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Consolidated Hearings Act

R.R.O. 1990, REGULATION 173

HEARINGS

**Consolidation Period:** From April 3, 2018 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [78/18](https://www.ontario.ca/laws/regulation/R18078).

Legislative History: 205/97, [524/06](https://www.ontario.ca/laws/regulation/R06524), [246/11](https://www.ontario.ca/laws/regulation/R11246), [296/17](https://www.ontario.ca/laws/regulation/R17296), [78/18](https://www.ontario.ca/laws/regulation/R18078).

This is the English version of a bilingual regulation.

**1.**In this Regulation,

“Listed Act” means an Act set out in the Schedule to the Consolidated Hearings Act or prescribed by regulation for the purpose of section 2 of the Act. R.R.O. 1990, Reg. 173, s. 1.

**2.**(1)  If a notice is given to the Hearings Registrar under subsection 3 (1) of the Consolidated Hearings Act with respect to an undertaking for which an approval is required under the Environmental Assessment Act, the hearing by the joint board shall not be commenced until the Minister of the Environment refers the application for approval or a matter that relates to the application for approval to the Environmental Review Tribunal under section 9.1 or 9.2 of the Environmental Assessment Act. O. Reg. 205/97, s. 1; O. Reg. 524/06, ss. 1, 2.

(2)  If the Minister of the Environment has not referred the application or a matter that relates to the application to the Environmental Review Tribunal under section 9.1 or 9.2 of the Environmental Assessment Act, sections 4 and 5 of the Consolidated Hearings Act do not apply to the undertaking unless,

(a) the proponent gives a fresh notice to the Hearings Registrar relating to matters other than the Environmental Assessment Act; or

(b) an order relating to matters other than the Environmental Assessment Act is made under subsection 24 (2) of the Consolidated Hearings Act. O. Reg. 205/97, s. 1; O. Reg. 524/06, ss. 1, 2.

(3)  If the Minister of the Environment refers the application to the Environmental Review Tribunal under section 9.1 of the Environmental Assessment Act,

(a) section 9.1 of the Environmental Assessment Act applies, with necessary modifications, to the joint board and the joint board hearing in respect of those aspects of the hearing that relate to the Environmental Assessment Act; and

(b) the joint board shall use its best efforts to make its decision in a timely fashion, guided by any deadline specified by the Minister of the Environment under subsection 9.1 (5) of the Environmental Assessment Act. O. Reg. 205/97, s. 1; O. Reg. 524/06, ss. 1, 2.

(4)  If the Minister of the Environment refers a matter that relates to the application to the Environmental Review Tribunal under section 9.2 of the Environmental Assessment Act,

(a) section 9.2 of the Environmental Assessment Act applies, with necessary modifications, to the joint board and the joint board hearing in respect of those aspects of the hearing that relate to the Environmental Assessment Act;

(b) the joint board shall comply with any directions or conditions given by the Minister of the Environment under subsection 9.2 (2) of the Environmental Assessment Act in respect of those aspects of the hearing that relate to the Environmental Assessment Act; and

(c) the joint board shall use its best efforts to make its decision in a timely fashion, guided by any deadline specified by the Minister of the Environment under subsection 9.2 (6) of the Environmental Assessment Act. O. Reg. 205/97, s. 1; O. Reg. 524/06, ss. 1, 2.

(5)  Nothing in subsection (3) or (4) shall be interpreted or applied in such a way as to compromise the ability of the joint board to address any matters it is required to address that relate to an Act other than the Environmental Assessment Act or a hearing other than the hearing contemplated under section 9.1 or 9.2 of the Environmental Assessment Act. O. Reg. 205/97, s. 1.

**3.**(1)  Before the commencement of a joint board hearing, a meeting may be held to make a preliminary determination as to what matters related to the proposed undertaking are in issue between the proponent of the undertaking and the other prospective parties to the hearing and what matters related to the proposed undertaking are not in issue between the proponent and the other prospective parties. R.R.O. 1990, Reg. 173, s. 3 (1).

(2)  The Hearings Registrar shall give notice of the time and place of a meeting to be held under subsection (1) to the proponent and such other persons as have indicated, in writing, to the Hearings Registrar that they wish to participate in the hearing. R.R.O. 1990, Reg. 173, s. 3 (2).

(3)  A meeting under subsection (1) may be held by the Hearings Registrar or the joint board or any member of it. R.R.O. 1990, Reg. 173, s. 3 (3).

**4.**At the commencement of a joint board hearing, the joint board shall require persons who wish to be a party at the hearing to identify themselves. R.R.O. 1990, Reg. 173, s. 4.

**5.**(1)  At or before the commencement of a hearing, every person who is a party to the hearing under section 8 of the Consolidated Hearings Act, shall file a notice in writing with the joint board stating the matters that the party believes are in issue between the party and the other parties and the matters that the party believes all parties are in agreement on. R.R.O. 1990, Reg. 173, s. 5 (1).

(2)  Every person who expresses satisfaction with the determination made under subsection 3 (1) is exempt from subsection (1). R.R.O. 1990, Reg. 173, s. 5 (2).

**6.**Sections 4 and 5 do not apply to prevent a person from being made a party to a hearing during the course of the hearing. R.R.O. 1990, Reg. 173, s. 6.

**7.**(1)  Fees shall be paid in respect to a proceeding before a joint board by the person giving notice under subsection 3 (1) of the Consolidated Hearings Act. R.R.O. 1990, Reg. 173, s. 7 (1).

(2)  The amount of the fees to be paid under subsection (1) is the amount that would, but for the Consolidated Hearings Act, be payable to the Local Planning Appeal Tribunal under the Local Planning Appeal Tribunal Act, 2017. O. Reg. 78/18, s. 1 (1).

(3)  Where the application of subsection (2) would result in no fee being payable, the fee payable shall be $50. R.R.O. 1990, Reg. 173, s. 7 (3).

(4)  Where a fee has been paid under the Local Planning Appeal Tribunal Act, 2017 with respect to the undertaking, the amount of the fee payable under this section shall be reduced by the amount of the fee paid under the Local Planning Appeal Tribunal Act, 2017. O. Reg. 78/18, s. 1 (2).

**8.**An undertaking in relation to which,

(a) a hearing described in Column 1 of the Table to this section is or may be required; and

(b) no other hearing under one of the Listed Acts, other than a hearing described in Column 2 of the Table opposite the first described hearing, is or may be required,

is exempt from section 2 of the Consolidated Hearings Act.

Table

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| Item | Column 1 | Column 2 |
| 1. | Section 50 of the Planning Act | Section 45 of the Planning Act |
| 2. | Any hearing | Any hearing on an appeal or other review of a decision made in connection with the hearing referred to in Column 1 |
| 3. | A hearing under the Ontario Water Resources Act, except subsection 74 (4) and a hearing under the Environmental Protection Act, except subsections 20.15 (1) and 36 (1) | Hearings by the Local Planning Appeal Tribunal and hearings by tribunals following which a decision may be made that may be appealed to the Local Planning Appeal Tribunal |

R.R.O. 1990, Reg. 173, s. 8; O. Reg. 296/17, s. 2; O. Reg. 78/18, s. 2.

**9.**(1)  Every undertaking in respect of which a hearing has been completed before the date referred to in section 3 of the Consolidated Hearings Act, whether or not a decision has been made or issued following upon the hearing, is exempt from subsection 24 (2) of the Act. R.R.O. 1990, Reg. 173, s. 9 (1).

(2)  Every undertaking is exempt from the provisions of subsection 24 (4) of the Consolidated Hearings Act. R.R.O. 1990, Reg. 173, s. 9 (2).

Schedule Revoked: O. Reg. 296/17, s. 3.

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