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Aggregate Resources Act

R.S.O. 1990, CHAPTER A.8

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Definitions and Minister’s order concerning excavations

**1** (1)  In this Act,

“abandoned pits and quarries” means pits and quarries for which a licence or permit was never in force at any time after December 31, 1989; (“puits d’extraction et carrières abandonnés”)

“aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite or other material; (“agrégats”)

“earth” does not include topsoil and peat; (“terre”)

“environment” means the air, land and water, or any combination or part thereof of the Province of Ontario; (“environnement”)

“established pit or quarry” means,

(a) a pit or quarry from which a substantial amount of aggregate has been removed within the two-year period before the part of Ontario in which the pit or quarry is located was designated under subsection 5 (2), or

(b) land that was leased under the *Mining Act* throughout the two-year period before the part of Ontario in which the land is located was designated under subsection 5 (2); (“puits d’extraction établi ou carrière établie”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “established pit or quarry” in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2017, c. 6, Sched. 1, s. 1 (2))

“established pit or quarry” means an established pit or quarry as defined by regulation; (“puits d’extraction établi ou carrière établie”)

“excavate” includes the preparation of land for excavation and removal of hills, sand dunes, knolls, stones and rocks other than metallic ores from the general surface of the ground; (“excaver”, “extraire”)

“final rehabilitation” means rehabilitation in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit performed after the excavation of aggregate and the progressive rehabilitation, if any, have been completed; (“réhabilitation définitive”)

“highway” has the same meaning as in the *Public Transportation and Highway Improvement Act* and includes an unopened road allowance; (“voie publique”)

“inspector” means an inspector designated under section 4; (“inspecteur”)

“land under water” means the bed, bank, beach, shore, bar, flat or water of or in any lake, river, stream or other waterbody or adjoining any channel or entrance thereto but does not include a waterbody resulting from excavation of aggregate below the water table; (“terrain immergé”)

“licence” means a licence for a pit or quarry issued under this Act; (“permis”)

“licensee” means a person who holds a licence; (“titulaire de permis”)

“management” means the provision for the identification, orderly development and protection of the aggregate resources of Ontario; (“gestion”)

“material” means such material as may be prescribed; (“matière”)

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

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

“operate”, when used in relation to a pit or quarry, includes carrying out all activities associated with a pit or quarry that are carried out on the site of the pit or quarry; (“exploiter”)

“permit” means an aggregate permit or a wayside permit issued under this Act; (“licence”)

“permittee” means a person who holds a permit; (“titulaire de licence”)

“person” includes a public authority; (“personne”)

“pit” means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“puits d’extraction”)

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

“progressive rehabilitation” means rehabilitation done sequentially, within a reasonable time, in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit during the period that aggregate is being excavated; (“réhabilitation progressive”)

“public authority” means the Crown or an agent of the Crown, a municipality, a local board as defined in the *Municipal Affairs Act* or a local roads board; (“autorité publique”)

“quarry” means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“carrière”)

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

“rehabilitate” means to treat land from which aggregate has been excavated so that the use or condition of the land,

(a) is restored to its former use or condition, or

(b) is changed to another use or condition that is or will be compatible with the use of adjacent land; (“réhabiliter”)

“road” has the same meaning as highway; (“route”)

“site” means the land or land under water to which a licence or permit or an application therefor relates; (“lieu”)

“Tribunal” means the Ontario Land Tribunal; (“Tribunal”)

“Trust” means the Aggregate Resources Trust established under subsection 6.1 (1); (“Fonds”)

“zoning by-law” means a by-law passed under section 34 or 38 of the *Planning Act* or any predecessor of them and includes an order made under clause 47 (1) (a) of that Act or any predecessor of it and zoning control by a development permit issued under the *Niagara Escarpment Planning and Development Act*. (“règlement municipal de zonage”) R.S.O. 1990, c. A.8, s. 1 (1); 1994, c. 23, s. 61; 1994, c. 27, s. 126 (1, 2); 1996, c. 30, s. 1 (1-6); 1997, c. 26, Sched.; 2002, c. 17, Sched. F, Table; 2017, c. 6, Sched. 1, s. 1 (1, 3-6); 2017, c. 8, Sched. 17, s. 4 (1, 2); 2017, c. 23, Sched. 5, s. 1; 2021, c. 4, Sched. 6, s. 30 (3).

(2)  Repealed: 1996, c. 30, s. 1 (7).

Order that an excavation is not a pit or quarry

(3)  The Minister, if of the opinion that the primary purpose of an excavation is not for the production of aggregate, may in his or her absolute discretion by order declare that the land or land under water on which the excavation is situate is not a pit or quarry for the purposes of this Act. R.S.O. 1990, c. A.8, s. 1 (3).

Application for order

(3.1)  A person who applies for an order under subsection (3) shall pay any prescribed application fee. 2017, c. 6, Sched. 1, s. 1 (7).

Notice to municipality

(4)  The Minister, if the matter appears to warrant it, shall serve notice of a proposed order under subsection (3), including reasons therefor, upon the clerk of the local municipality in which the excavation is located and, where applicable, upon the clerk of the upper-tier municipality for their information and comment. R.S.O. 1990, c. A.8, s. 1 (4); 2002, c. 17, Sched. F, Table.

Delay in relief

(5)  The Minister may not issue the order until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. R.S.O. 1990, c. A.8, s. 1 (5).

Conditions

(6)  An order under subsection (3) may be subject to such conditions as the Minister considers advisable and may limit the time for which the order will remain in effect. 2017, c. 6, Sched. 1, s. 1 (8).

Part III of the Legislation Act, 2006

(7)  An order under subsection (3) is not a regulation within the meaning of Part III of the Legislation Act, 2006. 2017, c. 6, Sched. 1, s. 1 (8).

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

1994, c. 23, s. 61 - 28/03/1995; 1994, c. 27, s. 126 (1, 2) - 09/12/1994; 1996, c. 30, s. 1 (1-7) - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s 1 (4, 6-8)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s1s4) - 10/05/2017; [2017, c. 6, Sched. 1, s. 1 (1, 3, 5)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s1s1) - 01/09/2020; [2017, c. 6, Sched. 1, s. 1 (2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s1s2) - not in force; [2017, c. 8, Sched. 17, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S17008" \l "sched17s4s1) - 01/04/2018; [2017, c. 23, Sched. 5, s. 1](http://www.ontario.ca/laws/statute/S17023" \l "sched5s1) - 03/04/2018

[2021, c. 4, Sched. 6, s. 30 (3)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s30s3) - 01/06/2021

PART I  
GENERAL

Purposes of Act

**2** The purposes of this Act are,

(a) to provide for the management of the aggregate resources of Ontario;

(b) to control and regulate aggregate operations on Crown and private lands;

(c) to require the rehabilitation of land from which aggregate has been excavated; and

(d) to minimize adverse impact on the environment in respect of aggregate operations. R.S.O. 1990, c. A.8, s. 2.

Administration of Act

**3** (1)  The Minister is responsible for the administration of this Act and the regulations. R.S.O. 1990, c. A.8, s. 3 (1).

Idem

(2)  In administering this Act, the Minister may,

(a) initiate research related to technical matters pertaining to,

(i) the aggregate industry, including the transportation of aggregate and the rehabilitation of pits and quarries,

(ii) underground mining of aggregate, and

(iii) aggregate excavation from beneath water;

(b) initiate studies of geological deposits that may yield aggregate of commercial qualities and quantities;

(c) estimate from time to time the demand that will be made for aggregate and establish policies for the supply thereof;

(d) collect, analyze and publish statistics related to the aggregate industry;

(e) initiate studies related to the uses of aggregate and the economics and operations of the aggregate industry;

(f) advise ministries and municipalities on planning matters related to aggregate;

(g) initiate studies related to abandoned pits and quarries;

(h) initiate studies on environmental and social matters related to pits and quarries;

(i) convene conferences and conduct seminars and educational and training programs related to pits and quarries and the aggregate industry;

(j) establish and maintain demonstration and experimental rehabilitation projects for pits and quarries;

(k) employ any person to perform work in connection with any matter mentioned in this Act; and

(l) consult with ministries, municipalities and agencies. R.S.O. 1990, c. A.8, s. 3 (2).

Aboriginal consultation

**3.1** For greater certainty, the Minister will consider whether adequate consultation with Aboriginal communities has been carried out before exercising any power under this Act relating to licences or permits that has the potential to adversely affect established or credibly asserted Aboriginal or treaty rights. 2017, c. 6, Sched. 1, s. 2.

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

[2017, c. 6, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S17006" \l "sched1s2) - 10/05/2017

Inspectors

**4** (1)  The Minister may designate in writing any person as an inspector for the purposes of this Act. 1996, c. 30, s. 2.

Powers of inspectors

(2)  An inspector, for the purpose of carrying out assigned duties,

(a) may enter, at any reasonable time, any land, vessel or business premises that is or appears to be used or has or appears to have been used in respect of a pit or quarry or any activity or use related to aggregate or rehabilitation;

(b) may require the production of a licence, a permit, any record or document respecting aggregate or rehabilitation, a report or a survey and may inspect and make copies thereof;

(c) may, upon giving a receipt therefor, remove any licence, permit, record or document produced under clause (b) and make copies thereof; and

(d) may, alone or in conjunction with other persons possessing special or expert knowledge, make examinations, tests or inquiries and take or remove samples of any material. R.S.O. 1990, c. A.8, s. 4 (2).

Copies

(3)  An inspector who makes a copy under clause (2) (c) shall do so with dispatch and shall promptly return the original licence, permit, record or document. R.S.O. 1990, c. A.8, s. 4 (3).

Idem

(4)  Any copy made as provided in clause (2) (b) or (c) and certified to be a true copy by the inspector who carried out the inspection is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original licence, permit, record or document and its contents. R.S.O. 1990, c. A.8, s. 4 (4).

Report of inspection findings

(5)  An inspector who finds that any provisions of this Act or the regulations are being contravened may provide the person who he or she believes to be responsible for the contravention with a written report setting out a list of the provisions that have been or are being contravened and suggesting actions or measures the person could take to remedy the contraventions. 2017, c. 6, Sched. 1, s. 3.

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

1996, c. 30, s. 2 - 27/06/1997

[2017, c. 6, Sched. 1, s. 3](http://www.ontario.ca/laws/statute/S17006" \l "sched1s3) - 10/05/2017

No liability

**4.1** (1)  No action or other proceeding for damages shall be instituted against the Minister, an inspector or public servant for any act done in good faith in the execution or intended execution of any duty or power under this Act, for an order made under this Act or for any alleged neglect or default in the execution in good faith of that duty or power. 2017, c. 6, Sched. 1, s. 4.

Crown not relieved of liability

(2)  Despite subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person referred to in subsection (1) to which it would otherwise be subject. 2017, c. 6, Sched. 1, s. 4; 2019, c. 7, Sched. 17, s. 35.

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

[2017, c. 6, Sched. 1, s. 4](http://www.ontario.ca/laws/statute/S17006" \l "sched1s4) - 10/05/2017

[2019, c. 7, Sched. 17, s. 35](http://www.ontario.ca/laws/statute/S19007" \l "sched17s35) - 01/07/2019

Application

**5** (1)  This Act and the regulations apply to,

(a) all aggregate and topsoil that is the property of the Crown or that is on land the surface rights of which are the property of the Crown;

(b) Repealed: 1996, c. 30, s. 3 (1).

(c) private land in parts of Ontario that are designated under subsection (2); and

(d) all land under water. R.S.O. 1990, c. A.8, s. 5 (1); 1996, c. 30, s. 3 (1).

Designation of parts by regulation

(2)  The Lieutenant Governor in Council may make regulations designating parts of Ontario for the purpose of clause (1) (c). R.S.O. 1990, c. A.8, s. 5 (2).

Substitution of licence for permit

(3)  If the Lieutenant Governor in Council designates a part of Ontario under subsection (2) and an aggregate permit has been issued under clause 34 (1) (a) or (c) to operate a pit or quarry in that part of Ontario, the Minister may, at any time after the designation and subject to subsection (4), cancel the permit and issue an aggregate licence to operate the same pit or quarry to the former permit holder. 2017, c. 6, Sched. 1, s. 5.

Same

(4)  The Minister shall not substitute, under subsection (3), an aggregate licence for an aggregate permit that was issued under clause 34 (1) (a) unless the surface rights to the land on which the pit or quarry is situated cease to be the property of the Crown. 2017, c. 6, Sched. 1, s. 5.

Conditions

(5)  An aggregate licence issued under subsection (3) is subject to such conditions as the Minister may specify in the licence. 2017, c. 6, Sched. 1, s. 5.

Application

(6)  Subsections (3) to (5) apply with respect to the designation of a part of Ontario by a regulation made under subsection (2) before the day section 5 of Schedule 1 to the Aggregate Resources and Mining Modernization Act, 2017 comes into force. 2017, c. 6, Sched. 1, s. 5.

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

1996, c. 30, s. 3 (1, 2) - 27/06/1997

[2017, c. 6, Sched. 1, s. 5](http://www.ontario.ca/laws/statute/S17006" \l "sched1s5) - 10/05/2017

Act binds the Crown

**6** This Act binds the Crown except where it specifically states otherwise. R.S.O. 1990, c. A.8, s. 6.

Aggregate Resources Trust

**6.1** (1)  The Minister shall establish in writing a trust to be known in English as the Aggregate Resources Trust and in French as Fonds des ressources en agrégats. 1996, c. 30, s. 4.

Terms of Trust

(2)  The Trust shall provide for the following matters, on such terms and conditions as may be specified by the Minister:

1. The rehabilitation of land for which a licence or permit has been revoked and for which final rehabilitation has not been completed.

2. The rehabilitation of abandoned pits and quarries, including surveys and studies respecting their location and condition.

3. Research on aggregate resource management, including rehabilitation.

4. Payments to the Crown in right of Ontario and to municipalities in accordance with the regulations.

5. Such other matters as may be specified by the Minister. 1996, c. 30, s. 4; 2002, c. 17, Sched. F, Table.

Trustee

(3)  The Minister shall appoint a person who is not employed by the Crown as trustee of the Trust and may provide for the trustee’s remuneration from the funds of the trust. 1996, c. 30, s. 4.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 6.1 of the Act is amended by adding the following subsections: (See: 2017, c. 6, Sched. 1, s. 6 (1))

Trustee, reporting and removal

(3.1)  Despite any provision in the indenture agreement made between the Minister and The Ontario Aggregate Resources Corporation, dated June 27, 1997, confirming the appointment of that corporation as the trustee of the Trust and establishing the terms and condition of the Trust,

(a) The Ontario Aggregate Resources Corporation shall comply with such performance reporting requirements as may be prescribed; and

(b) the Minister may remove The Ontario Aggregate Resources Corporation as the trustee of the Trust upon giving it at least 90 days’ written notice. 2017, c. 6, Sched. 1, s. 6 (1).

Resignation of Trustee

(3.2)  For greater certainty, The Ontario Aggregate Resources Corporation continues, under the terms of the indenture agreement referred to in subsection (3.1), to have the right to resign as the trustee of the Trust upon giving the Minister written notice, the resignation to be effective 90 days after the written notice has been delivered to the Minister or on an earlier date as may be agreed to in writing by the parties to the indenture agreement. 2017, c. 6, Sched. 1, s. 6 (1).

No liability

(3.3)  No action for damages or otherwise shall be brought against the Crown, the Minister or any employee of the Crown as a result of,

(a) the imposition of performance reporting requirements on the trustee under clause (3.1) (a); or

(b) the removal of The Ontario Aggregate Resources Corporation as the trustee of the Trust under clause (3.1) (b). 2017, c. 6, Sched. 1, s. 6 (1).

Not part of C.R.F.

(4)  Money received or held by the Trust does not form part of the Consolidated Revenue Fund. 1996, c. 30, s. 4.

Right of entry for rehabilitation

(5)  If a licence or permit has been revoked and final rehabilitation of the land to which it relates has not been completed, agents of the Trust are entitled to enter the land to carry out such rehabilitation as the trustee considers necessary. 1996, c. 30, s. 4.

Rehabilitation expenses

(6)  Any amount spent by the Trust on the rehabilitation of land is a debt due to the Trust by the most recent licensee or permittee, as the case may be. 1996, c. 30, s. 4.

Payments to Trust

(7)  Any amount payable to the Trust is a debt due to the Trust. 1996, c. 30, s. 4.

Annual report

(8)  The Trust shall report annually to the Minister on the financial affairs of the Trust. 1996, c. 30, s. 4.

Posting report

(9)  After submitting the report to the Minister, the Trust shall post the report on a publicly accessible website. 2019, c. 14, Sched. 15, s. 1.

Other reports

(10)  The Trust shall provide the Minister with such other reports and information as he or she may request. 1996, c. 30, s. 4.

(11), (12)  Repealed: 2017, c. 6, Sched. 1, s. 6 (2).

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

1996, c. 30, s. 4 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 6 (2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s6s2) - 10/05/2017; [2017, c. 6, Sched. 1, s. 6 (1)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s6s1) - not in force

[2019, c. 14, Sched. 15, s. 1](http://www.ontario.ca/laws/statute/S19014" \l "sched15s1) - 10/12/2019

PART II  
LICENCES

Licences required

**7** (1)  No person shall, in a part of Ontario designated under section 5, operate a pit or quarry on land that is not land under water and the surface rights of which are not the property of the Crown except under the authority of and in accordance with a licence. R.S.O. 1990, c. A.8, s. 7 (1).

Exception, regulations

(1.1)  Despite subsection (1), a person who meets the qualifications that may be prescribed may operate a pit or quarry that meets the prescribed criteria on land described in subsection (1) without a licence if the person does so in accordance with such terms or conditions that may be prescribed. 2017, c. 6, Sched. 1, s. 7 (1).

Application for licence

(2)  Any person may apply to the Minister,

(a) for a Class A licence to remove more than 20,000 tonnes of aggregate annually from the site of a pit or quarry; or

(b) for a Class B licence to remove 20,000 tonnes or less of aggregate annually from the site of a pit or quarry. 1996, c. 30, s. 5; 2017, c. 6, Sched. 1, s. 7 (2).

Same

(3)  Every application for an aggregate licence shall be prepared in accordance with the regulations and include such documentation as may be prescribed. 2017, c. 6, Sched. 1, s. 7 (3).

Application fee

(4)  An applicant for an aggregate licence shall pay any prescribed application fee. 2017, c. 6, Sched. 1, s. 7 (3).

Waiver of fee

(4.1)  The Minister may waive the requirement to pay all or part of an application fee. 2017, c. 6, Sched. 1, s. 7 (3).

Additional information

(5)  The Minister may require an applicant for a licence to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused. R.S.O. 1990, c. A.8, s. 7 (5).

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

1996, c. 30, s. 5 - 27/06/1997

[2017, c. 6, Sched. 1, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s7s1) - 10/05/2017; [2017, c. 6, Sched. 1, s. 7 (3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s7s3) - 01/09/2020

Site plans

**8** Unless otherwise provided for by regulation, every application for a licence shall include a site plan prepared in accordance with the regulations. 2017, c. 6, Sched. 1, s. 8.

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

1996, c. 30, s. 6 (1, 2) - 27/06/1997

[2017, c. 6, Sched. 1, s. 8](http://www.ontario.ca/laws/statute/S17006" \l "sched1s8) - 01/04/2021

**9** Repealed: 2017, c. 6, Sched. 1, s. 9.

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

1996, c. 30, s. 7 - 27/06/1997

[2017, c. 6, Sched. 1, s. 9](http://www.ontario.ca/laws/statute/S17006" \l "sched1s9) - 01/04/2021

**10** Repealed: 2017, c. 6, Sched. 1, s. 9.

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

[2017, c. 6, Sched. 1, s. 9](http://www.ontario.ca/laws/statute/S17006" \l "sched1s9) - 01/04/2021

Procedure, application for licence

**11** (1)  If an application for a licence complies with this Act and the regulations, the Minister shall require the applicant to comply with the prescribed notification and consultation procedures, subject to any requirement to the contrary that may be specified in a custom plan approved under subsection (4.2). 1996, c. 30, s. 8; 2017, c. 6, Sched. 1, s. 10 (1).

Public record

(2)  The name and address of individuals who participate in the prescribed notification and consultation procedures form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential. 2017, c. 6, Sched. 1, s. 10 (2).

Custom plan

(3)  If an application for a licence relates to a proposed pit or quarry that meets the prescribed criteria, the Minister shall require the applicant to prepare a custom plan that meets the requirements set out in subsection (4) and the prescribed requirements and to submit the plan to the Minister. 2017, c. 6, Sched. 1, s. 10 (2).

Contents

(4)  A custom plan shall set out,

(a) consultation and notification procedures that the applicant will follow in addition to, or instead of, the procedures required by subsection (1); and

(b) a description of any surveys or studies relating to the proposed pit or quarry that the applicant will carry out and any documentation that the applicant will prepare. 2017, c. 6, Sched. 1, s. 10 (2).

Timing for preparation of plan

(4.1)  The applicant shall prepare the custom plan and submit it to the Minister and further consideration of the application may be refused until the plan is submitted. 2017, c. 6, Sched. 1, s. 10 (2).

Approval by Minister

(4.2)  Upon receipt of a custom plan, the Minister may approve the plan, approve the plan with such modifications as the Minister considers appropriate or require the applicant to prepare another plan. 2017, c. 6, Sched. 1, s. 10 (2).

Compliance with plan

(4.3)  An applicant shall comply with a custom plan that is approved by the Minister within such time period as is set out in the plan and shall notify the Minister when all the requirements set out in the plan have been met. 2017, c. 6, Sched. 1, s. 10 (2).

Same

(4.4)  Until all the requirements set out in the custom plan have been satisfied, further consideration of the application may be refused. 2017, c. 6, Sched. 1, s. 10 (2).

Referral to Tribunal

(5)  The Minister may refer the application and any objections arising out of the notification and consultation procedures that are prescribed or set out in a custom plan to the Tribunal for a hearing, and may direct that the Tribunal shall determine only the issues specified in the referral. 2017, c. 23, Sched. 5, s. 3 (1); 2021, c. 4, Sched. 6, s. 30 (1).

Parties

(6)  The parties to the hearing are,

(a) the applicant;

(b) the person who made the objection;

(c) the Minister, if he or she notifies the Tribunal of his or her intention to be a party; and

(d) such other persons as are specified by the Tribunal. 2017, c. 23, Sched. 5, s. 3 (1); 2021, c. 4, Sched. 6, s. 30 (1).

Combined hearing

(7)  The Tribunal may consider an application and objections referred to the Tribunal under subsection (5) and a related appeal to the Tribunal under the Planning Act at the same hearing. 2017, c. 23, Sched. 5, s. 3 (1); 2021, c. 4, Sched. 6, s. 30 (1).

Powers of Tribunal

(8)  The following rules apply if an application is referred to the Tribunal:

1. The Tribunal may hold a hearing and direct the Minister to issue the licence subject to the prescribed conditions and to any additional conditions specified by the Tribunal, but the Minister may refuse to impose an additional condition specified by the Tribunal if he or she is of the opinion that the condition is not consistent with the purposes of this Act.

2. The Tribunal may hold a hearing and direct the Minister to refuse to issue the licence.

3. If the Tribunal is of the opinion that an objection referred to it is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay, the Tribunal may, without holding a hearing, on its own initiative or on a party’s motion, refuse to consider the objection. If consideration of all the objections referred to the Tribunal in connection with an application is refused in this way, the Tribunal may direct the Minister to issue the licence subject to the prescribed conditions.

4. If all of the parties to a hearing, other than the applicant, withdraw before the commencement of the hearing, the Tribunal may refer the application back to the Minister and the Minister shall decide whether to issue or refuse to issue the licence. 2017, c. 23, Sched. 5, s. 3 (1); 2021, c. 4, Sched. 6, s. 30 (1).

Decision by Minister

(9)  If an application is not referred to the Tribunal under this section, the Minister shall decide whether to issue or refuse to issue the licence. 1996, c. 30, s. 8; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Refusal by Minister

(10)  If the Minister refuses to issue a licence under subsection (9), he or she shall forthwith serve notice of the refusal, including reasons, on the applicant. 1996, c. 30, s. 8.

Entitlement to hearing

(11)  An applicant who is served with a notice under subsection (10) is entitled to a hearing by the Tribunal if the applicant, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 8; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Hearing

(12)  Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Tribunal for a hearing. 1996, c. 30, s. 8; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Parties

(13)  The parties to the hearing are the applicant, the Minister and such other persons as are specified by the Tribunal. 1996, c. 30, s. 8; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Application of subs. (8)

(14)  Subsection (8), except paragraph 3, applies to a proceeding before the Tribunal under subsection (12). 1996, c. 30, s. 8; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

No petition or review

(15)  Section 23 of the Ontario Land Tribunal Act, 2021 and section 21.2 of the Statutory Powers Procedure Act do not apply to an order or decision of the Tribunal under this section. 2017, c. 23, Sched. 5, s. 3 (2); 2021, c. 4, Sched. 6, s. 30 (1, 2).

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

1996, c. 30, s. 8 - 27/06/1997

[2009, c. 33, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09033" \l "sched2s3) - 15/12/2009

[2017, c. 6, Sched. 1, s. 10 (1-5)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s10s1) - 10/05/2017; [2017, c. 23, Sched. 5, s. 2, 3 (1, 2)](http://www.ontario.ca/laws/statute/S17023" \l "sched5s2) - 03/04/2018

[2021, c. 4, Sched. 6, s. 30 (1, 2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s30s1) - 01/06/2021

Matters to be considered

**12** (1)  In considering whether a licence should be issued or refused, the Minister or the Tribunal, as the case may be, shall have regard to,

(a) the effect of the operation of the pit or quarry on the environment;

(b) the effect of the operation of the pit or quarry on nearby communities;

(c) any comments provided by a municipality in which the site is located;

(d) the suitability of the progressive rehabilitation and final rehabilitation plans for the site;

(e) any possible effects on ground and surface water resources including on drinking water sources;

(f) any possible effects of the operation of the pit or quarry on agricultural resources;

(g) any planning and land use considerations;

(h) the main haulage routes and proposed truck traffic to and from the site;

(i) the quality and quantity of the aggregate on the site;

(j) the applicant’s history of compliance with this Act and the regulations, if a licence or permit has previously been issued to the applicant under this Act or a predecessor of this Act; and

(k) such other matters as are considered appropriate. R.S.O. 1990, c. A.8, s. 12; 1996, c. 30, s. 9 (1, 2); 2002, c. 17, Sched. F, Table; 2017, c. 6, Sched. 1, s. 11 (1); 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Exception

(1.1)  Despite clause (1) (h), the Minister or the Tribunal shall not have regard to ongoing maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site. 2019, c. 14, Sched. 15, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Same

(1.2)  Subsection (1.1) applies to an application in respect of which no decision has been made by the Minister or the Local Planning Appeal Tribunal, as the case may be, on or before December 10, 2019. 2019, c. 14, Sched. 15, s. 2; 2021, c. 4, Sched. 6, s. 30 (4).

Annual compliance reports

(2)  Despite clause (1) (j), the Minister or the Tribunal shall not have regard to a contravention of this Act or the regulations that was disclosed by the applicant in a compliance report made under section 15.1 or 40.1 if,

(a) the contravention was not discovered by an inspector before the applicant submitted the compliance report; and

(b) the applicant complied with clause 15.1 (5) (a) or 40.1 (5) (a), as the case may be, in respect of the contravention. 2017, c. 6, Sched. 1, s. 11 (2); 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

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

1996, c. 30, s. 9 (1-3) - 27/06/1997

[2000, c. 26, Sched. L, s. 1 (1)](http://www.ontario.ca/laws/statute/S00026" \l "schedls1s1) - 06/12/2000

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 11 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s11s1) - 10/05/2017; [2017, c. 23, Sched. 5, s. 2](http://www.ontario.ca/laws/statute/S17023" \l "sched5s2) - 03/04/2018

[2019, c. 14, Sched. 15, s. 2](http://www.ontario.ca/laws/statute/S19014" \l "sched15s2) - 10/12/2019

[2021, c. 4, Sched. 6, s. 30 (1, 4)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s30s1) - 01/06/2021

Zoning by-law prohibition on licence

**12.1** (1)  No licence shall be issued for a pit or quarry if a zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries. 1999, c. 12, Sched. N, s. 1 (1).

Exception

(1.1)  If a zoning by-law prohibits a site in a part of Ontario designated under subsection 5 (2) from being used for the making, establishment or operation of pits and quarries, any restriction contained in the zoning by-law with respect to the depth of extraction at the site is inoperative. 2019, c. 14, Sched. 15, s. 3.

Doubt as to zoning

(2)  If the Minister is in doubt as to whether a zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries, he or she may serve on the applicant a notice to that effect. 1999, c. 12, Sched. N, s. 1 (1).

Application to court

(3)  An applicant who is served with a notice is entitled, within 30 days after the notice is served, to make an application to the Superior Court of Justice for a judgment declaring that no zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries. 1999, c. 12, Sched. N, s. 1 (1).

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

1999, c. 12, Sched. N., s. 1 (1) - 22/12/1999

[2019, c. 14, Sched. 15, s. 3](http://www.ontario.ca/laws/statute/S19014" \l "sched15s3) - 10/12/2019

Conditions of licence

**12.2**Upon issuing a licence, the Minister may attach such conditions to the licence as he or she considers necessary. 2019, c. 14, Sched. 15, s. 4.

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

1996, c. 30, s. 10 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 12](http://www.ontario.ca/laws/statute/S17006" \l "sched1s12) - no effect - see [2019, c. 14, Sched. 15, s. 64](http://www.ontario.ca/laws/statute/S19014" \l "sched15s64) - 10/12/2019

[2019, c. 14, Sched. 15, s. 4](http://www.ontario.ca/laws/statute/S19014" \l "sched15s4) - 10/12/2019

Amendment to licence and site plans

Amendment by Minister

**13** (1)  The Minister may at any time,

(a) add a condition to a licence, rescind or vary a condition of a licence or amend a licence in any other way; or

(b) require a licensee to amend the site plan or to submit a new site plan. 2019, c. 14, Sched. 15, s. 5 (2).

Application by licensee

(2)  A licensee may apply to the Minister at any time,

(a) to have a condition added to the licence, to have a condition of the licence rescinded or varied or to have the licence amended in any other way; or

(b) to request the Minister’s written approval of an amendment to the site plan or of a new site plan. 2019, c. 14, Sched. 15, s. 5 (2).

Same

(3)  A licensee shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee. 2019, c. 14, Sched. 15, s. 5 (2).

No amendments to site plans without approval

(3.1)  A licensee shall not amend a site plan or prepare a new site plan without first obtaining the Minister’s written approval. 2019, c. 14, Sched. 15, s. 5 (2).

Amendments

(3.2)  Despite subsection (3.1), a licensee may make such amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee. 2019, c. 14, Sched. 15, s. 5 (2).

Preparation of site plan amendments

(3.3)  An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the licensee’s request under clause (2) (b) shall be prepared by the licensee in accordance with the regulations. 2019, c. 14, Sched. 15, s. 5 (2).

Notice of change

(3.4)  If the Minister proposes to amend a licence under clause (1) (a) or require anything under clause (1) (b), he or she shall forthwith serve notice of the proposal, including reasons,

(a) on the licensee; and

(b) if, in the opinion of the Minister, the matter is of importance and it is appropriate to do so, on the clerk of each municipality in which the site is located. 2019, c. 14, Sched. 15, s. 5 (2).

No action until 30 days elapsed

(4)  A licensee and any municipality served with notice under subsection (3.4) may provide the Minister with comments within 30 days after service of the notice and the Minister shall take no action until the 30 days have elapsed. 1996, c. 30, s. 11; 2019, c. 14, Sched. 15, s. 5 (3).

Exception

(5)  The Minister may take the proposed action before the 30 days have elapsed if comments have been received from all persons notified and if the licensee waives the right under subsection (6) to require a hearing. 1996, c. 30, s. 11.

Entitlement to hearing

(6)  A licensee who is served with a notice under subsection (3.4) is entitled to a hearing by the Tribunal if the licensee, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 11; 2017, c. 23, Sched. 5, s. 2; 2019, c. 14, Sched. 15, s. 5 (4); 2021, c. 4, Sched. 6, s. 30 (1).

Hearing

(7)  Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Tribunal for a hearing. 1996, c. 30, s. 11; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Parties

(8)  The parties to the hearing are the licensee, the Minister and such other persons as are specified by the Tribunal. 1996, c. 30, s. 11; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Powers of Tribunal

(9)  The Tribunal may direct the Minister to carry out, vary or rescind his or her proposal. 1996, c. 30, s. 11; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

No petition or review

(10)  Section 23 of the Ontario Land Tribunal Act, 2021 and section 21.2 of the Statutory Powers Procedure Act do not apply to an order or decision of the Tribunal under this section. 2017, c. 23, Sched. 5, s. 4; 2021, c. 4, Sched. 6, s. 30 (1, 2).

Where no hearing

(11)  If the licensee does not require a hearing under subsection (6), the Minister may carry out the proposal. 1996, c. 30, s. 11.

Exception, no hearing required

(12)  Despite subsection (6), a licensee is not entitled to a hearing under this section if the Minister adds a condition to the licence or varies a condition of the licence for the purpose of implementing a source protection plan under the Clean Water Act, 2006. 2019, c. 14, Sched. 15, s. 5 (5).

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

1996, c. 30, s. 11 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2009, c. 33, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09033" \l "sched2s3) - 15/12/2009

[2017, c. 6, Sched. 1, s. 13 (1-3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s13s1) - no effect - see [2019, c. 14, Sched. 15, s. 64](http://www.ontario.ca/laws/statute/S19014" \l "sched15s64) - 10/12/2019; [2017, c. 23, Sched. 5, s. 2, 4](http://www.ontario.ca/laws/statute/S17023" \l "sched5s2) - 03/04/2018

[2019, c. 14, Sched. 15, s. 5 (1, 5)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s5s1) - 10/12/2019; [2019, c. 14, Sched. 15, s. 5 (2-4)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s5s2) - 01/09/2020

[2021, c. 4, Sched. 6, s. 30 (1, 2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s30s1) - 01/06/2021

Amendment re depth of extraction

Procedure, application for amendment

**13.1**(1)  This section applies if a licence or site plan does not allow extraction below the water table in an area and the licensee wishes to amend the licence or the site plan to lower the depth of extraction from above the water table to below the water table in that area. 2019, c. 14, Sched. 15, s. 6 (1).

Same

(2)  Subsections 13 (3), (3.1) and (3.3) apply in respect of the application. 2019, c. 14, Sched. 15, s. 6 (2).

Public record

(3)  The name and address of any individual who participates in any prescribed notification and consultation procedures in respect of the application form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential. 2019, c. 14, Sched. 15, s. 6 (1).

Referral to Tribunal

(4)  The Minister may refer the application and any objections arising out of the notification and consultation procedures in respect of the amendment to the Tribunal for a hearing, and may direct that the Tribunal shall determine only the issues specified in the referral. 2019, c. 14, Sched. 15, s. 6 (1); 2021, c. 4, Sched. 6, s. 30 (1).

Same

(5)  Subsections 11 (6) to (15) and section 12 apply, with necessary modifications, in respect of an application under this section and any reference to the issuing or refusal of a licence shall be read as a reference to the amending or refusal to amend a licence or a site plan, as the case may be. 2019, c. 14, Sched. 15, s. 6 (1).

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

[2019, c. 14, Sched. 15, s. 6 (1)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s6s1) - 10/12/2019; [2019, c. 14, Sched. 15, s. 6 (2)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s6s2) - 01/09/2020

[2021, c. 4, Sched. 6, s. 30 (1)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s30s1) - 01/06/2021

Expansion of boundaries

**13.2**(1)  Subject to subsection (2), the boundaries of the area subject to a licence, as specified in a site plan for the licence, may not be expanded unless an application for a new licence is made under section 7 to operate the pit or quarry in the proposed expansion area. 2019, c. 14, Sched. 15, s. 7 (1).

Amendment

(2)  A licensee may apply to the Minister for an amendment of the licence and an amendment to the site plan to expand the boundaries of the area subject to the licence if,

(a) the proposed expansion area is wholly within a portion of a road allowance directly adjacent to the boundaries of the area subject to the licence; and

(b) the prescribed conditions, if any, are satisfied. 2019, c. 14, Sched. 15, s. 7 (1).

Same

(3)  Section 13 applies in respect of an application under subsection (2). 2019, c. 14, Sched. 15, s. 7.

Meaning of road allowance

(4)  For greater certainty, a road allowance under subsection (2) includes a road allowance that has been closed. 2019, c. 14, Sched. 15, s. 7 (1).

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

[2019, c. 14, Sched. 15, s. 7 (1)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s7s1) - 10/12/2019; [2019, c. 14, Sched. 15, s. 7 (2)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s7s2) - 01/09/2020

Annual licence fee

**14** (1)  Every licensee shall pay any prescribed annual licence fee within the time period that is determined in accordance with the regulations. 2017, c. 6, Sched. 1, s. 14.

Payment of fee

(2)  All licence fees payable under this section shall be paid to the Trust or to such person or entity as may be prescribed, unless otherwise provided by regulation. 2017, c. 6, Sched. 1, s. 14.

Disbursement of fees

(3)  The Trust or other prescribed entity or person to whom fees are paid under subsection (2) shall disburse all or part of the annual licence fees it receives to such other persons or entities as may be prescribed in accordance with the regulations. 2017, c. 6, Sched. 1, s. 14.

Same

(4)  The amount of a disbursement made under subsection (3) shall be determined in accordance with the regulations. 2017, c. 6, Sched. 1, s. 14.

Waiver of fee

(5)  The Minister may waive, by order, the requirement to pay all or part of an annual licence fee. 2017, c. 6, Sched. 1, s. 14; 2019, c. 14, Sched. 15, s. 8 (1).

Same

(6)  If a waiver has been ordered under subsection (5), the Minister may, by order, vary the percentage of the total of annual licence fees to be disbursed. 2019, c. 14, Sched. 15, s. 8 (2).

Conflict

(7)  In the case of a conflict between a provision of this section or the regulations and an order of the Minister under subsection (5) or (6), the Minister’s order prevails. 2019, c. 14, Sched. 15, s. 8 (2).

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

1996, c. 30, s. 11 - 27/06/1997

[2017, c. 6, Sched. 1, s. 14](http://www.ontario.ca/laws/statute/S17006" \l "sched1s14) - 10/05/2017

[2019, c. 14, Sched. 15, s. 8 (1, 2)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s8s1) - 10/12/2019

Returns

**14.1** Every licensee shall make a return to the Trust or to such person or entity as may be prescribed, within the prescribed time, showing the quantity of material removed from the site. 2006, c. 19, Sched. P, s. 1 (1); 2017, c. 6, Sched. 1, s. 15.

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

[2006, c. 19, Sched. P, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedps1s1) - 22/06/2006

[2017, c. 6, Sched. 1, s. 15](http://www.ontario.ca/laws/statute/S17006" \l "sched1s15) - 10/05/2017

Duties of licensees

**15** Every licensee shall operate the licensee’s pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the licence. R.S.O. 1990, c. A.8, s. 15.

Annual compliance report

**15.1**  (1)  Every licensee shall submit an annual report to the Minister for the purpose of assessing the licensee’s compliance with this Act, the regulations, a site plan and the conditions of the licence. 2017, c. 6, Sched. 1, s. 16 (1).

Same

(2)  A licensee shall prepare and submit an annual compliance report in accordance with the regulations. 2017, c. 6, Sched. 1, s. 16 (1).

Retention of reports

(3)  During the term of the licence, the licensee shall retain a copy of every report submitted under this section. 1996, c. 30, s. 12.

Examination

(4)  Any person may examine an annual compliance report during the Ministry’s normal office hours and, on payment of such fee as may be established by the Minister, the person is entitled to a copy of the report. 1996, c. 30, s. 12.

Disclosure of contravention

(5)  If an annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the licence,

(a) the licensee shall,

(i) within a period of 90 days after the report is submitted to the Minister or within such longer period as may be specified by the Minister, take such steps as may be necessary to remedy the contravention, and

(ii) immediately stop the doing of any act that forms part of the contravention; and

(b) if the licensee complies with subclause (a) (ii), no prosecution shall be commenced in respect of the contravention, and no notice may be served by the Minister under section 20 or 22 in respect of the contravention,

(i) during the period described in subclause (a) (i), or

(ii) after the period described in subclause (a) (i), if the licensee complies with subclause (a) (i) within that period. 1996, c. 30, s. 12.

Exception

(5.1)  Clause (5) (b) does not apply in respect of a contravention disclosed in an annual compliance report if the contravention was discovered by an inspector before the compliance report was submitted to the Minister. 2017, c. 6, Sched. 1, s. 16 (2).

Suspension of licence

(6)  A licence shall be deemed to have been suspended if,

(a) the licensee fails to submit an annual compliance report in accordance with this section; or

(b) the licensee’s annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the licence and the licensee fails to comply with subclause (5) (a) (i) or (ii). 1996, c. 30, s. 12.

Reinstatement; failure to submit

(7)  A licence that was deemed to have been suspended under clause (6) (a) shall be deemed to be reinstated if the licensee submits the annual compliance report to the Minister. 1996, c. 30, s. 12.

Reinstatement; failure to comply with cl. (5) (a)

(8)  A licence that was deemed to have been suspended under clause (6) (b) shall be deemed to be reinstated if the licensee,

(a) takes such steps as are necessary to remedy the contravention that was disclosed in the annual compliance report, if the licensee failed to comply with subclause (5) (a) (i); or

(b) stops the doing of the act that formed part of the contravention, if the licensee failed to comply with subclause (5) (a) (ii). 1996, c. 30, s. 12.

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

1996, c. 30, s. 12 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 16 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s16s1) - 10/05/2017

**16** Repealed: 2017, c. 6, Sched. 1, s. 17.

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

1996, c. 30, s. 13 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2009, c. 33, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09033" \l "sched2s3) - 15/12/2009

[2017, c. 6, Sched. 1, s. 17](http://www.ontario.ca/laws/statute/S17006" \l "sched1s17) - 01/09/2020; [2017, c. 23, Sched. 5, s. 2, 5](http://www.ontario.ca/laws/statute/S17023" \l "sched5s2) - 03/04/2018

**17** Repealed: 1996, c. 30, s. 14.

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

1996, c. 30, s. 14 - 27/06/1997

Transfer of licence

**18** (1)  On application, the Minister may transfer a licence. 1996, c. 30, s. 15.

Application fee

(2)  An applicant for the transfer of a licence shall pay any prescribed application fee. 2017, c. 6, Sched. 1, s. 18 (1).

Consent

(3)  If the applicant is the licensee or has the licensee’s consent to the transfer, the following rules apply:

1. The Minister may transfer the licence.

2. If the Minister proposes to refuse the transfer, he or she shall forthwith serve notice of the proposal on the applicant (and on the licensee, if they are different persons), with reasons. 1996, c. 30, s. 15.

No consent

(4)  If the applicant does not have the licensee’s consent to the transfer, the following rules apply:

1. If the Minister proposes to transfer the licence, he or she shall forthwith serve notice of the proposal on the licensee, with reasons.

2. If the Minister proposes to refuse the transfer, he or she shall forthwith serve notice of the proposal on the applicant, with reasons. 1996, c. 30, s. 15.

No notice required

(4.1)  The Minister is not required to give notice to a licensee under subsection (4) if,

(a) the licensee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or

(b) the licensee is a corporation that has been wound up or dissolved. 2017, c. 6, Sched. 1, s. 18 (2).

Entitlement to hearing

(5)  An applicant or licensee who is served with notice under subsection (3) or (4) is entitled to a hearing by the Tribunal if the applicant or licensee, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 15; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Hearing

(6)  Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Tribunal for a hearing. 1996, c. 30, s. 15; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Parties

(7)  The parties to the hearing are the applicant, the licensee, the Minister and such other persons as the Tribunal specifies. 1996, c. 30, s. 15; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Powers of Tribunal

(8)  The Tribunal may direct the Minister to carry out or rescind his or her proposal. 1996, c. 30, s. 15; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

No petition or review

(9)  Section 23 of the Ontario Land Tribunal Act, 2021 and section 21.2 of the Statutory Powers Procedure Act do not apply to an order or decision of the Tribunal under this section. 2017, c. 23, Sched. 5, s. 6; 2021, c. 4, Sched. 6, s. 30 (1, 2).

If no hearing required

(10)  If no hearing is required under subsection (5), the Minister may carry out the proposal. 1996, c. 30, s. 15.

(11)  Repealed: 2017, c. 6, Sched. 1, s. 18 (3).

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

1996, c. 30, s. 15 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2009, c. 33, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09033" \l "sched2s3) - 15/12/2009

[2017, c. 6, Sched. 1, s. 18 (2, 3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s18s2) - 10/05/2017; [2017, c. 6, Sched. 1, s. 18 (1)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s18s1) - 01/09/2020; [2017, c. 23, Sched. 5, s. 2, 6](http://www.ontario.ca/laws/statute/S17023" \l "sched5s2) - 03/04/2018

[2021, c. 4, Sched. 6, s. 30 (1, 2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s30s1) - 01/06/2021

Surrender of licence

**19** (1)  The Minister may accept the surrender of a licence on being satisfied that the licensee’s annual licence fees and rehabilitation security payments, and special payments if applicable, have been paid and that rehabilitation has been performed in accordance with this Act, the regulations, the site plan, if any, and the conditions of the licence. 1996, c. 30, s. 16.

Fee

(2)  The licensee shall pay any fee that may be prescribed for requests made to the Minister for his or her acceptance of the surrender of a licence under subsection (1). 2017, c. 6, Sched. 1, s. 19.

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

1996, c. 30, s. 16 - 27/06/1997

[2017, c. 6, Sched. 1, s. 19](http://www.ontario.ca/laws/statute/S17006" \l "sched1s19) - 10/05/2017

Revocation of licence

**20** (1)  The Minister may revoke a licence if,

(a) any provision of this Act, the regulation or the site plan or a condition of the licence is contravened;

(b) the licensee is insolvent;

(c) the licensee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or

(d) the licensee is a corporation that has been wound up or dissolved. 2017, c. 6, Sched. 1, s. 20 (1).

Advance notice

(2)  The Minister shall not revoke a licence unless, at least 90 days before the licence is revoked, the Minister serves on the licensee notice of the intention to revoke the licence. 1996, c. 30, s. 17.

Notice to licensee

(3)  When the Minister revokes a licence, he or she shall forthwith serve notice of the revocation, including reasons, on the licensee. 1996, c. 30, s. 17.

Entitlement to hearing

(4)  A licensee who is served with a notice under subsection (3) is entitled to a hearing by the Tribunal if the licensee, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 17; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Application

(5)  Subsection (4) does not apply if,

(a) the licence is revoked because of a contravention of subsection 14 (1) or section 14.1; or

(b) the licence is revoked under clause (1) (c) or (d). 2017, c. 6, Sched. 1, s. 20 (2).

Hearing

(6)  Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Tribunal for a hearing. 1996, c. 30, s. 17; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Parties

(7)  The parties to the hearing are the licensee, the Minister and such other persons as are specified by the Tribunal. 1996, c. 30, s. 17; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

Powers of Tribunal

(8)  The Tribunal may confirm the revocation of the licence or direct the Minister to rescind the revocation. 1996, c. 30, s. 17; 2017, c. 23, Sched. 5, s. 2; 2021, c. 4, Sched. 6, s. 30 (1).

No petition or review

(9)  Section 23 of the Ontario Land Tribunal Act, 2021 and section 21.2 of the Statutory Powers Procedure Act do not apply to an order or decision of the Tribunal under this section. 2017, c. 23, Sched. 5, s. 7; 2021, c. 4, Sched. 6, s. 30 (1, 2).

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

1996, c. 30, s. 17 - 27/06/1997

[2006, c. 19, Sched. P, s. 1 (2)](http://www.ontario.ca/laws/statute/S06019" \l "schedps1s2) - 22/06/2006

[2009, c. 33, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09033" \l "sched2s3) - 15/12/2009

[2017, c. 6, Sched. 1, s. 20 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s20s1) - 10/05/2017; [2017, c. 23, Sched. 5, s. 2, 7](http://www.ontario.ca/laws/statute/S17023" \l "sched5s2) - 03/04/2018

[2021, c. 4, Sched. 6, s. 30 (1, 2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s30s1) - 01/06/2021

**21** Repealed: 1996, c. 30, s. 17.

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

1996, c. 30, s. 17 - 27/06/1997

Suspension of licence

**22** (1)  The Minister may suspend a licence for any period of time, for any contravention of this Act, the regulations, the site plan or the conditions of the licence, effective as soon as the notice mentioned in subsection (2) is served upon the licensee. R.S.O. 1990, c. A.8, s. 22 (1); 1996, c. 30, s. 18 (1, 2).

Notice of suspension

(2)  Notice of suspension of a licence, including the reasons therefor, shall be served upon the licensee and, where applicable, upon the clerk of each municipality in which the site is located for their information. R.S.O. 1990, c. A.8, s. 22 (2); 2002, c. 17, Sched. F, Table.

Further particulars of notice

(3)  The notice mentioned in subsection (2) shall inform the licensee of the period of the suspension, of the action the licensee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the licensee has complied with the notice to the satisfaction of the Minister, and that, if the licensee does not comply with the notice within the period of the suspension, the Minister may revoke the licence. R.S.O. 1990, c. A.8, s. 22 (3).

Revocation

(4)  If a licensee whose licence has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the licence, in which case section 20 applies. R.S.O. 1990, c. A.8, s. 22 (4); 1996, c. 30, s. 18 (3).

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

1996, c. 30, s. 18 (1-3) - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

PART III  
WAYSIDE PERMITS

Application for wayside permit

**23** (1)  Any public authority, or any person who has a contract with a public authority, that requires aggregate for a temporary project from a source in a part of Ontario designated under section 5 that is not under licence or permit may apply to the Minister for a wayside permit to operate a pit or quarry. R.S.O. 1990, c. A.8, s. 23 (1); 1996, c. 30, s. 19 (1).

Licence not required

(2)  Subsection 7 (1) does not apply to a person who has a wayside permit. R.S.O. 1990, c. A.8, s. 23 (2).

Limitation

(3)  An application under subsection (1) shall not be considered unless, in the Minister’s opinion,

(a) the aggregate is required for a project of road construction or road maintenance;

(b) Repealed: 2017, c. 6, Sched. 1, s. 21 (1).

(c) adequate provision can be made as conditions of the permit to ensure a method of operation and rehabilitation so as to cause only a temporary inconvenience to the public. R.S.O. 1990, c. A.8, s. 23 (3); 1996, c. 30, s. 19 (2); 2017, c. 6, Sched. 1, s. 21 (1).

Application

(4)  Every application for a wayside permit shall be prepared in accordance with the regulations and shall include such documentation as may be prescribed. 2017, c. 6, Sched. 1, s. 21 (2).

Site plans

(4.1)  Unless otherwise provided for by regulation, every application for a wayside permit shall include a site plan prepared in accordance with the regulations. 2017, c. 6, Sched. 1, s. 21 (2).

Application fee

(4.2)  An applicant for a wayside permit shall pay any prescribed application fee. 2017, c. 6, Sched. 1, s. 21 (2).

Waiver of fee

(4.3)  The Minister may waive the requirement to pay all or part of an application fee. 2017, c. 6, Sched. 1, s. 21 (2).

Additional information

(5)  The Minister may require an applicant for a wayside permit to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused. R.S.O. 1990, c. A.8, s. 23 (5).

Procedure

(6)  If an application for a wayside permit complies with this Act and the regulations, the Minister shall require the applicant to comply with the prescribed notification and consultation procedures. 1996, c. 30, s. 19 (3).

Public record

(7)  The name and address of individuals who participate in the prescribed notification and consultation form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential. 2017, c. 6, Sched. 1, s. 21 (3).

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

1996, c. 30, s. 19 (1-3) - 27/06/1997

[2017, c. 6, Sched. 1, s. 21 (2, 3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s21s2) - 10/05/2017; [2017, c. 6, Sched. 1, s. 21 (1)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s21s1) - 01/09/2020

**24** Repealed: 1996, c. 30, s. 20.

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

1996, c. 30, s. 20 - 27/06/1997

**25** Repealed: 2017, c. 6, Sched. 1, s. 22.

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

1996, c. 30, s. 21 - 27/06/1997

[2017, c. 6, Sched. 1, s. 22](http://www.ontario.ca/laws/statute/S17006" \l "sched1s22) - 10/05/2017

Matters to be considered by Minister

**26** The Minister in considering whether to issue or refuse a wayside permit shall have regard to,

(a) any comments provided by the municipalities in which the site is located;

(b) the effect of the operation of the pit or quarry on the environment and nearby communities;

(c) the amount of aggregate estimated to be removed from the site;

(d) the estimated cost of the aggregate for the project as compared with that from any alternative source of supply;

(e) the proper management of the aggregate resources of the area;

(f) any previous wayside permits for the site and adjacent lands;

(g) the rehabilitation of the site and its compatibility with adjacent land;

(h) any possible effects on ground and surface water resources including on drinking water sources;

(i) any proposed aesthetic improvements to the landscape;

(j) the main haulage routes and proposed truck traffic to and from the site; and

(k) such other matters as are considered appropriate. R.S.O. 1990, c. A.8, s. 26; 2017, c. 6, Sched. 1, s. 23.

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

[2017, c. 6, Sched. 1, s. 23](http://www.ontario.ca/laws/statute/S17006" \l "sched1s23) - 10/05/2017

Where wayside permits prevail over zoning by-laws

**27** (1)  The Minister may in his or her discretion issue a wayside permit even if the location of the site contravenes a zoning by-law; in that case, the by-law does not apply to the site while the permit is in force. 1996, c. 30, s. 22.

Limitation

(2)  No wayside permit shall be issued if the issuance will result in more than one wayside permit for one site at any time. R.S.O. 1990, c. A.8, s. 27 (2).

Niagara Escarpment Planning Area

(3)  Despite subsection (1), no wayside permit shall be issued for a site in the Niagara Escarpment Planning Area, as defined in the *Niagara Escarpment Planning and Development Act*, unless the location of the site complies with a development permit issued under that Act. R.S.O. 1990, c. A.8, s. 27 (3).

Exception

(4)  Despite subsection (1), no wayside permit shall be issued for a site zoned and developed for residential use or zoned as an area having particular environmental sensitivity. R.S.O. 1990, c. A.8, s. 27 (4).

Regulations limiting issuance

(5)  The Lieutenant Governor in Council may make regulations governing and limiting the issuance of wayside permits. R.S.O. 1990, c. A.8, s. 27 (5).

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

1996, c. 30, s. 22 - 27/06/1997

**28** Repealed: 2017, c. 6, Sched. 1, s. 24.

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

1996, c. 30, s. 23 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 24](http://www.ontario.ca/laws/statute/S17006" \l "sched1s24) - 10/05/2017

Duties of permittees

**29** Every wayside permittee shall operate the permittee’s pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the permit. R.S.O. 1990, c. A.8, s. 29.

Conditions on permit

**30** Upon issuing a wayside permit, the Minister may attach such conditions to the permit as he or she considers necessary. 2017, c. 6, Sched. 1, s. 25.

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

1996, c. 30, s. 24 - 27/06/1997

[2000, c. 26, Sched. L, s. 1 (2)](http://www.ontario.ca/laws/statute/S00026" \l "schedls1s2) - 06/12/2000

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 25](http://www.ontario.ca/laws/statute/S17006" \l "sched1s25) - 01/09/2020

Amendments to permits and site plans

Amendments by Minister

**30.1** (1)  The Minister may at any time,

(a) add a condition to a wayside permit, rescind or vary a condition of a wayside permit or amend a wayside permit in any other way; or

(b) require a permittee to amend the site plan or to submit a new site plan. 2017, c. 6, Sched. 1, s. 25.

Application by permittee

(2)  The holder of a wayside permit may apply to the Minister at any time,

(a) to have a condition added to the permit, to have a condition of the permit rescinded or varied or to have the permit amended in any other way; or

(b) to request the Minister’s written approval of an amendment to the site plan or of a new site plan. 2017, c. 6, Sched. 1, s. 25.

Same

(3)  The holder of a wayside permit shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee. 2017, c. 6, Sched. 1, s. 25.

No amendments to site plans without approval

(4)  The holder of a wayside permit shall not amend a site plan or prepare a new site plan without first obtaining the Minister’s written approval. 2017, c. 6, Sched. 1, s. 25.

Minor amendments

(5)  Despite subsection (4), the holder of a wayside permit may make such amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee. 2017, c. 6, Sched. 1, s. 25; 2019, c. 14, Sched. 15, s. 9.

Preparation of site plan amendments

(6)  An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the permittee’s request under clause (2) (b) shall be prepared by the permittee in accordance with the regulations. 2017, c. 6, Sched. 1, s. 25.

Notice

(7)  The Minister shall,

(a) give a permittee notice of any amendment to a wayside permit made under clause (1) (a) and of any application or approval granted or refused under subsection (2); and

(b) if, in the opinion of the Minister, an amendment is important and it is appropriate to do so, give the clerk of each municipality in which the site is located notice of any amendment to a wayside permit or site plan made in accordance with this section. 2017, c. 6, Sched. 1, s. 25.

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

[2017, c. 6, Sched. 1, s. 25](http://www.ontario.ca/laws/statute/S17006" \l "sched1s25) - 01/09/2020

[2019, c. 14, Sched. 15, s. 9](http://www.ontario.ca/laws/statute/S19014" \l "sched15s9) - 01/09/2020

Expiration of permit

**31** (1)A wayside permit expires on the completion of the project in respect of which it was issued or eighteen months after its date of issue, whichever occurs first. R.S.O. 1990, c. A.8, s. 31.

Extension

(2)  The Minister may, before a wayside permit expires, extend the expiration date if the project has not been completed and requires more aggregate from the same site. 2000, c. 26, Sched. L, s. 1 (3).

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

[2000, c. 26, Sched. L, s. 1 (3)](http://www.ontario.ca/laws/statute/S00026" \l "schedls1s3) - 06/12/2000

Wayside permit fee

**31.1**(1)  The holder of a wayside permit shall pay any prescribed permit fee within the time period that is determined in accordance with the regulations. 2017, c. 6, Sched. 1, s. 26.

Payment of fee

(2)  A permit fee payable under this section shall be paid to the Trust or to such entity or person as may be prescribed. 2017, c. 6, Sched. 1, s. 26.

Disbursement of fees

(3)  The Trust or other prescribed entity or person to whom the fees are paid under subsection (2) shall disburse all or part of the permit fees it receives under subsection (2) to such persons or entities as may be prescribed in accordance with the regulations. 2017, c. 6, Sched. 1, s. 26.

Same

(4)  The amount of a disbursement made under subsection (3) shall be determined in accordance with the regulations. 2017, c. 6, Sched. 1, s. 26.

Waiver of fee

(5)  The Minister may waive, by order, the requirement to pay all or part of a permit fee under this section. 2017, c. 6, Sched. 1, s. 26; 2019, c. 14, Sched. 15, s. 10 (1).

Same

(6)  If a waiver has been ordered under subsection (5), the Minister may, by order, vary the percentage of the total of permit fees to be disbursed. 2019, c. 14, Sched. 15, s. 10 (2).

Conflict

(7)  In the case of a conflict between a provision of this section or the regulations and an order of the Minister under subsection (5) or (6), the Minister’s order prevails. 2019, c. 14, Sched. 15, s. 10 (2).

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

1996, c. 30, s. 25 - 27/06/1997

[2017, c. 6, Sched. 1, s. 26](http://www.ontario.ca/laws/statute/S17006" \l "sched1s26) - 10/05/2017

[2019, c. 14, Sched. 15, s. 10 (1, 2)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s10s1) - 10/12/2019

Suspension or revocation

**32** (1)  The Minister may, at any time, suspend or revoke a wayside permit for any contravention of this Act, the regulations, the site plan or the conditions of the permit, effective as soon as the notice mentioned in subsection (2) is served upon the permittee. R.S.O. 1990, c. A.8, s. 32 (1); 1996, c. 30, s. 26 (1).

Revocation for insolvency, etc.

(1.1)  The Minister may, at any time, revoke a wayside permit if,

(a) the permittee is insolvent;

(b) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or

(c) the permittee is a corporation that has been wound up or dissolved. 2017, c. 6, Sched. 1, s. 27.

Notice to municipalities

(2)  Notice of suspension or revocation of a permit, including reasons therefor, shall be served upon the permittee and, where applicable, upon the clerk of each municipality in which the site is located for their information. R.S.O. 1990, c. A.8, s. 32 (2); 2002, c. 17, Sched. F, Table.

(3)  Repealed: 1996, c. 30, s. 26 (2).

Suspension — further particulars of notice

(4)  The notice mentioned in subsection (2) shall inform the permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit. R.S.O. 1990, c. A.8, s. 32 (4).

Suspension — consequence of no remedial action

(5)  If a permittee whose permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the permit. R.S.O. 1990, c. A.8, s. 32 (5).

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

1996, c. 30, s. 26 (1, 2) - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 27](http://www.ontario.ca/laws/statute/S17006" \l "sched1s27) - 10/05/2017

Delegation

**32.1** (1)  The Minister may authorize any employee or class of employees of the Ministry of Transportation to exercise any power or perform any duty that is granted to or vested in the Minister under this Part. 1996, c. 30, s. 27.

Limitations

(2)  The Minister may limit an authorization made under subsection (1) in such manner as he or she considers advisable. 1996, c. 30, s. 27.

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

1996, c. 30, s. 27 - 27/06/1997

PART IV (s. 33) Repealed: 1996, c. 30, s. 28.

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

1996, c. 30, s. 28 - 27/06/1997

PART V  
AGGREGATE PERMITS

Aggregate permits

**34** (1)  No person shall, except under the authority of and in accordance with an aggregate permit, operate a pit or quarry,

(a) to excavate aggregate or topsoil that is on land the surface rights of which are the property of the Crown, even if the surface rights are leased to another person;

(b) to excavate aggregate or topsoil that is the property of the Crown from land under water;

(c) to excavate aggregate or topsoil that is the property of the Crown in a part of Ontario that is not designated under section 5; or

(d) to excavate aggregate that is not the property of the Crown from land under water. R.S.O. 1990, c. A.8, s. 34 (1); 1996, c. 30, s. 29 (1).

Exception, regulations

(1.1)  Despite subsection (1), a person may operate a pit or quarry to excavate aggregate or topsoil described in subsection (1) without an aggregate permit if,

(a) the person has the prescribed qualifications; and

(b) the person operates the pit or quarry in accordance with any prescribed terms or conditions. 2017, c. 6, Sched. 1, s. 28 (1).

Extraction from placer deposit

(2)  The excavation of aggregate or topsoil resulting from non-aggregate mineral extraction from a placer deposit is considered to be the operation of a pit for the purpose of subsection (1). R.S.O. 1990, c. A.8, s. 34 (2).

Idem

(3)  The removal from the site of stockpiled aggregate or topsoil that is the property of the Crown and was excavated under an aggregate permit is considered to be the operation of a pit for the purpose of subsection (1). R.S.O. 1990, c. A.8, s. 34 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 34 (3) of the Act is repealed and the following substituted: (See: 2017, c. 6, Sched. 1, s. 28 (2))

Removal of stockpiled aggregate, etc.

(3)  The removal of stockpiled aggregate or topsoil that is the property of the Crown from the site of a pit or quarry or from any other place at which it is stockpiled is considered to be the operation of a pit for the purpose of subsection (1) if the aggregate or topsoil that is being removed meets the prescribed conditions. 2017, c. 6, Sched. 1, s. 28 (2).

Application for aggregate permit

(4)  Subject to subsection (5), any person may apply to the Minister for an aggregate permit to operate a pit or quarry. 2017, c. 6, Sched. 1, s. 28 (3).

(4.1), (4.2)  Repealed: 2017, c. 6, Sched. 1, s. 28 (3).

No applications

(5)  A person shall not apply for an aggregate permit to operate a pit or quarry in an area that has been designated under subsection (6). 2017, c. 6, Sched. 1, s. 28 (3).

Designation of areas

(6)  The Minister may designate areas of Crown land, or areas of land on or in which the aggregate or topsoil is the property of the Crown, as areas in respect of which an aggregate permit shall not be issued if the Minister determines that it is in the public interest that,

(a) the aggregate or topsoil be extracted only by a person or entity specified in the designation and only for a purpose specified in the designation; or

(b) aggregate or topsoil in the area not be extracted. 2017, c. 6, Sched. 1, s. 28 (3).

Publication

(6.1)  The Minister shall give notice of a designation under subsection (6) to the public in such manner as he or she considers appropriate. 2017, c. 6, Sched. 1, s. 28 (3).

Exception

(6.2)  Despite subsection (5), if an area is designated under clause (6) (a), the Minister may issue an aggregate permit to a person or entity specified in the designation to extract aggregate or topsoil in the area for the purpose specified in the designation. 2017, c. 6, Sched. 1, s. 28 (3).

Content and form of permit application

(6.3)  Every application for an aggregate permit shall be prepared in accordance with the regulations and include such documentation as may be prescribed. 2017, c. 6, Sched. 1, s. 28 (3).

Application fees

(6.4)  An applicant for an aggregate permit shall pay any prescribed application fee. 2017, c. 6, Sched. 1, s. 28 (3).

Waiver of fee

(6.5)  The Minister may waive the requirement to pay all or part of an application fee. 2017, c. 6, Sched. 1, s. 28 (3).

Additional information

(6.6)  The Minister may require an applicant for an aggregate permit to furnish additional information in such form and manner as is considered necessary and, until the information is furnished, further consideration of the application may be refused. 2017, c. 6, Sched. 1, s. 28 (3).

Where licence required

(6.7)  A person who, except for this subsection, would apply for an aggregate permit shall apply for a licence if,

(a) the site is in a part of Ontario designated under section 5;

(b) the site consists,

(i) in part of land the surface rights of which are the property of the Crown or land under water, or a combination of both those types of lands, and

(ii) in part of land that is neither land the surface rights of which are the property of the Crown nor land under water; and

(c) the Minister directs the person in writing to apply for a licence. 2017, c. 6, Sched. 1, s. 28 (3).

Exemption

(7)  Subsection (1) does not apply in respect of land that is subject to a resource management plan or similar document under another Act administered by the Minister, if the person,

(a) is exempted from subsection (1) by the Minister; or

(b) belongs to a class of persons exempted from subsection (1) by the regulations. 1996, c. 30, s. 29 (4).

Same

(8)  A person who is exempted from subsection (1) by subsection (7) shall operate the pit or quarry in accordance with the regulations. 1996, c. 30, s. 29 (4).

Inoperative by-law

(9)  If a zoning by-law includes a prohibition against a site being used for the making, establishment or operation of pits and quarries, the prohibition is inoperative where the surface rights are the property of the Crown. 2019, c. 14, Sched. 15, s. 11.

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

1996, c. 30, s. 29 (1-4) - 27/06/1997

[2000, c. 26, Sched. L, s. 1 (4)](http://www.ontario.ca/laws/statute/S00026" \l "schedls1s4) - 06/12/2000

[2017, c. 6, Sched. 1, s. 28 (1)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s28s1) - 10/05/2017; [2017, c. 6, Sched. 1, s. 28 (2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s28s2) - not in force; [2017, c. 6, Sched. 1, s. 28 (3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s28s3) - 01/09/2020

[2019, c. 14, Sched. 15, s. 11](http://www.ontario.ca/laws/statute/S19014" \l "sched15s11) - 10/12/2019

Notification and consultation

**35** (1)  If an application for an aggregate permit complies with this Act and the regulations, the Minister shall require the applicant to comply with the prescribed notification and consultation procedures, subject to any requirement to the contrary that may be specified in a custom plan under section 35.1. 2017, c. 6, Sched. 1, s. 29.

Public record

(2)  The name and address of individuals who participate in the prescribed notification and consultation procedures form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential. 2017, c. 6, Sched. 1, s. 29.

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

1996, c. 30, s. 30 - 27/06/1997

[2017, c. 6, Sched. 1, s. 29](http://www.ontario.ca/laws/statute/S17006" \l "sched1s29) - 10/05/2017

Custom plan

**35.1**(1)  If an application for an aggregate permit relates to a proposed pit or quarry that meets the prescribed criteria, the Minister shall require the applicant to prepare and submit to the Minister a custom plan that meets the requirements set out in subsection (2) and the prescribed requirements and to submit the plan to the Minister. 2017, c. 6, Sched. 1, s. 29.

Content

(2)  A custom plan shall set out,

(a) consultation and notification procedures that the applicant will follow in addition to, or instead of, the procedures required by subsection 35 (1); and

(b) a description of any surveys or studies relating to the proposed pit or quarry that the applicant will carry out and any documentation that the applicant will prepare. 2017, c. 6, Sched. 1, s. 29.

Timing for preparation of plan

(3)  The applicant shall prepare the custom plan and submit it to the Minister and further consideration of the application may be refused until the plan is submitted. 2017, c. 6, Sched. 1, s. 29.

Approval by Minister

(4)  Upon receipt of a custom plan, the Minister may approve the plan, approve the plan with such modifications as the Minister considers appropriate or require the applicant to prepare another plan. 2017, c. 6, Sched. 1, s. 29.

Compliance with plan

(5)  An applicant shall comply with a custom plan that is approved by the Minister within such time period as is set out in the plan and shall notify the Minister when all the requirements of the plan have been met. 2017, c. 6, Sched. 1, s. 29.

Same

(6)  Until all the requirements in the custom plan have been satisfied, further consideration of the application may be refused. 2017, c. 6, Sched. 1, s. 29.

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

[2017, c. 6, Sched. 1, s. 29](http://www.ontario.ca/laws/statute/S17006" \l "sched1s29) - 10/05/2017

Site plans

**36** Unless otherwise provided for by regulation, every application for an aggregate permit shall include a site plan prepared in accordance with the regulations. 2017, c. 6, Sched. 1, s. 30.

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

1996, c. 30, s. 31 - 27/06/1997

[2017, c. 6, Sched. 1, s. 30](http://www.ontario.ca/laws/statute/S17006" \l "sched1s30) - 01/09/2020

Limitation

**36.1** No aggregate permit shall be issued for sand and gravel if the sand and gravel has been included in a placer mining claim under the *Mining Act*, unless the non-aggregate mineral has been removed from the placer deposit. 1996, c. 30, s. 32.

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

1996, c. 30, s. 32 - 27/06/1997

Expansion of boundaries

**36.2**The boundaries of the area subject to a permit as specified in the site plan for the permit may not be expanded unless an application for a new permit is made under section 34 to operate the pit or quarry in the proposed expansion area. 2019, c. 14, Sched. 15, s. 12.

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

[2019, c. 14, Sched. 15, s. 12](http://www.ontario.ca/laws/statute/S19014" \l "sched15s12) - 10/12/2019

Conditions on permit

**37** Upon issuing an aggregate permit, the Minister may attach such conditions to the permit as he or she considers necessary. 2019, c. 14, Sched. 15, s. 13.

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

1996, c. 30, s. 33 - 27/06/1997

[2017, c. 6, Sched. 1, s. 31](http://www.ontario.ca/laws/statute/S17006" \l "sched1s31) - no effect - see [2019, c. 14, Sched. 15, s. 64](http://www.ontario.ca/laws/statute/S19014" \l "sched15s64) - 10/12/2019

[2019, c. 14, Sched. 15, s. 13](http://www.ontario.ca/laws/statute/S19014" \l "sched15s13) - 01/09/2020

Annual aggregate permit fee

**37.1**(1)  Every holder of an aggregate permit shall pay any prescribed annual permit fee within the time period that is determined in accordance with the regulations. 2019, c. 14, Sched. 15, s. 14.

Payment of fee

(2)  All permit fees payable under this section shall be paid to the Trust or to such entity or person as may be prescribed. 2019, c. 14, Sched. 15, s. 14.

Disbursement of fees

(3)  The Trust or other prescribed entity or person to whom the fees are paid under subsection (2) shall disburse all or part of the annual permit fees it receives under subsection (2) to such persons or entities as may be prescribed in accordance with the regulations. 2019, c. 14, Sched. 15, s. 14.

Same

(4)  The amount of a disbursement made under subsection (3) shall be determined in accordance with the regulations. 2019, c. 14, Sched. 15, s. 14.

Waiver of fee

(5)  The Minister may, by order, waive the requirement to pay all or part of an annual permit fee under this section. 2019, c. 14, Sched. 15, s. 14.

Same

(6)  If a waiver has been ordered under subsection (5), the Minister may, by order, vary the percentage of the total of annual permit fees to be disbursed. 2019, c. 14, Sched. 15, s. 14.

Conflict

(7)  In the case of a conflict between a provision of this section or the regulations and an order of the Minister under subsection (5) or (6), the Minister’s order prevails. 2019, c. 14, Sched. 15, s. 14.

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

1996, c. 30, s. 34 - 27/06/1997

[2017, c. 6, Sched. 1, s. 31](http://www.ontario.ca/laws/statute/S17006" \l "sched1s31) - no effect - see [2019, c. 14, Sched. 15, s. 64](http://www.ontario.ca/laws/statute/S19014" \l "sched15s64) - 10/12/2019

[2019, c. 14, Sched. 15, s. 14](http://www.ontario.ca/laws/statute/S19014" \l "sched15s14) - 10/12/2019

Amendments to permits and site plans

Amendments by Minister

**37.2**(1)  Subject to sections 43 and 44, the Minister may at any time,

(a) add a condition to an aggregate permit, rescind or vary a condition of an aggregate permit or amend an aggregate permit in any other way; or

(b) require a permittee to amend the site plan or to submit a new site plan. 2019, c. 14, Sched. 15, s. 15.

Application by permittee

(2)  The holder of an aggregate permit may apply to the Minister at any time,

(a) to have a condition added to the permit, to have a condition of the permit rescinded or varied or to have the permit amended in any other way; or

(b) to request the Minister’s written approval of an amendment to the site plan or of a new site plan. 2019, c. 14, Sched. 15, s. 15.

Same

(3)  The holder of an aggregate permit shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee. 2019, c. 14, Sched. 15, s. 15.

No amendments to site plans without approval

(4)  The holder of an aggregate permit shall not amend a site plan or prepare a new site plan without first obtaining the Minister’s written approval. 2019, c. 14, Sched. 15, s. 15.

Amendments

(5)  Despite subsection (4), the holder of an aggregate permit may make such amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee. 2019, c. 14, Sched. 15, s. 15.

Preparation of site plan amendments

(6)  An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the permittee’s request under clause (2) (b) shall be prepared by the permittee in accordance with the regulations. 2019, c. 14, Sched. 15, s. 15.

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

[2017, c. 6, Sched. 1, s. 31](http://www.ontario.ca/laws/statute/S17006" \l "sched1s31) - no effect - see [2019, c. 14, Sched. 15, s. 64](http://www.ontario.ca/laws/statute/S19014" \l "sched15s64) - 10/12/2019

[2019, c. 14, Sched. 15, s. 15](http://www.ontario.ca/laws/statute/S19014" \l "sched15s15) - 01/09/2020

Public authority

**38** The Minister, if of the opinion that it is in the public interest, may authorize a public authority with a project that requires aggregate or topsoil or any person who has a contract with a public authority for such a project to excavate and remove undisturbed aggregate or topsoil in the ground that is the property of the Crown from a site that is subject to an aggregate permit. R.S.O. 1990, c. A.8, s. 38.

**39** Repealed: 1996, c. 30, s. 35.

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

1996, c. 30, s. 35 - 27/06/1997

Duties of permittees

**40** Every aggregate permittee shall carry on the operation in accordance with this Act, the regulations, the site plan, if any, and the conditions of the permit. R.S.O. 1990, c. A.8, s. 40.

Annual compliance report

**40.1** (1)  Every holder of an aggregate permit shall submit an annual report to the Minister for the purpose of assessing the permittee’s compliance with this Act, the regulations, a site plan and the conditions of the permit. 2017, c. 6, Sched. 1, s. 32 (1).

Same

(2)  The holder of an aggregate permit shall prepare and submit an annual compliance report in accordance with the regulations. 2017, c. 6, Sched. 1, s. 32 (1).

Retention of reports

(3)  The permittee shall retain a copy of every report submitted under this section during the term of the permit. 1996, c. 30, s. 36.

Examination

(4)  Any person may examine an annual compliance report during the Ministry’s normal office hours and, on payment of such fee as may be established by the Minister, the person is entitled to a copy of the report. 1996, c. 30, s. 36.

Disclosure of contravention

(5)  If an annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the permit,

(a) the permittee shall,

(i) within a period of 90 days after the report is submitted to the Minister or within such longer period as may be specified by the Minister, take such steps as may be necessary to remedy the contravention, and

(ii) immediately stop the doing of any act that forms part of the contravention; and

(b) if the permittee complies with subclause (a) (ii), no prosecution shall be commenced in respect of the contravention, and no notice may be served by the Minister under clause 43 (1) (b) or section 45 in respect of the contravention,

(i) during the period described in subclause (a) (i), or

(ii) after the period described in subclause (a) (i), if the permittee complies with subclause (a) (i) within that period. 1996, c. 30, s. 36.

Exception

(5.1)  Clause (5) (b) does not apply in respect of a contravention disclosed in an annual compliance report if the contravention was discovered by an inspector before the compliance report was submitted to the Minister. 2017, c. 6, Sched. 1, s. 32 (2).

Suspension of permit

(6)  A permit shall be deemed to have been suspended if,

(a) the permittee fails to submit an annual compliance report in accordance with this section; or

(b) the permittee’s annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the permit and the permittee fails to comply with subclause (5) (a) (i) or (ii). 1996, c. 30, s. 36.

Reinstatement; failure to submit

(7)  A permit that was deemed to have been suspended under clause (6) (a) shall be deemed to be reinstated if the permittee submits the annual compliance report to the Minister. 1996, c. 30, s. 36.

Reinstatement; failure to comply with cl. (5) (a)

(8)  A permit that was deemed to have been suspended under clause (6) (b) shall be deemed to be reinstated if the permittee,

(a) takes such steps as are necessary to remedy the contravention that was disclosed in the annual compliance report, if the permittee failed to comply with subclause (5) (a) (i); or

(b) stops the doing of the act that formed part of the contravention, if the permittee failed to comply with subclause (5) (a) (ii). 1996, c. 30, s. 36.

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

1996, c. 30, s. 36 - 27/06/1997

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 32 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s32s1) - 10/05/2017

Transfer of permit

**41** (1)  On application, the Minister may transfer an aggregate permit. 2017, c. 6, Sched. 1, s. 33.

Transfer without consent

(2)  If an application for a transfer is made by a person other than the permittee, the Minister may transfer the aggregate permit without the consent of the permittee if,

(a) the permittee is insolvent;

(b) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged;

(c) the permittee is a corporation that has been wound up or dissolved; or

(d) it is, in the Minister’s opinion, in the public interest to do so. 2017, c. 6, Sched. 1, s. 33.

Application fee

(3)  An applicant for the transfer of an aggregate permit shall pay any prescribed application fee. 2017, c. 6, Sched. 1, s. 33.

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

1996, c. 30, s. 37 - 27/06/1997

[2017, c. 6, Sched. 1, s. 33](http://www.ontario.ca/laws/statute/S17006" \l "sched1s33) - 01/09/2020

Surrender of permit

**41.1** (1)  The Minister may accept the surrender of an aggregate permit on being satisfied that the permittee’s annual aggregate permit fees and rehabilitation security payments, and special payments if applicable, have been paid and that the rehabilitation has been performed in accordance with this Act, the regulations, the site plan, if any, and the conditions of the permit. 1996, c. 30, s. 37.

Fee

(2)  The permittee shall pay any fee that may be prescribed for requests made to the Minister for his or her acceptance of the surrender of an aggregate permit under subsection (1). 2017, c. 6, Sched. 1, s. 34.

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

1996, c. 30, s. 37 - 27/06/1997

[2017, c. 6, Sched. 1, s. 34](http://www.ontario.ca/laws/statute/S17006" \l "sched1s34) - 10/05/2017

Revocation, refusal to issue or transfer

**42** The Minister may,

(a) refuse to issue an aggregate permit;

(b) refuse to transfer an aggregate permit; or

(c) revoke an aggregate permit,

if,

(d) the Minister considers the issuance, transfer or continuation of the permit to be contrary to the public interest;

(e) in the opinion of the Minister, a substantial amount of aggregate or topsoil has not been removed from the site under the permit during the previous twelve months;

(f) the permittee has contravened this Act, the regulations, a site plan or a condition to which the permit is subject; or

(g) in the case of the revocation of an aggregate permit,

(i) the permittee is insolvent,

(ii) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged, or

(iii) the permittee is a corporation that has been wound up or dissolved. R.S.O. 1990, c. A.8, s. 42; 1996, c. 30, s. 38; 2017, c. 6, Sched. 1, s. 35.

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

1996, c. 30, s. 38 (1, 2) - 27/06/1997

[2017, c. 6, Sched. 1, s. 35](http://www.ontario.ca/laws/statute/S17006" \l "sched1s35) - 10/05/2017

Notice to applicant or permittee

**43** (1)  If the Minister,

(a) refuses to issue an aggregate permit to excavate aggregate or topsoil that is not the property of the Crown;

(b) revokes an aggregate permit;

(c) Repealed: 1996, c. 30, s. 39 (1).

(d) Repealed: 1996, c. 30, s. 39 (1).

(e) proposes to amend an aggregate permit under clause 37.2 (1) (a); or

(f) proposes to require the holder of an aggregate permit to amend a site plan or submit a new site plan under clause 37.2 (1) (b),

the Minister shall serve forthwith notice thereof including the reasons therefor upon the applicant or permittee. R.S.O. 1990, c. A.8, s. 43 (1); 1996, c. 30, s. 39 (1); 2017, c. 6, Sched. 1, s. 36 (1).

Same, transfer without consent

(1.1)  If the Minister proposes to transfer an aggregate permit to an applicant without the consent of the permittee, the Minister shall serve forthwith notice of the proposal, including reasons, to the permittee. 2017, c. 6, Sched. 1, s. 36 (2).

Exception

(1.2)  The Minister is not required to give notice to a permittee under subsection (1.1) if,

(a) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or

(b) the permittee is a corporation that has been wound up or dissolved. 2017, c. 6, Sched. 1, s. 36 (2).

Time of taking effect

(2)  Any action of the Minister under clause (1) (a) or (b) is effective as soon as the notice is served upon the applicant or permittee and, despite the fact that the applicant or permittee requires a hearing by the Tribunal, remains effective until the Minister takes action under subsection 44 (5). R.S.O. 1990, c. A.8, s. 43 (2); 1996, c. 30, s. 39 (2); 2017, c. 8, Sched. 17, s. 4 (3).

No action until 30 days elapsed

(3)  The Minister shall take no action proposed under clause (1) (e) or (f) or under subsection (1.1) until the thirty days referred to in subsection 44 (1) have elapsed. R.S.O. 1990, c. A.8, s. 43 (3); 1996, c. 30, s. 39 (3); 2017, c. 6, Sched. 1, s. 36 (3).

Where no hearing

(4)  The Minister may carry out a proposal under clause (1) (e) or (f) or under subsection (1.1) if the proposal is not referred to the Tribunal. R.S.O. 1990, c. A.8, s. 43 (4); 1996, c. 30, s. 39 (4); 2017, c. 6, Sched. 1, s. 36 (3); 2017, c. 8, Sched. 17, s. 4 (4).

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

1996, c. 30, s. 39 (1-4) - 27/06/1997

[2017, c. 6, Sched. 1, s. 36 (3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s36s3) - 10/05/2017; [2017, c. 6, Sched. 1, s. 36 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s36s1) - 01/09/2020; [2017, c. 8, Sched. 17, s. 4 (3, 4)](http://www.ontario.ca/laws/statute/S17008" \l "sched17s4s3) - 01/04/2018

[CTS 11 AU 20 - 1](https://www.ontario.ca/laws/consolidated-statutes-change-notices); [CTS 11 AU 20 - 2](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

Hearing

**44** (1) An applicant or aggregate permittee who is served with a notice mentioned in subsection 43 (1) is entitled to a hearing by the Tribunal if the applicant or permittee, within thirty days after being served, serves the Minister with a notice that a hearing is required. R.S.O. 1990, c. A.8, s. 44 (1); 2017, c. 8, Sched. 17, s. 4 (5).

Application

(1.1)  Subsection (1) does not apply if,

(a) the aggregate permit is revoked because of a contravention of section 37.1 or subsection 46 (2) or (2.1); or

(b) the aggregate permit is revoked under subclause 42 (g) (ii) or (iii). 2017, c. 6, Sched. 1, s. 37 (1); 2019, c. 14, Sched. 15, s. 16.

Hearing

(2)  The Minister, if served with a notice under subsection (1), shall, within thirty days after being served, refer the matter to the Tribunal for a hearing. R.S.O. 1990, c. A.8, s. 44 (2); 2017, c. 8, Sched. 17, s. 4 (5).

Recommendation by Tribunal

(3)  The Tribunal shall hold a hearing on a matter referred under subsection (2) and, after the hearing, make a recommendation to the Minister. R.S.O. 1990, c. A.8, s. 44 (3); 2017, c. 8, Sched. 17, s. 4 (5).

Idem

(4)  The Tribunal shall specify the parties to the hearing. R.S.O. 1990, c. A.8, s. 44 (4); 2017, c. 8, Sched. 17, s. 4 (5).

Decision by Minister

(5)  After considering the recommendation of the Tribunal, the Minister may take such action as the Minister considers appropriate and shall serve notice of the decision on the parties to the hearing. R.S.O. 1990, c. A.8, s. 44 (5); 2017, c. 8, Sched. 17, s. 4 (5).

Decision final

(6)  The decision of the Minister is final. R.S.O. 1990, c. A.8, s. 44 (6).

Exception, no hearing required

(7)  Despite subsection (1), a permittee is not entitled to a hearing under this section if the Minister adds a condition to the permit or varies a condition of the permit for the purpose of implementing a source protection plan under the Clean Water Act, 2006. 2017, c. 6, Sched. 1, s. 37 (2).

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

1996, c. 30, s. 40 - 27/06/1997

[2017, c. 6, Sched. 1, s. 37 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s37s1) - 10/05/2017; [2017, c. 8, Sched. 17, s. 4 (5)](http://www.ontario.ca/laws/statute/S17008" \l "sched17s4s5) - 01/04/2018

[2019, c. 14, Sched. 15, s. 16](http://www.ontario.ca/laws/statute/S19014" \l "sched15s16) - 10/12/2019

Suspension of permit and revocation

**45** (1)  The Minister may suspend an aggregate permit for any period of time,

(a) for any contravention of this Act, the regulations, the site plan or the conditions of the permit; or

(b) if, in the opinion of the Minister, the continuation of the operation under the permit will likely cause damage to property or is contrary to the public interest. R.S.O. 1990, c. A.8, s. 45 (1); 1996, c. 30, s. 41.

Time of taking effect

(2)  The suspension shall be effective as soon as the required notice is served upon the permittee. R.S.O. 1990, c. A.8, s. 45 (2).

Notice of suspension

(3)  Notice of a suspension of an aggregate permit, including the reasons therefor, shall be served upon the permittee. R.S.O. 1990, c. A.8, s. 45 (3).

Further particulars of notice

(4)  The notice of suspension shall inform the aggregate permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit. R.S.O. 1990, c. A.8, s. 45 (4).

Revocation

(5)  If a permittee whose aggregate permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the aggregate permit, in which case sections 43 and 44 apply. R.S.O. 1990, c. A.8, s. 45 (5).

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

1996, c. 30, s. 41 (1, 2) - 27/06/1997

Royalties

**46** (1)  The Minister shall determine the royalty per tonne that each aggregate permittee removing from the site aggregate or topsoil that is property of the Crown must pay, but in no case shall the royalty be less than the prescribed minimum royalty, and, in determining the royalty, the Minister shall have regard to the location, quantity, type and accessibility of the aggregate or topsoil and its intended use. R.S.O. 1990, c. A.8, s. 46 (1).

Same, mining lease

(1.1)  The royalty payable under this section shall be paid even if the aggregate is excavated from land that is subject to a mining lease. 2017, c. 6, Sched. 1, s. 38 (1).

Return

(2)  Every aggregate permittee shall make a return, in accordance with the regulations, to the Trust or to such other person or entity as may be prescribed showing the quantity of material removed from the site. 2006, c. 19, Sched. P, s. 1 (3); 2017, c. 6, Sched. 1, s. 38 (2).

Payment of royalty

(2.1)  Every aggregate permittee shall pay the royalty payment required under subsection (1) to the Trust or to such other person or entity as may be prescribed at the same time as the annual permit fee. 2006, c. 19, Sched. P, s. 1 (3); 2017, c. 6, Sched. 1, s. 38 (2).

Deposit

(3)  The Minister may require an aggregate permittee to pay a deposit to the Trust or to such other person or entity as may be prescribed, in an amount determined by the Minister, for the payment of any royalty that is due or that may become due under subsection (1). 1996, c. 30, s. 42; 2017, c. 6, Sched. 1, s. 38 (2).

Disbursement of royalty payment

(4)  The Trust or other prescribed entity or person to whom royalties are paid under subsection (2.1) shall disburse all or part of the royalty it receives to such other persons or entities as may be prescribed in accordance with the regulations. 2017, c. 6, Sched. 1, s. 38 (3).

Same

(4.1)  The amount of a disbursement made under subsection (4) shall be determined in accordance with the regulations. 2017, c. 6, Sched. 1, s. 38 (3).

Exemption from royalty payment

(5)  No royalty is payable by an aggregate permittee,

(a) who is exempted from payment by the Minister; or

(b) who belongs to a class of permittees exempted from payment by the regulations. R.S.O. 1990, c. A.8, s. 46 (5).

Licensee removing Crown aggregate or topsoil pays royalties

(6)  Subsections (1) to (5) apply to a licensee who removes from the site aggregate or topsoil that is the property of the Crown as if the references to “aggregate permittee” were references to “licensee”. R.S.O. 1990, c. A.8, s. 46 (6).

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

1996, c. 30, s. 42 - 27/06/1997

[2006, c. 19, Sched. P, s. 1 (3)](http://www.ontario.ca/laws/statute/S06019" \l "schedps1s3) - 22/06/2006

[2017, c. 6, Sched. 1, s. 38 (1-3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s38s1) - 10/05/2017

Delegation

**46.1** (1)  The Minister may authorize any employee or class of employees of the Ministry of Transportation to exercise any power or perform any duty that is granted to or vested in the Minister under this Part. 1996, c. 30, s. 43.

Limitations

(2)  The Minister may limit an authorization made under subsection (1) in such manner as he or she considers advisable. 1996, c. 30, s. 43.

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

1996, c. 30, s. 43 - 27/06/1997

PART VI  
REHABILITATION

Application of Part

**47** This Part does not apply to a pit or quarry or part thereof that is covered by water that is not the result of excavation of aggregate below the water table. R.S.O. 1990, c. A.8, s. 47.

Duty to rehabilitate site

**48** (1)  Every licensee and every permittee shall perform progressive rehabilitation and final rehabilitation on the site in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit to the satisfaction of the Minister. R.S.O. 1990, c. A.8, s. 48 (1).

Rehabilitation report

(1.1)  Every licensee and every permittee shall submit reports on the progressive rehabilitation and final rehabilitation of the site at the prescribed times and shall prepare and submit the reports in accordance with the regulations. 2017, c. 6, Sched. 1, s. 39.

Minister’s order requiring rehabilitation

(2)  On being satisfied that a personis not performing or did not perform adequate progressive rehabilitation or final rehabilitation on the site in accordance with subsection (1), the Minister may order the person to perform, within a specified period of time, such progressive rehabilitation or final rehabilitation as the Minister considers necessary, and the person shall comply with the order. 2000, c. 26, Sched. L, s. 1 (5).

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

[2000, c. 26, Sched. L, s. 1 (5)](http://www.ontario.ca/laws/statute/S00026" \l "schedls1s5) - 06/12/2000

[2017, c. 6, Sched. 1, s. 39](http://www.ontario.ca/laws/statute/S17006" \l "sched1s39) - 10/05/2017

**49** Repealed: 1999, c. 12, Sched. N, s. 1 (2).

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

1999, c. 12, Sched. N, s. 1 (2) - 22/12/1999

Rehabilitation security payments

**50** (1)  Licensees and permittees shall make rehabilitation security payments in the prescribed amounts and within the prescribed times. 1996, c. 30, s. 45.

Newly designated lands, special payments

(2)  When a regulation is made under subsection 5 (2) designating a part of Ontario that was not previously designated, the Lieutenant Governor in Council may, by a regulation made at the same time as the regulation under subsection 5 (2), require the holders of licences and permits relating to sites in the newly designated area to make special payments, in the prescribed amounts and within the prescribed times, in addition to their rehabilitation security payments. 1996, c. 30, s. 45.

Payments to Trust

(3)  Rehabilitation security payments and special payments shall be paid to the Trust or to such other person or entity as may be prescribed, in accordance with the regulations. 1996, c. 30, s. 45; 2017, c. 6, Sched. 1, s. 40.

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

1996, c. 30, s. 45 - 27/06/1997

[2017, c. 6, Sched. 1, s. 40](http://www.ontario.ca/laws/statute/S17006" \l "sched1s40) - 10/05/2017

**51** Repealed: 1996, c. 30, s. 45.

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

1996, c. 30, s. 45 - 27/06/1997

**52** Repealed: 1996, c. 30, s. 45.

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

1996, c. 30, s. 45 - 27/06/1997

**53** Repealed: 1996, c. 30, s. 45.

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

1996, c. 30, s. 45 - 27/06/1997

**54** Repealed: 1996, c. 30, s. 45.

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

1996, c. 30, s. 45 - 27/06/1997

Entry upon site for rehabilitation

**55** (1)  A licensee, permittee, former licensee or former permittee who does not, without this subsection, have the right to enter upon a site not rehabilitated in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit may enter upon the site and perform such rehabilitation as the Minister considers necessary. R.S.O. 1990, c. A.8, s. 55 (1).

(2)  Repealed: 1996, c. 30, s. 46.

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

1996, c. 30, s. 46 - 27/06/1997

**56** Repealed: 1996, c. 30, s. 47.

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

1996, c. 30, s. 47 - 27/06/1997

PART VII  
OFFENCES AND PENALTIES

Offences

**57** (1)  Every person who operates a pit or quarry except under the authority of a licence or permit is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (1).

Application

(1.1)  Subsection (1) does not apply if the person is authorized under subsection 7 (1.1) or subsection 34 (1.1) or (7) to operate the pit or quarry without an aggregate licence or permit, as the case may be. 2017, c. 6, Sched. 1, s. 41 (1).

Contravention of licence, permit or site plan

(2)  Every person who contravenes or permits the contravention of the site plan or a condition of the licence or permit is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (2).

Contravention of Act or regulations

(3)  Every person who contravenes this Act or the regulations is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (3).

Contravention of inspector’s order

(3.1)  Every person who contravenes or fails to comply with an inspector’s order under this Act is guilty of an offence. 2006, c. 19, Sched. P, s. 1 (4).

Obstruction of inspectors

(4)  Every person who hinders or obstructs an inspector in the performance of the inspector’s duties or furnishes the inspector with false information or refuses to furnish the inspector with information is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (4).

False or misleading information

(5)  Every person who includes false or misleading information in a report or in information that is required under this Act, the regulations, a site plan or a licence or permit is guilty of an offence. 2017, c. 6, Sched. 1, s. 41 (2).

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

1996, c. 30, s. 48 - 27/06/1997

[2006, c. 19, Sched. P, s. 1 (4)](http://www.ontario.ca/laws/statute/S06019" \l "schedps1s4) - 22/06/2006

[2017, c. 6, Sched. 1, s. 41 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s41s1) - 10/05/2017

Penalty

**58** (1)  Every person who commits an offence under section 57 is liable on conviction to a fine of not more than $1,000,000 and an additional fine of not more than $100,000 for each day or part of a day on which the offence occurs or continues. 2017, c. 6, Sched. 1, s. 42.

Penalty increased by monetary benefit

(2)  The maximum fine provided under subsection (1) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the convicted person as a result of the commission of the offence. R.S.O. 1990, c. A.8, s. 58 (2).

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

1996, c. 30, s. 49 - 27/06/1997

[2017, c. 6, Sched. 1, s. 42](http://www.ontario.ca/laws/statute/S17006" \l "sched1s42) - 10/05/2017

Order for compliance

**59** In any prosecution under this Act, the court may, in addition to imposing a fine under section 58, make such order as the court considers proper to obtain compliance with this Act, the regulations, the site plan or any condition of a licence or permit. R.S.O. 1990, c. A.8, s. 59.

Limitation period

**59.1** A proceeding in respect of an offence under section 57 shall not be commenced more than five years after the date on which the offence was, or is alleged to have been, committed. 1996, c. 30, s. 50.

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

1996, c. 30, s. 50 - 27/06/1997

PART VIII (ss. 60 and 61) Repealed: 1996, c. 30, s. 51.

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

1996, c. 30, s. 51 - 27/06/1997

PART IX  
MISCELLANEOUS

Record keeping

**62** (1)  Every licensee and permittee shall keep, for a period of seven years, detailed records of the operation for which the licence or permit has been issued, including copies of all documents relating to quantities of material removed from the site, inventories of material on the site, sales and shipments and any other prescribed records. 2006, c. 19, Sched. P, s. 1 (5); 2017, c. 6, Sched. 1, s. 43 (1).

Inspection of records

(2)  Every licensee or permittee shall make available for inspection by any person authorized for the purpose of this Act all the records required to be kept under subsection (1). R.S.O. 1990, c. A.8, s. 62 (2).

Report on records

(3)  If required by regulation to do so, every licensee or permittee shall prepare reports on records kept under this section and submit them to the Minister at such times as may be specified by regulation. 2017, c. 6, Sched. 1, s. 43 (2).

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

[2006, c. 19, Sched. P, s. 1 (5)](http://www.ontario.ca/laws/statute/S06019" \l "schedps1s5) - 22/06/2006

[2017, c. 6, Sched. 1, s. 43 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s43s1) - 10/05/2017

Change of contact information

**62.1**Within 14 days after a licensee or permittee changes his or her name, address or other prescribed contact information, the licensee or permittee shall give notice of the change to the prescribed person in the prescribed manner. 2019, c. 7, Sched. 1, s. 1.

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

[2000, c. 26, Sched. L, s. 1 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedls1s6) - 06/12/2000

[2017, c. 6, Sched. 1, s. 44](http://www.ontario.ca/laws/statute/S17006" \l "sched1s44) - no effect - see [2019, c. 7, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S19007" \l "sched1s2) - 29/05/2019

[2019, c. 7, Sched. 1, s. 1](http://www.ontario.ca/laws/statute/S19007" \l "sched1s1) - 01/09/2020

Expert review of application information

**62.2**(1)  If the regulations so provide, technical or specialized studies or reports that an applicant for a licence or permit or a licensee or permittee is required under this Act to prepare shall be reviewed in accordance with the regulations by persons or entities outside the Ministry who have the prescribed qualifications. 2017, c. 6, Sched. 1, s. 45.

Report to Ministry

(2)  Persons or entities conducting a review under this section shall report on their review to the Minister in accordance with the regulations. 2017, c. 6, Sched. 1, s. 45.

Costs

(3)  In such circumstances as may be prescribed, the cost of a review conducted under this section shall be paid by the applicant, licensee or permittee, as the case may be, in accordance with the regulations. 2017, c. 6, Sched. 1, s. 45.

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

[2017, c. 6, Sched. 1, s. 45](http://www.ontario.ca/laws/statute/S17006" \l "sched1s45) - 10/05/2017

Information from licensee, permittee

**62.3**(1)  The Minister may direct a licensee or permittee to submit to the Minister such information relating to the operation of a pit or quarry as may be specified by the Minister. 2017, c. 6, Sched. 1, s. 45.

Direction

(2)  A direction under subsection (1) shall be made in accordance with the regulations and shall inform the licensee or permittee of the right to request a reconsideration of the direction under subsection (3). 2017, c. 6, Sched. 1, s. 45.

Request for reconsideration

(3)  Within 30 days after receiving a direction under subsection (1), a licensee or permittee may request in writing that the Minister reconsider the direction and may include in the request any written submission or materials to support the request. 2017, c. 6, Sched. 1, s. 45.

Reconsideration

(4)  After reconsideration of a direction, the Minister may confirm or revoke the direction or make such other direction as he or she considers appropriate. 2017, c. 6, Sched. 1, s. 45.

Compliance

(5)  A licensee or permittee shall comply with a direction made by the Minister under subsection (1) or (4) within the time specified by the Minister. 2017, c. 6, Sched. 1, s. 45.

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

[2017, c. 6, Sched. 1, s. 45](http://www.ontario.ca/laws/statute/S17006" \l "sched1s45) - 10/05/2017

Direction to conduct inventories, etc.

**62.4**(1)  Subject to subsection (2), the Minister may direct a licensee or permittee to,

(a) conduct any inventory, survey, test or study that is usually required to be conducted and submitted as part of the documentation required to accompany an application for a licence or permit under this Act; and

(b) submit a report on the inventory, survey, test or study to the Minister. 2017, c. 6, Sched. 1, s. 45.

Considerations

(2)  The Minister shall make a direction under subsection (1) only if he or she considers it necessary for the proper administration of this Act after considering,

(a) the length of time for which the pit or quarry has been subject to a licence or permit;

(b) the environmental impact the operation of the pit or quarry is having or may have on the area surrounding the site;

(c) the financial impact of conducting the inventories, surveys, tests or studies on the licensee or permittee; and

(d) such other considerations as may be prescribed. 2017, c. 6, Sched. 1, s. 45.

Direction

(3)  A direction under subsection (1) shall be made in accordance with the regulations and shall inform the licensee or permittee of the right to request a reconsideration of the direction under subsection (4). 2017, c. 6, Sched. 1, s. 45.

Request for reconsideration

(4)  Within 30 days after receiving a direction under subsection (1), a licensee or permittee may request in writing that the Minister reconsider the direction and may include in the request any written submission or materials to support the request. 2017, c. 6, Sched. 1, s. 45.

Reconsideration

(5)  After reconsideration of a direction, the Minister may,

(a) confirm or revoke the direction;

(b) make such other direction, requiring such other inventories, surveys, tests or studies described in clause (1) (a) as the Minister considers appropriate and requiring the licensee or permittee to submit a report to the Minister. 2017, c. 6, Sched. 1, s. 45.

Compliance

(6)  A licensee or permittee shall comply with a direction made by the Minister under subsection (1) or (5) within the time specified by the Minister. 2017, c. 6, Sched. 1, s. 45.

Failure to conduct inventories, etc.

(7)  If a licensee or permittee fails to comply with a direction made under subsection (1) or (5) within the time specified by the Minister, the Minister may cause the directed inventories, surveys, tests or studies, as the case may be, to be carried out and, for the purposes of carrying out such inventories, surveys, tests or studies, any employee or person acting on behalf of the Ministry may,

(a) enter upon the site of a pit or quarry; and

(b) carry out the relevant inventories, surveys, tests or studies. 2017, c. 6, Sched. 1, s. 45.

Costs

(8)  Any costs or expenses incurred by the Minister under subsection (7) shall be paid by the licensee or permittee and constitute a debt due to the Crown that may be recovered by any remedy or procedure available to the Crown by law. 2017, c. 6, Sched. 1, s. 45.

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

[2017, c. 6, Sched. 1, s. 45](http://www.ontario.ca/laws/statute/S17006" \l "sched1s45) - 10/05/2017

Inspector’s order for compliance

**63** (1)  Where an inspector finds that any provision of this Act or the regulations is being contravened, he or she may give to the licensee or permittee or to the person whom the inspector believes to be the contravener, his or her supervisor or foreman, or any of them, an order in writing directing compliance with the provision and may require the order to be carried out forthwith or within such time as the inspector specifies. 2006, c. 19, Sched. P, s. 1 (6).

Same

(2)  Where an inspector gives an order under this section on finding that a pit or quarry is being operated without a licence or permit in contravention of this Act, he or she may order that the operation of the pit or quarry cease and that the land on which the pit or quarry was operated be rehabilitated to a safe condition in accordance with the order. 2006, c. 19, Sched. P, s. 1 (6); 2017, c. 6, Sched. 1, s. 46.

Sufficient information

(3)  Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention. 2006, c. 19, Sched. P, s. 1 (6).

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

1999, c. 12, Sched. N, s. 1 (3) - 22/12/1999

[2006, c. 19, Sched. P, s. 1 (6)](http://www.ontario.ca/laws/statute/S06019" \l "schedps1s6) - 22/06/2006

[2017, c. 6, Sched. 1, s. 46](http://www.ontario.ca/laws/statute/S17006" \l "sched1s46) - 10/05/2017

Appeal from inspector

**63.1** (1)  Any person who considers himself, herself or itself aggrieved by an order of an inspector made under section 63 may appeal to the Minister within 30 days after the order is made, by giving the Minister a written notice setting out the grounds for the appeal. 2006, c. 19, Sched. P, s. 1 (6).

Minister’s designee

(2)  The Minister may designate any person as the Minister’s designee for the purpose of disposing of an appeal under this section. 2006, c. 19, Sched. P, s. 1 (6).

Dismissal of appeal without hearing

(3)  Subject to subsection (6), the Minister’s designee may dismiss an appeal under this section without a hearing if,

(a) the appeal is frivolous or vexatious or is commenced in bad faith; or

(b) any of the statutory requirements for bringing the appeal has not been met. 2006, c. 19, Sched. P, s. 1 (6).

Notice

(4)  Before dismissing the appeal, the Minister’s designee shall give the appellant a written notice setting out,

(a) the designee’s intention to dismiss the appeal;

(b) the reasons for the dismissal; and

(c) the appellant’s right to make written submissions to the designee with respect to the dismissal within the time specified in the notice. 2006, c. 19, Sched. P, s. 1 (6).

Right to make submissions

(5)  An appellant who receives a notice under subsection (4) may make written submissions to the designee with respect to the dismissal within the time specified in the notice. 2006, c. 19, Sched. P, s. 1 (6).

Dismissal

(6)  The designee shall not dismiss the appeal until he or she has given notice under subsection (4) and considered the submissions, if any, made under subsection (5). 2006, c. 19, Sched. P, s. 1 (6).

Powers after hearing

(7)  If the designee hears an appeal under this section, the designee may substitute his or her findings or opinions for those of the inspector who made the order appealed from, and may,

(a) make an order rescinding the inspector’s order;

(b) make an order affirming the inspector’s order; or

(c) make a new order in substitution for the inspector’s order. 2006, c. 19, Sched. P, s. 1 (6).

Effect of Minister’s order

(8)  The designee’s order under subsection (7) stands in place of and has the same effect as the inspector’s order. 2006, c. 19, Sched. P, s. 1 (6).

Operation of inspector’s order pending appeal

(9)  The bringing of an appeal under this section does not affect the operation of the order appealed from pending disposition of the appeal. 2006, c. 19, Sched. P, s. 1 (6).

Non-application

(10)  The Statutory Powers Procedure Act does not apply to appeals under this section. 2006, c. 19, Sched. P, s. 1 (6).

Guidelines

(11)  The Minister may establish guidelines with respect to appeals under this section. 2017, c. 6, Sched. 1, s. 47.

Fees

(12)  An appellant from an order of an inspector made under section 63 shall pay any prescribed fee respecting the appeal. 2017, c. 6, Sched. 1, s. 47.

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

[2006, c. 19, Sched. P, s. 1 (6)](http://www.ontario.ca/laws/statute/S06019" \l "schedps1s6) - 22/06/2006

[2017, c. 6, Sched. 1, s. 47](http://www.ontario.ca/laws/statute/S17006" \l "sched1s47) - 10/05/2017

Service

**64** (1)  Any notice or document required to be served by the Minister under this Act is sufficiently served if it is served on the person to whom service is to be made,

(a) by personal delivery;

(b) by fax at the last fax number appearing on the Ministry’s records relating to this Act;

(c) by registered mail or by courier at the last address for service appearing on the Ministry’s records relating to this Act; or

(d) by email at the last electronic mail address appearing on the Ministry’s records. 2017, c. 6, Sched. 1, s. 48 (1).

Deemed receipt

(2)  Service made by registered mail or courier shall be deemed to be made on the fifth day after the day the notice is mailed or is received by the courier, as the case may be, unless the person being served establishes that he or she did not, acting in good faith, and for cause beyond that person’s control, receive the notice until a later date. 2017, c. 6, Sched. 1, s. 48 (2).

Same, fax, electronic mail

(3)  Service made by fax or by electronic mail shall be deemed to have been made on the day after the day the notice or document is sent by fax or electronic mail unless the person being served establishes that he or she did not, acting in good faith, and for cause beyond that person’s control, receive the notice until a later date. 2017, c. 6, Sched. 1, s. 48 (2).

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

[2017, c. 6, Sched. 1, s. 48 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s48s1) - 10/05/2017

Joint effect

**65** This Act and the regulations are in addition to and not in substitution for regulations made under the *Occupational Health and Safety Act* respecting mines and mining plants or any provisions substituted therefor at any time. R.S.O. 1990, c. A.8, s. 65.

Act overrides municipal by-laws, etc.

**66** (1)  This Act, the regulations and the provisions of licenses and permits and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or permit or a site plan, the by-law, official plan or development agreement is inoperative. 1999, c. 12, Sched. N, s. 1 (4); 2019, c. 14, Sched. 15, s. 17.

Same

(2)  Subsection (1) applies even if the by-law, official plan or development agreement came into force before the day subsection 1 (4) of Schedule N to the *Red Tape Reduction Act, 1999* came into force. 1999, c. 12, Sched. N, s. 1 (4).

Power to pass by-laws restricted

(3)  Except as provided in paragraph 142 of section 210 of the *Municipal Act*, being chapter M.45 of the Revised Statutes of Ontario, 1990, as that paragraph read immediately before its repeal by the *Municipal Act, 2001*,no by-law passed under that Act may prohibit or require a licence for the carrying on or operating of a pit or quarry or wayside pit or quarry. 1999, c. 12, Sched. N, s. 1 (4); 2002, c. 17, Sched. F, Table.

Same

(4)  Subsection (3) applies even if the by-law came into force before the day subsection 1 (4) of Schedule N to the *Red Tape Reduction Act, 1999* came into force. 1999, c. 12, Sched. N, s. 1 (4).

No requirement for development permit under *Planning Act*

(5)  A requirement for a development permit imposed by a development permit system established under subsection 70.2 (1) of the *Planning Act* does not apply to a site for which a licence or permit has been issued under this Act. 1996, c. 30, s. 52.

Retroactivity

(6)  Subsection (5) applies even if the development permit system came into effect before the coming into force of section 52 of the *Aggregate and Petroleum Resources Statute Law Amendment Act, 1996*. 1996, c. 30, s. 52.

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

1996, c. 30, s. 52 - 27/06/1997; 1999, c. 12, Sched. N, s. 1 (4) - 22/12/1999

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2019, c. 14, Sched. 15, s. 17](http://www.ontario.ca/laws/statute/S19014" \l "sched15s17) - 10/12/2019

Regulations

**67** (1)  The Lieutenant Governor in Council may make regulations,

(a) respecting the management of the aggregate resources of Ontario;

(b) prescribing material for the purposes of this Act and prescribing different types or classes of material for the purposes of different provisions of this Act and the regulations;

(b.1) governing anything in this Act that is required or permitted to be prescribed or that is required or permitted to be done by, pursuant to, or in accordance with, the regulations or as specified or provided by or in the regulations;

(b.2) defining “established pit or quarry” for the purposes of this Act;

(b.3) defining “below the water table” for the purposes of this Act;

(c) prescribing duties of inspectors;

(c.1) respecting the performance reporting requirements with which The Ontario Aggregate Resources Corporation must comply under clause 6.1 (3.1) (a);

(c.2) respecting pits or quarries that may be operated without a licence or permit under subsection 7 (1.1) or 34 (1.1), including the qualifications of a person who may operate such pits or quarries and the terms and conditions under which the pits or quarries must be operated;

(d) governing applications for licences and permits, and for amendments to licences and permits, including,

(i) their contents, form and preparation, and

(ii) the documentation that shall be included in the application;

(e) governing site plans including,

(i) their contents, form and preparation,

(ii) applications that may be made for the Minister’s approval of amendments to a site plan or a new site plan, including the contents, form and preparation of the applications and the amendments or new site plans, and

(iii) amendments that may be made without the Minister’s approval;

(f) Repealed: 2017, c. 6, Sched. 1, s. 49 (4).

(f.1) prescribing notification and consultation procedures associated with applications for the issuance amendment or transfer of licences or permits;

(f.1.1) governing custom plans that may be required under subsection 11 (3) or section 35.1, including their contents, form and preparation and the circumstances in which they may be required;

(f.2) prescribing conditions that apply to licences or permits;

(f.3) governing any fees or payments that are or may be required to be paid under this Act, including prescribing the amounts of the fees or payments or the method of determining those amounts and prescribing the persons to whom they shall be paid and the times at which, or within which, they shall be paid;

(f.4) requiring interest to be paid on any amount required to be paid under this Act that is not paid or is not paid within the required time, and prescribing the rate of interest;

(f.5) requiring and governing the disbursement to the Crown in right of Ontario, to municipalities or to other prescribed persons or entities of portions of any fees or royalties paid under this Act;

(g) requiring and providing for the records and information that must be kept and returns that must be filed by municipalities or other prescribed persons or entities to which fees are disbursed;

(h) prescribing the percentage of the total of the annual licence fees, wayside permit fees and annual aggregate permit fees collected that may be allocated to the purposes of rehabilitation and research, as described in paragraphs 1, 2 and 3 of subsection 6.1 (2);

(h.1) exempting a class or classes of persons from subsection 34 (1);

(h.2) governing the circumstances under which the removal of stockpiled aggregate or topsoil that is the property of the Crown is considered the operation of a pit or quarry for purposes of subsection 34 (1) of this Act;

(i) respecting the control and operation of pits and quarries;

(j) prescribing the minimum royalty for aggregate that is the property of the Crown and providing for the payment thereof;

(k) exempting a class or classes of aggregate permittees from the payment of royalties;

(l) Repealed: 1996, c. 30, s. 53 (3).

(m) governing the rehabilitation of pits and quarries;

(m.1) governing progressive and final rehabilitation reports required under subsection 48 (1.1), including their contents, form, preparation and submission;

(n) Repealed: 1996, c. 30, s. 53 (3).

(o) requiring and providing for the records and information that must be kept and returns and reports that must be made by licensees and permittees;

(o.1) governing annual compliance reports required by sections 15.1 and 40.1, including their contents, form, preparation and submission;

(o.2) governing the review of studies or reports under section 62.2 including respecting,

(i) the circumstances in which reviews are required,

(ii) the manner in which the review shall be conducted,

(iii) the qualifications of the persons outside the Ministry who may conduct the review, and

(iv) the circumstances in which an applicant, licensee or permittee shall be required to pay the costs of the review;

(o.3) respecting directions made by the Minister under section 62.3 for the submission of information by a licensee or permittee and the rules, practices and processes applicable to the submissions;

(o.4) respecting directions made by the Minister under section 62.4, including respecting the matters that the Minister must consider before making the direction;

(o.5) defining “recycled aggregate” for the purposes of subsection 71.1 (4);

(p) prescribing forms for the purposes of this Act and providing for their use;

(q) Repealed: 1996, c. 30, s. 53 (5).

(r) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1990, c. A.8, s. 67; 1994, c. 27, s. 126 (3); 1996, c. 30, s. 53 (1-5); 2002, c. 17, Sched. F, Table; 2017, c. 6, Sched. 1, s. 49; 2019, c. 14, Sched. 15, s. 18.

General or particular

(2)  A regulation made under this section may be general or particular in its application. 1996, c. 30, s. 53 (6).

Adoption by reference

(3)  A regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, standard or guideline, as it reads at the time the regulation is made or as amended from time to time. 1999, c. 12, Sched. N, s. 1 (5).

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

1994, c. 27, s. 126 (3) - 09/12/1994; 1996, c. 30, s. 53 (1-6) - 27/06/1997; 1999, c. 12, Sched. N, s. 1 (5) - 22/12/1999

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 49 (1-13)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s49s1) - 10/05/2017

[2019, c. 14, Sched. 15, s. 18 (1-3)](http://www.ontario.ca/laws/statute/S19014" \l "sched15s18s1) - 10/12/2019

Relief from compliance

**68** (1)  The Minister, if of the opinion that it is not contrary to the public interest, may, in writing, relieve any licensee, permittee or applicant for a licence or permit from compliance in whole or in part with the regulations. R.S.O. 1990, c. A.8, s. 68 (1); 2017, c. 6, Sched. 1, s. 50 (1).

Idem

(2)  The relief granted under subsection (1) is subject to such conditions as are set out in the instrument giving it. R.S.O. 1990, c. A.8, s. 68 (2).

Idem

(3)  The Minister may at any time rescind or vary any relief granted under subsection (1) upon written notice thereof to the licensee, permittee or applicant for a licence or permit. R.S.O. 1990, c. A.8, s. 68 (3); 2017, c. 6, Sched. 1, s. 50 (2).

Notice

(4) The Minister, if the matter appears to warrant it, shall serve notice of a proposed relief under subsection (1), including reasons therefor, upon the clerk of each municipality in which the site is located for their information and comment. 2002, c. 17, Sched. F, Table.

Delay in relief

(5)  The Minister may not grant relief until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. R.S.O. 1990, c. A.8, s. 68 (5).

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

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

[2017, c. 6, Sched. 1, s. 50 (1, 2)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s50s1) - 10/05/2017

**69** Repealed: 2017, c. 6, Sched. 1, s. 51.

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

[2017, c. 6, Sched. 1, s. 51](http://www.ontario.ca/laws/statute/S17006" \l "sched1s51) - 10/05/2017

**70** Repealed: 1996, c. 30, s. 54.

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

1996, c. 30, s. 54 - 27/06/1997

Pits and quarries in newly designated areas

**71** (1)  This Act and the regulations apply to every established pit and quarry in a part of Ontario designated under subsection 5 (2). R.S.O. 1990, c. A.8, s. 71 (1).

Determination by Minister in cases of doubt

(2)  The Minister may, in his or her absolute discretion, determine, in cases where doubt exists, whether a pit  or quarry is an established pit or quarry. R.S.O. 1990, c. A.8, s. 71 (2).

Right to operate for limited period without licence or permit

(3)  Despite subsection 57 (1), a person with an established pit or quarry in a part of Ontario designated under subsection 5 (2) may continue to operate the pit or quarry without a licence or permit until the six-month period next following the date of the designation expires. R.S.O. 1990, c. A.8, s. 71 (3).

Right to operate for limited period without licence

(4)  Despite subsection 57 (1), a person who applies for a licence during the six-month period following the day of the designation under subsection 5 (2) may operate an established pit or quarry without a licence,

(a) if the Minister does not serve a notice on the applicant under subsection 12.1 (2), until the licence is issued or refused or until the 12-month period following the day of the designation expires, whichever occurs first;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 71 (4) (a) of the Act is amended by striking out “12-month period” and substituting “prescribed period”. (See: 2017, c. 6, Sched. 1, s. 52 (1))

(b) if the Minister serves a notice on the applicant under subsection 12.1 (2), until the licence is issued or refused. 1996, c. 30, s. 55 (1).

Application

(5)  An application made under subsection (4) shall be made in the form approved by the Minister and shall include the following:

1. A site plan if available or, if not, a sketch of the site that is acceptable to the Minister.

2. Proof that the applicant has the right to extract aggregate from the pit or quarry.

3. If requested by the Ministry,

i. proof that the pit or quarry is an established pit or quarry, and

ii. proof that the location of the pit or quarry is in compliance with all relevant zoning by-laws.

4. If the applicant is a corporation, a corporate profile report that must include,

i. the current status of the corporation,

ii. the corporation’s legal name and registered address, and

iii. a list of the names of the corporation’s directors. 2017, c. 6, Sched. 1, s. 52 (2).

Issuance of licence

(5.1)  The Minister shall issue a licence to a person who applies for the licence under subsection (4) if satisfied that,

(a) the application meets the requirements of subsection (5);

(b) the application is in respect of an established pit or quarry;

(c) the location of the pit or quarry is in compliance with all relevant zoning by-laws; and

(d) any prescribed fees have been paid. 2017, c. 6, Sched. 1, s. 52 (2).

Site plans and other documentation

(6)  Within six months after receiving a request from the Minister, the licensee shall serve on the Minister copies of the site plan referred to in section 8, unless no site plan has been prepared pursuant to the regulations. 2017, c. 6, Sched. 1, s. 52 (3).

Application

(7)  Despite subsection (1), subsections 11 (1) to (8) and 11 (10) to (15), and section 12 do not apply to an application made under subsection (4). 1996, c. 30, s. 55 (2); 2017, c. 6, Sched. 1, s. 52 (4).

Same

(8)  Despite subsection (1), subsections 11 (1) to (8) and 11 (10) to (15) do not apply to an application for an established pit or quarry made during the two-year period that follows the day of the designation. 1996, c. 30, s. 55 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 71 (8) of the Act is amended by striking out “application for an established pit or quarry” and substituting “application for a licence to operate an established pit or quarry”. (See: 2017, c. 6, Sched. 1, s. 52 (5))

Waiver

(9)  The Minister may waive the requirement to include any prescribed documentation referred to in subsection 7 (3) in an application for a licence made under subsection (8). 2017, c. 6, Sched. 1, s. 52 (6).

Person deemed licensee from date of designation

(10)  For the purposes of this Act and the regulations, every person who has been issued a licence for an established pit or quarry in a part of Ontario that is designated under subsection 5 (2) shall be deemed to be a licensee from the date of the designation. R.S.O. 1990, c. A.8, s. 71 (10).

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

1996, c. 30, s. 55 (1, 2) - 27/06/1997

[2017, c. 6, Sched. 1, s. 52 (1, 5)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s52s1) - not in force; [2017, c. 6, Sched. 1, s. 52 (2, 3)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s52s2) - 10/05/2017; [2017, c. 6, Sched. 1, s. 52 (4, 6)](http://www.ontario.ca/laws/statute/S17006" \l "sched1s52s4) - 01/04/2021

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 6, Sched. 1, s. 53)

Removal of aggregate from site

**71.1** (1)  This section applies to every pit or quarry in respect of which a licence or permit has been issued under this Act if the licence or permit is valid on the day this section comes into force. 2017, c. 6, Sched. 1, s. 53.

Same

(2)  Every licensee or permittee of a pit or quarry shall ensure that the amount of aggregate removed from the site in any calendar year does not exceed the total amount of aggregate that the licensee or permittee is entitled under the licence or permit to excavate at the pit or quarry or remove from the site during the year in question. 2017, c. 6, Sched. 1, s. 53.

Conflict

(3)  Subsection (2) prevails over any provision to the contrary in a licence or permit. 2017, c. 6, Sched. 1, s. 53.

Recycled aggregate

(4)  In subsection (2),

“aggregate” includes recycled aggregate as that term is defined by regulation. 2017, c. 6, Sched. 1, s. 53.

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

[2017, c. 6, Sched. 1, s. 53](http://www.ontario.ca/laws/statute/S17006" \l "sched1s53) - not in force

Quarrying near Niagara escarpment

**72** (1)  Subject to subsection (2), despite the fact that a licence or permit has been issued, no person shall operate a quarry nearer to the natural edge of the Niagara escarpment than 200 metres measured horizontally. R.S.O. 1990, c. A.8, s. 72 (1).

Idem

(2)  No person holding a licence for a quarry under the *Pits and Quarries Control Act*, being chapter 378 of the Revised Statutes of Ontario, 1980, on the 1st day of January, 1990 and who is issued a licence for the quarry under this Act shall operate the quarry nearer to the natural edge of the Niagara escarpment than ninety metres measured horizontally. R.S.O. 1990, c. A.8, s. 72 (2).

Determination of natural edge

(3)  For the purposes of subsection (1) or (2), the natural edge of the Niagara escarpment is the natural edge determined by the Minister. R.S.O. 1990, c. A.8, s. 72 (3).

Licence or permit prevails

**73** For the purposes of section 27, if the location of a pit or quarry for which a licence or wayside permit has been issued contravenes a zoning by-law, the licence or permit prevails and the by-law does not apply to the site. R.S.O. 1990, c. A.8, s. 73.

Aggregate deemed removed

**74** For the purposes of this Act, aggregate that is not removed from the site as aggregate but is used on the site,

(a) in the manufacture of cement, concrete blocks, concrete pipes, bricks, asphalt, concrete mix or any other product; or

(b) in the construction or maintenance of a structure or road, other than a road constructed primarily for the operation of a pit or quarry,

shall be deemed to have been removed from the site. R.S.O. 1990, c. A.8, s. 74.

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