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Highway 407 Act, 1998

S.O. 1998, CHAPTER 28

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Definitions

Definitions

**1** (1) In this Act,

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

“expand” includes the building of additional lanes, the adding or expanding of interchanges, the construction of tunnels and bridges and other structures, and the making of other improvements, and “expansion” has a corresponding meaning; (“élargir”, “élargissement”)

“extend” means the construction of linear additions, and “extension” has a corresponding meaning; (“prolonger”, prolongement“)

“Highway 407” means the highway that as of October 19, 1998 was that part of the King’s Highway known as number 407 located on the Highway 407 lands, and includes the highway as it may be extended on the Highway 407 lands and includes improvements and fixtures; (“autoroute 407”)

“management” includes development, planning, design, construction, operation, maintenance and rehabilitation, and “manage” has a corresponding meaning; (“gestion”, “gérer”)

“Minister for Privatization” means the Minister without Portfolio with Responsibility for Privatization or such other member of the Executive Council designated by the Lieutenant Governor in Council to exercise the duties and powers of the Minister for Privatization under this Act; (“ministre responsable de la Privatisation”)

“ministry” includes a ministry of the Government of Ontario and any board, commission, authority, corporation or other agency of the Government of Ontario; (“ministère”)

“ministry safety standards” means safety standards, specifications, special provisions, directives, codes, policies, procedures, manuals, guidelines or processes of the Ministry of Transportation that apply to the management of highways designated as controlled access highways under section 36 of the Public Transportation and Highway Improvement Act, as they may be amended or replaced from time to time; (“normes de sécurité ministérielles”)

“owner” means the person from time to time who is a tenant under a ground lease of the Highway 407 lands and who is an owner of assets comprising or relating to Highway 407; (“propriétaire”)

“prescribed” means prescribed in the regulations made under this Act; (“prescrit”)

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

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “toll device” in subsection 1 (1) of the Act is amended by striking out “clause 191.4 (a)” and substituting “clause 191.4 (1) (a)”. (See: 2017, c. 34, Sched. 19, s. 23)

“transfer” includes convey, sell, grant, transfer, lease, license, charge, mortgage, encumber, grant an easement, assign and in any other way deal with or dispose of all or part of a minister of the Crown’s or ministry’s interest in assets comprising or relating to Highway 407; (“transférer”)

“vehicle permit” means a permit as defined in section 6 of the Highway Traffic Act. (“certificat d’immatriculation de véhicule”) 1998, c. 28, s. 1 (1); 2019, c. 14, Sched. 16, s. 1.

Highway 407 lands

(2) The Lieutenant Governor in Council may make regulations defining the Highway 407 lands for the purposes of this Act, but the lands described must meet the following requirements:

1. The lands must not exceed a width sufficient to accommodate 10 highway lanes, a median, and the additional lands required for infrastructure that is essential to the design, construction, use and safety of the highway constructed along the route that was, on October 19, 1998, exempt or approved under the Environmental Assessment Act between,

i. the intersection of Highway 407 and the Queen Elizabeth Way in the City of Burlington, and

ii. Highway 7 east of Brock Road in the Town of Pickering. 1998, c. 28, s. 1 (2); 2020, c. 18, Sched. 6, s. 55 (1).

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

[2001, c. 23, Sched. B, s. 64](http://www.ontario.ca/laws/statute/S01023" \l "schedbs64) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the Legislation Act, 2006](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2011

[2017, c. 34, Sched. 19, s. 23](http://www.ontario.ca/laws/statute/S17034" \l "sched19s23) - not in force

[2019, c. 14, Sched. 16, s. 1](http://www.ontario.ca/laws/statute/S19014" \l "sched16s1) - 10/12/2019

[2020, c. 18, Sched. 6, s. 55 (1)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s55s1) - 21/07/2020

Transfer and Agreements

Transfer of assets

**2** Despite any other Act or regulation, the Lieutenant Governor in Council may direct the Minister for Privatization, on behalf of the Crown in right of Ontario as represented by any minister of the Crown or any ministry, to transfer, directly or indirectly, all or any part of the Highway 407 lands and other assets comprising or relating to Highway 407, whether tangible or intangible, or any interest in those assets, on such terms and conditions as the Minister for Privatization may determine. 1998, c. 28, s. 2.

Ontario Transportation Capital Corporation

**3** (1) In this section,

“corporation” means the Ontario Transportation Capital Corporation after its continuance pursuant to subsection (2). 1998, c. 28, s. 3 (1).

Continuance of corporation

(2) The Lieutenant Governor in Council may direct the Minister for Privatization to continue the Ontario Transportation Capital Corporation as a corporation with share capital under the Business Corporations Act by filing articles of continuance with the Director appointed under the Business Corporations Act, and the Director shall endorse those articles. 1998, c. 28, s. 3 (2).

Effect of continuance

(3) Despite any provision of the Business Corporations Act, immediately upon the endorsement of the certificate of continuance by the Director:

1. The corporation shall be a corporation to which the Business Corporations Act applies as if it had been incorporated under that Act.

2. The Capital Investment Plan Act, 1993 shall not apply to the corporation.

3. The articles of continuance shall be deemed to be the articles of incorporation of the corporation.

4. Except for the purposes of subsection 117 (1) of the Business Corporations Act, the certificate of continuance shall be deemed to be the certificate of incorporation of the corporation.

5. The corporation shall possess all the property, rights, privileges and franchises and be subject to all the liabilities of the Ontario Transportation Capital Corporation. 1998, c. 28, s. 3 (3).

Ownership of shares

(4) The shares of the corporation shall be legally and beneficially owned by the Crown in right of Ontario as represented by the Minister for Privatization until transferred by the Minister for Privatization, and the corporation shall be deemed to be an agent of the Crown in right of Ontario until the shares have been transferred by the Minister. 1998, c. 28, s. 3 (4).

Disposal of shares

(5) Despite any other Act or regulation, the Lieutenant Governor in Council may direct the Minister for Privatization, on behalf of the Crown in right of Ontario, to transfer, directly or indirectly, the shares of the corporation on such terms and conditions as the Minister for Privatization may determine, including the consideration to be paid for the shares of the corporation, and to carry out the actions authorized under subsection (6). 1998, c. 28, s. 3 (5).

Minister may act

(6) At any time before the transfer of the shares of the corporation pursuant to subsection (5), despite any other Act or regulation, the Minister for Privatization may,

(a) on behalf of the Ontario Transportation Capital Corporation, transfer any or all assets owned by Ontario Transportation Capital Corporation or in which the Ontario Transportation Capital Corporation has an interest to the Crown in right of Ontario as represented by a minister of the Crown, or any ministry, on such terms and conditions as the Minister for Privatization may determine;

(b) remove the directors of the Ontario Transportation Capital Corporation;

(c) appoint directors of the Ontario Transportation Capital Corporation;

(d) determine the classes of shares of the corporation and their attributes; and

(e) issue shares of the corporation, which upon their issuance shall be fully-paid shares of the corporation. 1998, c. 28, s. 3 (6).

Necessary authority

**4** The Minister for Privatization shall be deemed to have all necessary authorizations and consents from any minister of the Crown and any ministry to carry out the powers described in section 2 or 3, and the execution by the Minister for Privatization of any document on behalf of any minister of the Crown or any ministry shall be conclusive evidence that the minister or ministry has consented to and is bound by the document. 1998, c. 28, s. 4.

Further powers of the Minister

**5** (1) Without limiting his or her powers under section 2 or 3, the Minister for Privatization may,

(a) determine the assets to be transferred;

(b) determine the consideration to be paid for the assets;

(c) establish terms and conditions relating to the management of Highway 407; and

(d) at the direction of the Lieutenant Governor in Council, incorporate or cause to be incorporated a corporation with share capital, transfer the assets mentioned in section 2 to the corporation, and transfer the shares of the corporation. 1998, c. 28, s. 5 (1).

Corporation, Crown agency

(2) A corporation incorporated under clause (1) (d) shall be deemed to be an agent of the Crown in right of Ontario until its shares have been transferred by the Minister for Privatization. 1998, c. 28, s. 5 (2).

Agreements

**6** The Minister for Privatization may enter into any agreement that he or she considers necessary or expedient for carrying out the purposes of this Act. 1998, c. 28, s. 6.

Fee simple

**7** Despite any other provision of this Act, the Minister for Privatization may not convey title in fee simple to the Highway 407 lands or the shares of a corporation that owns title in fee simple to the Highway 407 lands under this Act, except to the Crown in right of Ontario as represented by a minister of the Crown or to a ministry. 1998, c. 28, s. 7.

Non-application of *Expropriations Act*

**8** Sections 41 and 42 of the Expropriations Act do not apply to a transfer of assets under the authority of this Act. 1998, c. 28, s. 8.

Delegation

**9** (1) Any power or duty conferred or imposed on the Minister for Privatization under this Act may be delegated by the Minister for Privatization to an employee or officer of a ministry 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. 1998, c. 28, s. 9 (1).

Delegation by owner

(2) The owner may delegate the powers given to the owner in this Act, and any person to whom a power is delegated shall be presumed conclusively to act in accordance with the delegation. 1998, c. 28, s. 9 (2).

Conditions of delegation

(3) A delegation under this section shall be in writing and may be subject to such limitations, conditions and requirements as are set out in it. 1998, c. 28, s. 9 (3).

Evidence

**10** Any document under this Act purporting to be signed by the Minister for Privatization, or any certified copy thereof, is admissible in evidence in any action, prosecution or other proceeding as proof, in the absence of evidence to the contrary, that the document is signed by the Minister without proof of the office or signature of the Minister. 1998, c. 28, s. 10.

Crown as owner

**11** In the event that the ground lease of the Highway 407 lands is terminated, the Crown has all the powers, rights, duties and obligations given to the owner for the purposes of this Act, until a further transfer of the Highway 407 lands authorized under this Act. 1998, c. 28, s. 11.

Designation of Highway 407

Private toll highway

**12** (1)  Highway 407 is designated as a private toll highway that is a controlled-access highway. 1998, c. 28, s. 12 (1).

Not King’s Highway

(2)  Despite any designation under section 36 of the Public Transportation and Highway Improvement Act, Highway 407 is not part of the King’s Highway. 1998, c. 28, s. 12 (2).

Highway under *Highway Traffic Act*

(3)  For the purposes of the Highway Traffic Act, Highway 407 is a highway, and shall be deemed to have been designated as a Class A Highway in regulations made under that Act, and shall be treated as a controlled-access highway as described in the Schedules under that Act. 1998, c. 28, s. 12 (3).

Regulations

(4)  Regulations made under the Highway Traffic Act that applied to Highway 407 before the coming into force of this section continue to apply to Highway 407, unless repealed, or amended to provide otherwise. 1998, c. 28, s. 12 (4).

Public access

(5)  Subject to subsection (3), the owner shall provide access to Highway 407 to the public. 1998, c. 28, s. 12 (5).

Order in council to be registered

(6)  An order in council confirming the designation of Highway 407 as a private toll highway may be registered in the proper land registry offices. 1998, c. 28, s. 12 (6).

Designation not a regulation

(7)  The order in council made under subsection (6) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1998, c. 28, s. 12 (7); 2006, c. 21, Sched. F, s. 136 (1).

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

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

Toll Highway

Obligation to pay toll

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

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

(b) if a toll device is affixed to the vehicle, the person to whom the toll device is registered. 1998, c. 28, s. 13 (1).

Evidence

(2) Photographic or electronic evidence of the use of Highway 407 is proof in the absence of evidence to the contrary of the obligation to pay a toll. 1998, c. 28, s. 13 (2).

Application

(3) Sections 16 to 25 apply to the enforcement and collection of tolls and related fees and interest payable under this Act by a person described in subsection (1) but do not apply to the enforcement and collection of such tolls, fees and interest if,

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

(b) the toll device that was affixed to the vehicle in question was obtained without providing information identifying the plate portion of a vehicle permit. 1998, c. 28, s. 13 (3).

Powers of owner

**14** (1) Subject to subsection (2) the owner may,

(a) establish, collect and enforce payment of tolls with respect to the operation of any vehicle or class of vehicles on Highway 407;

(b) establish, collect and enforce administration fees based on such criteria as the owner considers appropriate, and fees to commence or appeal any dispute proceedings;

(c) establish interest rates to be charged on unpaid tolls and fees, and collect interest charged at those rates;

(d) exempt any vehicle or class of vehicles from the application of section 13;

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

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

(g) determine the methods of payment of tolls, fees and interest. 1998, c. 28, s. 14 (1).

Subject to agreement

(2) The owner’s powers set out in subsection (1) shall only be exercised in accordance with the terms and conditions set forth in an agreement to be entered into between the Minister for Privatization and the owner. 1998, c. 28, s. 14 (2).

Property in tolls

(3) Tolls, fees and interest collected by or on behalf of the owner are the property of the owner. 1998, c. 28, s. 14 (3).

Validation of toll devices

(4) For the purposes of subsection 191.2 (2) of the Highway Traffic Act, a toll device is a validated toll device under this Act if a toll device agreement is in effect with the owner with respect to that toll device. 1998, c. 28, s. 14 (4).

Transitional

(5) A toll device that was validated under the Capital Investment Plan Act, 1993 for use on Highway 407 before the coming into force of this subsection shall be deemed to have been validated under this Act, and is subject to any powers of the owner under subsections (1) and (2). 1998, c. 28, s. 14 (5).

Transitional, collection of tolls

(6) If, before the day this section comes into force, a vehicle was driven on Highway 407 and, as of that day, no invoice or statement has been sent with respect to payment of a toll for the use of Highway 407, the owner shall collect and enforce payment of the toll as though the vehicle had been driven on Highway 407 after the day this section comes into force. 1998, c. 28, s. 14 (6).

Same

(7) If, before the day this section comes into force, a vehicle was driven on Highway 407 and an invoice or statement was sent with respect to payment of a toll for the use of Highway 407 and, as of that day, the toll has not been paid, then, despite anything in this Act,

(a) the Crown in right of Ontario may collect and enforce payment of the toll in accordance with section 43 of the Capital Investment Plan Act, 1993; or

(b) if the owner and the Minister for Privatization enter into an agreement to that effect, the owner may collect and enforce payment of the toll in accordance with section 43 of the Capital Investment Plan Act, 1993. 1998, c. 28, s. 14 (7).

Payment of toll

**15** (1) Subject to any agreement between the owner and a person responsible for the payment of a toll, a toll or fee is payable on the day an invoice for it is mailed, delivered by hand or sent by any other prescribed method to that person. 1998, c. 28, s. 15 (1).

Interest

(2) Subject to any agreement between the owner and a person responsible for the payment of a toll, interest on a toll or fee begins to accrue and is payable 35 days after the invoice for the toll or fee is mailed, delivered by hand or sent by any other prescribed method to that person. 1998, c. 28, s. 15 (2).

Exception — enforcement fees

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

Cause of action

(3) A toll and any related fee or interest is a debt owing to the owner and the owner has a cause of action enforceable in any court of competent jurisdiction for the payment of that debt but the debt may not be enforced while the obligation to pay a toll or fee is being disputed under section 17 or is subject to an appeal under section 19. 1998, c. 28, s. 15 (3).

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

[2019, c. 14, Sched. 16, s. 2](http://www.ontario.ca/laws/statute/S19014" \l "sched16s2) - 10/12/2019

Failure to pay toll

**16** (1) If a toll charged for operating a vehicle on Highway 407 or any administrative fee is not paid within 35 days after the day it is payable under subsection 15 (1), the owner may send the person responsible for the payment of the toll a notice of failure to pay the toll. 1998, c. 28, s. 16 (1).

Content of notice

(2) The notice shall,

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

(b) inform the person named in the notice that he or she may dispute the matter on a ground referred to in subsection 17 (1);

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

(i) he or she must send a notice of dispute to the owner within the time period referred to in subsection 17 (2),

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

(iii) the tolls, fees and interest set out in the notice shall be deemed to be paid in full if the owner fails to send the person its decision within 30 days of receiving the person’s notice of dispute; and

(d) inform the person named in the notice that if the toll or fee referred to in the notice, or any interest on that toll or fee, is not paid within 90 days of the day on which the person received the notice, even if the failure to pay is disputed under section 17 or is subject to an appeal under section 19,

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

(ii) the Registrar of Motor Vehicles may refuse to validate the person’s vehicle permit or refuse to issue a vehicle permit to the person. 1998, c. 28, s. 16 (2); 2019, c. 14, Sched. 16, s. 3.

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

[2019, c. 14, Sched. 16, s. 3](http://www.ontario.ca/laws/statute/S19014" \l "sched16s3) - 10/12/2019

Dispute

**17** (1) A person who receives notice under section 16 may dispute the alleged failure to pay a toll on any of the following grounds:

1. The toll was paid in full.

2. The amount of the toll is incorrect.

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

4. The person is not the person responsible for the payment of the toll under subsection 13 (1). 1998, c. 28, s. 17 (1); 2019, c. 14, Sched. 16, s. 4.

Notice of dispute

(2) A person who receives notice under section 16 may dispute the alleged failure to pay a toll if the person sends a notice of dispute, setting out the grounds on which the dispute is based, to the owner within 30 days of receiving the notice of failure to pay the toll under section 16. 1998, c. 28, s. 17 (2).

Payment without prejudice

(3) The payment of a toll and related fees and interest shall not prejudice the right of a person who receives notice under section 16 to dispute the alleged failure to pay the toll, fees and interest. 1998, c. 28, s. 17 (3).

Onus

(4) The onus of proving the grounds upon which a dispute under this section is based is on the person who sends notice of the dispute. 1998, c. 28, s. 17 (4).

Decision

(5) Within 30 days of receiving a notice of dispute from a person under subsection (2), the owner shall render a decision and shall send the person a copy of the decision, with or without reasons. 1998, c. 28, s. 17 (5).

Same

(6) If the dispute is unsuccessful, the owner shall, in writing together with the copy of the decision, inform the person who gave the notice of dispute of his or her right to appeal the decision to a dispute arbitrator and shall provide the address of the dispute arbitrator. 1998, c. 28, s. 17 (6).

Failure to give timely decision

(7) If the owner fails to send a copy of the decision to the person who sent the notice of dispute within the time period required under subsection (5), the tolls and the related fees and interest that were the subject of the dispute shall be deemed to be paid in full. 1998, c. 28, s. 17 (7).

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

[2019, c. 14, Sched. 16, s. 4](http://www.ontario.ca/laws/statute/S19014" \l "sched16s4) - 10/12/2019

Appointment of dispute arbitrator

**18** (1) The Lieutenant Governor in Council may appoint a dispute arbitrator for the purposes of section 19. 1998, c. 28, s. 18 (1).

Fees and expenses

(2) The fees and expenses of the dispute arbitrator shall be paid by the owner. 1998, c. 28, s. 18 (2).

Appeal

**19** (1) A person may appeal the owner’s decision under section 17 on any of the grounds referred to in subsection 17 (1) if the person sends a notice of appeal, setting out the grounds of the appeal, to the dispute arbitrator and to the owner within 30 days of receiving a copy of the owner’s decision under subsection 17 (5). 1998, c. 28, s. 19 (1).

Submission by owner

(2) Within 15 days of receipt of a notice of appeal under subsection (1), the owner may send a written submission to the dispute arbitrator. 1998, c. 28, s. 19 (2).

Copy to appellant

(3) Upon making a submission under subsection (2), the owner shall send a copy of the submission to the appellant. 1998, c. 28, s. 19 (3).

Appeal process

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

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

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

(c) use any available mediation or alternative dispute resolution method that he or she considers appropriate. 1998, c. 28, s. 19 (4).

Appeal decision

(5) The dispute arbitrator shall decide the appeal solely on the grounds referred to in subsection 17 (1). 1998, c. 28, s. 19 (5).

Order for expenses

(6) If the dispute arbitrator finds that the appellant is not responsible for payment of the toll he or she may order the owner to pay the appellant the amount of his or her reasonable out of pocket expenses incurred in connection with the dispute or appeal of the dispute. 1998, c. 28, s. 19 (6).

Decision final

(7) The decision of the dispute arbitrator is final and binding and is not subject to appeal. 1998, c. 28, s. 19 (7).

Notice of decision

(8) The dispute arbitrator shall send the appellant, the owner and the Registrar of Motor Vehicles a copy of his or her decision within 120 days of receiving the notice of appeal under subsection (1). 1998, c. 28, s. 19 (8).

Failure to give timely decision

(9) If the dispute arbitrator fails to send a copy of his or her decision within the time period set out in subsection (8), the appellant or the owner may apply to a court of competent jurisdiction for an order compelling the dispute arbitrator to give his or her decision. 1998, c. 28, s. 19 (9).

Repayment of paid tolls

**20** (1) Where a person who receives notice of failure to pay a toll under section 16 pays the toll and the related fees and interest, in whole or in part, the owner shall return the amount paid to the person, together with interest, if,

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

(b) the tolls, fees and interest are deemed to be paid in full under subsection 17 (7). 1998, c. 28, s. 20 (1).

Interest rate

(2) The interest on an amount returned under subsection (1) shall be charged at the same rate as the rate established by the owner under clause 14 (1) (c). 1998, c. 28, s. 20 (2).

Interest on unpaid tolls

**21** Interest on unpaid tolls and fees continues to accrue even if a person disputes or appeals the obligation to pay a toll. 1998, c. 28, s. 21.

Failure to pay toll — enforcement fee and non-validation of vehicle permit

**22** (1) If a toll and the related fees and interest are not paid within 90 days of the day a person receives a notice of failure to pay under section 16, the owner may,

(a) charge an enforcement fee; and

(b) notify the Registrar of Motor Vehicles of the failure to pay. 2019, c. 14, Sched. 16, s. 5 (1).

Method of giving notice

(2) Any notice to the Registrar of Motor Vehicles under this section may be given in writing, by direct electronic transmission or by any other prescribed method. 1998, c. 28, s. 22 (2).

Notification

(3)  The owner shall promptly inform the person who received a notice of failure to pay that the enforcement fee was charged or that notice has been given to the Registrar of Motor Vehicles under subsection (1), or both, as the case may be. 2019, c. 14, Sched. 16, s. 5 (2).

Dispute of enforcement fee

(3.1)  Subsection 15 (3) and sections 17 to 21 apply with respect to the enforcement fee. 2019, c. 14, Sched. 16, s. 5 (2).

Registrar’s action

(4) If the Registrar of Motor Vehicles receives notice under subsection (1), he or she shall, at the next opportunity, refuse to validate the vehicle permit issued to the person who received the notice of failure to pay under section 16 and refuse to issue a vehicle permit to that person. 1998, c. 28, s. 22 (4).

Same, if dispute

(5) The Registrar of Motor Vehicles may act under subsection (4) even though the person who received the notice of failure to pay under section 16 has disputed his or her obligation to pay under section 17 or has appealed a decision of the owner under section 19. 1998, c. 28, s. 22 (5).

When toll is paid

(6) If notice has been given to the Registrar of Motor Vehicles under subsection (1) and the toll and related fees and interest and any enforcement fee are subsequently paid, the owner shall immediately notify the Registrar of the payment. 1998, c. 28, s. 22 (6); 2019, c. 14, Sched. 16, s. 5 (3).

Same

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

(a) validate any vehicle permit that he or she refused to validate under subsection (4);

(b) issue a vehicle permit to a person if it was refused under subsection (4). 1998, c. 28, s. 22 (7); 2019, c. 14, Sched. 16, s. 5 (4).

Transition — enforcement fee

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

Same — notice sent earlier

(9)  If the owner sent the notice earlier than the day the Better for People, Smarter for Business Act, 2019 received Royal Assent, this Act, as it read immediately before that day, applies with respect to a fee charged by the owner for the purposes of recovering costs associated with a person’s failure to pay a toll or fee. 2019, c. 14, Sched. 16, s. 5 (5).

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

[2019, c. 14, Sched. 16, s. 5 (1-5)](http://www.ontario.ca/laws/statute/S19014" \l "sched16s5s1) - 10/12/2019

*Statutory Powers Procedure Act*

**23** The Statutory Powers Procedure Act does not apply to the owner’s or a dispute arbitrator’s powers of decision under section 17 or 19. 1998, c. 28, s. 23.

Documents

**24** (1) Any document or notification required or permitted to be sent under section 16, 17, 19 or 22 shall be sent by registered mail or delivered by a bonded courier, or sent by any other prescribed method. 1998, c. 28, s. 24 (1).

Deemed receipt

(2) A document referred to in subsection (1) shall be deemed to have been received,

(a) if sent by registered mail, on the fifth business day after the day it was mailed; or

(b) if sent by a prescribed method, on a prescribed day. 1998, c. 28, s. 24 (2).

Business day

(3) For the purposes of clause (2) (a), a business day includes every day other than a Saturday, Sunday or a day that is a public holiday as defined in the Employment Standards Act. 1998, c. 28, s. 24 (3).

Other remedies

**25** Actions taken by the owner under sections 16 to 22 are in addition to any other methods of enforcement and collection available at law. 1998, c. 28, s. 25.

Assignment of agreements

**26** The Minister of Transportation or the Ontario Transportation Capital Corporation may, to the extent that they are assignable, assign to the owner any rights the Minister or the Corporation has pursuant to any agreement with a government of another jurisdiction or with a person or agency in another jurisdiction relating to the collection or enforcement of tolls. 1998, c. 28, s. 26.

Management of Highway

“Highway”, ss. 28-42

**27** For the purposes of sections 28 to 42,

“highway” has the same meaning as in the Public Transportation and Highway Improvement Act. 1998, c. 28, s. 27.

Intersecting highways

**28** (1) Where Highway 407 intersects any highway that is not part of the King’s Highway, the continuation of Highway 407 to its full width across the highway so intersected shall be deemed to be Highway 407 and to be under the jurisdiction and control of the owner. 1998, c. 28, s. 28 (1).

Crossing highways

(2) Despite subsection (1), where a highway is carried over or under Highway 407 by a bridge or other structure, the surface of the highway shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the remainder of the highway. 1998, c. 28, s. 28 (2).

Same

(3) Where a highway is carried over or under Highway 407 by a bridge or other structure, responsibility for the management of the highway and Highway 407 shall be governed by the same directives used by the Ministry of Transportation where the King’s Highway intersects a highway that is not the King’s Highway and,

(a) the owner shall abide by the directives as if it were the Ministry of Transportation; and

(b) the authority that has jurisdiction and control over the remainder of the highway shall abide by the directives as if Highway 407 were a part of the King’s Highway. 1998, c. 28, s. 28 (3).

Intersecting King’s Highways

**29** (1) Where Highway 407 intersects any part of the King’s Highway, the continuation of the King’s Highway to its full width across Highway 407 shall be under the jurisdiction and control of the Minister of Transportation. 1998, c. 28, s. 29 (1).

Bridge

(2) Where a King’s Highway is carried over or under Highway 407 by a bridge or other structure, the bridge or other structure is part of Highway 407. 1998, c. 28, s. 29 (2).

Directives

(3) The responsibility for the maintenance, repair and rehabilitation of the King’s Highway and Highway 407 shall be governed by the directives referred to in subsection 28 (3), and,

(a) Highway 407 shall be treated as if it were a part of the King’s Highway and the owner shall conduct itself as if it were the Ministry of Transportation; and

(b) the intersecting part of the King’s Highway shall be treated as if it were a highway that is not the King’s Highway and the Ministry of Transportation shall conduct itself as if it were an authority with jurisdiction and control over a highway that is not the King’s Highway. 1998, c. 28, s. 29 (3).

Intersecting roads, relocation for owner, closure by municipality

Relocation of road

**30** (1)  The owner may refer the matter to the Minister of Transportation where the owner is unable to obtain the consent of the authority or person having jurisdiction and control over a road to relocate, alter or divert any public or private road that is not the King’s Highway entering or touching upon or giving access to Highway 407. 1998, c. 28, s. 30 (1).

Authorization

(2)  Where the Minister of Transportation is satisfied that the relocation, alteration or diversion proposed by the owner under subsection (1) is necessary for the management of Highway 407, the Minister of Transportation may authorize the owner to undertake the proposed action. 1998, c. 28, s. 30 (2).

Payment of costs

(3)  The owner shall negotiate the payment of reasonable costs of the relocation, alteration or diversion of the road with the authority or person having control over the road, and if the parties cannot agree on the reasonable costs to be paid, the matter shall be referred to binding arbitration under the Arbitration Act, 1991 or such other method of arbitration as the parties may agree. 1998, c. 28, s. 30 (3).

During repair road deemed to be highway

(4)  During the period when the changes are being made, that portion of the road being relocated, altered or diverted shall be deemed to be part of Highway 407 for purposes of section 43. 1998, c. 28, s. 30 (4).

Closure, etc., by municipality

(5)  A municipality shall not open, close or divert any highway or road allowance entering upon or intersecting Highway 407 without giving written notice to the owner. 1998, c. 28, s. 30 (5).

By-laws re closure

(6)  A by-law passed for any purposes mentioned in subsection (5) does not take effect until the Minister of Transportation endorses his or her consent on the by-law and the by-law is registered in the proper land registry office. 1998, c. 28, s. 30 (6).

Exception

(7)  Subsections (5) and (6) do not apply where the highway or road allowance is closed for a specified period of time not exceeding 72 hours and the municipality has provided an adequate detour. 1998, c. 28, s. 30 (7).

Consent not regulation

(8)  A consent under subsection (6) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1998, c. 28, s. 30 (8); 2006, c. 21, Sched. F, s. 136 (1).

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

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

Drainage of Highway 407

**31** (1) The owner may initiate and carry out proceedings under any Act respecting drainage for the purpose of procuring proper drainage for Highway 407 and the owner has the authority to file notices and declarations as owner with the clerk of the local municipalities, or receive notices where any other person is the initiating party, in accordance with the procedure prescribed in the Act, but no storm or land drainage works shall be constructed on Highway 407 under any Act without the consent of the owner. 1998, c. 28, s. 31 (1).

Drainage engineer for Highway 407

(2) The owner may from time to time designate one or more engineers to be the engineer or engineers authorized to carry out the provisions of any Act respecting drainage for the purpose of procuring proper drainage for Highway 407 and every engineer so designated has for that purpose all the powers and shall perform all the duties on behalf of the owner required of an engineer appointed by a municipality. 1998, c. 28, s. 31 (2).

Authorization required

(3) Despite subsections (1) and (2), the owner shall not exercise any of its powers or withhold its consent without the agreement of the affected party or the authorization of the Minister of Transportation. 1998, c. 28, s. 31 (3).

Closure of Highway

**32** (1) The owner may close part of Highway 407 to traffic in order to do work on Highway 407 for such time as is necessary to do the work but in all cases the owner shall keep Highway 407 open to traffic travelling in both directions at all times, except as provided in any other Act or regulations. 1998, c. 28, s. 32 (1).

Approval of Minister

(2) If the owner plans to close a part of Highway 407 for more than 72 hours, the owner shall give the Minister of Transportation at least 30 days written notice and shall not commence the closure without the approval of the Minister. 1998, c. 28, s. 32 (2).

No liability

(3) Every person using any part of Highway 407 which is closed to traffic in accordance with this section does so at the person’s own risk and the owner is not liable for any damage sustained by a person using any part of Highway 407 which is closed to traffic. 1998, c. 28, s. 32 (3).

Offence

(4) Every person who, without the consent of the owner or other lawful authority,

(a) uses any part of Highway 407 which is closed to traffic under this section is guilty of an offence and on conviction is liable to a fine of not more than $200, or such greater amount as may be prescribed;

(b) defaces any barricade, light, detour sign or notice relating to a closure to traffic under this section that is placed on Highway 407 by the owner or other lawful authority is guilty of an offence and on conviction is liable to a fine of not more than $200 or such greater amount as may be prescribed;

(c) removes any barricade, light, detour sign or notice relating to a closure to traffic under this section that is placed on Highway 407 by the owner or other lawful authority is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500, or such greater amount as may be prescribed. 1998, c. 28, s. 32 (4).

Power to enter on land, etc.

**33** (1) Where the owner, for the management of Highway 407, needs to,

(a) enter upon and use any land;

(b) alter in any manner any natural or artificial feature of the land;

(c) construct and use roads on, to or from the land; or

(d) place upon or remove from the land any substance or structure,

and the owner is unable to obtain the consent of the landowner, within a reasonable time and on reasonable terms, the owner may refer the matter to the Minister of Transportation. 1998, c. 28, s. 33 (1).

Authorization by Minister

(2) Where the Minister of Transportation is satisfied that the actions proposed by the owner under subsection (1) are necessary for the management of Highway 407, the Minister may authorize the owner to do anything that the Minister would be permitted to do under section 6 of the Public Transportation and Highway Improvement Act. 1998, c. 28, s. 33 (2).

Costs

(3) The owner shall compensate the landowner for any damage resulting from the actions of the owner under subsection (2). 1998, c. 28, s. 33 (3).

Removal of obstructions

**34** (1) With the consent of the landowner or, where no consent is given, with the authorization of the Minister of Transportation, the owner may enter on land adjacent to Highway 407 and cut down or remove any object or take any other reasonable action in order to remove obstructions or to prevent the drifting of snow where, in the opinion of the owner, to do so is necessary for the safety or convenience of the travelling public. 1998, c. 28, s. 34 (1).

Snow fences

(2) With the consent of the landowner, or, where no consent is given, with the authorization of the Minister of Transportation, the owner may enter upon any land adjacent to Highway 407 and may erect and maintain snow fences on the land. 1998, c. 28, s. 34 (2).

Compensation

(3) The owner shall compensate the landowner for any damage resulting from the exercise of its powers under this section. 1998, c. 28, s. 34 (3).

Control of Highway 407 lands

**35** (1) The owner shall control the use of the Highway 407 lands in accordance with the policies of the Ministry of Transportation for controlled-access highways as established from time to time subject to any agreement entered into by the owner and the Minister for Privatization. 1998, c. 28, s. 35 (1).

Same

(2) Despite subsection (1), the Minister of Transportation may use the Highway 407 lands to manage,

(a) transitways;

(b) areas used by the Ministry of Transportation to conduct vehicle and weight inspections; and

(c) any objects and structures for highway or transportation purposes. 1998, c. 28, s. 35 (2).

Application of *Public Transportation and Highway Improvement Act*

(3) The Minister of Transportation shall control the use of the lands adjacent to the Highway 407 lands, and section 38 of the Public Transportation and Highway Improvement Act applies to the adjacent lands. 1998, c. 28, s. 35 (3).

Interference with Highway 407

(4) Despite any other Act or regulation, no person, municipality or local board shall, except in accordance with conditions set by the owner under subsection (1),

(a) obstruct or deposit material on, along, under or across Highway 407 or take up or in any way interfere with Highway 407; or

(b) construct or change the use of any private road, entranceway, gate or other structure or facility as a means of access to Highway 407, other than a controlled-access highway. 1998, c. 28, s. 35 (4).

Offence

(5) Every person who contravenes subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than $200 and not more than $5,000, or such greater amount as may be prescribed. 1998, c. 28, s. 35 (5).

Construction zone

**36** The owner may designate any part of Highway 407 as a construction zone and for the purposes of subsections 128 (8), (9) and (10) of the Highway Traffic Act, and the regulations made under that Act concerning construction zones, Highway 407 shall be deemed to be part of the King’s Highway, and the owner to be an official of the Ministry of Transportation authorized by the Minister of Transportation in writing. 1998, c. 28, s. 36.

Safety standards

**37** (1) The owner shall carry out the management of Highway 407 in compliance with the ministry safety standards used by the Ministry of Transportation for comparable controlled-access highways. 1998, c. 28, s. 37 (1).

Equal application of standards

(2) The ministry safety standards shall be applied to Highway 407 in the same manner as they are applied to any part of the King’s highway that is designated as a controlled-access highway and in no case shall the owner be required,

(a) to follow a standard that is more onerous than the safety standard that applies to other comparable controlled-access highways; or

(b) to apply a safety standard in a manner that is more onerous than the manner in which it is applied to other comparable highways that are designated as controlled-access highways. 1998, c. 28, s. 37 (2).

Other standards

(3) Despite subsection (1), with the approval of the Minister of Transportation, the owner may use safety standards other than ministry safety standards in carrying out its functions, activities and responsibilities with respect to Highway 407 if, in the opinion of the Minister of Transportation, the proposed standard provides equivalent safety protection to the ministry safety standard. 1998, c. 28, s. 37 (3).

Inspection

**38** (1)In this section,

“record” means any record of information, however recorded. 1998, c. 28, s. 38 (1).

Authorization of officials

(2) The Minister of Transportation may authorize such officials as he or she considers appropriate for the purpose of inspecting Highway 407 and carrying out an audit to ensure compliance with ministry safety standards. 1998, c. 28, s. 38 (2).

Powers

(3) For the purposes of carrying out his or her duties and powers under subsection (2), an official may,

(a) enter upon Highway 407 and the area immediately around it at any time without a warrant;

(b) take up or use any machine, device, article, thing, material or biological, chemical or physical agent or part thereof;

(c) in any inspection, examination, inquiry or test, be accompanied and assisted by or take with him or her any person or persons having special, expert or professional knowledge of any matter, take photographs, and take with him or her and use any equipment or materials required for such purpose;

(d) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent, and for such purposes, take and carry away such samples as may be necessary;

(e) require in writing the owner to cause any tests described in clause (d) to be conducted or taken, at the expense of the owner, by a person possessing such special, expert or professional knowledge or qualifications as are specified by the official, and to provide a report or assessment by that person. 1998, c. 28, s. 38 (3).

Same

(4) For the purposes of carrying out his or her duties and powers under subsection (2), an official may without a warrant but with the consent and subject to the direction of the Minister of Transportation,

(a) enter the offices of the owner, at any reasonable time;

(b) enter any place, other than a dwelling, at any reasonable time, if the official reasonably believes that it is likely to contain records relating to compliance by the owner with ministry safety standards;

(c) require the production of any record, and inspect, examine and copy the same; and

(d) upon giving a receipt, remove any record inspected or examined for the purpose of making copies or extracts, and upon making copies or extracts shall promptly return the original record to the person who produced or furnished it. 1998, c. 28, s. 38 (4).

Facilitation of inspection

(5) The owner shall facilitate an entry, inspection, examination, inquiry or test by an official acting under this section. 1998, c. 28, s. 38 (5).

Where no facilitation

(6) Where the owner fails to facilitate an official’s entry, inspection, examination, inquiry or test, the Minister of Transportation may authorize whatever steps are necessary, other than the use of force, to ensure that the official is able to exercise his or her powers in a safe and prompt manner. 1998, c. 28, s. 38 (6).

Contravention

(7) An official who finds a contravention of any ministry safety standards with respect to Highway 407 shall notify the owner in writing of the contravention and the owner shall comply. 1998, c. 28, s. 38 (7).

Confidentiality

(8) Every official acting under this section shall preserve confidentiality with respect to all matters that come to his or her knowledge in the course of so acting, and shall not communicate any such matters to any other person except as may be required in connection with the administration of this Act, with the consent of the owner or as otherwise required by law. 1998, c. 28, s. 38 (8).

Ministry undertakes work

**39** (1) Where the owner has failed to comply with ministry safety standards or the Minister of Transportation and the owner cannot reach an agreement regarding the interpretation or application of a ministry safety standard, the Ministry of Transportation may undertake any work required to ensure compliance with ministry safety standards. 1998, c. 28, s. 39 (1).

Costs

(2) To the extent that any work done pursuant to subsection (1) is necessary to comply with ministry safety standards, the cost of the work, plus a reasonable administration fee, shall be paid by the owner. 1998, c. 28, s. 39 (2).

Higher standard

**40** (1) Despite section 37, if the Minister of Transportation is of the opinion that the management of all or part of Highway 407 should meet a higher standard than ministry safety standards, the Minister may enter into an agreement with the owner whereby the owner agrees to undertake the additional work necessary to meet the higher standard. 1998, c. 28, s. 40 (1).

Where no agreement

(2) Failing an agreement under subsection (1), the Ministry of Transportation may undertake all or part of the work required to meet ministry safety standards and to meet the higher standard and, if it does so, the costs of undertaking the work shall be paid as follows:

1. To the extent that the work done is necessary to comply with ministry safety standards, the owner shall pay the costs of undertaking the work.

2. To the extent that the work done is necessary to comply with the higher standard, the Ministry shall pay the costs of undertaking the work. 1998, c. 28, s. 40 (2).

Same

(3) For the purposes of subsection (2), the costs that the Ministry of Transportation must pay shall include any loss of revenue that is directly related to the work required to meet the higher standard. 1998, c. 28, s. 40 (3).

Vehicle safety

**41** (1) For the purpose of enforcing vehicle licensing and safety standards under any Act, the Minister of Transportation shall treat Highway 407 as if it were part of the King’s Highway. 1998, c. 28, s. 41 (1).

Costs

(2) The Minister of Transportation may charge the owner the reasonable costs of providing enforcement services under subsection (1) on a full cost recovery basis. 1998, c. 28, s. 41 (2).

Immunity

**42** (1) No action or any proceedings for damages, prohibition or mandamus shall be instituted respecting any act done in good faith in the execution or intended execution of a person’s duties under sections 38 to 41 or for any alleged neglect or default in the execution or performance in good faith of the person’s duties or powers if the person is an employee of the Ministry of Transportation or if the person acts as an agent of or advisor to the Ministry. 1998, c. 28, s. 42 (1).

Crown liability

(2) Subsection (1) does not by reason of subsection 8 (3) of the Crown Liability and Proceedings Act, 2019 relieve the Crown of any liability in respect of a tort committed by an employee of the Ministry of Transportation or a person who acts as an agent of or advisor to the Ministry, to which it would otherwise be subject, and the Crown is liable under that Act for such a tort as if subsection (1) had not been enacted. 1998, c. 28, s. 42 (2); 2019, c. 7, Sched. 17, s. 87.

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

[2019, c. 7, Sched. 17, s. 87](http://www.ontario.ca/laws/statute/S19007" \l "sched17s87) - 01/07/2019

Liability

Liability for maintenance and repair

**43** (1)  The owner shall maintain Highway 407 and keep it in repair and any municipality in which any part of Highway 407 is situate is relieved of any liability for maintaining and repairing Highway 407. 1998, c. 28, s. 43 (1).

Exception

(2)  Subsection (1) does not apply to any sidewalk or municipal undertaking or work constructed or in the course of construction by a municipality and the municipality is liable for want of repair for the sidewalk, municipal undertaking or work, whether the want of repair is the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipality. 1998, c. 28, s. 43 (2).

Non-application of the *Occupiers’ Liability Act*

(3)  The Occupiers’ Liability Act does not apply to the owner where it is the occupier, within the meaning of that Act, of Highway 407. 1998, c. 28, s. 43 (3).

Liability for damage in case of default

(4)  In the case of default by the owner to keep Highway 407 in repair, the owner is liable for damage sustained by any person by reason of the default. 1998, c. 28, s. 43 (4).

Insufficiency of walls, etc.

(5)  No action shall be brought against the owner for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, or barrier adjacent to or in, along or upon Highway 407 or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon that part of Highway 407 that is not designed or intended for use by vehicular traffic. 1998, c. 28, s. 43 (5).

Notice of claim

(6)  No action shall be brought for the recovery of damages under subsection (4) unless notice in writing of the claim and of the injury complained of has been personally served upon or sent by registered letter to the owner within the time period that applies to the King’s Highway for a notice of claim against the Crown in right of Ontario, but the failure to give or the insufficiency of the notice is not a bar to the action if a judge finds that there is reasonable excuse for the want or insufficiency of the notice and that the owner is not prejudiced in its defence. 1998, c. 28, s. 43 (6); 2002, c. 24, Sched. B, s. 38.

(7)  Repealed: 2002, c. 24, Sched. B, s. 25.

Liability not to exceed that of a municipality

(8)  The liability imposed by this section does not impose on the owner any liability greater than the liability of a municipality with respect to a highway under its jurisdiction and control. 1998, c. 28, s. 43 (8).

No Crown duty

(9)  Despite any other Act or regulation, the Crown in right of Ontario, a minister of the Crown or any ministry shall not have any duty to maintain or keep Highway 407 in repair. 1998, c. 28, s. 43 (9).

Action barred

(10)  No action or proceeding of any kind shall be commenced against the Crown in right of Ontario, a minister of the Crown or a ministry, or any employee, officer, director or agent of the Crown in right of Ontario, a minister of the Crown or a ministry in respect of any loss or damage sustained by any person as a result of anything done or omitted to be done by any person, other than anything done or omitted to be done by the Crown in right of Ontario after the coming into force of this section, in connection with the management of Highway 407. 1998, c. 28, s. 43 (10).

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

[2002, c. 24, Sched. B, s. 25, 38](http://www.ontario.ca/laws/statute/S02024" \l "schedbs25) - 01/01/2004

Expropriation and Expansion

Expropriation

**44** (1) The Minister of Transportation may, without the consent of the landowner, expropriate any land he or she considers necessary for the purpose of expanding, extending or completing Highway 407. 1998, c. 28, s. 44 (1).

*Expropriations Act*

(2) For the purposes of the Expropriations Act, the Minister of Transportation shall be deemed to be the approving authority with respect to any expropriation authorized by this section. 1998, c. 28, s. 44 (2).

Public interest

(3) Any expropriation for the purposes of Highway 407 shall be deemed to be in and for the public interest and benefit. 1998, c. 28, s. 44 (3).

Expansion and extension

**45** (1) The owner shall expand and extend Highway 407 in accordance with the terms and conditions set out in an agreement to be entered into between the owner and the Minister for Privatization. 1998, c. 28, s. 45 (1).

Failure to comply

(2) Where the owner does not expand or extend Highway 407 in accordance with the terms and conditions set out in the  agreement, the Minister of Transportation may carry out the expansion or extension, and the costs of the expansion or extension shall be determined and paid in accordance with the terms and conditions of the agreement mentioned in subsection (1). 1998, c. 28, s. 45 (2).

Application of Other Laws

Approvals and agreements

**46** (1) In this section and section 47,

“approval” includes any approval, certificate of approval, registration, licence, permit, exemption order, or declaratory order conferred under statute, by agreement or otherwise. 1998, c. 28, s. 46 (1).

Approvals

(2) The owner has all approvals that are specific in their application to Highway 407 that were possessed by the Crown in right of Ontario as represented by a minister of the Crown or a ministry as of the date of the execution of the ground lease of the Highway 407 lands. 1998, c. 28, s. 46 (2).

Consent of Her Majesty

(3) Where the consent of Her Majesty the Queen in right of Canada or another federal agency is required, the application of subsection (2) is subject to obtaining such consent. 1998, c. 28, s. 46 (3).

Agreement

(4) The Minister of Transportation may confer upon the owner any agreements between the Minister of Transportation or the Ministry of Transportation and any other ministries that are not specific to Highway 407, subject to such limitations as the Minister may impose. 1998, c. 28, s. 46 (4).

Owner’s rights

(5) The owner shall possess all the responsibilities, obligations, duties, powers, benefits and advantages under the approvals and agreements conferred pursuant to subsections (2) and (4). 1998, c. 28, s. 46 (5).

Amendment or revocation

(6) Where this section confers an approval or agreement on the owner, any amendments or revocations of the approval or agreement shall also apply to the owner. 1998, c. 28, s. 46 (6).

Owner to obtain approvals

(7) Unless otherwise provided under this Act or the regulations under this Act, the owner shall obtain any approvals required by any Act or regulation that are necessary for any purpose connected with Highway 407. 1998, c. 28, s. 46 (7).

Approvals under certain acts

(8) When acting for Highway 407 purposes on Highway 407 lands, the owner is not required to obtain approvals for stormwater management and land drainage facilities under subsection 53 (1) of the Ontario Water Resources Act or approvals under the Lakes and Rivers Improvement Act, if the owner has entered into an agreement with the responsible minister. 1998, c. 28, s. 46 (8).

*Environmental Assessment Act*

**47** (1) Highway 407 shall be deemed to be an undertaking as defined in the Environmental Assessment Act and, for the purposes of management of that undertaking, the owner shall be deemed to be a public body to which the Environmental Assessment Act applies. 1998, c. 28, s. 47 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (1) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 55 (2))

Note: On a day to be named by proclamation of the Lieutenant Governor, section 47 of the Act is amended by adding the following subsection: (See: 2020, c. 18, Sched. 6, s. 55 (3))

Same

(1.1)  Part II.3 of the Environmental Assessment Act applies to any part of the Highway 407 undertaking that is a Part II.3 project. 2020, c. 18, Sched. 6, s. 55 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (1.1) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 55 (4))

Same

(2) Despite subsection (1), the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the undertaking. 1998, c. 28, s. 47 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (2) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 6, s. 55 (5))

Same

(2)  Despite subsection (1), the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the undertaking, including a Part II.3 project under the Environmental Assessment Act that is part of the undertaking. 2020, c. 18, Sched. 6, s. 55 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (2) of the Act is repealed and the following substituted: (See: 2020, c. 18, Sched. 6, s. 55 (6))

Minister as proponent

(2)  If a designated project under the Environmental Assessment Act relates to the management of Highway 407, the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the designated project. 2020, c. 18, Sched. 6, s. 55 (6).

Same

(3) The owner has all the responsibilities, obligations, duties, powers, benefits and advantages conferred by the approval issued pursuant to order in council number 3426/92 under the Environmental Assessment Act in relation to Ministry of Transportation Provincial Highways Class Environmental Assessment, November 1992. 1998, c. 28, s. 47 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (3) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 55 (7))

Certain procedures

(4) The owner, when proceeding with an undertaking pursuant to any of the following, shall also apply the procedures set out in chapters 4 and 5.2 of the Class Environmental Assessment for Provincial Transportation Facilities submitted by the Minister of Transportation to the Minister of the Environment on December 23, 1997:

1. The approval mentioned in subsection (3).

2. The approval issued to the Minister of Transportation in relation to Highway 407 pursuant to order in council number 1704/98 under the Environmental Assessment Act.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 47 (4) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 55 (8))

3. The exemption orders made under the Environmental Assessment Act in relation to Highway 403 and Highway 407, and filed as Ontario Regulations 755/80, 736/81 and 707/83. 1998, c. 28, s. 47 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (4) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 55 (9))

Certain documents required

(5) When the procedures set out in subsection (4) apply to an exemption mentioned in paragraph 3 of subsection (4), the Minister of the Environment, if he or she is unsatisfied with any documentation submitted under those procedures may, within 60 days after the documentation is submitted, require the owner to submit further documentation and in such case the undertaking with respect to which the documentation was submitted may not proceed unless the owner submits documentation satisfactory to the Minister of the Environment or obtains an approval or declaratory order under the Environmental Assessment Act permitting the undertaking to proceed and the Minister of the Environment, in determining whether documentation or further documentation is satisfactory, shall use the same criteria as would be used if the material had been submitted by the Ministry of Transportation. 1998, c. 28, s. 47 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (5) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 55 (9))

Changes

(6) Where this section provides for the application of an exemption order, declaratory order or an approval under the Environmental Assessment Act to the owner or Highway 407, any approval or declaratory order or other order that amends or replaces the exemption order declaratory order or approval and any declaratory order that revokes an exemption order shall apply. 1998, c. 28, s. 47 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 47 (6) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 55 (9))

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

[2020, c. 18, Sched. 6, s. 55 (2-9)](http://www.ontario.ca/laws/statute/S20018" \l "sched6s55s2) - not in force

Road authority

**48** When acting for Highway 407 purposes on Highway 407 lands, the owner shall be deemed to be a road authority for the purposes of Regulation 339 of the Revised Regulations of Ontario, 1990, if the owner has entered into an agreement with the Minister of the Environment. 1998, c. 28, s. 48.

*Capital Investment Plan Act, 1993*

**49** Sections 10 and 18, subsections 26 (1) and (3), sections 40, 41, 42, 43, 43.1, 44, 45, 46 and 47 of the Capital Investment Plan Act, 1993 do not apply to Highway 407 as a toll highway or to any action under this Act. 1998, c. 28, s. 49.

*Aggregate Resources Act*

**50** The owner shall be deemed to be a public authority under the Aggregate Resources Act for the purpose of applying for a wayside permit under Part III of that Act, if the use of the pit or quarry is only for Highway 407 purposes within the Highway 407 lands. 1998, c. 28, s. 50.

*Building Code Act, 1992*

**51** (1) In this section,

“building”, “building code”, “construction” and “demolition” have the same meaning as in the Building Code Act, 1992. 1998, c. 28, s. 51 (1).

Non-application

(2) The Building Code Act, 1992 does not apply to buildings located within the Highway 407 lands that are owned by the owner and used or to be used for the management of Highway 407. 1998, c. 28, s. 51 (2).

Application

(3) Despite subsection (2), any person carrying out or causing to be carried out the following activities in respect of the buildings described in subsection (2) shall carry out those activities in compliance with the building code:

1. Any construction or demolition of buildings.

2. Any change in use of a building or part of a building that would result in an increase in hazard as determined under the building code, even if no construction is proposed. 1998, c. 28, s. 51 (3).

*Conservation Authorities Act*

**52** A regulation made under section 28 of the Conservation Authorities Act does not apply to the owner with respect to management of Highway 407 on the Highway 407 lands. 1998, c. 28, s. 52.

*Emergency Plans Act*

**53** (1) For the purposes of the Emergency Plans Act, the Minister of Transportation may include Highway 407 in developing an emergency plan for highway and other transportation services and Highway 407 may be incorporated into the plan and be used in the case of an emergency as if it were part of the King’s Highway and not a private toll highway. 1998, c. 28, s. 53 (1).

Same

(2) The Minister of Transportation may require the owner to prepare and file with the Minister any emergency plans that the Minister considers necessary. 1998, c. 28, s. 53 (2).

Implementation

(3) The Minister of Transportation may direct the owner to implement an emergency plan under subsection (1) or (2) with any changes that the Minister considers necessary and the owner shall comply with such direction. 1998, c. 28, s. 53 (3).

If no compliance

(4) If the owner does not comply with a direction under subsection (3) the Minister of Transportation may carry out the direction. 1998, c. 28, s. 53 (4).

Debt

(5) The reasonable costs of implementing a direction under subsection (4) may be recovered as a debt due to Her Majesty. 1998, c. 28, s. 53 (5).

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

[2002, c. 18, Sched. N, s. 15 (1, 2)](http://www.ontario.ca/laws/statute/S02018" \l "schedns15s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the Legislation Act, 2006](https://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2012

Freedom of information

**54** (1) In this section,

“entity” means the government of a province of Canada or a state of the United States of America; (“entité”)

“personal information” means information that is personal information for the purposes of the Freedom of Information and Protection of Privacy Act. (“renseignements personnels”) 1998, c. 28, s. 54 (1).

Collection of personal information by owner

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

(a) collect, only for a purpose described in subsection (5), personal information in any manner from the Ministry of Transportation, the Ontario Transportation Capital Corporation or any entity;

(b) use, only for a purpose described in subsection (5), personal information that was collected from the Ministry of Transportation, the Ontario Transportation Capital Corporation or an entity;

(c) disclose, only for a purpose described in subsection (5), personal information that was collected from the Ministry of Transportation, the Ontario Transportation Capital Corporation or an entity. 1998, c. 28, s. 54 (2).

Collection of personal information by Ministry of Transportation

(3) Despite any other Act or regulation, the Ministry of Transportation may,

(a) collect personal information in any manner from the owner, any person or entity for a purpose described in subsection (5);

(b) use, for a purpose described in subsection (5), personal information that is in its custody or under its control;

(c) disclose the names and addresses of persons who owe tolls, fees and other charges that are in its custody  or under its control or other prescribed personal information to the owner, any person or entity for a purpose described in subsection (5). 1998, c. 28, s. 54 (3).

Ontario Transportation Capital Corporation

(4) The Ontario Transportation Capital Corporation may collect, use and disclose personal information about the users of Highway 407 for a purpose described in subsection (5). 1998, c. 28, s. 54 (4).

Purposes

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

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

2. To assist the owner in traffic planning and revenue management with respect to Highway 407.

3. To assist the owner in communicating with users of Highway 407 for the purpose of promoting the use of Highway 407.

4. To assist an entity with whom the owner or the Ministry of Transportation has an agreement relating to the collection and enforcement of tolls. 1998, c. 28, s. 54 (5).

Agreement required

(6) Despite any other Act or regulation, the Minister of Transportation shall, as a condition for the disclosure of personal information pursuant to subsections (3) and (4), require the owner to enter into a written agreement that, in the opinion of the Minister, will protect the confidentiality of the personal information and prohibit the use of the personal information for any purpose not referred to in subsection (5). 1998, c. 28, s. 54 (6).

Other requirements

(7) In addition to the condition required by subsection (6), the Minister may impose any other conditions that he or she considers appropriate. 1998, c. 28, s. 54 (7).

Confidentiality protected

(8) The owner and any other person who collects personal information from the Ministry of Transportation and the Ontario Transportation Capital Corporation shall ensure that all reasonable steps are taken to protect the confidentiality of that personal information, including protecting its confidentiality during its storage, transportation, handling and destruction. 1998, c. 28, s. 54 (8).

Use of information

(9) For the purposes of the Freedom of Information and Protection of Privacy Act, personal information in the custody or under the control of the Ministry of Transportation or the Ontario Transportation Capital Corporation may be used by the Ministry of Transportation or the Ontario Transportation Capital Corporation for the purposes described in subsection (5) and that use shall be deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled. 1998, c. 28, s. 54 (9).

Purpose of disclosure

(10) For the purposes of the Freedom of Information and Protection of Privacy Act, personal information disclosed by the Ministry of Transportation or the Ontario Transportation Capital Corporation for a purpose described in subsection (5) shall be deemed to have been disclosed for the purpose of complying with this section. 1998, c. 28, s. 54 (10).

Notice not required

(11) Subsection 39 (2) of the Freedom of Information and Protection of Privacy Act does not apply with respect to the collection of personal information authorized by subsections (2), (3) and (4). 1998, c. 28, s. 54 (11).

Retention of information

(12) Personal information collected under clause (2) (a) and used by the owner shall be retained by it for at least 65 days unless the individual to whom the information related consents in writing to its earlier disposal. 1998, c. 28, s. 54 (12).

Offence

(13) A person who knowingly uses or discloses, for a purpose other than a purpose described in subsection (5), personal information that was disclosed to the person by the Ministry of Transportation or the Ontario Transportation Capital Corporation under this section is guilty of an offence and on conviction is liable to a fine of not more than $5,000 or such greater amount as may be prescribed. 1998, c. 28, s. 54 (13).

**55** Repealed: 2021, c. 26, Sched. 3, s. 66.

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

[2021, c. 26, Sched. 3, s. 66](http://www.ontario.ca/laws/statute/S21026" \l "sched3s66) - 01/01/2024

*Highway Traffic Act* – application of miscellaneous regulations

**56** (1) For the purposes of regulations made by the Minister of Transportation under subsections 123 (1), 128 (7) and 151 (2) of the Highway Traffic Act, Highway 407 shall be deemed to be part of the King’s Highway. 1998, c. 28, s. 56 (1).

Other regulations

(2) In addition to those regulations referred to in subsection (1), the Lieutenant Governor in Council may make regulations designating regulations under the Highway Traffic Act that apply, with necessary modifications, to Highway 407 and providing that, for the purposes of those regulations, Highway 407 shall be deemed to be part of the King’s Highway. 1998, c. 28, s. 56 (2).

*Motorized Snow Vehicles Act*

**57** (1) For the purposes of section 5 of the Motorized Snow Vehicles Act and any regulations made under that section, Highway 407 shall be deemed to be part of the King’s Highway, and to have been designated as a controlled-access highway under section 36 of the Public Transportation and Highway Improvement Act. 1998, c. 28, s. 57 (1).

Transition

(2) Regulations made under that Act that applied to Highway 407 before the coming into force of this section continue to apply to Highway 407, unless repealed, or amended to provide otherwise. 1998, c. 28, s. 57 (2).

*Off-Road Vehicles Act*

**58** (1) For the purposes of the Off-Road Vehicles Act, Highway 407 is a highway, and shall be deemed to be part of the King’s Highway for purposes of regulations made under that Act. 1998, c. 28, s. 58 (1).

Transition

(2) Regulation 863 of the Revised Regulations of Ontario, 1990 continues to apply to Highway 407, unless repealed, or amended to provide otherwise. 1998, c. 28, s. 58 (2).

*Community Safety and Policing Act, 2019*

**59** (1) In this section,

“Minister” means the Minister of Community Safety and Correctional Services or such other member of the Executive Council as may be designated by the Lieutenant Governor in Council. 1998, c. 28, s. 59 (1); 2019, c. 1, Sched. 4, s. 23 (1, 2).

Part of King’s Highway

(2) For purposes of clause 57 (c) of the Community Safety and Policing Act, 2019, Highway 407 shall be deemed to be part of the King’s Highway. 1998, c. 28, s. 59 (2); 2019, c. 1, Sched. 4, s. 23 (3).

Cost of policing

(3) The Minister may charge the owner the reasonable costs of policing provided by the Commissioner of the Ontario Provincial Police under clause 57 (c) of the Community Safety and Policing Act, 2019 on a full cost recovery basis. 2019, c. 1, Sched. 4, s. 23 (4).

Agreement

(4) The Minister may enter into an agreement with the owner for the provision of services under clause 57 (c) of the Community Safety and Policing Act, 2019 on Highway 407. 2019, c. 1, Sched. 4, s. 23 (4).

Payable into Consolidated Revenue Fund

(5) All moneys received by way of charges imposed under subsection (3) or by the Minister under an agreement entered into under subsection (4) shall be paid into the Consolidated Revenue Fund. 2019, c. 1, Sched. 4, s. 23 (4).

Debt

(6) All amounts owing as charges under subsection (3) or pursuant to an agreement under subsection (4), if not collected by other means, may be recovered by a court action, with costs, as a debt due to Her Majesty. 1998, c. 28, s. 59 (6).

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

[2018, c. 3, Sched. 5, s. 25](http://www.ontario.ca/laws/statute/S18003" \l "sched5s25s1) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 1, Sched. 4, s. 23 (1-4)](http://www.ontario.ca/laws/statute/S19001" \l "sched4s23s1) - 01/04/2024

Other Acts

**60** (1)  Highway 407 shall be deemed to be a highway and the owner of Highway 407 shall be deemed to be the owner for the purposes of section 78 of the Municipal Act, 2001. 2002, c. 17, Sched. F, Table.

Electricity transmitters and distributors

(2)  For the purposes of section 41 of the Electricity Act, 1998, Highway 407 shall be deemed to be a public highway. 2006, c. 19, Sched. T, s. 2.

**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

[2006, c. 19, Sched. T, s. 2](http://www.ontario.ca/laws/statute/S06019" \l "schedts2) - 01/01/2003

*Public Service Works on Highways Act*

**61** (1) For purposes of the Public Service Works on Highways Act, Highway 407 shall be deemed to be a highway. 1998, c. 28, s. 61 (1).

Same

(2) For purposes of the Public Service Works on Highways Act, the owner is the road authority for Highway 407. 1998, c. 28, s. 61 (2).

Municipal by-laws

**62** (1)  Repealed: 2002, c. 17, Sched. F, Table.

Owner in place of Crown

(2)  The owner stands in the place of the Crown for the purpose of the application of municipal by-laws and approvals required under municipal by-laws,

(a) affecting the Highway 407 lands and affecting activities on the Highway 407 lands related to the management and use of Highway 407; and

(b) respecting prescribed matters. 1998, c. 28, s. 62 (2).

Regulations

(3)  The Lieutenant Governor in Council may make regulations prescribing matters for the purposes of clause (2) (b). 1998, c. 28, s. 62 (3).

**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

*Ontario Planning and Development Act, 1994*

**63** (1) For the purposes of section 13 of the Ontario Planning and Development Act, 1994 the owner is deemed to be a ministry of the Crown. 1998, c. 28, s. 63 (1).

Orders not to affect

(2) No order made by the Minister of Municipal Affairs and Housing under section 17 of the Ontario Planning and Development Act, 1994 before the coming into force of this section shall have the effect of prohibiting or regulating the management and use of Highway 407 on the Highway 407 lands. 1998, c. 28, s. 63 (2).

*Planning Act* orders

**64** No order made by the Minister of Municipal Affairs and Housing under clause 47 (1) (a) of the Planning Act before the coming into force of this section shall have the effect of prohibiting or regulating the management and use of Highway 407 on the Highway 407 lands. 1998, c. 28, s. 64.

Regulations

Regulations

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

(a) defining any word or expression used in this Act but not defined in this Act;

(b) respecting additional procedures to be used by the owner for enforcing payment of tolls on Highway 407;

(c) prescribing matters for the purposes of section 24;

(d) prescribing greater penalties for the purposes of sections 32 and 35;

(e) prescribing any other thing that may be prescribed under this Act. 1998, c. 28, s. 65.

**66., 67** Omitted (amends or repeals other Acts). 1998, c. 28, ss. 66, 67.

**68** Omitted (provides for coming into force of provisions of this Act). 1998, c. 28, s. 68.

**69** Omitted (enacts short title of this Act). 1998, c. 28, s. 69.

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