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Environmental Bill of Rights, 1993

ONTARIO REGULATION 73/94

GENERAL

**Consolidation Period:** From September 5, 2017 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

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This is the English version of a bilingual regulation.

PART I  
APPLICATION OF ACT

Application of Part II of Act — Public Participation in Government Decision-Making

**1.**The provisions of Part II of the Act, except section 15 and sections 19 to 26, apply in relation to the following ministries:

1. Revoked: O. Reg. 21/17, s. 1 (1).

2. Ministry of Agriculture, Food and Rural Affairs.

3. Ministry of Economic Development and Growth.

4. Ministry of Education.

5. Ministry of Energy.

6. Ministry of the Environment and Climate Change.

7. Ministry of Government and Consumer Services.

8. Ministry of Health and Long-Term Care.

8.1 Ministry of Housing.

8.2 Ministry of Indigenous Relations and Reconciliation.

8.3 Ministry of Infrastructure.

9. Ministry of Labour.

10. Ministry of Municipal Affairs.

11. Ministry of Natural Resources and Forestry.

12. Ministry of Northern Development and Mines.

13. Ministry of Tourism, Culture and Sport.

14. Ministry of Transportation.

15. Treasury Board Secretariat. O. Reg. 257/03, s. 1; O. Reg. 60/05, s. 1; O. Reg. 217/07, s. 1; O. Reg. 215/08, s. 1; O. Reg. 363/09, s. 1; O. Reg. 227/12, s. 1; O. Reg. 235/13, s. 1; O. Reg. 305/14, s. 1; O. Reg. 117/16, s. 1; O. Reg. 21/17, s. 1.

Proposals for Policies and Acts

**2.**Section 15 of the Act applies in relation to the following ministries:

1. Revoked: O. Reg. 21/17, s. 2 (1).

2. Ministry of Agriculture, Food and Rural Affairs.

3. Ministry of Economic Development and Growth.

4. Ministry of Education.

5. Ministry of Energy.

6. Ministry of the Environment and Climate Change.

7. Ministry of Government and Consumer Services.

8. Ministry of Health and Long-Term Care.

8.1 Ministry of Housing.

8.2 Ministry of Indigenous Relations and Reconciliation.

8.3 Ministry of Infrastructure.

9. Ministry of Labour.

10. Ministry of Municipal Affairs.

11. Ministry of Natural Resources and Forestry.

12. Ministry of Northern Development and Mines.

13. Ministry of Tourism, Culture and Sport.

14. Ministry of Transportation.

15. Treasury Board Secretariat. O. Reg. 257/03, s. 1; O. Reg. 60/05, s. 2; O. Reg. 217/07, s. 2; O. Reg. 215/08, s. 2; O. Reg. 363/09, s. 2; O. Reg. 227/12, s. 2; O. Reg. 235/13, s. 2; O. Reg. 305/14, s. 2; O. Reg. 117/16, s. 2; O. Reg. 21/17, s. 2.

Proposals for Regulations

**3.**(1)  The following Acts are prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993:

1. Aggregate Resources Act.

1.1 Clean Water Act, 2006.

1.2 Climate Change Mitigation and Low-carbon Economy Act, 2016.

2. Conservation Authorities Act.

3. Crown Forest Sustainability Act, 1994.

4. Revoked: O. Reg. 227/12, s. 3 (1).

5. Revoked: O. Reg. 363/09, s. 3 (2).

6. Environmental Assessment Act.

7. Environmental Bill of Rights, 1993.

8. Environmental Protection Act.

8.1 Far North Act, 2010.

9. Fish and Wildlife Conservation Act, 1997.

9.1 Great Lakes Protection Act, 2015.

10. Green Energy Act, 2009.

10.1 Invasive Species Act, 2015.

11. Lakes and Rivers Improvement Act.

11.1 Lake Simcoe Protection Act, 2008.

12. Mining Act.

13. Niagara Escarpment Planning and Development Act.

13.1 Nutrient Management Act, 2002.

14. Oil, Gas and Salt Resources Act.

14.1 Ontario Heritage Act.

15. Ontario Water Resources Act.

16. Pesticides Act.

16.1 Places to Grow Act, 2005.

17. Planning Act.

18. Provincial Parks and Conservation Reserves Act, 2006.

19. Public Lands Act.

19.1 Resource Recovery and Circular Economy Act, 2016.

20. Safe Drinking Water Act, 2002.

21. Revoked: O. Reg. 235/13, s. 3 (1).

21.1 Toxics Reduction Act, 2009.

22. Waste Diversion Transition Act, 2016.

23. Revoked: O. Reg. 227/12, s. 3 (3).

O. Reg. 179/98, s. 2; O. Reg. 257/03, s. 2 (1, 2); O. Reg. 41/06, s. 1; O. Reg. 215/08, s. 3 (1-3); O. Reg. 363/09, s. 3; O. Reg. 159/10, s. 1 (1); O. Reg. 227/12, s. 3 (1-3); O. Reg. 235/13, s. 3 (1); O. Reg. 117/16, s. 3; O. Reg. 21/17, s. 3.

(2)  Clauses 29 (1) (a) and (c) and section 34 of the Building Code Act, 1992 are prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993. O. Reg. 129/01, s. 1.

(3)  Despite subsection (2), a regulation made under section 34 of the Building Code Act, 1992 is exempt from section 16 of the Environmental Bill of Rights, 1993 unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992. O. Reg. 129/01, s. 1; O. Reg. 227/12, s. 3 (4); O. Reg. 235/13, s. 3 (2).

(3.0.1)  The Endangered Species Act, 2007is prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993*.* O. Reg. 215/08, s. 3 (4).

(3.0.2)  Despite subsection (3.0.1), a regulation made under section 7 of the Endangered Species Act, 2007is not prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993*.* O. Reg. 215/08, s. 3 (4).

(3.0.3)  The Food Safety and Quality Act, 2001 is prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993,

(a) generally, with respect to matters related to the disposal of deadstock as defined in section 2 of the Food Safety and Quality Act, 2001; and

(b) specifically, with respect to any proposed amendment to or replacement of Ontario Regulation 105/09 (Disposal of Deadstock) made under the Food Safety and Quality Act, 2001. O. Reg. 159/10, s. 1 (2).

(3.1)  The Greenbelt Act, 2005, except subsection 16 (1), is prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993. O. Reg. 217/07, s. 3.

(3.1.1)  Subsections 96 (1) and (2), clauses 96 (3) (m) to (t) and subsection 96 (3.1) of the Health Protection and Promotion Actare prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993*.* O. Reg. 215/08, s. 3 (4).

(3.1.2)  Despite subsection (3.1.1), a regulation made under subsection 96 (1) or (2) of the Health Protection and Promotion Act is exempt from section 16 of the Environmental Bill of Rights, 1993unless it relates to small drinking water systems within the meaning of the Health Protection and Promotion Act. O. Reg. 215/08, s. 3 (4).

(3.2)  The Oak Ridges Moraine Conservation Act, 2001, except clauses 22 (1) (d) and 23 (1) (g), is prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993. O. Reg. 217/07, s. 3.

(4)  Clauses 88 (1) (a.1) to (g) of the Ontario Energy Board Act, 1998 are prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993. O. Reg. 104/03, s. 1.

(5)  The Technical Standards and Safety Act, 2000 is prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993,

(a) generally, with respect to matters referred to in section 42 of the Technical Standards and Safety Act, 2000; and

(b) specifically with respect to any proposed amendment to or replacement of Ontario Regulation 217/01 (Liquid Fuels) made under the Technical Standards and Safety Act, 2000. O. Reg. 257/03, s. 2 (3); O. Reg. 235/13, s. 3 (3).

(6)  The Water Opportunities Act, 2010, except Part II, is prescribed for the purposes of section 16 of the Environmental Bill of Rights, 1993. O. Reg. 227/12, s. 3 (5).

Proposals for Instruments

**4.**  (1)  Sections 19 to 26 of the Environmental Bill of Rights, 1993 apply in relation to the following ministries:

1. Ministry of the Environment and Climate Change.

2. Ministry of Government and Consumer Services.

3. Ministry of Municipal Affairs.

4. Ministry of Natural Resources and Forestry.

5. Ministry of Northern Development and Mines. O. Reg. 179/98, s. 2; O. Reg. 257/03, s. 3; O. Reg. 217/07, s. 4; O. Reg. 215/08, s. 4; O. Reg. 363/09, s. 4; O. Reg. 227/12, s. 4 (1); O. Reg. 305/14, s. 3; O. Reg. 21/17, s. 4.

(2)  Despite subsection (1), an instrument made under clause 29 (1) (a) or (c) of the Building Code Act, 1992 is exempt from sections 19 to 26 of the Environmental Bill of Rights, 1993 unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992. O. Reg. 129/01, s. 2; O. Reg. 227/12, s. 4 (2); O. Reg. 235/13, s. 4.

Application of Part IV of Act — Application for Review

**5.**The following ministries are prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993:

1. Ministry of Agriculture, Food and Rural Affairs.

1.1 Ministry of Education.

2. Ministry of Energy.

3. Ministry of the Environment and Climate Change.

4. Ministry of Government and Consumer Services.

5. Ministry of Health and Long-Term Care.

6. Ministry of Housing.

6.1 Ministry of Municipal Affairs.

7. Ministry of Natural Resources and Forestry.

8. Ministry of Northern Development and Mines.

9. Ministry of Transportation. O. Reg. 179/98, s. 2; O. Reg. 257/03, s. 4; O. Reg. 217/07, s. 5; O. Reg. 215/08, s. 5; O. Reg. 363/09, s. 5; O. Reg. 227/12, s. 5; O. Reg. 235/13, s. 5; O. Reg. 305/14, s. 4; O. Reg. 21/17, s. 5; O. Reg. 359/17, s. 1.

**6.**(1)  The Acts referred to in subsections 3 (1), (5) and (6) of this Regulation are prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 179/98, s. 2; O. Reg. 129/01, s. 3 (1); O. Reg. 257/03, s. 5 (1); O. Reg. 227/12, s. 6.

(1.1)  Clauses 29 (1) (a) and (c) and section 34 of the Building Code Act, 1992 are prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 129/01, s. 3 (2).

(1.1.0.1)  The Endangered Species Act, 2007 is prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993*.* O. Reg. 215/08, s. 6.

(1.1.0.2)  The Kawartha Highlands Signature Site Park Act, 2003 is prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 215/08, s. 6.

(1.1.1)  The Greenbelt Act, 2005is prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 217/07, s. 6.

(1.1.1.1)  Subsections 96 (1) and (2), clauses 96 (3) (m) to (t) and subsection 96 (3.1) of the Health Protection and Promotion Actare prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993*.* O. Reg. 215/08, s. 6.

(1.1.2)  The Oak Ridges Moraine Conservation Act, 2001 is prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 217/07, s. 6.

(1.2)  Clauses 88 (1) (a.1) to (g) of the Ontario Energy Board Act, 1998 are prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 104/03, s. 2.

(2)  Revoked: O. Reg. 21/17, s. 6.

**7.**(1)  A regulation made under an Act or provision that is prescribed by section 6 of this Regulation is prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 179/98, s. 2; O. Reg. 129/01, s. 4 (1).

(2)  Despite subsection (1), a regulation made under section 34 of the Building Code Act, 1992 is not prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993 unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992. O. Reg. 129/01, s. 4 (2); O. Reg. 227/12, s. 7; O. Reg. 235/13, s. 6.

(2.0.1)  Despite subsection (1), a regulation made under section 7 of the Endangered Species Act, 2007is not prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993*.* O. Reg. 215/08, s. 7.

(2.0.2)  Despite subsection (1), a regulation made under subsection 96 (1) or (2) of the Health Protection and Promotion Act is exempt from Part IV of the Environmental Bill of Rights, 1993unless it relates to small drinking water systems within the meaning of the Health Protection and Promotion Act. O. Reg. 215/08, s. 7.

(2.1)  For the purposes of subsection (1), a regulation made under an Act or provision includes a regulation made under the Act or provision before the Act or provision was first prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 129/01, s. 4 (2).

(3)  Despite subsection (1), a provision of a regulation made on or before November 15, 1994 under section 29 or clause 39 (f) of the Environmental Assessment Act, as that section or that clause read at the time the regulation was made, is not prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 179/98, s. 2.

**8.**(1)  An instrument is prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993 if a proposal for the instrument would be a Class I, II or III proposal for the purposes of the Act. O. Reg. 73/94, s. 8 (1).

(2)  Despite subsection (1), an approval of an undertaking issued on or before November 15, 1994 under the Environmental Assessment Act is not prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 73/94, s. 8 (2).

**8.1**  An agreement entered into under section 22 or 23 of Ontario Regulation 242/08 (General) made under the Endangered Species Act, 2007 is prescribed for the purposes of Part IV of the Environmental Bill of Rights, 1993. O. Reg. 159/10, s. 2.

Application of Part V of Act — Application for Investigation

**9.**(1)The following Acts are prescribed for the purposes of Part V of the Environmental Bill of Rights, 1993:

1. Aggregate Resources Act.

2. Conservation Authorities Act.

3. Crown Forest Sustainability Act, 1994.

4. Endangered Species Act, 2007.

4.1 Revoked: O. Reg. 363/09, s. 6.

5. Revoked: O. Reg. 227/12, s. 8 (1).

6. Environmental Assessment Act.

7. Environmental Protection Act.

7.1 Far North Act, 2010.

8. Fish and Wildlife Conservation Act, 1997.

8.1 Green Energy Act, 2009.

8.2 Invasive Species Act, 2015.

9. Kawartha Highlands Signature Site Park Act, 2003.

10. Revoked: O. Reg. 257/03, s. 6 (1).

11. Lakes and Rivers Improvement Act.

12. Mining Act.

13. Oil, Gas and Salt Resources Act.

14. Ontario Water Resources Act.

15. Pesticides Act.

16. Provincial Parks and Conservation Reserves Act, 2006.

17. Public Lands Act.

17.1 Toxics Reduction Act, 2009.

18. Revoked: O. Reg. 227/12, s. 8 (3).

O. Reg. 179/98, s. 3; O. Reg. 257/03, s. 6 (1); O. Reg. 215/08, s. 8; O. Reg. 363/09, s. 6; O. Reg. 159/10, s. 4; O. Reg. 227/12, s. 8; O. Reg. 117/16, s. 4.

(2)  The Technical Standards and Safety Act, 2000 is prescribed for the purposes of Part V of the Environmental Bill of Rights, 1993, but only with respect to matters referred to in section 42 of the Technical Standards and Safety Act, 2000. O. Reg. 257/03, s. 6 (2).

**10.**(1)  A regulation made under an Act referred to in section 9 is prescribed for the purposes of Part V of the Environmental Bill of Rights, 1993. O. Reg. 179/98, s. 3.

(2)  For the purposes of subsection (1), a regulation made under an Act includes a regulation made under the Act before the Act was first prescribed for the purposes of Part V of the Environmental Bill of Rights, 1993. O. Reg. 179/98, s. 3.

**11.**  (1)  An instrument is prescribed for the purposes of Part V of the Environmental Bill of Rights, 1993 if a proposal for the instrument would be a Class I, II or III proposal for the purposes of the Act. O. Reg. 73/94, s. 11.

(2)  Despite subsection (1), an instrument made under clause 29 (1) (a) or (c) of the Building Code Act, 1992 is not prescribed for the purposes of Part V of the Environmental Bill of Rights, 1993. O. Reg. 129/01, s. 5.

**11.1**  An agreement entered into under section 22 or 23 of Ontario Regulation 242/08 (General) made under the Endangered Species Act, 2007 is prescribed for the purposes of Part V of the Environmental Bill of Rights, 1993. O. Reg. 159/10, s. 3.

Application of Part VII of Act — Employer Reprisals

**12.**(1)  The Acts referred to in subsections 3 (1), (5) and (6) of this Regulation are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 179/98, s. 4; O. Reg. 129/01, s. 6 (1); O. Reg. 257/03, s. 7; O. Reg. 227/12, s. 9 (1).

(2)  Clauses 29 (1) (a) and (c) and section 34 of the Building Code Act, 1992 are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 129/01, s. 6 (2).

(2.0.0.1)  The Endangered Species Act, 2007 is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 215/08, s. 9.

(2.0.1)  The Greenbelt Act, 2005is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 217/07, s. 7.

(2.0.1.1)  Subsections 96 (1) and (2), clauses 96 (3) (m) to (t) and subsection 96 (3.1) of the Health Protection and Promotion Actare prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 215/08, s. 9.

(2.0.1.2)  Despite subsection (2.0.1.1), a regulation made under subsection 96 (1) or (2) of the Health Protection and Promotion Actis not prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993unless it relates to small drinking water systems within the meaning of the Health Protection and Promotion Act. O. Reg. 215/08, s. 9.

(2.0.2)  The Oak Ridges Moraine Conservation Act, 2001 is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 217/07, s. 7.

(2.1)  Clauses 88 (1) (a.1) to (g) of the Ontario Energy Board Act, 1998 are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 104/03, s. 3.

(3)  A regulation or instrument is prescribed for the purposes of paragraphs 4 and 5 of subsection 105 (3) of the Environmental Bill of Rights, 1993 if it was made under an Act or provision that is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 129/01, s. 6 (2).

(4)  Despite subsection (3), an instrument made under clause 29 (1) (a) or (c) of the Building Code Act, 1992 or regulation made under section 34 of that Act is not prescribed for the purposes of paragraphs 4 and 5 of subsection 105 (3) of the Environmental Bill of Rights, 1993 unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992. O. Reg. 129/01, s. 6 (2); O. Reg. 227/12, s. 9 (2); O. Reg. 235/13, s. 7.

(5)  For the purposes of subsection (3), a regulation or instrument includes a regulation or instrument made under an Act or provision before the Act or provision was first prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the Environmental Bill of Rights, 1993. O. Reg. 129/01, s. 6 (2).

PART II   
MISCELLANEOUS

Environmental Registry

**13.**The Minister of the Environment and Climate Change shall operate the registry. O. Reg. 179/98, s. 5; O. Reg. 305/14, s. 5.

**14.**A notice given in the registry shall be left in the registry for sixty days or such other period of time as the registrar considers appropriate. O. Reg. 73/94, s. 14.

Exemptions from Part II of Act

**15.**The requirements of Part II of the Environmental Bill of Rights, 1993, other than sections 3 to 37, do not apply to a proposal to issue, amend or revoke a renewable energy approval under Part V.0.1 of the Environmental Protection Act. O. Reg. 363/09, s. 7.

**15.1**Revoked: O. Reg. 104/03, s. 4.

**15.2**The requirements of Part II of the Environmental Bill of Rights, 1993, other than section 36, do not apply in relation to a proposal to issue, amend or revoke an order under section 43 or 44 of the Environmental Protection Act. O. Reg. 680/94, s. 2.

**15.3**(1)  The requirements of Part II of the Environmental Bill of Rights, 1993 do not apply in relation to a proposal to issue, amend or revoke an instrument under consideration in a ministry if an application for the issuance, amendment or revocation is received by the ministry on or before the later of,

(a) the day on which section 22 of the Environmental Bill of Rights, 1993 begins to apply to the ministry; and

(b) the day on which a regulation that classifies the proposal for the instrument comes into force. O. Reg. 719/94, s. 1.

(1.1)  The exemption provided by subsection (1) does not apply to a proposal that was classified by Ontario Regulation 681/94 before March 7, 1995 but that was not implemented before that date, unless the proposal is a Class III proposal for an instrument in respect of which a notice of hearing has been given under any Act before that date. O. Reg. 108/95, s. 1.

(2)  The requirements of Part II of the Environmental Bill of Rights, 1993 do not apply in relation to a proposal to issue, amend or revoke an instrument under consideration in a ministry if a notice of intention in respect of the issuance, amendment or revocation is issued by the ministry on or before the later of,

(a) the day on which section 22 of the Environmental Bill of Rights, 1993 begins to apply to the ministry; and

(b) the day on which a regulation that classifies the proposal for the instrument comes into force. O. Reg. 719/94, s. 1.

**15.4**The requirements of Part II of the Environmental Bill of Rights, 1993, do not apply in relation to a proposal to issue, amend or revoke a certificate of property use in respect of a modified generic risk assessment that has been accepted under clause 168.5 (1) (a) of the Environmental Protection Act. O. Reg. 513/09, s. 1.

**15.5**Part II of the Environmental Bill of Rights, 1993 does not apply to a proposal to make an order under subsection 47 (1) of the Planning Act or to amend or revoke an order under subsection 47 (8) of that Act if the proposal has not been implemented by the time this section comes into force. O. Reg. 325/99, s. 1.

Regulations and Instruments

**16.**The following documents shall be deemed to be regulations for the purposes of the Environmental Bill of Rights, 1993 and the regulations made under it:

1. An order made under subsection 3.1 (3) of the Environmental Assessment Act.

2. An order made under section 3.2 of the Environmental Assessment Act.

3. An order made before January 1, 1997 under section 29 of the Environmental Assessment Act, as that section read at the time the order was made. O. Reg. 179/98, s. 7.

Appeals under Part II of Act

**17.**(1)  Despite the provisions of the Statutory Powers Procedure Act, an application for leave to appeal under Part II of the Environmental Bill of Rights, 1993 shall be made and disposed of wholly in writing, except to the extent that the appellate body directs otherwise. O. Reg. 680/94, s. 3.

(2)  The applicant for leave to appeal shall serve the Environmental Commissioner with a copy of the leave application. O. Reg. 680/94, s. 3.

(3)  Service of a document under subsection (2) shall be made on or before the day on which the application is filed with the appellate body. O. Reg. 680/94, s. 3.

(4)  The appellate body shall make its decision within 30 days after the day on which the application is filed, unless the appellate body determines that, because of unusual circumstances, a longer period is needed. O. Reg. 680/94, s. 3.

(5)  If the appellate body determines that a longer period is needed, it shall give notice of that determination to the applicant, the Environmental Commissioner and any other person that the appellate body considers should receive the notice. O. Reg. 680/94, s. 3.

(6)  Notice under subsection (5) shall state when the appellate body expects that it will make a decision on the application. O. Reg. 680/94, s. 3.

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