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Waste Diversion Transition Act, 2016

ONTARIO REGULATION 388/16

STEWARDSHIP ONTARIO

**Consolidation Period:** From April 1, 2017 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: O. Reg. 388/16.

This is the English version of a bilingual regulation.

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Interpretation

**1.**In this Regulation,

“blue box waste” has the same meaning as in 386/16(Blue Box Waste); (“déchets destinés à la boîte bleue”)

“municipal hazardous or special waste” has the same meaning as in 387/16 (Municipal Hazardous or Special Waste); (“déchets municipaux dangereux ou spéciaux”)

“steward” means a person designated as a steward in respect of blue box waste or municipal hazardous or special waste under a rule continued under clause 9 (2) (b) of the Act or made under clause 33 (1) (a) of the Act or under a regulation made under subsection 73 (3) of the Act; (“responsable de la gérance”)

“steward association” means an association that has as members one or more persons that are stewards. (“association de responsables de la gérance”)

Board of directors

**2.**(1)  Stewardship Ontario’s board of directors shall be composed of nine members elected in accordance with this Regulation and one member appointed in accordance with this Regulation.

(2)  Despite subsection (1), Stewardship Ontario’s board of directors may be composed of more than nine members until such time as the members who are continued as members under subsection 16 (3) of the Act are no longer members because their term expires, they resign or they are removed as board members.

(3)  Stewardship Ontario shall maintain on its website a list of members of its board of directors along with an indication of whether each member was elected or appointed and when each member’s term expires.

(4)  A maximum of two members of the board of directors may be persons who are not Canadian citizens or permanent residents within the meaning of the Immigration and Refugee Protection Act (Canada) and who are not ordinarily resident in Ontario.

Elections and appointments after 2017

**3.**(1)  In every year after 2017, elections to fill vacancies shall be held in any year in which the term of two or more members of the board of directors is scheduled to end.

(2)  A member of the board of directors shall hold office for a term beginning on the date of the member’s election or appointment and ending on the earlier of,

(a) the beginning of Stewardship Ontario’s annual general meeting in the year that is three years after the member’s appointment; and

(b) December 31 in the year that is three years after the member’s appointment.

**4.**Revoked: O. Reg. 388/16, s. 13.

Eligibility for election

**5.**(1)  An individual is eligible to stand for election to the board of directors if the individual,

(a) is at least 18 years of age; and

(b) is an employee of,

(i) a steward, or

(ii) a steward association whose members that are stewards have collectively paid at least $1 million to Stewardship Ontario in the most recently completed fiscal year in respect of the obligation to pay fees under subsection 34 (1) of the Act or under section 31 of the Waste Diversion Act, 2002, as it read immediately before its repeal.

(2)  Despite subsection (1), an individual is not eligible to stand for election if the individual,

(a) has the status of bankrupt; or

(b) has been found, under the Substitute Decisions Act, 1992 or the Mental Health Act, to be incapable of managing property.

(3)  An individual elected as a member of the board of directors whose term of office expires is eligible, subject to subsections (1) and (2), to be a candidate in a subsequent election.

Number of votes

**6.**(1)  For each election, Stewardship Ontario shall determine the number of votes to which each sector of stewards described in section 7 is entitled and shall assign that number of votes to the respective sector.

(2)  To determine the number of votes for the purpose of subsection (1), the following rules apply:

1. One vote shall be assigned to each sector for every $10 million collectively paid by stewards that are members of a steward association belonging to that sector in the most recently completed fiscal year in respect of the obligation to pay fees under subsection 34 (1) of the Act or under section 31 of the Waste Diversion Act, 2002, as it read immediately before its repeal.

2. For the purposes of paragraph 1, if the fees collectively paid by stewards are greater than $10 million, the amount paid shall be rounded to the nearest $10 million.

(3)  The steward associations within each sector that has been assigned one or more votes under subsection (2) shall collectively designate one or more individuals to cast the votes assigned to their sector.

Sectors

**7.**(1)  For the purposes of section 6, every steward association shall be classified as belonging to one of the following sectors:

1. The consumable materials sector described in subsection (2).

2. The durable materials sector described in subsection (3).

3. The retailers and distributors sector described in subsection (4).

(2)  An association is classified as belonging to the consumable materials sector if the association’s members who are stewards are stewards primarily in respect of waste that consists of any of the following materials:

1. Aerosol containers.

2. Antifreeze and containers in which it is contained.

3. Containers that have a capacity of 30 litres or less and that were manufactured and used for the purpose of containing lubricating oil.

4. Corrosives.

5. Fertilizers, fungicides, herbicides, insecticides or pesticides, and containers in which they are contained.

6. Flammables.

7. Glass.

8. Leachate toxic waste.

9. Metal.

10. Non refillable pressurized containers.

11. Oil filters, after they have been used for their intended purpose.

12. Paint and coatings, and containers in which they are contained.

13. Paper.

14. Pharmaceuticals.

15. Plastic.

16. Reactive toxic waste.

17. Single use and rechargeable batteries.

18. Textiles.

19. Toxic substances.

(3)  An association is classified as belonging to the durable materials sector if the association’s members who are stewards are stewards primarily in respect of waste that consists of any of the following materials:

1. Devices that contain mercury.

2. Fluorescents embedded in electronics products.

3. Fluorescents removed by the user.

4. Industrial stationary and non-lead acid batteries.

5. Portable fire extinguishers.

6. Refillable pressurized containers.

7. Sharps including syringes.

(4)  An association is classified as belonging to the retailers and distributors sector if the association’s members who are stewards sell, resell or intend to sell or resell consumable or durable products that could result in the materials listed in subsection (1) or (2).

Appointed member

**8.**(1)  One member of the board of directors shall be appointed by the elected members of the board of directors.

(2)  An individual is eligible to be appointed under this section if the individual is at least 18 years of age.

(3)  An individual is not eligible to be appointed under this section if the individual,

(a) is a member or employee of a steward association;

(b) is commercially connected to the blue box waste industry or to the municipal hazardous or special waste industry;

(c) has the status of bankrupt; or

(d) has been found, under the Substitute Decisions Act, 1992 or the Mental Health Act, to be incapable of managing property.

(4)  An individual appointed as a member of the board of directors under this section whose term of office expires is eligible, subject to subsections (2) and (3), to be reappointed.

Resignation, ineligibility

**9.**(1)  A member of the board of directors may resign by delivering a written letter of resignation to the secretary of Stewardship Ontario.

(2)  A member of the board of directors ceases to hold office if the member meets either of the criteria set out in subsection 5 (2).

Vacancies

**10.**(1)  If there is a vacancy on the board of directors, the remaining members may fill the vacancy by appointing an individual if,

(a) in the case of a vacancy among the elected members, the individual would be eligible under subsections 5 (1) and (2) to stand for election; and

(b) in the case of a vacancy among the appointed members, the individual would be eligible under subsections 8 (2) and (3) to be appointed.

(2)  An individual who is elected or appointed under this section shall hold office until the date on which the term of office of the member the individual replaced would have expired.

**11.**Revoked: O. Reg. 388/16, s. 13.

Application of Corporations Act

**12.**Section 80 and subsection 283 (5) of the Corporations Act apply, with necessary modifications, to Stewardship Ontario.

Note: On the day subsection 77 (1) of Schedule 2 to the Waste-Free Ontario Act, 2016comes into force, section 12 of this Regulation is revoked and the following substituted: (See: O. Reg. 388/16, s. 14)

Application of Not-for-Profit Corporations Act, 2010

**12.**Section 46 of the Not-for-Profit Corporations Act, 2010 applies, with necessary modifications, to Stewardship Ontario. O. Reg. 388/16, s. 14.

**13., 14.**  Omitted (provides for amendments to this Regulation).

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

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