in subsection (4) or (5) may not be enforced while the obligation to pay a toll or fee is being disputed under section 6 or is subject to an appeal under section 8. 2012, c. 8, Sched. 22, s. 4 (8).

Property in tolls, etc.

(9)  Tolls, fees and interest that are collected by or on behalf of the Minister are the property of the Crown. 2012, c. 8, Sched. 22, s. 4 (9).

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

[2017, c. 34, Sched. 19, s. 24 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched19s24s2) - not in force

[2019, c. 14, Sched. 16, s. 7](http://www.ontario.ca/laws/statute/S19014" \l "sched16s7) - 10/12/2019

Failure to pay toll

**5** (1)  If a toll charged for operating a vehicle on Highway 407 East or any administrative fee is not paid within 35 days after the day it is payable under subsection 4 (1), the Minister may send the person responsible for the payment of the toll a notice of failure to pay the toll. 2012, c. 8, Sched. 22, s. 5 (1).

Content of notice

(2)  The notice shall,

(a) set out the amount of the toll and of any administrative fee and the interest rate that is being charged;

(b) inform the person named in the notice that the person may dispute the matter on a ground described in subsection 6 (1) and set out those grounds;

(c) inform the person named in the notice that if the person disputes the matter,

(i) the person must send a notice of dispute to the Minister within the time period referred to in subsection 6 (2),

(ii) the person bears the onus of proving the grounds on which the matter is disputed, and

(iii) the person is no longer required to pay the tolls, fees and interest set out in the notice if the Minister fails to send the person a decision within 30 days after receiving the person’s notice of dispute; and

(d) inform the person named in the notice that if the toll or fee referred to in the notice, or any interest on that toll or fee, is not paid within 90 days after the day on which the person received the notice, even if the failure to pay is disputed under section 6 or is subject to an appeal under section 8,

(i) the Minister may charge an enforcement fee, the amount of which shall be set out in the notice, and

(ii) the Registrar of Motor Vehicles may refuse to validate the person’s vehicle permit or refuse to issue a vehicle permit to the person. 2012, c. 8, Sched. 22, s. 5 (2); 2019, c. 14, Sched. 16, s. 8.

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

[2019, c. 14, Sched. 16, s. 8](http://www.ontario.ca/laws/statute/S19014" \l "sched16s8) - 10/12/2019

Dispute

**6** (1)  A person who receives a notice under section 5 may dispute the alleged failure to pay a toll on any of the following grounds:

1. The toll was paid in full.

2. The amount of the toll is incorrect.

3. The vehicle, the numbered plate or the toll device registered to the person was lost or stolen at the time the toll was incurred.

Note: On a day to be named by proclamation of the Lieutenant Governor, the English version of paragraph 3 of subsection 6 (1) of the Act is amended by striking out “the numbered plate” and substituting “the number plate”. (See: 2017, c. 34, Sched. 19, s. 24 (3))

4. The person is not the person responsible for the payment of the toll under subsection 3 (1).

5. A prescribed ground. 2012, c. 8, Sched. 22, s. 6 (1).

Notice of dispute

(2)  A person who receives a notice under section 5 may dispute the alleged failure to pay a toll if the person sends a notice of dispute, setting out the grounds on which the dispute is based, to the Minister within 30 daysafter receiving the notice of failure to pay the toll under section 5. 2012, c. 8, Sched. 22, s. 6 (2).

Payment without prejudice

(3)  The payment of a toll and related fees and interest shall not prejudice the right of a person who receives a notice under section 5 to dispute the alleged failure to pay the toll, fees and interest. 2012, c. 8, Sched. 22, s. 6 (3).

Onus

(4)  The onus of proving the grounds upon which a dispute under this section is based is on the person who sends the notice of dispute. 2012, c. 8, Sched. 22, s. 6 (4).

Decision

(5)  Within 30 daysafter receiving a notice of dispute from a person under subsection (2), the Minister shall render a decision and shall send the person a copy of the decision, with or without reasons. 2012, c. 8, Sched. 22, s. 6 (5).

Same

(6)  If the dispute is unsuccessful, the Minister shall, in writing together with the copy of the decision, inform the person who gave the notice of dispute of the person’s right to appeal the decision to a dispute arbitrator and shall provide the address of a dispute arbitrator. 2012, c. 8, Sched. 22, s. 6 (6).

Failure to give timely decision

(7)  If the Minister fails to send a copy of the decision to the person who sent the notice of dispute within the time period required under subsection (5), the person is no longer required to pay the tolls and the related fees and interest that were the subject of the dispute. 2012, c. 8, Sched. 22, s. 6 (7).

Statutory Powers Procedure Act

(8)  The Statutory Powers Procedure Act does not apply to the Minister’s powers of decision under this section. 2012, c. 8, Sched. 22, s. 6 (8).

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

[2017, c. 34, Sched. 19, s. 24 (3)](http://www.ontario.ca/laws/statute/S17034" \l "sched19s24s3) - not in force

Appointment of dispute arbitrator

**7** (1)  The Lieutenant Governor in Council may appoint a dispute arbitrator for the purposes of section 8. 2012, c. 8, Sched. 22, s. 7 (1).

Fees and expenses

(2)  The fees and expenses of the dispute arbitrator shall be paid by the Minister, out of money appropriated for the purpose by the Legislature, unless otherwise provided in an agreement entered into under subsection 14 (1). 2012, c. 8, Sched. 22, s. 7 (2).

Appeal

**8** (1)  A person may appeal the Minister’s decision under section 6 on any of the grounds described in subsection 6 (1) if the person sends a notice of appeal, setting out the grounds of the appeal, to the dispute arbitrator and to the Minister within 30 daysafter receiving a copy of the Minister’s decision under subsection 6 (5). 2012, c. 8, Sched. 22, s. 8 (1).

Submission by Minister

(2)  Within 15 days of receipt of a notice of appeal under subsection (1), the Minister may send a written submission to the dispute arbitrator. 2012, c. 8, Sched. 22, s. 8 (2).

Copy to appellant

(3)  Upon making a submission under subsection (2), the Minister shall send a copy of the submission to the appellant. 2012, c. 8, Sched. 22, s. 8 (3).

Appeal process

(4)  The dispute arbitrator shall review the notice of appeal and any submission made by the Minister under subsection (2) and may,

(a) decide the matter on the basis of the written material;

(b) if he or she thinks it appropriate, hold a hearing into the matter; or

(c) use any available mediation or alternative dispute resolution method that he or she considers appropriate. 2012, c. 8, Sched. 22, s. 8 (4).

Appeal decision

(5)  The dispute arbitrator shall decide the appeal solely on the grounds described in subsection 6 (1). 2012, c. 8, Sched. 22, s. 8 (5).

Order for expenses

(6)  If the dispute arbitrator finds that the appellant is not responsible for payment of the toll, he or she may order the Minister to pay the appellant the amount of the appellant’s reasonable out of pocket expenses incurred in connection with the dispute or appeal of the dispute. 2012, c. 8, Sched. 22, s. 8 (6).

Notice of decision

(7)  The dispute arbitrator shall send the appellant, the Minister, an official of or employee in the Ministry who is designated by the Minister for the purpose of this section and the Registrar of Motor Vehicles a copy of his or her decision within 120 daysofreceiving the notice of appeal under subsection (1). 2012, c. 8, Sched. 22, s. 8 (7).

Failure to give timely decision

(8)  If the dispute arbitrator fails to send a copy of his or her decision within the time period set out in subsection (7), the appellant or the Minister may apply to a court of competent jurisdiction for an order compelling the dispute arbitrator to give his or her decision. 2012, c. 8, Sched. 22, s. 8 (8).

Decision final

(9)  The decision of the dispute arbitrator is final and binding and is not subject to appeal. 2012, c. 8, Sched. 22, s. 8 (9).

Statutory Powers Procedure Act

(10)  The Statutory Powers Procedure Act does not apply to the dispute arbitrator’s powers of decision under this section. 2012, c. 8, Sched. 22, s. 8 (10).

Repayment of paid tolls

**9** (1)  Where a person who receives a notice of failure to pay a toll under section 5 pays the toll and the related fees and interest, in whole or in part, the Minister shall return the amount paid to the person, together with interest, if,

(a) the Minister or dispute arbitrator subsequently decides that the person is not responsible for the payment of the toll, fees and interest; or

(b) the person is no longer required to pay the tolls, fees and interest pursuant to subsection 6 (7). 2012, c. 8, Sched. 22, s. 9 (1).

Interest rate

(2)  Subject to a regulation made under clause 18 (c), the interest on an amount returned under subsection (1) shall be charged at the maximum rate of interest fixed under subsection 10 (4) of the Financial Administration Act. 2012, c. 8, Sched. 22, s. 9 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 9 (2) of the Act is repealed and the following substituted: (See: 2017, c. 34, Sched. 19, s. 24 (4))

Interest rate

(2)  Subject to a regulation made under clause 18 (c), the interest on an amount returned under subsection (1) shall be calculated at the rate of interest established under subsection 10 (3) of the Financial Administration Act. 2017, c. 34, Sched. 19, s. 24 (4).

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

[2017, c. 34, Sched. 19, s. 24 (4)](http://www.ontario.ca/laws/statute/S17034" \l "sched19s24s4) - not in force

Interest on unpaid tolls

**10** Interest on unpaid tolls and fees continues to accrue even if a person disputes or appeals the obligation to pay a toll. 2012, c. 8, Sched. 22, s. 10.

Failure to pay toll — non-validation of vehicle permit

Charging of enforcement fee and notification to Registrar

**11** (1)  If a toll and the related fees and interest are not paid within 90 days of the day a person receives a notice of failure to pay under section 5, the Minister may,

(a) charge an enforcement fee; and

(b) notify the Registrar of Motor Vehicles of the failure to pay. 2019, c. 14, Sched. 16, s. 9 (1).

Same

(2)  The Minister shall promptly inform the person who received the notice of failure to pay that the enforcement fee was charged or that the Registrar of Motor Vehicles has been notified under subsection (1), or both, as the case may be. 2019, c. 14, Sched. 16, s. 9 (1).

Dispute of enforcement fee

(2.1)  Subsections 4 (4) and (8) and sections 6 to 10 apply with respect to the enforcement fee. 2019, c. 14, Sched. 16, s. 9 (1).

Registrar’s action

(3)  If the Registrar of Motor Vehicles is notified under subsection (1), he or she shall, at the next opportunity, refuse to validate the vehicle permit issued to the person who received the notice of failure to pay under section 5 and refuse to issue a vehicle permit to that person. 2012, c. 8, Sched. 22, s. 11 (3); 2015, c. 14, s. 1 (1).

(4)-(6)  Repealed: 2015, c. 14, s. 1 (2).

If dispute

(7)  The Registrar of Motor Vehicles may act under subsection (3) even though the person who received the notice of failure to pay under section 5 has disputed the person’s obligation to pay under section 6 or has appealed a decision of the Minister under section 8. 2012, c. 8, Sched. 22, s. 11 (7).

When toll is paid

(8)  If the Registrar of Motor Vehicles has been notified under subsection (1) and the toll and related fees and interest and any enforcement fee are subsequently paid, the Minister shall immediately notify the Registrar of the payment. 2012, c. 8, Sched. 22, s. 11 (8); 2019, c. 14, Sched. 16, s. 9 (2).

Same

(9)  If the Registrar of Motor Vehicles is notified by the Minister that the toll, fees and interest and any enforcement fee have been paid or is notified by the dispute arbitrator that the person is not responsible for paying the toll, fees and interest and any enforcement fee, the Registrar shall,

(a) validate any vehicle permit that he or she refused to validate under subsection (3);

(b) issue a vehicle permit to a person if it was refused under subsection (3). 2012, c. 8, Sched. 22, s. 11 (9); 2019, c. 14, Sched. 16, s. 9 (3).

Transition — enforcement fee

(10)  The Minister may charge an enforcement fee under clause (1) (a) only if the Minister sent the notice of failure to pay under section 5 on or after the day the Better for People, Smarter for Business Act, 2019 received Royal Assent. 2019, c. 14, Sched. 16, s. 9 (4).

Same

(11)  If the Minister sent the notice earlier than the day the Better for People, Smarter for Business Act, 2019 received Royal Assent, this Act, as it read immediately before that day, applies with respect to a fee charged by the Minister for the purposes of recovering costs associated with a person’s failure to pay a toll or fee. 2019, c. 14, Sched. 16, s. 9 (4).

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

[2015, c. 14, s. 1 (1), (2)](http://www.ontario.ca/laws/statute/S15014" \l "s1s1) - 1/07/2015

[2019, c. 14, Sched. 16, s. 9 (1-4)](http://www.ontario.ca/laws/statute/S19014" \l "sched16s9s1) - 10/12/2019

Other remedies

**12** Actions taken under sections 5 to 11 are in addition to any other methods of collection and enforcement available at law. 2012, c. 8, Sched. 22, s. 12.

Minister’s powers re collection and enforcement

**13** (1)  The Minister may,

(a) collect and enforce payment of tolls, and interest on them, with respect to the operation of vehicles on Highway 407 East;

(b) establish, collect and enforce payment of administrative fees and fees to commence or appeal any dispute proceedings, and collect and enforce payment of interest on the fees;

(c) establish terms and conditions for the registration and distribution of toll devices;

(d) require security for the provision of any toll devices;

(e) determine the methods of payment of tolls, fees and interest;

(f) determine the circumstances in which tolls, fees and interest are to be refunded. 2012, c. 8, Sched. 22, s. 13.

Settlement of or determination of uncollectability of debt

(2)  Where the Minister sends a notice of failure to pay the toll to a person under section 5, the Minister may,

(a) negotiate and accept as a settlement in full payment and satisfaction of the tolls, fees and interest owed by the person an amount that is less than the whole amount owing;

(b) determine that any such tolls, fees or interest are uncollectable; or

(c) determine that financial hardship, economic considerations or other circumstances do not warrant the collection or enforcement of any such tolls, fees and interest. 2015, c. 20, Sched. 16, s. 1.

Application of *Financial Administration Act*

(3)  Subsections 5 (2), (3) and (3.1) of the Financial Administration Act apply in respect of a debt that is the subject of a settlement or determination described in subsection (2) as if it were the subject of a settlement or determination described in subsection 5 (1) of that Act. 2015, c. 20, Sched. 16, s. 1.

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

[2015, c. 20, Sched. 16, s. 1](http://www.ontario.ca/laws/statute/S15020" \l "sched16s1) - 1/07/2015

Agreement with person or entity to collect and enforce tolls, etc.

**14** (1)  The Minister may enter into an agreement with any person or entity authorizing that person or entity,

(a) to collect and enforce the payment of tolls, related fees and interest with respect to the operation of vehicles on Highway 407 East;

(b) to do anything the Minister is authorized to do under clause 13 (1) (b), (c), (d), (e) or (f) or under subsection 13 (2);

(c) to perform additional activities in relation to the collection and enforcement of tolls, fees and interest as are specified in the agreement;

(d) to establish, collect and enforce payment of administrative fees in respect of the activities referred to in clause (c);

(e) to charge interestfor the late payment of the administrative fees established by the person or entity, and to establish rules for determining when interest is owed and for determining the methods of payment of the administrative fees and related interest. 2012, c. 8, Sched. 22, s. 14 (1); 2015, c. 20, Sched. 16, s. 2 (1).

Collected tolls, etc., to be paid to Minister

(2)  An agreement that authorizes a person or entity to collect and enforce payment of the tolls, related fees and interest described in clause (1) (a) shall require the person or entity to pay those collected tolls, fees and interest to the Minister. 2012, c. 8, Sched. 22, s. 14 (2).

Application of *Financial Administration Act* to settlement of or determination of uncollectability of debt

(2.1)  Subsection 13 (3) applies in respect of a debt that is the subject of a settlement negotiated and accepted or a determination made by a person or entity pursuant to a provision in the agreement respecting the Minister’s power under subsection 13 (2) that is authorized by clause (1) (b). 2015, c. 20, Sched. 16, s. 2 (2).

Administrative fees and interest on them not public money

(3)  Amounts referred to in clauses (1) (d) and (e) are not public money for the purpose of section 2 of the Financial Administration Act. 2012, c. 8, Sched. 22, s. 14 (3).

Person or entity not a Crown agent

(4)  A person or entity with whom the Minister enters into an agreement under subsection (1) is not, for any purposes, a Crown agency within the meaning of the Crown Agency Act or an agent of the Crown and shall not hold themself out as such. 2012, c. 8, Sched. 22, s. 14 (4).

Crown not liable for person’s, entity’s acts

(5)  No action or other proceeding shall be instituted against the Crown, the Minister, the Registrar of Motor Vehicles or any other official of or employee in the Ministry for any act or omission of,

(a) a person or entity with whom the Minister enters into an agreement under subsection (1); or

(b) the directors, members, officers, employees, agents or independent contractors of a person or entity described in clause (a). 2012, c. 8, Sched. 22, s. 14 (5).

Auditor General

(6)  The Minister may assign to the Auditor General the rights of the Minister to conduct any audit under an agreement entered into under subsection (1), and section 17 of the Auditor General Act applies to any such assignment by the Minister. 2015, c. 20, Sched. 16, s. 2 (3).

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

[2015, c. 20, Sched. 16, s. 2 (1)-(3)](http://www.ontario.ca/laws/statute/S15020" \l "sched16s2s1) - 1/07/2015

Freedom of information

Definitions

**15** (1)  In this section,

“entity”, except when referring to a person or entity with whom the Minister enters into an agreement under subsection 14 (1), means the government of a province of Canada or a state of the United States of America; (“entité”)

“personal information” means information that is personal information for the purposes of the Freedom of Information and Protection of Privacy Act. (“renseignements personnels”) 2012, c. 8, Sched. 22, s. 15 (1).

Collection, use and disclosure of personal information — by Ministry

(2)  Despite any other Act or regulation, the Ministry may,

(a) collect personal information in any manner from a person or entity with whom the Minister enters into an agreement under subsection 14 (1), or from any person or entity for a purpose described in subsection (4);

(b) use, for a purpose described in subsection (4), personal information that is in its custody or under its control;

(c) disclose the names and addresses of persons who owe tolls, related fees and other charges that are in its custody or under its control or other prescribed personal information to a person or entity with whom the Minister enters into an agreement under subsection 14 (1) or to any person or entity for a purpose described in subsection (4). 2012, c. 8, Sched. 22, s. 15 (2).

Same — by person or entity under s. 14 (1) agreement

(3)  Despite any other Act or regulation, a person or entity with whom the Minister enters into an agreement under subsection 14 (1) may,

(a) collect, only for a purpose described in subsection (4), personal information in any manner from the Ministry or an entity;

(b) use, only for a purpose described in subsection (4), personal information that was collected from the Ministry or an entity;

(c) disclose, only for a purpose described in subsection (4), personal information that was collected from the Ministry or an entity. 2012, c. 8, Sched. 22, s. 15 (3).

Purposes

(4)  The following are the purposes referred to in subsections (2) and (3):

1. To collect and enforce, or assist in the collection and enforcement of, tolls, fees and other charges owing with respect to Highway 407 East.

2. To engage or assist in traffic planning and revenue management with respect to Highway 407 East.

3. To communicate, or assist in communicating, with users of Highway 407 East for the purpose of promoting the use of Highway 407 East.

4. To assist an entity with whom the Ministry has an agreement relating to the collection and enforcement of tolls. 2012, c. 8, Sched. 22, s. 15 (4).

Agreement required

(5)  Despite any other Act or regulation, the Minister shall, as a condition for the disclosure of personal information pursuant to subsection (2), include in an agreement entered into under subsection 14 (1) a provision that, in the opinion of the Minister, will protect the confidentiality of the personal information and prohibit the use of the personal information for any purpose not referred to in subsection (4). 2012, c. 8, Sched. 22, s. 15 (5).

Other requirements

(6)  In addition to the condition required by subsection (5), the Minister may impose any other conditions that he or she considers appropriate. 2012, c. 8, Sched. 22, s. 15 (6).

Confidentiality protected

(7)  A person or entity with whom the Minister enters into an agreement under subsection 14 (1) or any other person who collects personal information from the Ministry shall ensure that all reasonable steps are taken to protect the confidentiality of that personal information, including protecting its confidentiality during its storage, transportation, handling and destruction. 2012, c. 8, Sched. 22, s. 15 (7).

Use of information

(8)  For the purposes of the Freedom of Information and Protection of Privacy Act, personal information in the custody or under the control of the Ministry may be used by the Ministry for the purposes described in subsection (4) and that use is deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled. 2012, c. 8, Sched. 22, s. 15 (8).

Purpose of disclosure

(9)  For the purposes of the Freedom of Information and Protection of Privacy Act, personal information disclosed by the Ministry for a purpose described in subsection (4) is deemed to have been disclosed for the purpose of complying with this section. 2012, c. 8, Sched. 22, s. 15 (9).

Notice not required

(10)  Subsection 39 (2) of the Freedom of Information and Protection of Privacy Act does not apply with respect to the collection of personal information authorized by subsection (2) or (3). 2012, c. 8, Sched. 22, s. 15 (10).

Retention of information

(11)  Personal information collected under clause (3) (a) and used by a person or entity with whom the Minister enters into an agreement under subsection 14 (1) shall be retained by that person or entity for at least 65 days unless the individual to whom the information related consents in writing to its earlier disposal. 2012, c. 8, Sched. 22, s. 15 (11).

Offence

(12)  A person who knowingly uses or discloses, for a purpose other than a purpose described in subsection (4), personal information that was disclosed to the person by the Ministry under this section is guilty of an offence and on conviction is liable to a fine of not more than $5,000. 2012, c. 8, Sched. 22, s. 15 (12).

Regulations and Forms

Amount of toll

First toll is prescribed

**16** (1)  The Lieutenant Governor in Council may by regulation prescribe the toll that is payable for the operation of a vehicle on Highway 407 East during a period of time specified in the regulation, which period shall be at least 12 months and shall end on May 31. 2012, c. 8, Sched. 22, s. 16 (1).

(2)  Repealed: 2015, c. 14, s. 2.

Annual adjustment of toll

(3)  Beginning on the first June 1 after the period of time specified in a regulation made under subsection (1), and on every June 1 after that, the toll that is payable for the operation of a vehicle on Highway 407 East from June 1 until the next May 31 is the toll for the previous 12-month period adjusted by the percentage change in the Ontario Consumer Price Index between the previous two calendar years. 2012, c. 8, Sched. 22, s. 16 (3).

Calculation of toll

(4)  The actual toll under subsection (3) is the amount determined by the calculation described in that subsection rounded to the nearest hundredth of a cent. 2012, c. 8, Sched. 22, s. 16 (4).

Exception

(5)  Despite subsection (3), the Lieutenant Governor in Council may by regulation prescribe a different toll than that determined under that subsection for any specified period. 2012, c. 8, Sched. 22, s. 16 (5).

Different tolls

(6)  A regulation made under subsection (1) or (5) may provide that different tolls apply on different days, months or times of day or on different lanes or parts of Highway 407 East. 2012, c. 8, Sched. 22, s. 16 (6).

Public notice of tolls

(7)  The Minister shall give public notice of the tolls that are payable, in the manner that the Minister considers appropriate. 2012, c. 8, Sched. 22, s. 16 (7).

Percentage change in the Ontario Consumer Price Index

(8)  In this section, the percentage change in the Ontario Consumer Price Index between two calendar years is the percentage change in the Consumer Price Index for Ontario (All-Items) between those years as published by Statistics Canada under the authority of the Statistics Act (Canada). 2012, c. 8, Sched. 22, s. 16 (8).

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

[2015, c. 14, s. 2](http://www.ontario.ca/laws/statute/S15014" \l "s2) - 1/07/2015

Other regulations made by Lieutenant Governor in Council

**17** The Lieutenant Governor in Council may make regulations,

(a) prescribing a part of Highway 407 East that is not designated as a toll highway;

(b) prescribing additional grounds on which to dispute a notice of failure to pay a toll;

(c) respecting additional procedures to be used for enforcing the payment of tolls on Highway 407 East;

(d) providing that sections 5 to 11, or any of them, or any provision of a regulation made under this Act, do not apply in respect of all or a part of Highway 407 East, and prescribing different rules for the collection and enforcement of tolls, fees and interest and for the resolution of disputes than those set out in those provisions;

(e) prescribing the types of toll devices and related tolling equipment that must be used on Highway 407 East;

(f) providing that the Arbitration Act, 1991 or any provision of that Act does not apply to appeals under section 8;

(g) Repealed: 2015, c. 14, s. 3.

(h) prescribing personal information for the purpose of clause 15 (2) (c);

(i) despite this or any other Act, requiring the Minister and the owners or operators of any private toll highways to do the things specified in the regulation in order to achieve the integration of Highway 407 East with the other highways specified in the regulation;

(j) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the purposes of this Act. 2012, c. 8, Sched. 22, s. 17; 2015, c. 14, s. 3.

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

[2015, c. 14, s. 3](http://www.ontario.ca/laws/statute/S15014" \l "s3) - 1/07/2015

Minister’s regulations

**18** The Minister may make regulations,

(a) exempting any person or vehicle or class of persons or vehicles from the application of section 3, and prescribing conditions and circumstances for any such exemption;

(b) providing that no tolls are payable on all or part of Highway 407 East for a specified event or time period;

(c) prescribing a rate of interest for the purpose of subsection 4 (3) or 9 (2);

(d) prescribing and governing methods for sending invoices, notices and other documents. 2012, c. 8, Sched. 22, s. 18.

Forms

**19** The Minister may approve forms for the purposes of this Act and require their use. 2012, c. 8, Sched. 22, s. 19.

20Omitted (amends, repeals or revokes other legislation). 2012, c. 8, Sched. 22, s. 20.

21Omitted (provides for coming into force of provisions of this Act). 2012, c. 8, Sched. 22, s. 21.

22Omitted (enacts short title of this Act). 2012, c. 8, Sched. 22, s. 22.

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