Environmental Protection Act  
Loi sur la protection de l’environnement

[ONTARIO REGULATION 298/02](https://www.ontario.ca/laws/regulation/R02298)

municipalities, secured creditors, receivers, trustees in bankruptcy and fiduciaries — Part XV.2 of the Act

**Consolidation Period:** From October 31, 2011 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [237/11](https://www.ontario.ca/laws/regulation/R11237).

Legislative History: [237/11](https://www.ontario.ca/laws/regulation/R11237).

This Regulation is made in English only.

part I  
municipalities

Protected actions by municipalities etc.

**1.**(1)  The following Acts are prescribed for paragraph 6 of subsection 168.12 (2) of the Act:

1. Drainage Act.

2. Health Protection and Promotion Act.

3. Snow Roads and Fences Act.

4. Weed Control Act. O. Reg. 298/02, s. 1 (1).

(2)  The following actions are prescribed for the purposes of paragraph 7 of subsection 168.12 (2) of the Act:

1. An action under or for the purpose of a by-law of a municipality in relation to either or both of the following:

i. The suppression or prevention of fire, or the preservation of property threatened or affected by fire.

ii. The removal, repair or renewal of any building or other structure.

2. For the purposes of any Act, causing work (including installation, construction or maintenance) to be done on non-municipal property in relation to a public utility as defined in subsection 1 (1) of the Municipal Act, 2001.

3. Causing work to be done on non-municipal property because of a person’s failure to comply with any of the following:

i. An Act, regulation or by-law.

ii. An approval or order made under an Act, regulation or by-law.

iii. An agreement made by the municipality under an Act, regulation or by-law. O. Reg. 298/02, s. 1 (2).

Ownership by vesting under municipal tax law

**2.**The circumstances prescribed for the purposes of clause 168.13 (1) (b) of the Act are that the municipality or municipal representative has contravened section 27, 40 or 41 of the Act. O. Reg. 298/02, s. 2.

Notices of danger to health and safety (municipalities)

**3.**(1)  The circumstances prescribed for giving notice under subsection 168.15 (1) or 168.15 (2) of the Act are that the municipality or municipal representative becomes aware that as a result of the presence or discharge of a contaminant on, in or under the property, there is a danger to the health or safety of any person. O. Reg. 298/02, s. 3 (1).

(2)  The notice must be given by speaking directly or by telephone with a provincial officer on duty at the Ministry’s Spills Action Centreabout the danger. O. Reg. 298/02, s. 3 (2).

(3)  The notice must be given within 24 hours after the municipality or municipal representative becomes aware of the danger. O. Reg. 298/02, s. 3 (3).

part II  
secured creditors

Secured creditor becoming owner by foreclosure

**4.**(1)  The contravention by a secured creditor or secured creditor representative of a provision of the Act, a regulation under the Act, an approval, a certificate of property use, a licence or a permit is prescribed as a circumstance for the purposes of clause 168.18 (1) (b) of the Act, if the contravention occurred more than 90 days after the secured creditor became the owner of the property. O. Reg. 298/02, s. 4 (1).

(2)  In this section,

“approval” means a program approval, environmental compliance approval, or an approval under Part X of the Act;

“provision”, in relation to an approval, licence or permit, includes a condition of the approval, licence or permit. O. Reg. 298/02, s. 4 (2); O. Reg. 237/11, s. 1.

Notice of danger to health or safety (secured creditors)

**5.**(1)  The circumstances prescribed for giving notice under subsection 168.21 (1) or 168.21 (2) of the Act are that the secured creditor or secured creditor representative becomes aware that as a result of the presence or discharge of a contaminant on, in or under the property, there is a danger to the health or safety of any person. O. Reg. 298/02, s. 5 (1).

(2)  The notice must be given by speaking directly or by telephone with a provincial officer on duty at the Ministry’s Spills Action Centreabout the danger. O. Reg. 298/02, s. 5 (2).

(3)  The notice must be given within 24 hours after the secured creditor or secured creditor representative becomes aware of the danger. O. Reg. 298/02, s. 5 (3).

Reports of investigations of contaminants (secured creditors)

**6.**A secured creditor is exempt from the application of section 168.22 of the Act if,

(a) the request relates to a report that was not prepared by a secured creditor representative for the secured creditor;

(b) the secured creditor has not become the owner of the property to which the report relates by virtue of a foreclosure; and

(c) the secured creditor has not become a receiver in respect of the property to which the report relates. O. Reg. 298/02, s. 6.

part III  
receivers and trustees in bankruptcy

Prescribed contraventions by receivers and trustees

**7.**(1)  The contravention by a receiver, receiver representative, trustee in bankruptcy or trustee in bankruptcy representative of a provision of the Act, a regulation under the Act, an approval, a certificate of property use, a licence or a permit is prescribed as a circumstance for the purposes of clause 168.19 (1) (b) of the Act if,

(a) the contravention occurred more than 90 days after the receiver or trustee was appointed to take possession or control of the property or (if no appointment was made) actually took possession or control of the property; and

(b) the provision contravened does not relate to any of the following:

(i) the quantity, type or quality of any discharge of a contaminant (as defined in subsection 1 (1) of the Act) into the natural environment,

(ii) financial assurance (as defined in Part XII of the Act),

(iii) the decommissioning of works (as defined in Part XII of the Act) and associated environmental restoration. O. Reg. 298/02, s. 7 (1).

(2)  Without limiting subsection (1), the contravention by a receiver, receiver representative, trustee in bankruptcy or trustee in bankruptcy representative of a provision of an approval, a certificate of property use, a licence or a permit is prescribed as a circumstance for the purposes of clause 168.19 (1) (b) of the Act if,

(a) the approval, certificate, licence or permit was applied for by or on behalf of the receiver or trustee in bankruptcy; or

(b) the provision was included in the approval, certificate, licence or permit as a result of an amendment applied for by or on behalf of the receiver or trustee in bankruptcy. O. Reg. 298/02, s. 7 (2).

(3)  In this section,

“approval” means a program approval, environmental compliance approval, or an approval under Part X of the Act;

“provision”, in relation to an approval, licence or permit, includes a condition of the approval, licence or permit. O. Reg. 298/02, s. 7 (3); O. Reg. 237/11, s. 2.

Notice of abandonment etc. by receivers and trustees

**8.**(1)  A notice under clause 19 (5) (a) or (b) or 168.20 (7) (a) or (b) of the Act must set out the following:

1. The name of the receiver or trustee in bankruptcy.

2. The date the receiver or trustee abandoned or disposed of the property, or released their interest in the property.

3. The municipal address of the property to which the notice relates or, if there is no such address, a legally sufficient description of the property. O. Reg. 298/02, s. 8 (1).

(2)  The notice must be given by fax or by a method described in subsection 182 (1) of the Act. O. Reg. 298/02, s. 8 (2).

Notice of danger to health and safety (receivers and trustees)

**9.**(1)  The circumstances prescribed for giving notice under subsection 168.21 (3) of the Act are that the receiver, trustee in bankruptcy, receiver representative or trustee in bankruptcy representative becomes aware that as a result of the presence or discharge of a contaminant on, in or under the property, there is a danger to the health or safety of any person. O. Reg. 298/02, s. 9 (1).

(2)  The notice must be given by speaking directly or by telephone with a provincial officer on duty at the Ministry’s Spills Action Centreabout the danger. O. Reg. 298/02, s. 9 (2).

(3)  The notice must be given within 24 hours after the receiver, trustee in bankruptcy, receiver representative or trustee in bankruptcy representative becomes aware of the danger. O. Reg. 298/02, s. 9 (3).

part IV  
fiduciaries

Notice of danger to health and safety (fiduciaries)

**10.**(1)  The circumstances prescribed for giving notice under section 168.24 of the Act are that the fiduciary or fiduciary representative becomes aware that as a result of the presence or discharge of a contaminant on, in or under the property, there is a danger to the health or safety of any person. O. Reg. 298/02, s. 10 (1).

(2)  The notice must be given by speaking directly or by telephone with a provincial officer on duty at the Ministry’s Spills Action Centreabout the danger. O. Reg. 298/02, s. 10 (2).

(3)  The notice must be given within 24 hours after the fiduciary or representative becomes aware of the danger. O. Reg. 298/02, s. 10 (3).

**11.**  Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 298/02, s. 11.

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