Climate Change Mitigation and Low-carbon Economy Act, 2016

[ONTARIO REGULATION 540/17](https://www.ontario.ca/laws/regulation/R17540)

ADMINISTRATIVE PENALTIES

**Historical version for the** **period January 1, 2018 to November 13, 2018.**

No amendments.

This is the English version of a bilingual regulation.

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Administrative penalty orders

**1.**(1)  The Director shall not make an order under subsection 57 (2) of the Act except in accordance with this Regulation.

(2)  A person who contravenes a provision set out in Schedule 1 is a person designated for the purpose of subsection 57 (4) of the Act.

(3)  A provision set out in Column 1 of Schedule 1 is a provision designated for the purpose of subsection 57 (4) of the Act.

Notice of intention to make order

**2.**(1)  If the Director intends to make an order to pay an administrative penalty under subsection 57 (2) of the Act, the Director shall determine the initial penalty amount in accordance with section 3 and give the person a written notice containing the following information:

1. A statement of the Director’s intention to make an order.

2. The name of the person receiving the notice.

3. A description of the contravention.

4. A description of the day, days or parts of days on which the contravention occurred.

5. The initial penalty amount determined by the Director in accordance with section 3 and a description of the manner in which it was determined and, if the initial penalty amount includes an amount for initial economic benefit determined in accordance with section 5, the calculations, variables and assumptions that led to the determination of the initial economic benefit.

6. In the case of a contravention of a provision set out in Column 1 of Schedule 1 that, as of the date of the notice, has not been remedied for the purposes of determining the initial penalty amount under section 3, a statement that,

i. the contravention is continuing, and

ii. unless the initial penalty amount is the maximum amount referred to in paragraph 4 of subsection 4 (1), the final amount payable may exceed the initial penalty amount set out in the notice because of the continuing nature of the contravention.

7. Information about the person’s right to make a request to the Director under subsection 6 (1), including the date by which the request must be made.

(2)  A notice may be given in respect of one or more contraventions.

(3)  The Director may, in writing, amend a notice after it has been given.

Initial penalty amount

**3.**The initial penalty amount is the sum of the initial base penalty amount determined under section 4 and the initial economic benefit determined under section 5.

Initial base penalty amount

**4.**(1)  The Director shall determine the initial base penalty amount for a contravention of a provision set out in Column 1 of Schedule 1 in accordance with the following rules:

1. The Director shall, after considering the factors set out in subsection (2), determine the amount that falls within,

i. the daily range set out in Column 3 of Schedule 1 opposite the provision, if the person is not a corporation, or

ii. the daily range set out in Column 4 of Schedule 1 opposite the provision, if the person is a corporation.

2. The Director shall multiply the amount determined under paragraph 1 by,

i. if the contravention has been remedied, the number of full or partial days during which the contravention continued before it was remedied, or

ii. if the contravention has not been remedied, the number of full or partial days during which the contravention has continued so far.

3. If the amount determined under paragraph 2 exceeds the applicable maximum initial base penalty amount set out in paragraph 4, the Director shall reduce the amount to the applicable maximum initial base penalty amount.

4. The maximum initial base penalty amount is,

i. for a person that is not a corporation,

A. $30,000, if the maximum of the applicable daily range set out in Column 3 of Schedule 1 is $1000, and

B. $60,000, if the maximum of the applicable daily range set out in Column 3 of Schedule 1 is $2000,

ii. for a corporation,

A. $150,000, if the maximum of the applicable daily range set out in Column 4 of Schedule 1 is $5000, and

B. $300,000, if the maximum amount of the applicable daily range set out in Column 4 of Schedule 1 is $10,000.

(2)  The following are the factors that the Director shall consider as required under subsection (1):

1. The contravention’s impact, if any, on the cap and trade program, including on the Ministry’s ability to administer the program.

2. Any information the Director has regarding any convictions or orders issued against the person receiving the notice under the Act or the regulations, or under Ontario Regulation 452/09 (Greenhouse Gas Emissions Reporting) made under the Environmental Protection Act in the five years preceding the contravention.

3. Whether the contravention was deliberate.

(3)  For the purposes of paragraph 2 of subsection (1), a contravention of a provision set out in Column 1 of Schedule 1 that requires a person to do something within a particular time period shall be considered to have been remedied when the person has done it, even if the person has done it after it was required to be done.

Initial economic benefit

**5.**The Director shall consider the following factors when determining the initial economic benefit:

1. Costs that the person avoided incurring by failing to comply with a provision set out in Schedule 1.

2. Costs that the person delayed incurring by delaying compliance with a provision set out in Schedule 1.

3. Profits that the person has accrued by failing to comply with a provision set out in Schedule 1.

Request to Director

**6.**(1)  A person who receives a notice of the Director’s intention to make an order against the person or an amendment to a notice may request, no later than 15 days after the notice or amendment to a notice is received, that the Director consider any of the following:

1. Information about any actions the person had taken to prevent the contravention from occurring or has taken to remedy the contravention or prevent it from reoccurring.

2. Any other additional information related to the contravention.

(2)  Despite subsection (1), a person may request that the Director agree to an extension of the 15-day period mentioned in subsection (1) if the person makes the request before the 15-day period has expired.

(3)  If the Director agrees in writing to an extension requested under subsection (2), the person may make the request under subsection (1) no later than the day specified by the Director in writing.

(4)  If the notice or amendment applies to more than one contravention, a request may be made in respect of any of the contraventions.

(5)  A request shall include all information and supporting documentation that the person wants the Director to consider with respect to the request.

Consideration of request, making of order

**7.**(1)  The Director shall, after the earlier of the day on which the Director receives a request under subsection 6 (1) and the expiry of the timeline described in subsection 6 (1) or (3), as the case may be,

(a) consider any request received; and

(b) decide whether to make an order.

(2)  If the Director decides not to make an order, the Director shall notify the person who received the notice described in subsection 2 (1) of the decision.

(3)  Subsection (2) does not limit a Director’s ability to give a subsequent notice under subsection 2 (1) with respect to the same contravention.

(4)  If the Director decides to make an order, the Director shall determine the final amount of the administrative penalty in respect of the contravention in accordance with section 8.

Final amount

**8.**(1)  The final amount of the administrative penalty payable by a person in respect of a contravention is the sum of the final base penalty amount determined under section 9 and the final economic benefit determined under section 10.

(2)  If, after determining the final amount in accordance with subsection (1), the Director determines that, due to its magnitude, the imposition of the penalty is punitive in nature having regard to all the circumstances, the Director shall reduce the final amount such that the imposition of the penalty is consistent with the purposes set out in subsection 57 (1) of the Act.

Final base penalty amount

**9.**(1)  The Director shall determine the final base penalty amount payable by a person in accordance with the following rules:

1. The Director may re-determine, in accordance with section 4, the initial base penalty amount if the Director considers it to be appropriate based on any additional information now available to the Director that was not available at the time of giving the notice under subsection 2 (1), which may include information regarding the continuation of the contravention following the giving of the notice.

2. Subject to paragraph 3, the Director shall determine a percentage by which any payment by the person should be reduced, taking into account the nature of any actions that the person took prior to the contravention to prevent the contravention from occurring, including, but not limited to the development and implementation of policies or training programs or the establishment of information technology systems.

3. For the purposes of paragraph 2, the Director may determine a percentage of 0, 15 or 30.

4. Subject to paragraph 5, if the person has remedied the contravention or is in the process of remedying the contravention, the Director shall determine the percentage by which any payment by the person should be reduced, taking into account how quickly the contravention was remedied or is being remedied.

5. For the purposes of paragraph 4, the Director may determine a percentage of 0 or 10.

6. Subject to paragraph 7, the Director shall determine the percentage by which any payment by the person should be reduced, taking into account the adequacy of measures the person took after the contravention occurred to prevent it from reoccurring.

7. For the purposes of paragraph 6, the Director may determine a percentage of 0 or 10.

8. The Director shall determine the sum of the percentages determined under paragraphs 2, 4 and 6.

9. The Director shall reduce the following amount by the percentage determined under paragraph 8:

i. The re-determined amount under paragraph 1, if the Director has re-determined the initial base penalty amount.

ii. The initial base penalty amount set out in the notice under subsection 2 (1), if the Director has not re-determined the amount under paragraph 1.

(2)  In making the determinations under paragraphs 1, 2, 4, and 6 of subsection (1), the Director shall consider any information contained in a request received within the timeline described in subsection 6 (1) or (3), as the case may be.

(3)  For the purposes of paragraph 4 of subsection (1), a contravention of a provision set out in Column 1 of Schedule 1 that requires a person to do something within a particular time period shall be considered to have been remedied when the person has done it, even if the person has done it after it was required to be done.

Final economic benefit

**10.**The Director shall determine the final economic benefit payable by a person after considering any additional information that was not available to the Director when determining the initial economic benefit, including information regarding the factors set out in section 5 that is set out in a request made within the timeline described in subsection 6 (1) or (3), as the case may be.

Order

**11.**(1)  After determining, in accordance with section 8, the final amount of the administrative penalty payable by a person in respect of a contravention, the Director may make the order under subsection 57 (2) of the Act.

(2)  If the Director makes an order, in addition to serving the order under subsection 57 (9) of the Act, the Director shall serve on the person who is required to pay the administrative penalty the Director’s reasons for determining the final amount of the administrative penalty, including any consideration given by the Director to a request made under section 6 and, if the final amount of the administrative penalty includes an amount for final economic benefit determined in accordance with section 10, the calculations, variables and assumptions that led to the determination of the final economic benefit.

(3)  An order may be made in respect of one or more contraventions.

12.  Omitted (provides for coming into force of provisions of this Regulation).

Schedule 1

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| --- | --- | --- | --- | --- |
| Item | Column 1 Provision Contravened | Column 2 Description of Contravention | Column 3 Daily range (Persons that are not corporations) | Column 4 Daily range (Corporations) |
| 1. | Paragraph 1 of subsection 10 (4) of the Act | A person who is required to give a revised report to the Director under paragraph 1 of subsection 10 (4) of the Act failing to submit the revised report | ≤ $1000 | ≤ $5000 |
| 2. | Paragraph 2 of subsection 10 (4) of the Act | A person who is required to give a revised report to the Director under paragraph 2 of subsection 10 (4) of the Act failing to submit the revised report | $1000 - $2000 | $5000 - $10,000 |
| 3. | Subsection 10 (5) of the Act | A person who is required by subsection 9 (1) or 9 (3) of the Act to quantify or calculate an amount of greenhouse gas failing to include prescribed information or additional information requested by the Director in a report | $1000 - $2000 | $5000 - $10,000 |
| 4. | Subsection 12 (3) of the Act | A person failing to provide information requested by the Director in the manner or within the period specified by the Director | ≤ $1000 | ≤ $5000 |
| 5. | Subsection 15 (3) of the Act | A person who is required to register as a mandatory participant failing to give the Director information required by regulation or any additional information required by the Director | ≤ $1000 | ≤ $5000 |
| 6. | Subsection 19 (1) of the Act | A registered participant failing to comply with the conditions of registration established by regulation or the conditions imposed on the participant by the Director | ≤ $1000 | ≤ $5000 |
| 7. | Subsection 19 (2) of the Act | A mandatory participant who is not registered failing to comply with the conditions of registration established by regulation | ≤ $1000 | ≤ $5000 |
| 8. | Subsection 21 (1) of the Act | A person other than a registered participant purchasing, selling, trading or otherwise dealing with emission allowances or credits | $1000 - $2000 | $5000 - $10,000 |
| 9. | Subsection 21 (2) of the Act | A registered participant engaging in a transaction with emission allowances or credits (purchase, sale, trade or otherwise dealing with) with a person who is not a person described in subclause 21 (2) (a) (i) or (ii) of the Act | $1000 - $2000 | $5000 - $10,000 |
| 10. | Subsection 21 (3) of the Act | A registered participant purchasing, selling, trading or otherwise dealing with emission allowances or credits in a manner not in accordance with the Act, the regulations or the conditions of the participant’s registration | $1000 - $2000 | $5000 - $10,000 |
| 11. | Subsection 22 (4) of the Act | A registered participant or its designated account agent failing to comply with the requirements or restrictions imposed under section 22 of the Act with respect to the participant’s accounts | ≤ $1000 | ≤ $5000 |
| 12. | Subsection 28 (2) of the Act | A registered participant holding in the participant’s cap and trade accounts an emission allowance or credit owned by another person | $1000 - $2000 | $5000 - $10,000 |
| 13. | Clause 29 (1) (a) of the Act | A person directly or indirectly engaging or participating in an act, practice or course of conduct that the person knows or reasonably ought to know results in or contributes to a misleading appearance of trading activity in, or an artificial price for, an emission allowance or credit | $1000 - $2000 | $5000 - $10,000 |
| 14. | Clause 29 (1) (b) of the Act | A person directly or indirectly engaging or participating in an act, practice or course of conduct that the person knows or reasonably ought to know perpetrates a fraud | $1000 - $2000 | $5000 - $10,000 |
| 15. | Subsection 29 (2) of the Act | A person attempting directly or indirectly to engage or participate in any act, practice or course of conduct that is contrary to subsection 29 (1) of the Act | $1000 - $2000 | $5000 - $10,000 |
| 16. | Subsection 29 (3) of the Act | A person making a statement that the person knows or reasonably ought to know meets the criteria set out in clauses 29 (3) (a) and (b) of the Act | $1000 - $2000 | $5000 - $10,000 |
| 17. | Subsection 29 (4) of the Act | A person providing information that the person knows or reasonably ought to know meets the criteria set out in clauses 29 (4) (a) and (b) of the Act | $1000 - $2000 | $5000 - $10,000 |
| 18. | Subsection 29 (5) of the Act | A person purchasing, selling, trading or otherwise dealing with emission allowances or credits while having knowledge of information that meets the criteria set out in subsection 29 (5) of the Act | $1000 - $2000 | $5000 - $10,000 |
| 19. | Subsection 29 (6) of the Act | A person informing another person, other than in the necessary course of business, of information that meets the criteria set out in subsection 29 (6) of the Act | $1000 - $2000 | $5000 - $10,000 |
| 20. | Subsection 32 (6) of the Act | A person disclosing whether or not the person is participating in an auction | $1000 - $2000 | $5000 - $10,000 |
| 21. | Subsection 32 (7) of the Act | A person disclosing any information described in subsection 32 (7) of the Act | $1000 - $2000 | $5000 - $10,000 |
| 22. | Subsection 32 (8) of the Act | A person whose services are retained by a prospective purchaser in connection with an auction disclosing any of the information described in subsection 32 (7) of the Act relating to the prospective purchaser | $1000 - $2000 | $5000 - $10,000 |
| 23. | Subsection 32 (10) of the Act | A person coordinating the bidding strategy of more than one prospective purchaser in connection with an auction | $1000 - $2000 | $5000 - $10,000 |
| 24. | Subsection 34 (8) of the Act | A sponsor failing to comply with conditions established by regulation or conditions imposed by the Director | ≤ $1000 | ≤ $5000 |
| 25. | Subsection 40 (5) of the Act | A person failing to have a re-verification conducted in accordance with such requirements as the Director may specify in a notice | ≤ $1000 | ≤ $5000 |
| 26. | Subsection 50 (2) of the Act | A person failing to comply with an order made under the Act, other than an order made under section 57 of the Act | $1000 - $2000 | $5000 - $10,000 |
| 27. | Subsection 64 (1) of the Act | A person hindering or obstructing the Minister, the Director, a provincial officer, a public servant or any agent of the Crown in the performance of duties under the Act | $1000 - $2000 | $5000 - $10,000 |
| 28. | Subsection 64 (2) of the Act | A person withholding from a provincial officer or concealing, altering or destroying anything relevant to an inspection under section 42 of the Act or an inquiry under section 43 of the Act | $1000 - $2000 | $5000 - $10,000 |
| 29. | Subsection 64 (3) of the Act | A person refusing to give information required for the purposes of the Act or the regulations to the Minister, the Director, a provincial officer, a public servant or any agent of the Crown | $1000 - $2000 | $5000 - $10,000 |
| 30. | Subsection 64 (4) of the Act | A person giving false or misleading information to the Minister, the Director, a provincial officer, a public servant or an agent of the Crown in respect of any matter related to the Act or the regulations | $1000 - $2000 | $5000 - $10,000 |
| 31. | Subsection 64 (5) of the Act | A person including false or misleading information in any record required to be created, stored or submitted under the Act | $1000 - $2000 | $5000 - $10,000 |
| 32. | Subsection 4 (2) of Ontario Regulation 143/16 (Quantification, Reporting and Verification of Greenhouse Gas Emissions) made under the Act | An owner or operator of a facility failing to quantify the amount of greenhouse gas emitted during all specified GHG activities at the facility during a year | ≤ $1000 | ≤ $5000 |
| 33. | Subsection 4 (2.1) of Ontario Regulation 143/16 | An owner or operator of a facility failing to use the standard quantification method or methods to perform the calculation required under subsection 4 (2.1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 34. | Subsection 4 (3) of Ontario Regulation 143/16 | An owner or operator of a facility failing to use the standard quantification methods to quantify the amount in respect of each specified GHG activity | ≤ $1000 | ≤ $5000 |
| 35. | Paragraph 1 of subsection 4 (5) of Ontario Regulation 143/16 | An owner or operator of a facility failing to select one of the calculation methodologies or use it for all subsequent quantifications or to use another methodology the Director has consented to in writing | ≤ $1000 | ≤ $5000 |
| 36. | Paragraph 2 of subsection 4 (5) of Ontario Regulation 143/16 | An owner or operator of a facility failing to use the methodology consented to by the Director for all subsequent quantifications unless the director consents in writing to the use of another methodology | ≤ $1000 | ≤ $5000 |
| 37. | Subsection 11.1 (3) of Ontario Regulation 143/16 | An owner or operator of a facility failing to use the standard quantification method or methods to perform the calculations required under subsection 11.1 (3) of the Regulation | ≤ $1000 | ≤ $5000 |
| 38. | Subsection 11.1 (4) of Ontario Regulation 143/16 | An owner or operator of a facility carrying out the contravention described in Item 35 in relation to calculations required under section 11.1 of the Regulation | ≤ $1000 | ≤ $5000 |
| 39. | Subsection 11.1 (4) of Ontario Regulation 143/16 | An owner or operator of a facility carrying out the contravention described in Item 36 in relation to calculations required under section 11.1 of the Regulation | ≤ $1000 | ≤ $5000 |
| 40. | Subsection 11.2 (3) of Ontario Regulation 143/16 | An owner or operator of a facility failing to use the standard quantification method or methods to perform the calculations required under subsection 11.2 (3) of the Regulation | ≤ $1000 | ≤ $5000 |
| 41. | Subsection 11.2 (4) of Ontario Regulation 143/16 | An owner or operator of a facility carrying out the contravention described in Item 35 in relation to calculations required under section 11.2 of the Regulation | ≤ $1000 | ≤ $5000 |
| 42. | Subsection 11.2 (4) of Ontario Regulation 143/16 | An owner or operator of a facility carrying out the contravention described in Item 36 in relation to calculations required under section 11.2 of the Regulation | ≤ $1000 | ≤ $5000 |
| 43. | Subsection 11.3 (3) of Ontario Regulation 143/16 | An owner or operator of a facility specified in subsection 11.3 (1) of the Regulation failing to use the standard quantification method or methods to perform the calculations required under subsection 11.3 (3) of the Regulation | ≤ $1000 | ≤ $5000 |
| 44. | Subsection 11.3 (4) of Ontario Regulation 143/16 | An owner or operator of a facility specified in subsection 11.3 (1) of the Regulation carrying out the contravention described in Item 35 in relation to calculations required under section 11.3 of the Regulation | ≤ $1000 | ≤ $5000 |
| 45. | Subsection 11.3 (4) of Ontario Regulation 143/16 | An owner or operator of a facility specified in subsection 11.3 (1) of the Regulation carrying out the contravention described in Item 36 in relation to calculations required under section 11.3 of the Regulation | ≤ $1000 | ≤ $5000 |
| 46. | Subsection 12 (2) of Ontario Regulation 143/16 | A person who engages in electricity importation, natural gas distribution or petroleum product supply failing to calculate the amount of greenhouse gas emissions associated with a prescribed activity | ≤ $1000 | ≤ $5000 |
| 47. | Subsection 12 (6) of Ontario Regulation 143/16 | A person who engages in electricity importation, natural gas distribution or petroleum product supply failing to use the standard quantification method or methods to perform the calculations required under subsection 12 (2) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 48. | Paragraph 1 of subsection 12 (8) of Ontario Regulation 143/16 | A person who engages in electricity importation, natural gas distribution or petroleum product supply failing to select one of the calculation methodologies or use it for all subsequent quantifications or to use another methodology the Director has consented to in writing | ≤ $1000 | ≤ $5000 |
| 49. | Paragraph 2 of subsection 12 (8) of Ontario Regulation 143/16 | A person who engages in electricity importation, natural gas distribution or petroleum product supply failing to use the methodology consented to by the Director for all subsequent quantifications unless the director consents in writing to the use of another methodology | ≤ $1000 | ≤ $5000 |
| 50. | Section 22 of Ontario Regulation 143/16 | A person who is required to give the Director a GHG report failing to comply with a sampling, analysis, measurement or recordkeeping requirement set out in the Guideline | $1000 - $2000 | $5000 - $10,000 |
| 51. | Section 23 of Ontario Regulation 143/16 | A person who is required to give the Director a GHG report failing to ensure that the report meets the requirements set out in section 23 of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 52. | Section 24 of Ontario Regulation 143/16 | A person who is required to give the Director a GHG report failing to submit the report within the time period specified in section 24 of the Regulation | ≤ $1000 | ≤ $5000 |
| 53. | Section 25 of Ontario Regulation 143/16 | A person who is required to give a revised GHG report to the Director failing to submit the revised report within the time period specified in section 25 of the Regulation | ≤ $1000 | ≤ $5000 |
| 54. | Subsection 26 (6) of Ontario Regulation 143/16 | A person who gives a GHG report to the Director failing to prepare and submit a revised report as soon as possible | $1000 - $2000 | $5000 - $10,000 |
| 55. | Subsection 26 (7) of Ontario Regulation 143/16 | A person who gives a GHG report to the Director failing to submit a revised report within the time period specified in subsection 26 (7) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 56. | Section 27 of Ontario Regulation 143/16 | A person who is required to have a GHG report verified failing to submit a verification statement or verification report within the time period specified in section 27 of the Regulation | ≤ $1000 | ≤ $5000 |
| 57. | Subsection 28 (2) of Ontario Regulation 143/16 | A person who is required to submit a verification statement and verification report in respect of a revised GHG report failing to submit the verification statement or verification report within the time period specified in subsection 28 (2) of the Regulation | ≤ $1000 | ≤ $5000 |
| 58. | Subsection 29 (1) of Ontario Regulation 143/16 | An accredited verification body failing to comply with ISO 14065 or ISO 14064-3 as required by subsection 29 (1) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 59. | Subsection 29 (2) of Ontario Regulation 143/16 | An accredited verification body failing to ensure that the requirements specified in subsection 29 (2) of the Regulation are met when verifying GHG reports | ≤ $1000 | ≤ $5000 |
| 60. | Subsection 29 (3) of Ontario Regulation 143/16 | An accredited verification body failing to visit a facility as required by subsection 29 (3) of the Regulation | ≤ $1000 | ≤ $5000 |
| 61. | Subsection 29 (4) of Ontario Regulation 143/16 | An accredited verification body failing to visit a headquarters or other location of central data management as required by subsection 29 (4) of the Regulation | ≤ $1000 | ≤ $5000 |
| 62. | Subsection 31 (1) of Ontario Regulation 143/16 | An accredited verification body failing to comply with clause 5.4 of ISO 14065 | ≤ $1000 | ≤ $5000 |
| 63. | Subsection 31 (2) of Ontario Regulation 143/16 | An accredited verification body conducting a verification of a GHG report in a circumstance specified in subsection 31 (2) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 64. | Subsection 31 (4) of Ontario Regulation 143/16 | An accredited verification body failing to wait as required by subsection 31 (4) of the Regulation before verifying a GHG report with respect to a facility or with respect to activities engaged in by a person | ≤ $1000 | ≤ $5000 |
| 65. | Subsection 31 (6) of Ontario Regulation 143/16 | An accredited verification body failing to assess the potential for compromised impartiality or failing to provide a written assessment report as required by subsection 31 (6) of the Regulation | ≤ $1000 | ≤ $5000 |
| 66. | Subsection 31 (7) of Ontario Regulation 143/16 | An accredited verification body failing to immediately assess the potential for compromised impartiality or failing to provide a written assessment report as required by subsection 31 (7) of the Regulation | ≤ $1000 | ≤ $5000 |
| 67. | Subsection 32 (1) of Ontario Regulation 143/16 | An accredited verification body failing to determine whether there is reasonable level of assurance that a GHG report contains no material discrepancy or failing to determine whether the report was prepared in accordance with the Regulation | ≤ $1000 | ≤ $5000 |
| 68. | Subsection 32 (2) of Ontario Regulation 143/16 | An accredited verification body failing to prepare a verification statement in accordance with the Table to subsection 32 (2) of the Regulation | ≤ $1000 | ≤ $5000 |
| 69. | Subsection 32 (2.1) of Ontario Regulation 143/16 | An accredited verification body failing to include in the verification statement or report a production parameter verification conclusion in accordance with the Table to subsection 32 (2.1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 70. | Subsection 32 (7) of Ontario Regulation 143/16 | An accredited verification body failing to submit a verification statement to the person who gave the GHG report to the Director or failing to ensure the verification statement meets the requirements set out in clause 4.9 of ISO 14064-3 | ≤ $1000 | ≤ $5000 |
| 71. | Subsection 33 (1) of Ontario Regulation 143/16 | An accredited verification body failing to prepare a verification report that sets out the information required by subsection 33 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 72. | Subsection 33 (2) of Ontario Regulation 143/16 | An accredited verification body failing to provide a copy of a verification report within the time period specified in subsection 33 (2) of the Regulation | ≤ $1000 | ≤ $5000 |
| 73. | Subsection 34 (2) of Ontario Regulation 143/16 | A person who receives written notice that the Director requires a re-verification of a GHG report failing to submit a new verification statement or new verification report within the time period specified in subsection 34 (2) of the Regulation | ≤ $1000 | ≤ $5000 |
| 74. | Subsection 35 (2) of Ontario Regulation 143/16 | An accredited verification body failing to comply with the Director’s notice to cease conducting a verification | ≤ $1000 | ≤ $5000 |
| 75. | Subsection 37 (1) of Ontario Regulation 143/16 | A person failing to keep a record as required by subsection 37 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 76. | Subsection 37 (2) of Ontario Regulation 143/16 | An accredited verification body failing to keep a record as required by subsection 37 (2) of the Regulation | ≤ $1000 | ≤ $5000 |
| 77. | Section 38 of Ontario Regulation 143/16 | A new owner or operator of facility failing to notify the Director in writing of a change within the time period specified in subsection 38 of the Regulation | ≤ $1000 | ≤ $5000 |
| 78. | Section 39 of Ontario Regulation 143/16 | A person failing to submit a record in a form provided by or approved by the Director or in a manner approved by the Director | ≤ $1000 | ≤ $5000 |
| 79. | Subsection 9.1 (5) of Ontario Regulation 144/16 (The Cap and Trade Program) made under the Act | A previous owner of a facility failing to give the Director notice of the change of ownership or a statement that the previous owner has complied with section 38 of Ontario Regulation 143/16 in accordance with subsection 9.1 (5) of Ontario Regulation 144/16 | ≤ $1000 | ≤ $5000 |
| 80. | Subsection 15 (5) of Ontario Regulation 144/16 | A designated account representative failing to give information relating to the submission of emission allowances or credits to the Minister within the time period specified in subsection 15 (5) of the Regulation | ≤ $1000 | ≤ $5000 |
| 81. | Section 24 of Ontario Regulation 144/16 | A person who is required to have a GHG report verified failing to register as a mandatory participant in accordance with section 24 of the Regulation | ≤ $1000 | ≤ $5000 |
| 82. | Section 25 of Ontario Regulation 144/16 | A person who is required to register as a mandatory participant failing to give the Director information required under section 25 of the Regulation | ≤ $1000 | ≤ $5000 |
| 83. | Section 26 of Ontario Regulation 144/16 | A mandatory participant failing to comply with a condition set out in section 26 of the Regulation | ≤ $1000 | ≤ $5000 |
| 84. | Section 26.1 of Ontario Regulation 144/16 | A new owner or operator of a facility failing to register as a mandatory participant within the time period specified in section 26.1 of the Regulation | ≤ $1000 | ≤ $5000 |
| 85. | Section 34 of Ontario Regulation 144/16 | A voluntary participant failing to comply with a condition set out in section 34 of the Regulation | ≤ $1000 | ≤ $5000 |
| 86. | Section 34.1 of Ontario Regulation 144/16 | A new owner or operator of a facility failing to register as a voluntary participant within the time period specified in section 34.1 of the Regulation | ≤ $1000 | ≤ $5000 |
| 87. | Section 37 of Ontario Regulation 144/16 | A market participant failing to comply with a condition set out in section 37 of the Regulation | ≤ $1000 | ≤ $5000 |
| 88. | Subsection 40 (1) of Ontario Regulation 144/16 | A registered participant failing to ensure the total number of specified emission allowances and credits held in the participant’s accounts does not exceed the limit set out in section 40 of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 89. | Subsection 40 (3.1) of Ontario Regulation 144/16 | A registered participant holding in the participant’s cap and trade accounts more than the share of the holding limit allocated to the participant under section 40 of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 90. | Subsection 42 (1) of Ontario Regulation 144/16 | A registered participant failing to ensure that the total number of future vintage emission allowances held in the participant’s cap and trade accounts does not exceed the limit set out in section 42 of the Regulation | ≤ $1000 | ≤ $5000 |
| 91. | Subsection 42 (2.1) of Ontario Regulation 144/16 | A registered participant holding in the participant’s cap and trade accounts more than the share of the holding limit allocated to the participant under section 42 of the Regulation | ≤ $1000 | ≤ $5000 |
| 92. | Subsection 44 (2) of Ontario Regulation 144/16 | A registered participant designating a person who does not reside in Ontario as primary account representative | ≤ $1000 | ≤ $5000 |
| 93. | Subsection 45 (4) of Ontario Regulation 144/16 | An account agent failing to give the Director updated information within the time period specified in subsection 45 (4) of the Regulation | ≤ $1000 | N/A |
| 94. | Subsection 45 (5) of Ontario Regulation 144/16 | An account agent failing to give the Director information requested by the Director within the time period specified by the Director | ≤ $1000 | N/A |
| 95. | Subsection 47 (1) of Ontario Regulation 144/16 | A registered participant failing to designate primary or alternate account representatives as required by subsection 47 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 96. | Subsection 51 (1) of Ontario Regulation 144/16 | A designated account representative of a registered participant failing to give requested information to the Minister by the date specified by the Minister | ≤ $1000 | ≤ $5000 |
| 97. | Subsection 51 (4) of Ontario Regulation 144/16 | An Ontario clearing house failing to request a reversal of a transfer as required by subsection 51 (4) of the Regulation | ≤ $1000 | ≤ $5000 |
| 98. | Subsection 51.3 (3) of Ontario Regulation 144/16 | A designated account representative failing to give requested information to the Minister by the date specified by the Minister | ≤ $1000 | ≤ $5000 |
| 99. | Subsection 52 (4) of Ontario Regulation 144/16 | A designated account representative failing to give requested information to the Minister by the date specified by the Minister | ≤ $1000 | ≤ $5000 |
| 100. | Subsection 63 (1) of Ontario Regulation 144/16 | A registered participant failing to pay to the financial services administrator the amount set out in the notice from the Minister in the form or manner approved by the Minister and within the time period specified in subsection 63 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 101. | Subsection 66 (1) of Ontario Regulation 144/16 | A person bidding in an auction in a circumstance described in subsection 66 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 102. | Subsection 66 (2) of Ontario Regulation 144/16 | A market participant that is an Ontario clearing house bidding in an auction | ≤ $1000 | ≤ $5000 |
| 103. | Subsection 69 (3) of Ontario Regulation 144/16 | A registered participant failing to comply with a rule set out in subsection 69 (3) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 104. | Section 75.1 of Ontario Regulation 144/16 | A market participant that is an Ontario clearing house bidding in a sale | ≤ $1000 | ≤ $5000 |
| 105. | Subsection 78 (2) of Ontario Regulation 144/16 | A person bidding in a sale in a circumstance described in subsection 78 (2) of the Regulation | ≤ $1000 | ≤ $5000 |
| 106. | Section 87 of Ontario Regulation 144/16 | An applicant for emission allowances to be distributed free of charge failing to withdraw the application as required by section 87 of the Regulation and within the time period specified in that section | ≤ $1000 | ≤ $5000 |
| 107. | Section 91 of Ontario Regulation 144/16 | A registered participant failing to keep a record as required by section 91 of the Regulation | ≤ $1000 | ≤ $5000 |
| 108. | Subsection 92 (1) of Ontario Regulation 144/16 | A person failing to submit a record in a form provided by or approved by the Director or in a manner approved by the Director | ≤ $1000 | ≤ $5000 |
| 109. | Subsection 17 (1) of Ontario Regulation 539/17 (Ontario Offset Credits) made under the Act | A sponsor failing to provide information required by the Minister within the time period specified in subsection 17 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 110. | Subsection 17 (5) of Ontario Regulation 539/17 | A sponsor failing to submit offset credits to the Minister within the time period specified in subsection 17 (5) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 111. | Subsection 19 (1) of Ontario Regulation 539/17 | A sponsor failing to provide notice in accordance with subsection 19 (1) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 112. | Subsection 19 (2) of Ontario Regulation 539/17 | A sponsor failing to provide information required by the Minister within the time period specified in subsection 19 (2) of the Regulation | ≤ $1000 | ≤ $5000 |
| 113. | Subsection 19 (3) of Ontario Regulation 539/17 | A sponsor failing to provide a reversal report, verification report or other information required by the Minister within the time period specified in subsection 19 (3) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 114. | Subsection 20 (5) of Ontario Regulation 539/17 | A sponsor or registered participant who was a sponsor failing to submit credits to the Minister within the time period specified in subsection 20 (5) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 115. | Subsection 21 (1) of Ontario Regulation 539/17 | A sponsor failing to include information in an initiative report or reversal report as required under subsection 21 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 116. | Subsections 22 (1) and (3) to (10) of Ontario Regulation 539/17 | An accredited verification body failing to verify an initiative report in accordance with subsection 22 (1) or any of subsections (3) to (10) | ≤ $1000 | ≤ $5000 |
| 117. | Subsection 22 (2) of Ontario Regulation 539/17 | An accredited verification body failing to verify an initiative report or reversal report as required under subsection 22 (2) of the Regulation | $1000 - $2000 | $5000 - $10,000 |
| 118. | Section 23 of Ontario Regulation 539/17 | An accredited verification body failing to prepare a verification statement in accordance section 23 of the Regulation | ≤ $1000 | ≤ $5000 |
| 119. | Subsection 24 (1) of Ontario Regulation 539/17 | An accredited verification body failing to prepare a verification report as required under subsection 24 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 120. | Subsection 24 (2) of Ontario Regulation 539/17 | An accredited verification body failing to prepare a verification report in respect of a reversal report | ≤ $1000 | ≤ $5000 |
| 121. | Subsection 24 (3) of Ontario Regulation 539/17 | An accredited verification body failing to set out information required under subsection 24 (3) of the Regulation in a verification report | ≤ $1000 | ≤ $5000 |
| 122. | Subsection 24 (5) of Ontario Regulation 539/17 | An accredited verification body failing to provide a copy of a verification report to a sponsor within the time period specified in subsection 24 (5) of the Regulation | ≤ $1000 | ≤ $5000 |
| 123. | Subsection 25 (1) of Ontario Regulation 539/17 | A sponsor failing to keep a record as required by subsection 25 (1) of the Regulation | ≤ $1000 | ≤ $5000 |
| 124. | Subsection 25 (2) of Ontario Regulation 539/17 | An accredited verification body failing to keep a record as required by subsection 25 (2) of the Regulation | ≤ $1000 | ≤ $5000 |