Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 492/92

EXEMPTION — MINISTRY OF TRANSPORTATION — MTO-62

**Consolidation Period:** From August 25, 1992 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

This Regulation is made in English only.

Having received a request from the Ministry of Transportation that an undertaking, namely:

the acquisition and leasing of three kilometres of abandoned rail right-of-way property in the City of St. Thomas,

be exempt from the application of the Act pursuant to section 29; and

Having been advised by the Ministry of Transportation that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

A. The Crown may be damaged due to an increase in the purchase price of the lands that could arise if there is a delay in purchasing this property.

B. The public will be damaged by the loss of an opportunity to restore rail service if the property is not acquired immediately by the Crown and thereby protected from other potential development uses.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:

A. The undertaking is unlikely to have any significant adverse effects on the environment, as this undertaking involves the reuse of an existing rail corridor. The interference which would be caused by the full application of the Environmental Assessment Act, therefore, would be undue.

B. The undertaking will encourage the development of passenger and freight rail service, thus creating immediate economic development as a result of this energy efficient mode of transportation.

This exemption order is subject to the following terms and conditions:

1. Where any activity which otherwise would be exempt under this order is being carried out as or is part of an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms or conditions in the approval to proceed as well as the conditions of this order.

2. Where any activity which is the subject of this order is being carried out as or is part of another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms or conditions in the other exemption order as well as the conditions in this order.

3. This exemption order shall expire,

(a) five years from the date of approval of this order if acquisition has not yet commenced; or

(b) at the request of the Minister of Transportation, on such later date as approved by the Minister of the Environment. O.Reg. 492/92.

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