[Français](http://www.ontario.ca/fr/lois/loi/93c23)

Capital Investment Plan Act, 1993

S.O. 1993, CHAPTER 23

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Preamble

The Government of Ontario has announced a capital investment plan for Ontario under which the Government, municipalities and other public bodies, and the private sector will work together to make significant investments in the province’s infrastructure. Under the capital investment plan three new Crown agencies will be established and a fourth will be revitalized. These agencies will have responsibilities in the areas of provincial investment and financing programs, transportation projects, sewer and water projects and the management of the provincial land and building inventory. Legislation is required to establish the new Crown agencies and to continue the Ontario Land Corporation as the Ontario Realty Corporation. Complementary amendments are required to several Acts to implement the plan and to provide for certain other matters related to the financial administration of the Province of Ontario.

After the enactment of the Capital Investment Plan Act, 1993, legislation was enacted to amalgamate the Ontario Realty Corporation with the Ontario Infrastructure Projects Corporation and the Stadium Corporation of Ontario Limited to establish the Ontario Infrastructure and Lands Corporation. That legislation included complementary amendments to the Capital Investment Plan Act, 1993.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I  
CROWN AGENCIES — COMMON PROVISIONS

Definitions

**1** In this Act,

“municipality” includes a local board, as defined in the Municipal Affairs Act, and a board, commission or other local authority exercising any power with respect to municipal purposes, including school purposes, in territory without municipal organization; (“municipalité”)

“security” includes any interest, document, instrument or writing commonly known as a security, or any document that evidences a debt or any right or interest in relation to a debt. (“valeur mobilière”) 1993, c. 23, s. 1; 2001, c. 9, Sched. G, s. 1 (1); 2002, c. 17, Sched. F, Table.

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

[2001, c. 9, Sched. G, s. 1 (1)](http://www.ontario.ca/laws/statute/S01009" \l "schedgs1s1) - 29/06/2001

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 1/01/2003

Corporations

**2** (1)  The following are established as corporations without share capital:

1. A corporation to be known in English as the Ontario Financing Authority and in French as the Office ontarien de financement.

2. Repealed: 2020, c. 18, Sched. 6, s. 46 (1).

3. A corporation to be known in English as the Ontario Clean Water Agency and in French as the Agence ontarienne des eaux. 1993, c. 23, s. 2 (1); 2020, c. 18, Sched. 6, s. 46 (1).

(2)  Repealed: 2011, c. 9, Sched. 32, s. 38 (2).

Membership

(3)  A corporation consists of the members of its board of directors. 1993, c. 23, s. 2 (3).

Crown agency

(4)  Subject to section 24, a corporation is, for all its purposes, an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty. 1993, c. 23, s. 2 (4).

Application of Part

(5)  This Part applies to the two corporations established under this section. 2011, c. 9, Sched. 32, s. 38 (3); 2020, c. 18, Sched. 6, s. 46 (2).

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

[2011, c. 9, Sched. 32, s. 38 (2, 3)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s2) - 6/06/2011

[2020, c. 18, Sched. 6, s. 46 (1, 2)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s1) - 21/07/2020

Responsible minister

Ontario Financing Authority

**3** (1)  The Minister of Finance is the minister responsible for the administration of this Act in respect of the Ontario Financing Authority. 1993, c. 23, s. 3 (1).

(2)  Repealed: 2020, c. 18, Sched. 6, s. 46 (3).

Ontario Clean Water Agency

(3)  The Minister of the Environment is the minister responsible for the administration of this Act in respect of the Ontario Clean Water Agency. 1993, c. 23, s. 3 (3); 2000, c. 26, Sched. E, s. 1 (1).

(4)  Repealed: 2011, c. 9, Sched. 32, s. 38 (4).

Definition

(5)  In this Part,

“minister”, except in section 8, means, in respect of a particular corporation, the minister who is responsible for the administration of this Act in respect of that corporation. 1993, c. 23, s. 3 (5).

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

[2000, c. 26, Sched. E, s. 1 (1)](http://www.ontario.ca/laws/statute/S00026" \l "schedes1s1) - 6/12/2000

[2009, c. 33, Sched. 14, s. 1 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched14s1s1) - 15/12/2009

[2011, c. 9, Sched. 32, s. 38 (4)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s4) - 6/06/2011

[2020, c. 18, Sched. 6, s. 46 (3)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s3) - 21/07/2020

Powers

**4** (1)  A corporation has the capacity and the rights, powers and privileges of a natural person, subject to the limitations set out in this Act. 1993, c. 23, s. 4.

Limitation re real property, Ontario Financing Authority

(2)  The Ontario Financing Authority’s capacity, rights, powers and privileges are also subject to any limits imposed by section 11.0.1 of the Ministry of Infrastructure Act, 2011. 2023, c. 5, Sched. 2, s. 6 (1).

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

[2023, c. 5, Sched. 2, s. 6 (1)](http://www.ontario.ca/laws/statute/S23005" \l "sched2s6s1) - 01/04/2024

Board of directors

**5** (1)  The board of directors of a corporation shall manage or supervise the management of the business and affairs of the corporation. 2009, c. 18, Sched. 3, s. 1.

Composition

(2)  A board shall be composed of its chair and at least four and not more than twelve other members appointed by the Lieutenant Governor in Council. 1993, c. 23, s. 5 (2).

Chair

(3)  The Deputy Minister of Finance is, by virtue of office, the chair of the board of the Ontario Financing Authority and the chairs of the other boards shall be appointed by the Lieutenant Governor in Council. 1993, c. 23, s. 5 (3).

Vice-chairs

(4)  A board shall have one or more vice-chairs appointed from amongst its members by the Lieutenant Governor in Council. 1993, c. 23, s. 5 (4).

Term of office

(5)  An appointed member shall hold office at pleasure for a term not exceeding three years and may be reappointed for successive terms not exceeding three years each. 1993, c. 23, s. 5 (5).

Quorum

(6)  Subject to the by-laws of the corporation, a majority of the members of the board constitutes a quorum for the transaction of business. 1993, c. 23, s. 5 (6).

Acting chair

(7)  If the chair is absent or unable to act or if the office of chair is vacant, a vice-chair shall act as and have all the powers of the chair. 1993, c. 23, s. 5 (7).

Same

(8)  If the chair and vice-chairs are absent from a board meeting, the members present at the meeting shall appoint an acting chair from among themselves to act as and to have all the powers of the chair during the meeting. 1993, c. 23, s. 5 (8).

Remuneration

(9)  A member who is not a public servant employed under Part III of the Public Service of Ontario Act, 2006 shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. 1993, c. 23, s. 5 (9); 2006, c. 35, Sched. C, s. 11 (1).

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

[2006, c. 35, Sched. C, s. 11 (1)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs11s1) - 20/08/2007

[2009, c. 18, Sched. 3, s. 1](http://www.ontario.ca/laws/statute/S09018" \l "sched3s1) - 5/06/2009

By-laws

**6** (1)  The board of directors of a corporation may pass by-laws regulating its proceedings and specifying the powers and duties of the officers and employees and generally for the management of the corporation. 1993, c. 23, s. 6 (1).

By-laws to be approved

(2)  A by-law of a corporation does not take effect until it is approved by the minister. 1993, c. 23, s. 6 (2).

Borrowing and investing by-law

(3)  The power of a corporation and its subsidiary corporations to borrow, issue securities, make short-term investments of funds, manage risk associated with financing and investment or incur liabilities in order to facilitate financing by others may only be exercised under the authority of a by-law that has been approved by the Minister of Finance. 1993, c. 23, s. 6 (3).

Co-ordination of financing activities by Authority

(4)  All borrowing, financing, short-term investment of funds and financial risk management activities of a corporation or its subsidiary corporations shall be co-ordinated and arranged by the Ontario Financing Authority, unless the Minister of Finance agrees otherwise. 1993, c. 23, s. 6 (4).

Chief executive officer

**7** The Lieutenant Governor in Council, upon the recommendation of the minister, may appoint a chief executive officer of a corporation to be responsible for its operation and for the performance of such other functions as are assigned by its board of directors. 1993, c. 23, s. 7.

Employees

**8** (1)  Such employees as are considered necessary for the conduct of the business of a corporation may be appointed under Part III of the Public Service of Ontario Act, 2006. 1993, c. 23, s. 8 (1); 2006, c. 35, Sched. C, s. 11 (2).

(2)  Repealed: 2006, c. 35, Sched. C, s. 11 (3).

Pension Plan

(3)  The Public Service Pension Plan established under the Public Service Pension Act applies to the public servants employed under Part III of the Public Service of Ontario Act, 2006 who work in a corporation. 1993, c. 23, s. 8 (3); 2006, c. 35, Sched. C, s. 11 (4).

Agreements re: services required by a corporation

(4)  Any minister of the Crown may enter into agreements with a corporation for the provision by employees of the Crown or any agency of the Crown of any service required by the corporation and the corporation may pay such amounts as are agreed on for the service. 1993, c. 23, s. 8 (4).

Employment policies and practices

(5)  Subject to any policy formulated for a corporation by the Lieutenant Governor in Council under section 16, the Management Board of Cabinet shall ensure that the employment policies and practices of a corporation are appropriate in light of the corporation’s responsibilities and objects. 1993, c. 23, s. 8 (5).

(6)  Repealed: 2011, c. 9, Sched. 32, s. 38 (5).

Ontario Financing Authority powers

(7)  With the approval of the Minister of Finance, the Ontario Financing Authority may determine salary ranges and remuneration, excluding benefits, for public servants who work in the Authority and who are members of a prescribed class. 2007, c. 7, Sched. 2, s. 1.

Same

(8)  With the approval of the Minister of Finance, the Ontario Financing Authority may determine benefits to be provided in addition to the benefits determined under subsection 33 (3) of the Public Service of Ontario Act, 2006 for public servants who work in the Authority and who are members of a prescribed class. 2007, c. 7, Sched. 2, s. 1.

Regulations re classes

(9)  For the purposes of subsection (7) or (8) or both, the Minister of Finance may, by regulation, prescribe one or more of the classes that are created under subsection 33 (1) of the Public Service of Ontario Act, 2006. 2007, c. 7, Sched. 2, s. 1.

Subclasses

(10)  For the purposes of subsection (7) or (8) or both, the Ontario Financing Authority may establish subclasses within the prescribed classes of public servants and may determine different salary ranges, remuneration and benefits for each subclass. 2007, c. 7, Sched. 2, s. 1.

Policies and procedures

(11)  The Ontario Financing Authority may establish policies and procedures relating to the management and administration of the salary ranges and remuneration determined under subsection (7) and the additional benefits determined under subsection (8). 2007, c. 7, Sched. 2, s. 1.

Conflict

(12)  The salary ranges and remuneration determined under subsection (7) prevail over those determined under subsections 33 (2) and (3) of the Public Service of Ontario Act, 2006. 2007, c. 7, Sched. 2, s. 1.

Same

(13)  The policies and procedures established under subsection (11) prevail over directives of the Public Service Commission issued under subsection 43 (1) of the Public Service of Ontario Act, 2006 and over policies, procedures and directives issued under the Management Board of Cabinet Act. 2007, c. 7, Sched. 2, s. 1.

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

1999, c. 9, s. 17 - 30/11/2001

[2006, c. 35, Sched. C, s. 11 (2-5)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs11s2) - 20/08/2007

[2007, c. 7, Sched. 2, s. 1](http://www.ontario.ca/laws/statute/S07007" \l "sched2s1) - 20/08/2007

[2011, c. 9, Sched. 32, s. 38 (5)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s5) - 6/06/2011

Protection from personal liability

**9** (1)  No proceeding for damages shall be commenced against any director, officer or employee of a corporation for any act done in good faith in the performance or intended performance of his or her duty or for any alleged neglect or default in the performance in good faith of that duty. 1993, c. 23, s. 9 (1).

Corporation’s liability

(2)  Subsection (1) does not relieve the corporation of any liability to which it would otherwise be subject in respect of a tort committed by a director, officer or employee. 1993, c. 23, s. 9 (2).

Definition, “employee”

(3)  For the purposes of this section,

“employee” means an employee employed under Part III of the Public Service of Ontario Act, 2006. 2011, c. 9, Sched. 32, s. 38 (6).

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

1999, c. 9, s. 18 - 30/11/2001

[2006, c. 35, Sched. C, s. 11 (6)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs11s6) - 20/08/2007

[2011, c. 9, Sched. 32, s. 38 (6)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s6) - 6/06/2011

Agreement for transferring property

**10** (1)  Despite any other Act, real or personal property used, owned or occupied by the Crown in connection with the carrying out of an activity to be carried out by a corporation or any of its subsidiary corporations may be transferred to the corporation or subsidiary, with or without consideration, upon such terms as are approved by Treasury Board. 1993, c. 23, s. 10.

Limitation re real property, Ontario Financing Authority

(2)  Subsection (1) is, with respect to the Ontario Financing Authority, subject to any limits imposed by section 11.0.1 of the Ministry of Infrastructure Act, 2011. 2023, c. 5, Sched. 2, s. 6 (2).

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

[2023, c. 5, Sched. 2, s. 6 (2)](http://www.ontario.ca/laws/statute/S23005" \l "sched2s6s2) - 01/04/2024

Application of certain Acts

**11** (1)  The Not-for-Profit Corporations Act, 2010, the Corporations Information Act and the Loan and Trust Corporations Act do not apply to a corporation, except as specifically made applicable to the corporation by this Act or the regulations made under this Act. 1993, c. 23, s. 11 (1); 2001, c. 9, Sched. G, s. 1 (2); 2011, c. 9, Sched. 32, s. 38 (7).

Conflict of interest and indemnification

(2)  Sections 132 and 136 of the Business Corporations Act apply to the corporations and to their directors and officers. 1993, c. 23, s. 11 (2).

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

[2001, c. 9, Sched. G, s. 1 (2)](http://www.ontario.ca/laws/statute/S01009" \l "schedgs1s2) - 29/06/2001

[2011, c. 9, Sched. 32, s. 38 (7)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s7) - 19/10/2021

Reviews

**12** The minister may appoint one or more persons to review any of the activities or proposed activities of a corporation or any of its subsidiary corporations and to report on it to the minister. 1993, c. 23, s. 12.

Audit

**13** (1)  The Auditor General is the auditor of a corporation. 1993, c. 23, s. 13 (1); 2004, c. 17, s. 32.

Same

(2)  The Auditor General or another auditor appointed by the Lieutenant Governor in Council shall be the auditor of the subsidiary corporations of a corporation. 1993, c. 23, s. 13 (2); 2004, c. 17, s. 32.

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

[2004, c. 17, s. 32](http://www.ontario.ca/laws/statute/S04017" \l "s32) - 30/11/2004

Annual report

**14** (1)  A corporation shall prepare an annual report, provide it to the minister no later than 90 days after the corporation receives audited financial statements from the Auditor General and make it available to the public. 2017, c. 34, Sched. 46, s. 8.

Same

(2)  The corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

(a) the form and content of the annual report; and

(b) when and how to make it available to the public. 2017, c. 34, Sched. 46, s. 8.

Same

(3)  The corporation shall include such additional content in the annual report as the minister may require. 2017, c. 34, Sched. 46, s. 8.

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

[2010, c. 19, Sched. 3, s. 1](http://www.ontario.ca/laws/statute/S10019" \l "sched3s1) - 29/11/2010

[2017, c. 34, Sched. 46, s. 8](http://www.ontario.ca/laws/statute/S17034" \l "sched46s8) - 01/01/2018

Tabling of annual report

**14.1**The minister shall table a corporation’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it. 2017, c. 34, Sched. 46, s. 8.

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

[2017, c. 34, Sched. 46, s. 8](http://www.ontario.ca/laws/statute/S17034" \l "sched46s8) - 01/01/2018

Fiscal year

**15** (1)  The fiscal year of a corporation begins on the 1st day of April and ends with the 31st day of March in the following year. 1993, c. 23, s. 15 (1).

Change in fiscal year

(2)  The Lieutenant Governor in Council may by order change the fiscal year of a corporation. 1993, c. 23, s. 15 (2).

Policies and directives

Policies

**16** (1)  The Lieutenant Governor in Council may formulate policies for a corporation. 1993, c. 23, s. 16 (1).

Directives

(2)  Subject to any policies under subsection (1), the minister may issue directives in writing to a corporation on matters relating to the corporation’s exercise of its powers and duties under this or any other Act. 1993, c. 23, s. 16 (2).

Implementation

(3)  The board of a corporation shall ensure that the policies and directives under this section are implemented promptly and efficiently. 1993, c. 23, s. 16 (3).

Payments to Consolidated Revenue Fund

**17** (1)  When ordered to do so by the Minister of Finance, a corporation shall pay into the Consolidated Revenue Fund such of its surplus funds as are determined by the Minister of Finance. 1993, c. 23, s. 17 (1).

Reserves

(2)  In determining the amount payable under subsection (1), the Minister of Finance shall allow such reserves for the future needs of the corporation as he or she considers appropriate, and shall ensure that the payment ordered under subsection (1) will not impair the corporation’s ability to pay its liabilities, to meet its obligations as they become due or to fulfil its contractual commitments. 1993, c. 23, s. 17 (2).

Revenues and investments

(3)  Despite the Financial Administration Act, the revenues and investments of a corporation do not form part of the Consolidated Revenue Fund. 1993, c. 23, s. 17 (3).

Subsidiary corporations

**18** Except with the approval of Treasury Board and Management Board of Cabinet, a corporation shall not establish a subsidiary corporation in Ontario or elsewhere. 1993, c. 23, s. 18.

Evidence of authority

**19** A recital or declaration in any resolution of a corporation that a transaction is for the purpose of carrying out the corporation’s objects is conclusive evidence to that effect. 1993, c. 23, s. 19.

Authorized investments

**20** Despite any other Act, securities issued by the corporations are authorized investments for public bodies as defined in section 29 and for trusts. 2007, c. 7, Sched. 2, s. 2.

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

[2007, c. 7, Sched. 2, s. 2](http://www.ontario.ca/laws/statute/S07007" \l "sched2s2) - 5/05/2008

Province authorized to raise funds for corporation

**21** The Lieutenant Governor in Council may raise by way of loan in the manner provided by the Financial Administration Act such sums as the Lieutenant Governor in Council considers necessary for the purposes of this Act, and the sums so raised may either be advanced to a corporation or its subsidiary corporations or applied by the Minister of Finance in the purchase of securities issued by a corporation or its subsidiary corporations. 1993, c. 23, s. 21.

Purchases and advances by Province

**22** (1)  The Minister of Finance may purchase securities of or make loans to a corporation or its subsidiary corporations in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient. 1993, c. 23, s. 22 (1).

Same

(2)  The Minister of Finance may pay from the Consolidated Revenue Fund the money necessary for a purchase or loan made under subsection (1). 1993, c. 23, s. 22 (2).

Agreement to apply appropriated funds

**23** (1)  As security for the payment by a public body, as defined in section 29, of any amount that it has agreed to pay to a corporation on account of its indebtedness to the corporation, a public body may agree in writing with the corporation that the Minister of Finance is entitled to deduct from money appropriated by the Legislature for payment to the public body amounts equal to any amounts that the public body fails to pay to the corporation on account of the indebtedness. 1993, c. 23, s. 23 (1).

Minister to make agreed deduction

(2)  If a public body has agreed to the making of a deduction under subsection (1), the Minister of Finance shall deduct from money appropriated by the Legislature for payment to the public body amounts equal to any amounts that the public body fails to pay to the corporation, and shall pay the amounts to the corporation. 1993, c. 23, s. 23 (2).

Crown agent, restriction

**24** (1)  A corporation may declare in writing in any of its contracts, securities or instruments that it is not acting as an agent of Her Majesty for the purpose of the contract, security or instrument. 1993, c. 23, s. 24 (1).

Effect

(2)  A corporation that makes a declaration under subsection (1) shall be deemed not to be an agent of Her Majesty for the purpose of the contract, security or instrument, and Her Majesty is not liable for any liabilities or obligations incurred by the corporation under the contract, security or instrument. 1993, c. 23, s. 24 (2).

No proceeding against Crown

(3)  No proceeding shall be commenced against the Crown in respect of any act or omission of a corporation or its officers, directors or employees. 1993, c. 23, s. 24 (3).

Exception

(4)  Subsection (3) does not apply to a proceeding to enforce against the Crown its obligations under a written contract to which it is a party. 1993, c. 23, s. 24 (4).

Unpaid judgments against corporation

(5)  The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgment against a corporation that remains unpaid after the corporation has made all reasonable efforts, including liquidating its assets, to pay the amount of the judgment. 1993, c. 23, s. 24 (5).

Exception

(6)  Subsection (5) does not apply to any judgment in respect of a contract, security or instrument in which a declaration referred to in subsection (1) is made. 1993, c. 23, s. 24 (6).

Waiver or submission

**25** A corporation may waive any immunity to which it may be entitled as an agent of Her Majesty and may submit to the jurisdiction of any court outside Ontario. 1993, c. 23, s. 25.

Asset sales

**26** (1)  A corporation shall not sell or otherwise dispose of all or substantially all of its assets unless the sale or disposal is for the purpose of providing security for money loaned to the corporation or is part of a financing transaction that entitles the corporation, on fulfilling the terms and conditions of the transaction, to reacquire the assets sold or disposed of. 1993, c. 23, s. 26 (1).

Exception

(2)  Subsection (1) does not apply to a sale or disposition to the Crown or to a disposition under subsection 26 (2) of the Ontario Water Resources Act. 1993, c. 23, s. 26 (2); 2011, c. 9, Sched. 32, s. 38 (8).

Contracting out

(3)  Except as agreed between the minister and a corporation, a corporation shall not sell or otherwise dispose of an identifiably separate business, organizational unit or activity of the corporation that is staffed by employees to whom Part III of the Public Service of Ontario Act, 2006 applies if the sale or other disposition will have the effect of replacing employees in the business, organization or activity with employees to whom that Part is not applicable or of terminating the application of that Part to those employees. 1993, c. 23, s. 26 (3); 2006, c. 35, Sched. C, s. 11 (7).

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

[2006, c. 35, Sched. C, s. 11 (7)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs11s7) - 20/08/2007

[2011, c. 9, Sched. 32, s. 38 (8)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s8) - 6/06/2011

Appropriation

**27** Money required to defray the operating costs of a corporation shall be paid out of the money appropriated for that purpose by the Legislature. 1993, c. 23, s. 27; 2010, c. 19, Sched. 3, s. 2.

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

[2010, c. 19, Sched. 3, s. 2](http://www.ontario.ca/laws/statute/S10019" \l "sched3s2) - 29/11/2010

Regulations

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

(a) making any provision or provisions of the Business Corporations Act, the Not-for-Profit Corporations Act, 2010 and the Corporations Information Act applicable to one or more of the corporations;

(b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1993, c. 23, s. 28; 2011, c. 9, Sched. 32, s. 38 (9).

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

[2011, c. 9, Sched. 32, s. 38 (9)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s9) - 19/10/2021

PART II  
ONTARIO FINANCING AUTHORITY

Definitions

**29** (1)  In this Part,

“Authority” means the Ontario Financing Authority; (“Office”)

“public body” means,

(a) a corporation referred to in section 2 or another Crown agency,

(b) a hospital as defined in the Public Hospitals Act or another facility receiving funding for capital purposes from the Minister of Health and Long-Term Care,

(c) a municipality,

(d) a university that receives regular and ongoing operating funds from the Crown in right of Ontario for the purposes of providing post-secondary education, a college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002, Algoma University College, le Collège de Hearst or the Ontario College of Art & Design,

(e) a school board, or

(f) an entity named or described as a public body in the regulations made under this Act; (“organisme public”)

“school board” means a board as defined in subsection 1 (1) of the Education Act. (“conseil scolaire”) 1993, c. 23, s. 29 (1); 1997, c. 31, s. 144 (1); 2002, c. 8, Sched. P, s. 1 (1, 2); 2006, c. 19, Sched. L, s. 11 (2); 2006, c. 33, Sched. E, s. 1.

(2)  Repealed: 2002, c. 8, Sched. P, s. 1 (3).

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

1997, c. 31, s. 144 (1) - 1/01/1998

[2002, c. 8, Sched. P, s. 1 (1-3)](http://www.ontario.ca/laws/statute/S02008" \l "schedps1s1) - 27/06/2002

[2006, c. 19, Sched. L, s. 11 (2)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2) - 22/06/2006; [2006, c. 33, Sched. E, s. 1](http://www.ontario.ca/laws/statute/S06033" \l "schedes1) - 20/12/2006

Objects

**30** (1)  Without limiting the powers or capacities of the Authority, its objects include assisting public bodies and the Province of Ontario to borrow and invest money, developing and carrying out financing programs, issuing securities, managing cash, currency and other financial risks, and providing such other financial services as are considered advantageous to the Province or any public body. 2002, c. 8, Sched. I, s. 3.

Same

(2)  The Lieutenant Governor in Council may by order establish additional objects for the Authority. 1993, c. 23, s. 30 (2).

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

[2002, c. 8, Sched. I, s. 3](http://www.ontario.ca/laws/statute/S02008" \l "schedis3) - 15/03/2010

Public body’s funds

**31** A public body may authorize the Authority to be its agent for investing any of its funds. 1993, c. 23, s. 31.

Agreement to purchase municipal or school board debentures

**32** Despite any other Act, a municipality or a school board, before approval and validation are given by the Ontario Land Tribunal, may make an agreement with the Authority to sell debentures to the Authority in the amount and at the rate of interest set out in the agreement. 1993, c. 23, s. 32; 2021, c. 4, Sched. 6, s. 33.

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

[2021, c. 4, Sched. 6, s. 33](http://www.ontario.ca/laws/statute/S21004" \l "sched6s33) - 01/06/2021

Capital payments deemed a loan

**33** (1)  A payment for capital purposes, made by the Minister of Education and Training to a school board, that is charged to an appropriation of the Ministry of Education and Training made for the fiscal year commencing on the 1st day of April, 1993 shall be deemed to have been a loan from the Province to the school board if the payment was made in respect of one of the following:

1. A project approved under the Capital Grant Plan, 1979.

2. An obligation incurred under an agreement entered into between the Minister of Education and Training or a predecessor of the Minister and a school board for the purpose of assisting in the resolution of school accommodation problems.

3. The Jobs Ontario Program established in the 1992 Ontario Budget. 1993, c. 23, s. 33 (1).

Same

(2)  Except for payments to a university under the University Student Residence Program, a payment for capital purposes made through the Capital Support Program of the Ministry of Education and Training to a university, Algoma University College, le Collège de Hearst, the Ontario College of Art & Design, the Ontario Institute for Studies in Education or a college of applied arts and technology that is charged to an appropriation of that Ministry for the fiscal year commencing on the 1st day of April, 1993 shall be deemed to have been a loan from the Province. 1993, c. 23, s. 33 (2); 2002, c. 8, Sched. P, s. 1 (4, 5).

Same

(3)  Except for capital projects where the Minister of Health and Long-Term Care’s share is less than or equal to $1,000,000, a payment for capital purposes made by the Minister of Health and Long-Term Care to a hospital, as defined in the Public Hospitals Act or any other facility receiving funding for capital purposes from the Minister, that is charged to an appropriation of the Ministry of Health and Long-Term Care for the fiscal year commencing on the 1st day of April, 1993 shall be deemed to have been a loan from the Province to the hospital or other facility. 1993, c. 23, s. 33 (3); 2006, c. 19, Sched. L, s. 11 (2, 3).

Exception for certain facilities

(4)  Unless the Minister of Health and Long-Term Care decides otherwise, the following facilities are not facilities for the purposes of payments under subsection (3):

1. Approved charitable homes for the aged under the Charitable Institutions Act.

2. Homes for the aged or joint homes under the Homes for the Aged and Rest Homes Act.

3. Facilities in which long-term care services are provided and that are funded under the Ministry of Community and Social Services Act.

4. Centres under the Elderly Persons Centres Act.

5. Corporations, organizations, homes, residences or other facilities that receive provincial funding under the Developmental Services Act. 1993, c. 23, s. 33 (4); 2001, c. 13, s. 3; 2006, c. 19, Sched. L, s. 11 (2).

Terms and conditions

(5)  The Province of Ontario or its assignee may from time to time establish terms and conditions in respect of loans described in subsections (1), (2) and (3). 1993, c. 23, s. 33 (5).

(6), (7)  Repealed: 1997, c. 31, s. 144 (2).

Discharge of obligation

(8)  An obligation of the Minister of Education and Training to make a payment to a school board for capital purposes in respect of the matters mentioned in subsection (1) shall be deemed to be discharged if the Minister agrees to pay to the school board the amounts that would be required to meet principal and interest payments on debentures issued to the Province or its assignee to raise the amount of the payment. 1993, c. 23, s. 33 (8).

Deemed borrowing power

(9)  Despite any other Act, its letters patent or its by-laws, a hospital as defined in the Public Hospitals Act or any other facility receiving funding for capital purposes from the Minister of Health and Long-Term Care or from a minister who takes over responsibility for providing such funding from that Minister shall be deemed to have had the unrestricted power to borrow, with or without security, from the Province of Ontario or a Crown agency as of the 1st day of April, 1993. 1993, c. 23, s. 33 (9); 2006, c. 19, Sched. L, s. 11 (2).

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

1997, c. 31, s. 144 (2) - 1/01/1998

[2001, c. 13, s. 3](http://www.ontario.ca/laws/statute/S01013" \l "s3) - 30/11/2001

[2002, c. 8, Sched. P, s. 1 (4, 5)](http://www.ontario.ca/laws/statute/S02008" \l "schedps1s4) - 27/06/2002

[2006, c. 19, Sched. L, s. 11 (2, 3)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2) - 22/06/2006

Transfer of loans

**34** (1)  The Minister of Finance may transfer to the Authority the obligation of any public body to repay to the Province of Ontario a loan made to the public body. 1993, c. 23, s. 34 (1).

Issue of securities to Ontario

(2)  The Authority shall issue to the Province of Ontario securities satisfactory to the Minister of Finance for the amount of the principal and interest of any obligation that is transferred. 1993, c. 23, s. 34 (2).

Delegation of Minister’s powers

**35** (1)  The Lieutenant Governor in Council may by order delegate to the chief executive officer of the Authority or to a public servant employed under Part III of the Public Service of Ontario Act, 2006 who works in the Authority or to a solicitor engaged to act for the Authority the powers of the Minister of Finance under section 20 of the Financial Administration Act. 1993, c. 23, s. 35 (1); 2007, c. 7, Sched. 2, s. 3.

Same

(2)  Any power or duty conferred or imposed on the Minister of Finance under this or any other Act may be delegated by the Minister to any employee or officer of the Authority or of any of its subsidiary corporations and, when purporting to exercise a delegated power or duty, the employee or officer shall be presumed conclusively to act in accordance with the delegation. 1993, c. 23, s. 35 (2).

Delegation subject to conditions

(3)  A delegation under subsection (2) shall be in writing and may be subject to such limitations, conditions and requirements as are set out in it. 1993, c. 23, s. 35 (3).

Subdelegation

(4)  In a delegation under subsection (2), the Minister may authorize a person to whom a power or duty is delegated to delegate to others the exercise of the delegated power or duty, subject to such limitations, conditions and requirements as the person may impose. 1993, c. 23, s. 35 (4).

Effect of delegation, etc.

(5)  Despite section 6 of the Executive Council Act, a deed or contract signed by a person acting under the authority of a delegation made under subsection (2) or authorized under subsection (4) has the same effect as if it were signed by the Minister of Finance. 2001, c. 8, s. 4.

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

[2001, c. 8, s. 4](http://www.ontario.ca/laws/statute/S01008" \l "s4) - 29/06/2001

[2007, c. 7, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S07007" \l "sched2s3) - 20/08/2007

Regulations

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

(a) respecting the management, control and administration of the affairs of the Authority;

(b) naming or describing any entity or class of entity as a public body for the purpose of this Act;

(c) governing the conditions to be imposed for the purchase by the Authority of a public body’s securities;

(d) governing the sale, hypothecation or other disposition by the Authority of any securities of a public body purchased by the Authority;

(e) respecting the financing of transactions by the Authority. 1993, c. 23, s. 36.

Transfer of assets and liabilities

**37** The assets and liabilities of the Ontario Municipal Improvement Corporation are transferred to and assumed by the Authority, without compensation. 1993, c. 23, s. 37.

Part III (ss. 38-47) Repealed: 2020, c. 18, Sched. 6, s. 46 (4)

**38** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

1996, c. 1, Sched. E, s. 1 (1) - 6/03/1996; 1996, c. 33, s. 21 - 1/04/1997

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

**39**-**42** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

**43** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

1996, c. 1, Sched. E, s. 1 (2) - 6/03/1996

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

**43.1** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

1996, c. 1, Sched. E, s. 1 (3) - 6/03/1996

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

**44** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

1996, c. 1, Sched. E, s. 1 (4) - 6/03/1996

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

**45** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

1996, c. 1, Sched. E, s. 1 (5) - 6/03/1996

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

**46** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

**47** Repealed: 2020, c. 18, Sched. 6, s. 46 (4).

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

1996, c. 1, Sched. E, s. 1 (6, 7) - 6/03/1996

[2020, c. 18, Sched. 6, s. 46 (4)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s4) - 21/07/2020

PART IV  
ONTARIO CLEAN WATER AGENCY

Definitions

**48** In this Part,

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

“Minister” means the Minister of the Environment. (“ministre”) 1993, c. 23, s. 48; 2000, c. 26, Sched. E, s. 1 (2).

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

[2000, c. 26, Sched. E, s. 1 (2)](http://www.ontario.ca/laws/statute/S00026" \l "schedes1s2) - 6/12/2000

Objects

**49** (1)  Without limiting the powers or capacities of the Agency, its objects include,

(a) assisting municipalities, the Government of Ontario and other persons or bodies to provide water and sewage works and other related services by financing, planning, developing, building and operating those works and providing those services;

(b) financing and promoting the development, testing, demonstration and commercialization of technologies and services for the treatment and management of water, wastewater and stormwater;

(c) carrying out the activities described in clauses (a) and (b) in Ontario and elsewhere in a manner that protects human health and the environment and encourages the conservation of water resources; and

(d) with respect to activities described in clauses (a) and (b) that are carried out in Ontario, carrying them out in a manner that supports provincial policies for land use and settlement. 2010, c. 19, Sched. 3, s. 3.

Same

(2)  The Lieutenant Governor in Council may by order establish additional objects for the Agency. 1993, c. 23, s. 49 (2).

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

[2010, c. 19, Sched. 3, s. 3](http://www.ontario.ca/laws/statute/S10019" \l "sched3s3) - 29/11/2010

Delegation of authority

**50** (1)  Any power or duty conferred or imposed on the Minister or the Agency under this Act or the Ontario Water Resources Act may be delegated by the Minister to an employee in the Ministry of the Environment or by the Agency to any of its employees or officers and, when purporting to exercise a delegated power or duty, the employee or officer shall be presumed conclusively to act in accordance with the delegation. 1993, c. 23, s. 50 (1); 2000, c. 26, Sched. E, s. 1 (3); 2006, c. 35, Sched. C, s. 11 (8).

Delegation subject to conditions

(2)  A delegation under subsection (1) shall be in writing and may be subject to such limitations, conditions and requirements as are set out in it. 1993, c. 23, s. 50 (2).

Exception

(3)  The authority to delegate under subsection (1) does not apply with respect to the Minister’s duty to act as the approving authority for expropriations by the Agency under subsection 5 (1) of the Expropriations Act. 1993, c. 23, s. 50 (3).

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

[2000, c. 26, Sched. E, s. 1 (3)](http://www.ontario.ca/laws/statute/S00026" \l "schedes1s3) - 6/12/2000

[2006, c. 35, Sched. C, s. 11 (8)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs11s8) - 20/08/2007

Minister not to establish works

**51** (1)  The Minister shall not establish a water works or sewage works, except for experimental or demonstration purposes or for the provision of water service or sewage service to a building of the Government of Ontario. 1993, c. 23, s. 51 (1).

Authority not affected

(2)  Subsection (1) does not affect the Minister’s or a director’s authority under sections 80 to 89 of the Ontario Water Resources Act or under the Environmental Protection Act. 1993, c. 23, s. 51 (2).

Powers

**52** (1)  Without limiting the powers or capacities of the Agency, for the carrying out of its objects, the Agency may,

(a) make agreements for the provision of water service and sewage service and the financing of water works and sewage works;

(b) expropriate and use any land, and use the water of any lake, river, pond, spring or stream;

(c) make agreements for the purpose of financing and promoting the development, testing, demonstration and commercialization of technologies and services for the treatment and management of water, wastewater and stormwater, including entering into joint ventures and other business arrangements. 1993, c. 23, s. 52; 2010, c. 19, Sched. 3, s. 4 (1).

Capacity to act outside Ontario

(2)  Section 16 of the Business Corporations Act applies with necessary modifications to the Agency. 2010, c. 19, Sched. 3, s. 4 (2).

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

[2010, c. 19, Sched. 3, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S10019" \l "sched3s4s1) - 29/11/2010

**53** Repealed: 1997, c. 6, s. 2 (1).

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

1997, c. 6, s. 2 (1) - 27/05/1997

Agreements transferred

**54** (1)  All agreements relating to water works, sewage works, water service or sewage service executed on or after the 28th day of March, 1956 by the Ontario Water Resources Commission or the Crown are enforceable by and against the Agency as if the Agency and not the Commission or the Crown had executed the agreement. 1993, c. 23, s. 54 (1).

Powers of Agency under agreements

(2)  The Agency has all the powers of the Minister, the Treasurer or a Director and of the Ontario Water Resources Commission under agreements transferred under subsection (1). 1993, c. 23, s. 54 (2).

Class environmental assessments

**55** The approvals issued to the Municipal Engineers Association on behalf of six municipalities pursuant to order in council 836/87 that deal with class environmental assessments with respect to water works and sewage works apply to the Agency as if it were named in the approvals. 1993, c. 23, s. 55.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 55 of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 46 (5))

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

[2020, c. 18, Sched. 6, s. 46 (5)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s5) - not in force

Changes to approvals

**56** If the Agency is proceeding with an undertaking to which the procedures set out in an approval under section 55 apply, then the Agency shall follow the procedures set out in any extension, amendment or replacement of the approval, unless the extension, amendment or replacement provides otherwise. 1993, c. 23, s. 56.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 56 of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 46 (5))

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

[2020, c. 18, Sched. 6, s. 46 (5)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s46s5) - not in force

Construction obligations

**56.1**  (1)  The Agency and the Crown have no obligation, pursuant to an agreement entered into with a municipality before section 2 of the Water and Sewage Services Improvement Act, 1997 came into force, to construct, expand or finance the construction or expansion of water works or sewage works. 1997, c. 6, s. 2 (2).

Pre-existing construction agreements

(2)  Subsection (1) does not apply to an obligation if the Agency or the Crown entered into an agreement with a construction contractor in respect of the obligation before section 2 of the Water and Sewage Services Improvement Act, 1997 came into force. 1997, c. 6, s. 2 (2).

Management obligations

(3)  Subsection (1) does not affect any obligation of the Agency to manage the construction or expansion of works that are financed and owned by a municipality. 1997, c. 6, s. 2 (2).

New agreements

(4)  Subsection (1) does not prevent the Agency or the Crown from entering into a new agreement to construct, expand or finance the construction or expansion of the works. 1997, c. 6, s. 2 (2).

Transfer order

(5)  If ownership of a water works or sewage works is transferred under the Municipal Water and Sewage Transfer Act, 1997, the transfer order may provide that subsection (1) does not apply in respect of an obligation related to the works. 1997, c. 6, s. 2 (2).

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

1997, c. 6, s. 2 (2) - 27/05/1997

Repayment of subsidies

Water works

**56.2**  (1)  A municipality shall not transfer the ownership of all or part of a water works to another person unless the municipality has repaid to the Crown,

(a) all payments that were made by the Crown on or after April 1, 1978 for the purpose of subsidizing the capital cost of the transferred works; and

(b) all payments that were made by the Crown on or after April 1, 1978 for the purpose of subsidizing the capital cost of other water works that have been used to provide water service to the municipality. 1997, c. 6, s. 2 (2).

Sewage works

(2)  A municipality shall not transfer the ownership of all or part of a sewage works to another person unless the municipality has repaid to the Crown,

(a) all payments that were made by the Crown on or after April 1, 1978 for the purpose of subsidizing the capital cost of the transferred works; and

(b) all payments that were made by the Crown on or after April 1, 1978 for the purpose of subsidizing the capital cost of other sewage works that have been used to provide sewage service to the municipality. 1997, c. 6, s. 2 (2).

Transfer to another municipality

(3)  Subsections (1) and (2) do not apply if the municipality transfers the ownership to another municipality. 1997, c. 6, s. 2 (2).

Transfer void

(4)  A transfer of ownership in contravention of subsection (1) or (2) is void. 1997, c. 6, s. 2 (2).

Federal subsidies

(5)  Subsections (1) and (2) do not require the municipality to repay payments that were made,

(a) by the Crown in right of Canada; or

(b) by the Crown in right of Ontario on behalf of the Crown in right of Canada. 1997, c. 6, s. 2 (2).

Determination of amount

(6)  The Minister shall determine any dispute with the municipality about the amount of the payments referred to in clauses (1) (a) and (b) and clauses (2) (a) and (b). 1997, c. 6, s. 2 (2).

Same

(7)  In making a determination under subsection (6), the Minister is not required to hold a hearing but shall give the municipality an opportunity to make written submissions to the Minister. 1997, c. 6, s. 2 (2).

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

1997, c. 6, s. 2 (2) - 27/05/1997

Regulations

**57** (1)  The Agency may make regulations prescribing methods of calculating charges that are additional to the amounts payable by a municipality under an agreement under this Act or the Ontario Water Resources Act, for the provision or operation of a water works, a sewage works or a class of either of them or the provision of water service or sewage service or a class of either of them. 1993, c. 23, s. 57 (1).

Notice of proposed regulation

(2)  The Agency shall publish a notice of a proposed regulation in The Ontario Gazette before making the regulation under subsection (1). 1993, c. 23, s. 57 (2).

Comment

(3)  The notice shall set out the text of the proposed regulation and request that comments, briefs and submissions on it be filed in writing with the Agency within sixty days after the date of publication of the notice or within such longer period as the Agency specifies in the notice. 1993, c. 23, s. 57 (3).

Further notice

(4)  If the Agency intends to make the proposed regulation with changes in the text, it need not publish a further notice under subsection (2) but shall publish a notice of the changes in The Ontario Gazette. 1993, c. 23, s. 57 (4).

Amending or revoking regulation

(5)  Subsections (2) to (4) apply to a regulation that amends or revokes a regulation. 1993, c. 23, s. 57 (5).

Distribution of regulation

(6)  The Agency shall send a copy of each regulation made under subsection (1) to each municipality or other person with whom there is an agreement for the provision or operation of a water works or sewage works or the provision of water service or sewage service. 1993, c. 23, s. 57 (6).

Payment of additional charges

(7)  Additional charges calculated under a regulation made under a predecessor of subsection (1) shall be paid to the Agency and not to the Minister of Finance. 1993, c. 23, s. 57 (7).

Regulations – subsidiary corporations

**57.1**(1)  Subject to subsections (2) and (4), the Lieutenant Governor in Council may by regulation constitute subsidiary corporations of the Agency with the objects, purposes, powers and duties set out in the regulation and may provide for the constitution and management of the subsidiary corporations. 2010, c. 19, Sched. 3, s. 5.

Objects

(2)  The objects of a subsidiary corporation of the Agency shall fall within the scope of one or more of the objects of the Agency that are specified in clauses 49 (1) (a) to (d). 2010, c. 19, Sched. 3, s. 5.

Included powers

(3)  Without limiting the generality of subsection (1), but subject to subsection (4), the Lieutenant Governor in Council may, under that subsection,

(a) give a subsidiary corporation constituted under subsection (1) the capacity, rights, powers and privileges of a natural person for carrying out its objects, subject to any limitations that the Lieutenant Governor in Council considers appropriate;

(b) provide that a subsidiary corporation constituted under subsection (1) is an agent of the Crown in right of Ontario, or provide that a subsidiary corporation constituted under subsection (1) is not an agent of the Crown in right of Ontario;

(c) prescribe provisions of the Business Corporations Act, the Not-for-Profit Corporations Act, 2010 or the Corporations Information Act that apply or do not apply to a subsidiary corporation constituted under subsection (1) and prescribe any modifications, if necessary;

(d) provide that employees of a subsidiary corporation constituted under subsection (1) may be appointed under Part III of the Public Service of Ontario Act, 2006;

(e) govern the liability of the Agency or the Crown in right of Ontario for any act or omission of,

(i) a subsidiary corporation constituted under subsection (1),

(ii) a member of the board of directors of a subsidiary corporation constituted under subsection (1), or

(iii) an officer, employee or agent of a subsidiary corporation constituted under subsection (1);

(f) govern the liability of a member of the board of directors of a subsidiary corporation constituted under subsection (1), or of an officer, employee or agent of a subsidiary corporation constituted under subsection (1), for any act or omission of the member, officer, employee or agent;

(g) provide that a provision in Part I that applies to subsidiary corporations does not apply to a subsidiary corporation constituted under subsection (1) that is not an agent of the Crown in right of Ontario, or provide that the provision applies with such modifications as may be prescribed;

(h) provide that a provision in Part I that would not otherwise apply to subsidiary corporations does apply to a subsidiary corporation constituted under subsection (1), subject to such modifications as may be prescribed;

(i) provide for and govern the winding up and dissolution of a subsidiary corporation constituted under subsection (1) and the transfer of its assets, liabilities, rights and obligations;

(j) prescribe any other matter that the Lieutenant Governor in Council considers necessary or advisable to ensure that a subsidiary corporation constituted under subsection (1) may effectively carry out its powers and duties. 2010, c. 19, Sched. 3, s. 5, 6 (3).

Subsidiaries that are Crown agents

(4)  Subsection 2 (4) and sections 4, 17, 18, 24 and 25 apply, with necessary modifications, to a subsidiary corporation constituted under subsection (1) that is an agent of the Crown in right of Ontario. 2010, c. 19, Sched. 3, s. 5.

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

[2010, c. 19, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S10019" \l "sched3s5) - 29/11/2010; [2010, c. 19, Sched. 3, s. 6 (3)](http://www.ontario.ca/laws/statute/S10019" \l "sched3s6s3) - 19/10/2021

Part V (ss. 58-63) Repealed: 2011, c. 9, Sched. 32, s. 38 (10).

**58**, **59** Repealed: 2011, c. 9, Sched. 32, s. 38 (10).

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

[2011, c. 9, Sched. 32, s. 38 (10)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s10) - 6/06/2011

**60** Repealed: 2011, c. 9, Sched. 32, s. 38 (10).

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

[2009, c. 33, Sched. 14, s. 1 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched14s1s2) - 15/12/2009

[2011, c. 9, Sched. 32, s. 38 (10)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s10) - 6/06/2011

**61** Repealed: 2011, c. 9, Sched. 32, s. 38 (10).

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

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 1/01/2003

[2006, c. 32, Sched. C, s. 5](http://www.ontario.ca/laws/statute/S06032" \l "schedcs5) - 1/01/2007

[2011, c. 9, Sched. 32, s. 38 (10)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s10) - 6/06/2011

**62** Repealed: 2011, c. 9, Sched. 32, s. 38 (10).

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

[2006, c. 29, s. 59](http://www.ontario.ca/laws/statute/S06029" \l "s59) - 1/07/2008

[2011, c. 9, Sched. 32, s. 38 (10)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s10) - 6/06/2011

**63** Repealed: 2011, c. 9, Sched. 32, s. 38 (10).

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

[2011, c. 9, Sched. 32, s. 38 (10)](http://www.ontario.ca/laws/statute/S11009" \l "sched32s38s10) - 6/06/2011

**63.1**  Repealed: 2006, c. 35, Sched. C, s. 11 (9).

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

1999, c. 9, s. 19 - 30/11/2001

[2006, c. 35, Sched. C, s. 11 (9)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs11s9) - 20/08/2007

Part VI (ss. 64-67) Repealed: 2009, c. 34, Sched. J, s. 22.

**64** Repealed: 2009, c. 34, Sched. J, s. 22.

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

[2004, c. 31, Sched. 5, s. 1](http://www.ontario.ca/laws/statute/S04031" \l "sched5s1) - 16/12/2004

[2006, c. 35, Sched. C, s. 11 (10)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs11s10) - 20/08/2007

[2009, c. 34, Sched. J, s. 22](http://www.ontario.ca/laws/statute/S09034" \l "schedjs22) - 15/12/2009

**65** Repealed: 2009, c. 34, Sched. J, s. 22.

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

[2009, c. 34, Sched. J, s. 22](http://www.ontario.ca/laws/statute/S09034" \l "schedjs22) - 15/12/2009

**66**, **67** Repealed: 2009, c. 34, Sched. J, s. 22.

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

[2008, c. 7, Sched. B, s. 1](http://www.ontario.ca/laws/statute/S08007" \l "schedbs1) - 14/05/2008

[2009, c. 34, Sched. J, s. 22](http://www.ontario.ca/laws/statute/S09034" \l "schedjs22) - 15/12/2009

**68-75** Omitted (amends or repeals other Acts). 1993, c. 23, ss. 68-75.

**76** Omitted (provides for coming into force of provisions of this Act). 1993, c. 23, s. 76.

**77** Omitted (enacts short title of this Act). 1993, c. 23, s. 77.

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