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Supporting Growth and Housing in York and Durham Regions Act, 2022

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Schedule 10

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PART I  
INTERPRETATION

Definitions

**1** In this Act,

“2022 York Region Water and Wastewater Master Plan” means the master plan for York Region’s water and wastewater services titled “2022 York Region Water and Wastewater Master Plan” dated August 2022; (“2022 York Region Water and Wastewater Master Plan”)

“aboriginal or treaty rights” means the existing aboriginal or treaty rights recognized and affirmed in section 35 of the Constitution Act, 1982; (“droits ancestraux ou issus de traités”)

“Agency” means the Ontario Clean Water Agency; (“Agence”)

“building” has the same meaning as in the Building Code Act, 1992; (“bâtiment”)

“business day” means a day from Monday to Friday, other than a holiday as defined in section 87 of the Legislation Act, 2006; (“jour ouvrable”)

“construct” has the same meaning as in the Building Code Act, 1992; (“construire”)

“delegate” means an entity to which a power or duty has been delegated under section 51; (“délégataire”)

“environment” has the same meaning as in the Environmental Assessment Act; (“environnement”)

“Durham Region” means the Regional Municipality of Durham; (“région de Durham”)

“highway” has the same meaning as in the Municipal Act, 2001; (“voie publique”)

“immediate danger” means a danger or hazard that,

(a) poses an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project, or

(b) if construction is not underway but the start of construction is imminent, would pose an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project; (“danger immédiat”)

“Lake Simcoe phosphorus reduction project” means a sewage works for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River, including or excluding any associated or ancillary equipment, systems and technologies or things that may be prescribed; (“projet de réduction du phosphore dans le lac Simcoe”)

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

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

“permit” means a permit issued under section 17; (“permis”)

“person” includes a municipality; (“personne”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“preview inspection” means an inspection under section 34; (“inspection préalable”)

“project land” means land designated as project land under section 52; (“terre ou bien-fonds affecté à un projet”)

“regulations” means the regulations made under this Act; (“règlements”)

“sewage” has the same meaning as in the Ontario Water Resources Act; (“eaux d’égout”)

“sewage works” has the same meaning as in the Ontario Water Resources Act; (“station d’épuration des eaux d’égout”)

“stop-work order” means an order under section 38; (“arrêté de cessation des travaux”)

“Upper York Sewage Solutions Undertaking” means the undertaking described in York Region’s Upper York Sewage Solutions Environmental Assessment Report dated July 2014; (“entreprise de solutions pour la gestion des eaux d’égout dans Upper York”)

“utility company” means a municipality, municipal service board or other company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat, cooling or power; (“entreprise de services publics”)

“utility infrastructure” means poles, wires, cables, including fibre-optic cables, conduits, towers, transformers, pipes, pipe lines or any other works, buildings, structures or appliances placed over, on or under land or water by a utility company; (“infrastructure de services publics”)

“YDSS Central system” means the sewage works described as “YDSS Central” in the 2022 York Region Water and Wastewater Master Plan; (“portion centrale du réseau d’égout de York-Durham”)

“YDSS North system” means the sewage works described as “YDSS North” in the 2022 York Region Water and Wastewater Master Plan; (“portion nord du réseau d’égout de York-Durham”)

“York Durham Sewage System” means the sewage works described collectively as the “YDSS North, YDSS Central, YDSS South, and YDSS Primary system” in the 2022 York Region Water and Wastewater Master Plan; (“réseau d’égout de York-Durham”)

“York Region” means the Regional Municipality of York; (“région de York”)

“York Region sewage works project” means the improvement, enlargement, extension and any other modifications of the York Durham Sewage System in York and Durham Regions to convey sewage, including sewage from the towns of Aurora, East Gwillimbury and Newmarket, for treatment at the Duffin Creek Water Pollution Control Plant in Durham Region and discharge into Lake Ontario, including or excluding any associated or ancillary equipment, systems and technologies or thing that may be prescribed. (“projet de station d’épuration des eaux d’égout dans la région de York”)

PART II  
REVOCATIONS

Revocations

**2** (1)  The following are revoked:

1. The order, dated October 1, 2004, with the file number ENV1283MC-2004-5305, in respect of the York-Durham Sewage System project that was issued by the Minister to the Region under section 16 of the Environmental Assessment Act, requiring the Region to comply with Part II of that Act before proceeding with the projects specified in the order.

2. The approval, dated March 11, 2010, with the file number 02-04-03, of the terms of reference that forms part of the application for the Upper York Sewage Solutions Undertaking approved under section 6 of the Environmental Assessment Act.

3. Any other prescribed document or instrument issued under the Environmental Assessment Act that is related to the York sewage works project or the Lake Simcoe phosphorus reduction project.

Application withdrawn

(2)  The application submitted for approval by York Region dated July 25, 2014 under section 6.2 of the Environmental Assessment Act shall be deemed to have been withdrawn and, for greater certainty, the Minister is not required to make a decision about that application.

Exception

(3)  For greater certainty, subsections (1) and (2) do not apply to any portion of the undertaking described in Order in Council 399/2018 made under the Environmental Assessment Act.

PART III  
REQUIREMENTS TO PROVIDE SEWAGE WORKS

Regions to construct sewage works project

**3** (1)  York Region and Durham Region shall, in accordance with subsections (2) and (3), work together to do everything in their respective powers to develop, construct and operate the York Region sewage works project.

Specific requirements

(2)  The York Region sewage works project must,

(a) have sufficient capacity to meet the total combined average daily wastewater flows forecasted to flow to the Duffin Creek Water Pollution Control Plant and the Water Reclamation Centre in 2051 in figures 2.1 and 2.2 of Appendix A to the 2022 York Region Water and Wastewater Master Plan;

(b) include improvements and upgrades to the YDSS North system to accommodate the flows described in clause (a);

(c) include improvements and upgrades to the YDSS Central system, which, at a minimum, consist of upgrades and improvements to the Yonge Street trunk sewer between Bloomington Road and 19th Avenue to accommodate the flows described in clause (a);

(d) meet all prescribed timelines for the development, construction and operation of all or part of the project;

(e) improve, enlarge and extend the York Durham Sewage System in an efficient and cost-effective manner; and

(f) be developed, constructed and operated in accordance with the regulations, if any.

Consultation required, etc.

(3)  York Region and Durham Region shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the Environmental Protection Act in respect of the York Region sewage works project until,

(a) the report required under section 4 has been completed to the Minister’s satisfaction;

(b) the consultation required under section 5 has been completed to the Minister’s satisfaction; and

(c) any other prescribed requirements have been completed.

Report

**4** (1)  Immediately following the coming into force of this subsection, York Region and Durham Region shall commence the preparation of a report, in accordance with subsection (2) and the regulations.

Details in report

(2)  The report required under subsection (1) must contain details of,

(a) the work required to meet the requirements of section 3;

(b) any associated cost of the work that is required to be detailed under clause (a);

(c) the approvals required to meet the requirements of section 3;

(d) the impacts to the environment of the project and the mitigation of those impacts; and

(e) anything else required by the Minister.

Report to be completed

(3)  The report required under this section must be completed before the date specified by the Minister.

Report to be made public

(4)  Promptly after completing the report required under this section, York Region and Durham Region shall,

(a) provide the report to the Minister;

(b) make the report publicly available on their respective websites; and

(c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 5 (4) for the purposes of the consultation required under section 5.

Revised report

(5)  The Minister may require York Region and Durham Region to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6)  Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7)  The Minister may require York Region and Durham region to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8)  Subsection 3 (3) and section 6 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9)  Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10)  Section 5 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

**5** (1)  York Region and Durham Region shall, in accordance with this section and any regulations, consult with every Indigenous community that is identified on a list provided by the Minister under subsection (4) and with persons who, in the opinion of York Region and Durham Region, may be interested in the York Region sewage works project.

Commencement of consultation

(2)  The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3)  As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

(a) the contents of the report required by section 4;

(b) any aboriginal or treaty rights that may be adversely impacted by the project;

(c) any potential adverse impacts of the project on aboriginal or treaty rights; and

(d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4)  Before commencing consultation under this section, York Region and Durham Region shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Consultation to be completed

(5)  Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6)  Following the completion of consultation under this section, York Region and Durham Region shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

(a) a description of the consultations carried out;

(b) a list of the Indigenous communities or interested persons who participated in the consultations;

(c) summaries of any comments submitted;

(d) copies of all written comments submitted by Indigenous communities or other interested persons;

(e) a summary of discussions that York Region and Durham Region had with Indigenous communities or other interested persons;

(f) a description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities or other interested persons; and

(g) any commitments made by York Region and Durham Region to Indigenous communities or other interested persons in respect of the York Region sewage works project.

Further consultation

(7)  Following the receipt of the report required under subsection (6), the Minister may require York Region and Durham Region to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modification

(8)  The report required under subsection (6) shall be modified by York Region and Durham Region to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9)  For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister’s opinion, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Notification by Minister

**6** The Minister shall promptly notify York Region and Durham Region and each Indigenous community identified on the list provided by the Minister under subsection 5 (4) when the following have been completed to the Minister’s satisfaction:

1. The report required under section 4.

2. The consultation required under section 5.

3. Any other requirements prescribed for the purpose of clause 3 (3) (c).

Note: Sections 7 to 10 come into force on a day to be named by proclamation of the Lieutenant Governor.

Municipalities to construct Lake Simcoe phosphorus reduction project

**7** (1)  Every municipality prescribed for the purposes of this subsection shall, in accordance with subsections (3) and (4), work together to do everything in their respective powers to develop, construct and operate the Lake Simcoe phosphorus reduction project.

Municipalities that may be prescribed

(2)  The following municipalities may be prescribed for the purposes of subsection (1):

1. York Region.

2. A lower-tier municipality within York Region.

3. A lower-tier municipality within the County of Simcoe.

Specific requirements

(3)  The Lake Simcoe phosphorus reduction project must be developed, constructed and operated in accordance with the regulations, if any, including meeting any prescribed timelines for all or part of the project.

Consultation required etc.

(4)  A municipality prescribed for the purposes of subsection (1) shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the Environmental Protection Act in respect of the Lake Simcoe phosphorus reduction project until,

(a) the report required under section 8 has been completed to the Minister’s satisfaction;

(b) the consultation required under section 9 has been completed to the Minister’s satisfaction; and

(c) any other prescribed requirements have been completed.

Report

**8** (1)  Immediately following the coming into force of this subsection, every municipality prescribed for the purposes of subsection 7 (1) shall commence the preparation of a report, in accordance with subsection (2) of this section and the regulations.

Details in report

(2)  The report required under subsection (1) must contain details of,

(a) necessary work required to meet the requirements of section 7;

(b) any associated cost of the work that is required to be detailed under clause (a);

(c) the approvals required to meet the requirements of section 7;

(d) the impacts to the environment of the project and the mitigation of those impacts; and

(e) anything else required by the Minister.

Report to be completed

(3)  The report required under this section must be completed before the date specified by the Minister.

Report to be made public

(4)  Promptly after completing the report required under this section, each municipality prescribed for the purposes of subsection 7 (1) shall,

(a) provide the report to the Minister;

(b) make the report publicly available on its website; and

(c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 9 (4) for the purposes of the consultation required under section 9.

Revised report

(5)  The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6)  Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7)  The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8)  Subsection 7 (4) and section 10 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9)  Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10)  Section 9 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

**9** (1)  Every municipality prescribed for the purposes of subsection 7 (1) shall, in accordance with this section and any regulations, consult with every Indigenous community identified on the list provided by the Minister under subsection (4) of this section and with persons who, in the opinion of the municipality, may be interested in the Lake Simcoe phosphorus reduction project.

Commencement of consultation

(2)  The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3)  As part of the consultation, the municipality shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

(a) the contents of the report required by section 8;

(b) any aboriginal or treaty rights that may be adversely impacted by the project;

(c) any potential adverse impacts of the project on aboriginal or treaty rights; and

(d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4)  Before commencing consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the phosphorus works project.

Consultation to be completed

(5)  Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6)  Following the completion of consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

(a) a description of the consultations carried out;

(b) a list of the Indigenous communities or interested persons who participated in the consultations;

(c) summaries of any comments submitted;

(d) copies of all written comments submitted by Indigenous communities or other interested persons;

(e) a summary of discussions that the municipality had with Indigenous communities or other interested persons;

(f) a description of what the municipality did to respond to concerns expressed by Indigenous communities or other interested persons; and

(g) any commitments made by the municipality to Indigenous communities or other interested persons in respect of the Lake Simcoe phosphorus reduction project.

Further consultation

(7)  Following the receipt of the report required under subsection (6), the Minister may require the municipality to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modifications

(8)  The report required under subsection (4) shall be modified by the municipality prescribed for the purposes of subsection 7 (1) to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9)  For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister’s opinion, have or may have existing aboriginal or treaty rights that may be adversely impacted by the Lake Simcoe phosphorus reduction project.

Notification by Minister

**10** The Minister shall promptly notify a municipality prescribed for the purposes of subsection 7 (1) and each Indigenous community identified on the list provided by the Minister under subsection 9 (4) when the following have been completed to the Minister’s satisfaction:

1. The report required under section 8.

2. The consultation required under section 9.

3 Any other requirements prescribed for the purpose of clause 7 (4) (c).

Agency

**11** (1)  The Lieutenant Governor in Council may make an order requiring the Agency to undertake some or all of the work required under section 3 or 7, and the Agency shall comply with every such order.

Requirements

(2)  An order under subsection (1) may be subject to any requirements that the Lieutenant Governor in Council considers necessary or advisable.

Requirements under regulations

(3)  Any work the Agency is required to undertake under this section shall be done in accordance with the regulations.

Same

(4)  Sections 3, 4, 5 and 6 apply to work the Agency undertakes with respect to the York Region sewage works project, subject to any necessary modification.

Note: Subsection 11 (5) comes into force on a day to be named by proclamation of the Lieutenant Governor.

Same

(5)  Sections 7, 8, 9, and 10 apply to work the Agency undertakes with respect to the Lake Simcoe phosphorus reduction project, subject to any necessary modification.

Agency’s powers

(6)  For greater certainty, if an order is issued under this section, section 12 of the Ontario Water Resources Act applies.

Agency to act for municipality for approval of Tribunal

(7)  Where undertaking some or all of a project that a municipality is required to complete under this Part requires a municipality to obtain approval from the Ontario Land Tribunal, the Agency may apply on behalf of the municipality in respect of any part of the project that is subject to an order under subsection (1).

Delegation of authority

(8)  Section 50 of the Capital Investment Plan Act, 1993 applies with necessary modifications to anything the Agency is required to do under this Act.

Prohibition

(9)  If an order is issued to the Agency under this section, no person, other than the Agency, shall undertake the work required by the order.

Payment of Agency costs

(10)  A municipality shall pay the costs incurred by the Agency in the implementation of an order in accordance with any regulations.

Municipalities may raise money for costs

(11)  For the purpose of making payments to the Agency under subsection (10), a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to develop, construct or operate, were developing, constructing or operating or had developed, constructed or operated all or part of a project.

Settlement of disputes re costs

(12)  In the event of any dispute arising in respect of an amount required to be paid under subsection (10) to the Agency by a municipality for the development, construction or operation of a project, the dispute shall be referred to a sole arbitrator appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Agency and the municipality.

Costs of arbitrator

(13)  The services of the arbitrator appointed under subsection (12) shall be paid in the amount directed by the Lieutenant Governor in Council and the whole costs of the arbitration shall be paid as directed by the arbitrator in the award.

Arbitration procedure

(14)  Except as otherwise provided in this section, the Municipal Arbitrations Act applies to any arbitration under subsection (12).

Additional requirements

Powers of Minister

**12** (1)  The Minister may, for the purposes of this Act and the regulations, require a municipality required to complete a project under this Part to provide plans, specifications, reports or other information related to the project to the Minister by a specified date.

Powers of Agency

(2)  Where undertaking some or all of a project that a municipality is required to complete under this Part, the Agency may require the municipality to provide plans, specifications, reports or other information related to the project to the Agency by a specified date.

PART IV  
EXEMPTIONS

Exemption, York Region sewage works project

**13** The following are exempt from the Environmental Assessment Act:

1. The York Region sewage works project.

2. Any enterprises or activities for or related to the project.

3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.

4. Anything prescribed to be a part of or related to the project.

Note: Section 14 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Exemption, Lake Simcoe phosphorus reduction project

**14** The following are exempt from the Environmental Assessment Act:

1. The Lake Simcoe phosphorus reduction project.

2. Any enterprises or activities for or related to the project.

3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.

4. Anything prescribed to be a part of or related to the project.

PART V  
PROJECT LAND CONTROL

Project Land Development Permit

Permit required

**15** (1)  No person shall carry out the following work without a permit:

1. Building, altering or placing a building or other structure that is wholly or partially on, under or within 30 metres of project land.

2. Grading, dewatering or excavating conducted wholly or partially on, under or within 30 metres of project land.

3. Building, altering or constructing a highway that is wholly or partially on, under or within 30 metres of project land.

4. Building, altering or placing utility infrastructure that would require grading, dewatering or excavation wholly or partially on, under or within 10 metres of project land.

5. Prescribed work.

6. Work that is subject to a notice under subsection 19 (2).

Exception

(2)  Paragraph 1 of subsection (1) does not apply to utility infrastructure that does not require grading, dewatering or excavation.

Crown

(3)  This section does not apply to the Crown.

Exception, emergencies

(4)  A municipality, municipal service board or utility company may perform work that would otherwise be prohibited under this section to address an emergency that may impact the health and safety of any person or that would disrupt the provision of a service provided by the municipality, municipal service board or utility company.

Notification

(5)  A municipality, municipal service board or utility company that performs work described in subsection (4) shall provide the Minister with a notice in writing providing details about the nature, location and duration of the work being conducted.

Application for permits

**16** (1)  An application for a permit or an amendment to a permit shall be in writing, prepared in accordance with the regulations, if any, and submitted to the Minister.

Additional requirements

(2)  The Minister may require an applicant for a permit or an amendment to a permit to submit any plans, specifications, reports or other information related to the application.

Issuance of permits

**17** (1)  After considering an application for the issuance of a permit, the Minister may,

(a) issue a permit with or without conditions; or

(b) refuse to issue a permit.

Submissions

(2)  A person to whom a permit is issued under subsection (1) may make submissions in writing to the Minister about the permit within 15 days of receiving the permit.

Confirmation, etc.

(3)  After considering any submissions provided under subsection (2), and the needs and timelines of the project to be constructed within project lands, the Minister may, in writing,

(a) confirm the permit issued or the refusal to issue the permit;

(b) re-issue the permit with amended conditions; or

(c) revoke the permit.

Amendment application

(4)  A person to whom a permit is issued may apply, in writing and in accordance with the regulations, if any, to the Minister to have the permit amended.

Amendment decision

(5)  After considering a request under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may,

(a) amend the permit; or

(b) refuse to amend the permit.

Terms and conditions

(6)  A permit is subject to any terms and conditions that may be prescribed.

Revocation, amendment and suspension

**18** (1)  The Minister may revoke a permit in whole or in part, with or without issuing a new permit, amend a permit or suspend a permit in whole or in part, if,

(a) a stop-work order has been issued in respect of any work subject to the permit; or

(b) the Minister is of the opinion that the revocation, amendment or suspension is necessary.

Notice

(2)  Before revoking, amending or suspending a permit pursuant to subsection (1), the Minister shall provide notice in writing to the permit holder.

Submissions

(3)  The permit holder to whom a notice under subsection (2) is provided may make submissions to the Minister about the notice within 15 days of receiving the notice.

Confirmation, etc.

(4)  After considering any submissions made by the permit holder, the Minister may revoke, amend or suspend the permit in accordance with subsection (1).

Development in Process

Exception to permit requirement

**19** (1)  Subject to subsections (2) to (4), a person does not require a permit to carry out work described in subsection 15 (1) if the person has obtained all authorizations required at law to perform the work before the requirement to have a permit under section 15 applies to the person.

Imposition of requirement

(2)  Despite subsection (1), the Minister may require, by notice, a person described in that subsection to obtain a permit for any work described in that subsection that is not completed within six months of the issuance of the notice.

Requirement in notice

(3)  The notice issued under subsection (2) shall be in writing and shall include the following information:

1. A description of the work to be completed.

2. The date by which the work must be completed.

3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.

4. Contact information for further information about the notice.

Submissions

(4)  A person to whom a notice is issued under subsection (2) may make submissions in writing to the Minister within 15 days of receiving the notice.

Extension

(5)  After considering any submissions provided under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may extend the six-month time period set out in the notice issued under subsection (2).

Obstruction Removal

Notice of obstruction removal

**20** (1)  Subject to subsection (3), the Minister may issue a notice requiring the owner of any of the following things that are wholly or partially on, under or within 30 metres of project land to remove or alter the thing within the time specified in the notice:

1. A building or other structure.

2. A tree, shrub, hedge or other vegetation.

3. A prescribed thing.

Application

(2)  Subsection (1) applies regardless of whether a permit was required in respect of the thing.

Exception

(3)  A notice under subsection (1) shall not be issued in respect of,

(a) utility infrastructure; or

(b) a highway that belongs to the Crown or other Crown property.

Requirements for notice

(4)  A notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the thing to be altered or removed.

2. The date by which the removal or alteration must be completed.

3. An indication that the Minister may carry out the removal or alteration work if the removal or alteration is not completed within the time specified in the notice.

4. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.

5. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the removal or alteration of the thing.

6. Contact information for further information about the notice.

Submissions

(5)  A person to whom a notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice.

Minister’s decision

(6)  After considering any submissions provided under subsection (5), the Minister may, in writing,

(a) confirm the issuance of the notice;

(b) issue an amended notice; or

(c) revoke the notice issued under subsection (1).

Date of amended notice

(7)  If an amended notice is issued under subsection (6), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may remove obstruction

**21** (1)  Where a notice is issued under section 20 (1) or amended under subsection 20 (6), the Minister may cause any work required by the notice to be done if,

(a) the person required by the notice to do the work,

(i) has not completed the work, or in the Minister’s opinion is not likely to complete the work, within the time specified in the notice,

(ii) in the Minister’s opinion, is not conducting or has not completed the work in a competent manner, or

(iii) requests the assistance of the Minister in complying with the notice; or

(b) a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5).

Notice of intent to cause things to be done

(2)  The Minister shall give notice of an intention to cause work to be done under subsection (1),

(a) to each person required by a notice issued under section 20 to remove an obstruction; and

(b) if a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5), to the receiver or trustee in bankruptcy.

Permission required

(3)  A person who receives a notice under subsection (2) shall not do the work referred to in the notice without the permission of the Minister.

Person liable unknown

**22** Where the Minister is authorized by section 20 to issue a notice requiring a person to remove or alter an obstruction, and the identity of the person cannot be ascertained, the Minister may cause the obstruction to be removed or altered without notice.

Advance notice

**23** (1)  The Minister shall provide notice in advance of any work to be done pursuant to section 21 to the person to whom the notice was issued and anyone occupying the property.

Contents

(2)  The notice shall be in writing and include the date and approximate time of the work.

Additional requirement

(3)  Subsection (1) applies in addition to any requirements of entry that apply under section 56.

Compensation

**24** (1)  Except as provided under subsection (2), no compensation is payable by the Minister or the Crown to any person for anything done under section 20, 21 or 22.

Where compensation payable

(2)  The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 37 to the owner of any thing that was altered or removed under section 20, 21 or 22 for the following:

1. The work required to be done under the notice, if that work was not undertaken by the Minister.

2. The value of any thing that was required to be removed under the notice.

3. The value of the part of the thing that was altered or removed pursuant to the notice.

4. Any damage to the person’s property necessary to carry out the work required under the notice.

Exception

(3)  Subsection (2) does not apply to anything restored pursuant to section 25.

Restoration

**25** (1)  If the Minister carried out the work under section 21 or 22, the Minister shall make reasonable efforts to restore any part of the property that was not altered or removed to its condition prior to the work having been completed.

Exception

(2)  Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Loss of compensation entitlement

**26** (1)  The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, to a person who hinders, obstructs or otherwise interferes with any work done under section 20, 21 or 22.

Where laws not complied with

(2)  The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Construction Danger Inspection and Elimination

Construction danger inspection

**27** (1)  The Minister may, without notice, cause an inspection of any of the following things that are wholly or partially on, under or within 30 metres of project land if the Minister is of the opinion that the thing may pose an immediate danger:

1. A building or other structure.

2. A tree, shrub, hedge or other vegetation.

3. A prescribed thing.

Exception

(2)  Subsection (1) does not apply in respect of,

(a) utility infrastructure; or

(b) a highway that belongs to the Crown or other Crown property.

Additional requirement

(3)  Subsection (1) applies in addition to any requirements of entry that apply under section 56.

Construction danger elimination

**28** (1)  If, upon inspection, the Minister confirms that a thing described in subsection 27 (1) poses an immediate danger, the Minister may cause work to be undertaken to remove or eliminate the immediate danger posed by the thing.

Advance notice

(2)  The Minister shall make reasonable efforts to notify the property owner or occupant before the inspection under section 27 or removal or elimination under subsection (1) of this section takes place.

Additional requirement

(3)  Subsection (2) applies in addition to any requirements that apply to entry to the property under section 56.

Informing owner afterwards

**29** As soon as practicable after an inspection has taken place under section 27 or the carrying out of work under section 28, the Minister shall make reasonable efforts to notify the owner of,

(a) the inspection;

(b) any work undertaken to eliminate an immediate danger;

(c) the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection or work; and

(d) the procedure for determining compensation.

Loss of compensation entitlement

**30** Section 31 does not apply to a person who hinders, obstructs or interferes with an inspection under section 27 or any work carried out under section 28 or 32.

Compensation

**31** (1)  Except as provided under subsection (2), no compensation is payable by the Minister to any person for anything done under section 28.

Where compensation payable

(2)  The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of a property upon which work was carried out by the Minister under section 28 for the following:

1. The value of any thing that was eliminated.

2. The value of any part of the thing that was eliminated.

3. Any other damage to the person’s property resulting from the work carried out.

Exception

(3)  Subsection (2) does not apply to anything restored pursuant to section 32.

Restoration

**32** (1)  The Minister shall make reasonable efforts to restore any part of a property damaged in the course of any work carried out under section 28 to its condition prior to the work having been started.

Exception

(2)  Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Reduced compensation

**33** The Minister may reduce the amount of compensation otherwise payable under section 31, or pay no compensation, if the thing eliminated or the person’s property that was damaged was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Preview Inspection

Preview inspection

**34** (1)  The Minister may carry out an inspection on property that is on or within 30 metres of project land for the purposes of carrying out due diligence in planning, developing and constructing the York Region sewage works project and the Lake Simcoe phosphorus reduction project, including,

(a) making records of the property and surrounding area; and

(b) taking samples and conducting tests.

Exception

(2)  Clause (1) (b) does not apply in respect of utility infrastructure.

Same

(3)  Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

Compensation

**35** (1)  Except as provided under subsection (2) no compensation is payable by the Minister to any person for anything done under section 34.

Where compensation payable

(2)  The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of the property for any damage resulting from any test conducted or sample taken under section 34 that is not restored under section 59.

Reduced compensation

**36** The Minister may reduce the amount of compensation otherwise payable under section 35, or pay no compensation, if the thing that was damaged in an inspection pursuant to section 34 was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Advance notice

**37** (1)  The Minister shall provide notice of a preview inspection to the property owner or occupant at least 30 days in advance of the preview inspection.

Additional requirement

(2)  Subsection (1) applies in addition to any requirements that apply to entry to the property under section 56.

Contents

(3)  The notice shall be in writing and include the following information:

1. The intended date and approximate time of the inspection.

2. The approximate duration of the inspection.

3. The purpose of the inspection.

4. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection.

5. Contact information for further information.

Stop-work Orders

Stop-work order

**38** (1)  The Minister may make an order requiring a person to stop engaging in or to not engage in work described in section 15 if,

(a) the Minister has reasonable grounds to believe that the person is engaging in the work, or is about to engage in the work, for which a permit is required but has not been obtained; or

(b) the Minister is of the opinion that the work is being conducted pursuant to a permit but continuing the work would obstruct or delay the construction of the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Information to be included in order

(2)  The stop-work order shall include,

(a) a reference to the requirement under this Act to have a permit to undertake the work, if the order is issued under clause (1) (a);

(b) a brief description of the work that is required to be stopped and its location; and

(c) the consequences of failing to comply with the order, including the associated offence and potential fine.

Exception

(3)  Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

Enforcement through court

**39** A stop-work order may be filed in the Superior Court of Justice and enforced as if it were an order of that court.

Compensation

Compensation

**40** (1)  This section sets out the procedure for determining any compensation payable under this Part.

Particulars

(2)  A person applying to the Minister for compensation shall provide proof of the person’s interest in the property and the rationale for the claim, including details supporting the amount claimed, to the satisfaction of the Minister.

Determination

(3)  After considering the information provided under subsection (2), the Minister shall determine whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Notice

(4)  The Minister shall notify the person who applied to the Minister of the Minister’s determination under subsection (3).

Compensation dispute

(5)  A person who receives a notification under subsection (4) may, within 6 months of the receipt of the notification, apply to the Ontario Land Tribunal for determination by the Tribunal of whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Order by the Tribunal

(6)  The Tribunal may order the amount of compensation to be paid to the person, including interest on any compensation payable from when the work began at the prescribed rate, if there is a prescribed rate.

Exception to interest

(7)  Despite subsection (6),

(a) if the Minister determined under subsection (3) compensation greater than the amount determined by the Tribunal, no interest may be ordered after the date that the person received the notice described under subsection (4); and

(b) if the Tribunal is of the opinion that any delay in determining the compensation is attributable in whole or in part to the person, the Tribunal may refuse to order interest for the whole or any part of the time for which the person might otherwise be entitled to interest, or may order interest at such rate less than the prescribed rate as appears just.

Municipality or local board

**41** No compensation is payable under this Part to a municipality or a local board within the meaning of the Municipal Act, 2001 or the City of Toronto Act, 2006.

No expropriation, etc.

**42** Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law.

PART VI  
EXPROPRIATION PROCESS

Application

**43** This Part applies to an expropriation by a municipality or the Agency for the purposes of developing, constructing or operating the York Region sewage works project and the phosphorus recovery project, but, for greater certainty, does not apply in respect of anything to which section 42, 50 or 54 applies.

No hearings of necessity

**44** (1)  Subsections 6 (2) to (5) and sections 7 and 8 of the Expropriations Act do not apply to any expropriation of land within the meaning of that Act if,

Note: On the day section 2 of Schedule 5 to the Accelerating Access to Justice Act, 2021 comes into force, subsection 44 (1) of the Act is amended by striking out “7 and 8” in the portion before clause (a) and substituting “7, 8 and 8.1”. (See: 2022, c. 21, Sched. 10, s. 85 (1))

(a) all or part of the land is project land; and

(b) the expropriation is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Approving authority

(2)  An approving authority to whom an application for expropriation has been made under subsection 4 (1) of the Expropriations Act in relation to the York Region sewage works project or the Lake Simcoe phosphorus reduction project shall approve or not approve the proposed expropriation as submitted, or approve the proposed expropriation with such modifications as the approving authority considers proper, but an approval with modifications does not affect lands that are not part of the application.

Consideration of comments

(3)  Before an approving authority approves a proposed expropriation under subsection (2), the authority shall consider any comments received under the process, if any, established under section 45.

This section prevails

(4)  This section applies despite subsection 2 (4) of the Expropriations Act.

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

[2022, c. 21, Sched. 10, s. 85 (1)](http://www.ontario.ca/laws/statute/S22021" \l "sched10s85s1) - not in force

Alternative process

**45** (1)  The Minister may establish a process in writing for the receipt and consideration of comments from property owners about an application for an expropriation made under subsection 4 (1) of the Expropriations Act that is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Publication

(2)  The Minister shall publish the details of the process established under subsection (1) on a website maintained by the Ministry and in any other format the Minister considers advisable.

PART VII  
UTILITY COMPANY CO-OPERATION

Notice to utility company

**46** (1)  The Minister may by notice require a utility company to take up, remove or change the location of utility infrastructure if, in the opinion of the Minister, the taking up, removing or changing in location is necessary for the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Requirements for notice

(2)  The notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the work to be carried out.

2. The date by which the work must be completed.

3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice.

4. Contact information for further information about the notice.

Submissions

(3)  The utility company to which the notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice, including submissions in respect of any technical or other difficulties with meeting the date for completion of the work in the notice.

Minister’s decision

(4)  After considering any submissions provided under subsection (3), the Minister may, in writing,

(a) confirm the notice;

(b) issue an amended notice; or

(c) revoke the notice.

Date in amended notice

(5)  If an amended notice is issued under subsection (4), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may take up, remove or change the location

**47** (1)  Where a notice is issued under section 46 (1) or amended under subsection 46 (4), the Minister may cause any work required by the notice to be done if the utility company required by the notice fails to do the work.

Notice of intent to cause work to be done

(2)  The Minister shall provide notice, in advance of any work to be done pursuant to subsection (1), to the utility company to whom the notice was issued and anyone occupying the property.

Contents

(3)  A notice under subsection (2) shall be in writing and include the date and approximate time of the work.

Compensation by Minister

**48** If the utility company completes the work required by the notice issued under subsection 46 (1), the Minister shall compensate the utility company for the work, unless otherwise agreed.

Compensation by company

**49** (1)  If the Minister completes work pursuant to subsection 47 (1), the utility company shall compensate the Minister for the value of any loss or expense incurred by the Minister resulting from the failure of the utility company to comply with the notice.

Includes cost of work

(2)  For greater certainty, subsection (1) includes the cost of doing the work required by the notice.

No expropriation, etc.

**50** Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law.

PART VIII  
ADMINISTRATION

Delegation

Delegation

**51** (1)  The Lieutenant Governor in Council may, by order, delegate any of the powers and duties conferred or imposed on the Minister under Parts V and VII of this Act, in whole or in part, to any of the following entities, subject to any limitations, conditions and restrictions set out in the order:

1. York Region.

2. Durham Region.

3. A municipality prescribed for the purposes of subsection 7 (1).

4. The Agency.

Compensation

(2)  If an obligation to pay compensation under this Act is delegated to an entity described in subsection (1), the delegate is responsible for the payment of all of the compensation, unless the Minister and the delegate agree otherwise.

Designations

Designating project land

**52** The Lieutenant Governor in Council may, by order,

(a) designate any area of land or water as project land for the development, construction, and operation of the York Region sewage works project or the Lake Simcoe phosphorus reduction project; and

(b) amend or revoke a designation made under clause (a) at any time.

Notice

**53** (1)  When land has been designated as project land, or the designation of land has been amended or revoked, the Minister shall make reasonable efforts to provide notice to,

(a) all owners or occupiers of land, any part of which is on or within 30 metres of project land;

(b) every utility company having utility infrastructure any part of which is located on, under or within 10 metres of project land; and

(c) each municipality, local board, municipal planning authority and planning board having jurisdiction in the area which is the subject of the project land.

Registration

(2)  The Minister shall either,

(a) register or cause to be amended or removed from the registry, as appropriate, a notice of designation in the proper land registry office on the title of each property any part of which is project land or any part of which is located within 30 metres of project land; or

(b) carry out a prescribed public notice process with respect to the property described in clause (a).

No expropriation, etc.

**54** The designation of land or water under section 52 does not constitute an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law.

PART IX  
COMPLIANCE AND ENFORCEMENT

Inspection

**55** (1)  An enforcement officer may conduct an inspection of a place for the purpose of determining any person’s compliance with this Act or the regulations if the enforcement officer reasonably believes that,

(a) the place contains documents or data relating to the person’s compliance; or

(b) an activity relating to the person’s compliance is occurring or has occurred at the place.

Designation of enforcement officers

(2)  The Minister may designate one or more of the following as enforcement officers to exercise the powers under subsection (1):

1. Public servants employed under Part III of the Public Service of Ontario Act, 2006 who work in the Ministry or the members of classes of such public servants.

2. Any other persons or the members of any other classes of persons.

Restriction

(3)  When making the designation, the Minister may limit the authority of an enforcement officer in the manner that the Minister considers necessary or advisable.

Powers of entry

**56** (1)  The powers of entry provided under this section apply to a person undertaking the following:

1. Work undertaken under section 21 or 22.

2. An inspection undertaken under section 27.

3. Work undertaken under section 28 or 47.

4. A preview inspection under section 34.

5. An inspection undertaken pursuant to section 55.

Entry without warrant

(2)  A person who has the authority to engage in an activity referred to in subsection (1) may enter a place without a warrant if the entry is made in respect of that activity.

Restriction

(3)  Subsection (2) authorizes a person to enter a place only if it is owned or occupied by a person who owns or occupies land any part of which is located within project land or any part of which is located within 30 metres of project land.

Dwellings

(4)  A person shall not exercise a power conferred by this section to enter, without the occupier’s consent, a room that is actually used as a dwelling, except under the authority of an order issued under section 57.

Time of day

(5)  Subject to subsection (6), entry to a place and any related work or inspection referred to in subsection (1) may be carried out at any reasonable time.

Dwellings

(6)  Entry to a place and any related work or inspection on property that contains a dwelling shall take place,

(a) at any time during daylight hours after having given the occupier at least two days notice; or

(b) at any other time with the occupier’s consent.

Powers

(7)  A person may do any one or more of the following in the course of entering a place and conducting work or an inspection related to the purpose of the entry,

(a) undertake work;

(b) make reasonable inquiries of any person, orally or in writing;

(c) take samples for analysis;

(d) conduct tests or take measurements;

(e) make a record of anything by any method;

(f) examine, record or copy any document or data, in any form, by any method;

(g) require the production of any document or data, in any form, required to be kept under this Act and any form of other document or data related to the purpose of the entry; and

(h) remove from the place, for the purpose of making copies, documents or data produced under clause (g).

Limitation

(8)  A record made under clause (7) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Records in electronic form

(9)  If a record is retained in electronic form, a person exercising a power of inspection may require that a copy of it be provided to them on paper or electronically, or both.

Limitation re removal of documents

(10)  A person shall not remove documents or data under clause (7) (h) without giving a receipt for them and shall promptly return them to the person who produced them.

Power to exclude persons

(11)  A person exercising a power of inspection who exercises the power set out in clause (7) (b) may exclude any person from the questioning, except counsel for the individual being questioned.

Order for entry, work or inspection

**57** (1)  A justice of the peace may issue an order authorizing a person to do anything referred to in subsection 56 (1) or (7) if the justice is satisfied, on evidence under oath by the person that will be engaging in the activity, that there are reasonable grounds to believe that,

(a) it is appropriate for the person to do anything set out in subsection 56 (1) or (7) for the purpose of determining a person’s compliance with this Act or the regulations; and

(b) the person may not be able to carry out his or her duties effectively without an order under this section because,

(i) no occupier is present to grant access to a place that is locked or otherwise inaccessible,

(ii) another person has prevented or may prevent the person from doing anything referred to in subsection 56 (1) or (7),

(iii) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for a person to obtain an order under this subsection without delay if access is denied,

(iv) an attempt by a person to do anything referred to in subsection 56 (1) or (7) without the order might not achieve its purpose without the order, or

(v) it is more reasonable to carry out anything referred to in subsection 56 (1) or (7) at times other than those referred to in subsection 56 (6).

Same

(2)  Subsections 56 (7) to (11) apply to an activity engaged in pursuant to an order issued under this section.

Expiry

(3)  Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order and the day that is 30 days after the date on which the order is made.

Renewal

(4)  An order under this section may be renewed in the circumstances in which an order may be made under subsection (1), before or after expiry, for one or more periods, each of which is not more than 30 days.

When to be executed

(5)  Unless the order provides otherwise, everything that an order under this section authorizes must be done between 6 a.m. and 9 p.m.

Application without notice

(6)  An order under this section may be issued or renewed on application without notice.

Application for dwelling

(7)  An application for an order under this section authorizing entry to a dwelling shall specifically indicate that the application relates to a dwelling.

Other terms and conditions

(8)  An order may contain terms and conditions that the justice considers advisable in the circumstances.

Identification

**58** On request, a person who exercises a power of entry under this Act shall identify themselves as a person so authorized, either by the production of a copy of the authorizing document or in some other manner, and shall explain the purpose of the exercise of the power.

Restoration

**59** (1)  If a place is entered under section 34 or 55 for the purposes of an inspection, the person entering the place, in so far as is practicable, shall restore the property to the condition it was in before the entry.

Exception

(2)  Subsection (1) does not apply if the thing requiring restoration was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Detention of copies, samples

**60** A person who exercises a power under section 56 or 57 may detain copies or samples obtained under those sections for any period and for any purpose relating to enforcing this Act and the regulations.

Calling for assistance of member of police service

**61** A person who enters a place to exercise a power of inspection and who is authorized by an order under 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the police service in the area where the assistance is required, and it is the duty of every member of a police service to render such assistance. 2022, c. 21, Sched. 10, s. 85 (2).

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

[2022, c. 21, Sched. 10, s. 85 (2)](http://www.ontario.ca/laws/statute/S22021" \l "sched10s85s2) - 01/04/2024

Confidentiality of information

**62** (1)  In this section,

“law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed; (“procédure d’exécution de la loi”)

“peace officer” means a person or a member of a class of persons set out in the definition of “peace officer” in section 2 of the Criminal Code (Canada). (“agent de la paix”)

Secrecy and permissible disclosure

(2)  A person entering a place pursuant to section 56 or 57 shall preserve secrecy with respect to any information obtained in respect of all matters that come to their knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

(a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act and the regulations;

(b) to the Minister, the Ministry or an employee or agent of the Ministry;

(c) to a delegate or an employee or agent of the delegate;

(d) to a peace officer, as required under a warrant, to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(e) with the consent of the person to whom the information relates;

(f) to the counsel of the person to whom the information relates;

(g) to the extent that the information is required or permitted to be made available to the public under this Act or any other Act; or

(h) under further circumstances that are prescribed.

Testimony in civil suit

(3)  Except in a proceeding under this Act or the regulations, no person entering a place pursuant to section 56 or 57 shall be required to give testimony with regard to information obtained by them in the course of any survey, examination, test or inquiry under this Act or the regulations.

Successors and assigns

**63** (1)  A notice under section 20 or 46 and an order under section 38 is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

Limitation

(2)  If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, their obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets.

Receivers and trustees

(3)  A notice under section 20 or 46 and an order under section 38 that relates to property is binding on a receiver or trustee that holds or administers the property.

Limitation

(4)  If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee’s obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee’s reasonable costs of holding or administering the assets.

Exception

(5)  Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,

(a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the Minister that they have abandoned, disposed of or otherwise released their interest in the property; or

(b) the order was stayed under Part I of the Bankruptcy and Insolvency Act (Canada) and the receiver or trustee in bankruptcy notified the person who made the order, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property.

Extension of period

(6)  The Minister may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as the Minister considers appropriate.

Notice under subs. (5)

(7)  Notice under clause (5) (a) or (b) must be given in the prescribed manner.

PART X  
OFFENCES

Obstruction, etc.

**64** (1)  No person shall hinder or obstruct any one or more of the following persons or entities in the performance of their duties under this Act or the regulations,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

False information

(2)  No person shall give or submit false or misleading information, orally, in writing or electronically, in any statement, document or data in respect of any matter related to this Act or the regulations to,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

Same

(3)  No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act.

Refusal to provide information

(4)  No person shall refuse to provide information required for the purpose of this Act or the regulations to,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

Offences

**65** (1)  Every person who contravenes or fails to comply with section 64 is guilty of an offence.

Offence re orders

(2)  Every person who contravenes or fails to comply with a stop-work order is guilty of an offence.

Limitation

(3)  No proceeding under this section shall be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer within the meaning of the Provincial Offences Act.

Penalties

**66** A person who is guilty of an offence under section 65 is liable on conviction,

(a) in the case of an individual,

(i) for a first offence, to a fine of not more than $50,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences, or

(ii) for a second or subsequent conviction for that offence, to a fine of not more than $100,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences; or

(b) in the case of a corporation,

(i) for a first offence, to a fine of not more than $500,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences, or

(ii) for a second or subsequent conviction for that offence, to a fine of not more than $1,000,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences.

PART XI  
MISCELLANEOUS

Capital Investment Plan Act, 1993

**67** Section 51 of the Capital Investment Plan Act, 1993 does not apply to work undertaken under this Act by or on behalf of the Minister.

Providing a document

**68** (1)  Any notice, order or other document that is required to be provided to a person under this Act is sufficiently provided if it is,

(a) delivered directly to the person;

(b) left at the person’s last known address, in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older;

(c) sent by regular mail to the person’s last known address;

(d) sent by commercial courier to the person’s last known address;

(e) sent by email to the person’s last known email address; or

(f) given by other means specified by the regulations.

Deemed receipt

(2)  Subject to subsection (3),

(a) a document left under clause (1) (b) is deemed to have been received on the first business day after the day it was left;

(b) a document sent under clause (1) (c) is deemed to have been received on the fifth business day after the day it was mailed;

(c) a document sent under clause (1) (d) is deemed to have been received on the second business day after the day the commercial courier received it;

(d) a document sent under clause (1) (e) is deemed to have been received on the first business day after the day it was sent; and

(e) a document given under clause (1) (f) is deemed to have been received on the day specified by the regulations.

Failure to receive document

(3)  Subsection (2) does not apply if the person establishes that he or she, acting in good faith, did not receive the document or received it on a later date because of a reason beyond the person’s control, including absence, accident, disability or illness.

Non-application of the Statutory Powers Procedure Act

**69** The Statutory Powers Procedure Act does not apply to,

(a) any decision made,

(i) in respect of permits, notices or stop-work orders under Part V,

(ii) under a process for receiving and considering comments about a proposed expropriation under section 45,

(iii) in respect of a notice under Part VII, or

(iv) in respect of compensation under this Act; or

(b) establishing a process for receiving and considering comments about a proposed expropriation under section 45.

Regulations, contracts and agreements

**70** (1)  The Lieutenant Governor in Council may, in order to facilitate the development, construction and operation of a sewage works under this Act, make regulations that prescribe any contract or agreement that relates to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

What regulation may contain

(2)  A regulation made under subsection (1) may,

(a) terminate the prescribed contract on a date provided for in the regulation;

(b) suspend all or part of the prescribed contract on the dates provided for in the regulation; and

(c) amend all or part of the prescribed contract as specified in the regulation.

Deemed termination, suspension, amendment

(3)  A contract or agreement or part of a contract or agreement prescribed under subsection (1) is deemed to have been terminated on a date or dates provided for in the regulations, or, if the regulations so provide, is deemed to have been amended or suspended, as the case may be, as provided for in the regulations.

No compensation

(4)  Unless provided for in the regulations, no compensation shall be paid to any person in connection with a termination, amendment or suspension under this section.

No cause of action, Crown, etc.

**71** (1)  No cause of action arises against the Crown, the Agency, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown or the Agency as a direct or indirect result of,

(a) the enactment, amendment or repeal of this Act;

(b) anything done under Part III;

(c) the making, amendment or revocation of a regulation under this Act;

(d) the issuance, amendment or revocation of a permit or notice under Part V;

(e) the issuance, amendment or revocation of a stop-work order under section 38;

(f) the making, amendment or revocation of an order designating project land under section 52;

(g) the enactment or repeal of the York Region Wastewater Act, 2021;

(h) anything done or not done under the authority of or in reliance on the York Region Wastewater Act, 2021, whether before or after section 4 of that Act came into force; or

(i) any representation or other conduct that is related, directly or indirectly, to the application for the Upper York Sewage Solutions Undertaking, whether made or occurring before or after section 4 of the York Region Wastewater Act, 2021 came into force.

Proceedings barred

(2)  No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3)  Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Retrospective effect

(4)  Subsections (2) and (3) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

Proceedings set aside

(5)  Any proceeding referred to in subsection (2) or (3) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day this subsection came into force.

No cause of action, certain delegates

**72** (1)  No cause of action arises against an entity to whom the Lieutenant Governor in Council delegates a duty or power, in whole or in part, pursuant to paragraphs 1, 2, and 3 of subsection 51 (1), or any current or former employee, director, officer, member of council or agent as a direct or indirect result of anything referred to in clause 71 (1) (d) or (e).

Proceedings barred

(2)  No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3)  Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Delegate not a Crown agent

**73** A delegate described in paragraph 1, 2 or 3 of subsection 51 (1) is not a Crown agent for any purpose.

Crown not liable for delegate’s acts

**74** No action or other proceeding shall be instituted against the Crown or any current or former Member of the Executive Council or employee, officer, agent or advisor of the Crown for any act of a delegate or an employee, director, officer, member of council, agent or advisor of a delegate in the execution or intended execution of a power or duty delegated under this Act or for an alleged neglect or default in the execution or intended execution of a power or duty delegated under this Act.

Protection from personal liability

**75** (1)  No action or other proceeding may be instituted against the following persons for any act done in good faith in the execution or intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of such a duty or power:

1. Any current or former Member of the Executive Council or employee, officer, agent of or advisor to the Crown.

2. Any current or former employee, director, officer, member of council, agent or advisor of a delegate.

Crown not relieved of liability

(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 paragraph 1 of subsection (1) to which it would otherwise be subject.

Delegates

(3)  Subsection (1) does not relieve a delegate of any liability to which it would otherwise be subject to in respect of an act or omission of a person mentioned in paragraph 2 of subsection (1).

Aboriginal or treaty rights

**76** Section 71 does not apply to a cause of action that arises from any aboriginal or treaty right.

No compensation or damages

**77** Except as otherwise provided under sections24, 31, 35 and 48, no person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of this Act or for anything done or any actions taken under this Act.

Environmental Bill of Rights, 1993

**78** Part II of the Environmental Bill of Rights, 1993 does not apply to the issuance, amendment or revocation of an instrument related to or necessary for the construction of the York Region sewage works project and the Lake Simcoe phosphorus reduction project, despite it having been classified under a regulation made under that Act.

Ontario Water Resources Act, s. 57

**79** Section 57 of the Ontario Water Resources Act does not apply in respect of the York Region sewage works project and the Lake Simcoe phosphorus reduction project.

Conflict with other legislation

**80** In the event of a conflict between any provision of this Act or the regulations and any other Act or regulation in respect of the development, construction or operation of the projects required by Part III of this Act, the provision of this Act or the regulations shall prevail, despite anything in the other Act or regulation.

Regulation making powers re projects

**81** (1)  The Lieutenant Governor in Council may make regulations governing the development, construction and operation of,

(a) the York Region sewage works project; and

(b) the Lake Simcoe phosphorus reduction project.

Matters that may be included

(2)  Without limiting the generality of subsection (1), a regulation made under that subsection may include,

(a) requirements that a municipality and the Agency meet prescribed dates for completing all or part of the development, construction and operation of a project;

(b) requirements that a municipality and the Agency report to the Ministry on anything related to a project;

(c) requirements that a municipality and the Agency do anything the municipality has the power to do under this or any other Act for the purposes of developing, constructing and operating a project;

(d) requirements that the project incorporate any prescribed thing or meet any prescribed criteria;

(e) requirements that all or part of the project be within a specified area;

(f) prohibitions preventing a municipality and the Agency from doing anything in respect of the project;

(g) designations of which parts of the development, construction and operation of a project each municipality is responsible for;

(h) designations of the share of the costs of developing, constructing and operating a project each municipality is responsible for;

(i) requirements respecting the payment of costs to the Agency or to any other person or body specified by the regulations, including prescribing the amounts or the method of calculating the amounts to be paid, and governing the procedure for the payment;

(j) the prescribing of any matter that the Lieutenant Governor in Council considers necessary or advisable to ensure that the Agency can effectively carry out its powers and duties under section 11;

(k) the governance of the winding up of the Agency’s role in a project and the transfer of any assets, liabilities, rights and obligations to a municipality.

Regulations, general

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

(a) respecting anything that under this Act may or must be prescribed, done or provided for by regulation or in accordance with the regulations and for which a specific power is not otherwise provided;

(b) defining or clarifying the meaning of any words or expressions used in this Act that are not defined in this Act;

(c) clarifying or modifying the definition of any defined term whose definition is expressed as being subject to the regulations;

(d) exempting any person or entity from a provision of this Act or the regulations and setting conditions for the exemption;

(e) respecting and clarifying the application of this Act with respect to a delegate;

(f) respecting the process of applying for and issuing permits, notices and orders;

(g) respecting the inclusion of terms and conditions in permits and notices;

(h) respecting the process for and payment of compensation under this Act, including,

(i) rules to be applied in determining the amount of compensation payable,

(ii) criteria that must be met or circumstances that must apply in order for compensation to be paid, and

(iii) the circumstances in which the Minister is required to make adjustments to the amount of compensation that would otherwise be required to be paid, which may include requiring the Minister to decrease the amount or prohibiting the Minister from paying any amount;

(i) prescribing documents or data required to be created, stored and submitted by any person and the methods of creating, storing and submitting the documents and data;

(j) prescribing the location at which documents or data must be created or stored;

(k) providing for the inspection and examination of documents and data;

(l) providing for the preparation and signing of documents by electronic means, the filing of documents by direct electronic transmission and the printing of documents filed by direct electronic transmission;

(m) providing for forms and their use;

(n) providing for the method of providing any document required to be provided given or served under this Act;

(o) respecting transitional matters arising from the enactment of this Act;

(p) providing for any other matters to carry out this Act.

Retroactivity

**83** A regulation made under this Act is, if it so provides, effective with reference to a period before it is filed.

Adoption by reference

**84** (1)  A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted.

Rolling incorporation by reference

(2)  The power to adopt by reference and require compliance with a document includes the power to adopt a document as it may be amended from time to time.

When adopted

(3)  The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in The Ontario Gazette or in the registry under the Environmental Bill of Rights, 1993.

85Omitted (provides for amendments to this Act).

86Omitted (amends, repeals or revokes other legislation).

87 Omitted (provides for coming into force of provisions of this Act).

88Omitted (enacts short title of this Act).

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