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Toronto

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Ontario Highway Transport Board

IN THE MATTER of the Public Vehicles Act,
AND IN THE MATTER OF the Motor Vehicle Transport Act, 1987
AND IN THE MATTER of the Ontario Highway Transport
Board Act
AND IN THE MATTER OF:

- | | |
|--|---|
| 1. Farooq Hanjra
7305 rue Sherbrooke Ouest
Apartment 12
Montreal, Quebec H4B 1R9
File # 46685-RE(2) | 2. Muhammad Qadri
3001 Finch Avenue West
Apartment 407
North York, ON M9M 3A9
File # 47164-RE(1) |
| 3. Baljeet Singh
43 Bruce Beer Drive
Brampton, ON L6V 2W7
File # 47163-RE(1) | 4. Rashpal Singh
4060 rue De Bullion
Montreal, Quebec H2W 2E5
File # 47165-RE(1) |

NOTICE

The Board is in receipt of an application by Trentway-Wagar Inc. ("Trentway") pursuant to Section 11 of the Public Vehicles Act. Trentway has satisfied the Board that there are apparent grounds to issue an order described in Section 11(3) of the Public Vehicles Act.

All Information pertaining to this matter is on file at the Board and can be made available on request. (Telephone 416-326-6732).

TAKE NOTICE that the Board will hold a hearing on this matter to determine whether to issue an order described in Section 11 (3) of the Public Vehicles Act.

The hearing will be held on Wednesday the 5th day of September, 2007 at 10:00 a.m. at the Health Board Secretariat, 151 Bloor St. W., 9th Floor, Toronto, Ontario. M5S 2T5.

AND FURTHER TAKE NOTICE that should any party to this proceedings not attend at the time and place shown for the hearing, the Board may proceed in their absence and they will not be entitled to any further notice in this proceedings.

AND FURTHER TAKE NOTICE that any interested person (i.e.: a person who has an economic interest in the outcome of the matter) may file a statement with the Board and serve it on the above named operators at least 10 days before the hearing date and pay a fee of \$400.00 payable to the Minister of Finance.

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the Motor Vehicle Transport Act, 1987, and the Public Vehicles Act. All information pertaining to the applicant i.e. business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

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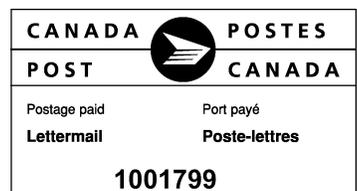
Pour obtenir de l'information en français, veuillez communiquer avec la Commission des transports routiers au 416-326-6732.

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2839



Conway's Bus Service, Inc. 47167
10 Nate Whipple Highway, Cumberland, Rhode Island 02864, USA.

Applies for an extra-provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the United States of America as authorized by the relevant jurisdiction from the Ontario/U.S.A., Ontario/Québec and Ontario/Manitoba border crossings:

1. to points in Ontario; and
2. in transit through Ontario to the Ontario/Manitoba, Ontario/Québec, and Ontario/U.S.A. border crossings for furtherance

and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT there be no pick-up or discharge of passengers except at point of origin.

Ecua Coach, Corp. 47170
6404 Polk St., Apt. 2, West New York, New Jersey 07093, USA.

Applies for an extra-provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the United States of America as authorized by the relevant jurisdiction from the Ontario/U.S.A., Ontario/Québec and Ontario/Manitoba border crossings:

1. to points in Ontario; and
2. in transit through Ontario to the Ontario/Manitoba, Ontario/Québec, and Ontario/U.S.A. border crossings for furtherance

and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT there be no pick-up or discharge of passengers except at point of origin.

Soo Thunder AAA Hockey Clubs Inc. 47169
15 Highland Court, Sault Ste. Marie, ON P6C 5X9

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the City of Sault Ste. Marie to the Ontario/Quebec and Ontario/USA border crossings for furtherance to points as authorized by the relevant jurisdiction and for the return of the same passengers on the same chartered trip to point of origin.

Provided that there be no pick up or drop off of passengers except at point of origin.

Applies for a public vehicle operating licence as follows: 47169-A

For the transportation of passengers on a chartered trip from points in the City of Sault Ste. Marie.

Tyler Transport Limited 05591-A34/35
379 Queen St. E., Acton, ON L7J 2N2

Applies for the approval of the transfer of extra provincial operating licence X-3650 and public vehicle operating licence PV-5535, both now in the name of KG Charter Coaches Inc., 18 Greenbriar Rd., Brampton, ON L6S 1V9.

Tour World, Inc. 47168
130 McCracken Rd., Danville, Pennsylvania 17821, USA

Applies for an extra-provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the United States of America as authorized by the relevant jurisdiction from the Ontario/U.S.A., Ontario/Québec and Ontario/Manitoba border crossings:

1. to points in Ontario; and
2. in transit through Ontario to the Ontario/Manitoba, Ontario/Québec, and Ontario/U.S.A. border crossings for furtherance

and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT there be no pick-up or discharge of passengers except at point of origin.

(140-G443) FELIX D'MELLO
 Board Secretary/Secrétaire de la Commission

Government Notices Respecting Corporations Avis du gouvernement relatifs aux compagnies

Notice of Default in Complying with the Corporations Tax Act Avis de non-observation de la Loi sur l'imposition des sociétés

The Director has been notified by the Minister of Finance that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241(1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Ministry of Finance, Corporations Tax, 33 King Street West, Oshawa, Ontario L1H 8H6.

Le ministre des Finances a informé le directeur que les sociétés suivantes n'avaient pas respecté la *Loi sur l'imposition des sociétés*.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(1) de la *Loi sur les sociétés par actions*, si les sociétés citées ci-dessous ne se conforment pas aux prescriptions énoncées par la *Loi sur l'imposition des sociétés* dans un délai de 90 jours suivant la réception du présent avis, lesdites sociétés se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à l'Imposition des sociétés, ministère des Finances, 33, rue King ouest, Oshawa ON L1H 8H6.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
2007-08-11	
A & M FIGUEIREDO FARMS INC.	001253710
ABCON DEVELOPMENT INC.	001068637
ACE BOWLING LANE CONTRACTING (LONDON) LIMITED	000134504
ACT ADVENTURE COMPUTER TECH INC.	002019272

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario	Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
ASIA MOTOR CO. LTD.	001071480	T&T OFFSET PRODUCTIONS LTD.	000857176
AZOPHARMA CORPORATION	001054804	THE DECK KING INC.	000986134
BANDEROB & DON SCREENINGS LTD.	000754716	TIER TOOL & DIE INC.	001417119
BARBER, SZPIVAK APPRAISALS INC.	000394193	UNDER THE SUN TANNING INC.	001421314
BOLAR MARKETING INC.	000701101	VAN-DEL SALES (DELHI) LTD.	000925956
BOWOOD FOOD CORPORATION	001076389	VEHICLE RESEARCH LIMITED	000240312
CAPTAIN HOMES LIMITED	000955126	WASTECORP. MANAGEMENT INC.	000948733
CHARTER BUILDING MANAGEMENT INC.	000883369	WEARHOUSE INK LIMITED	001032200
COMFORT SEAT LIMITED	001147937	WILD DOLPHIN PRODUCTIONS INC.	001137549
CTOPAN INVESTMENTS INC.	000777560	WOLFMAN TRUCKING INC.	002002691
CUMBERLAND SERVICE STATION LTD.	001117340	YAO YUAN INC.	001566725
DENPAR MANAGEMENT LTD	001067437	YEE CHUNG INTERNATIONAL TRADING CO. LTD.	001099808
DUE SOUTH TRADERS INC.	001297377	YOUR BACK OFFICE, INC.	001043984
EIEIHOME.COM INC.	001291227	1004360 ONTARIO INC.	001004360
ELGIN TRUCK & TRAILER PARTS LTD.	001000392	1055287 ONTARIO INC.	001055287
FABRIC ARTS LTD.	000264768	1055724 ONTARIO INC.	001055724
FORUM ARCHITECT INC.	000713872	1057824 ONTARIO INC.	001057824
G.W. ENTERPRISES INC.	001116038	1061240 ONTARIO CORPORATION	001061240
GATA-GO EXPRESS LTD.	001420423	1062020 ONTARIO INC.	001062020
GLOBAL TASTE INC.	001255965	1079845 ONTARIO INC.	001079845
GMC DISTRIBUTION LTD.	001078039	1138714 ONTARIO LTD.	001138714
GOODVIEW STUCCO DESIGN LTD.	001082886	1150748 ONTARIO INC.	001150748
GREEN KOREAN JAPANESE RESTAURANT INC.	001271103	1153459 ONTARIO LIMITED	001153459
HOUSTON INC.	000895778	1165003 ONTARIO INC.	001165003
INTELICA INC.	001465810	1197408 ONTARIO INC.	001197408
INTERHANDEL TRADING LTD.	000397280	1197880 ONTARIO INC.	001197880
J & Y TRADING LTD.	001196626	1205127 ONTARIO INC.	001205127
JACKSON'S LODGE LIMITED	000335348	1209802 ONTARIO LIMITED	001209802
JOBSEEKERS CANADA INC.	001420992	1215993 ONTARIO INC.	001215993
KAWECO INVESTMENTS LTD.	000935336	1223351 ONTARIO LTD.	001223351
LAXMI GROUP CANADA INCORPORATED	002004190	1227710 ONTARIO INC.	001227710
LOOT BAG EXPRESS INC.	001330363	1280758 ONTARIO LTD.	001280758
MACKENZIE'S HEATING & COOLING LTD.	001454443	1304156 ONTARIO LTD.	001304156
MARNAX DISTRIBUTING LTD.	001364466	1310069 ONTARIO INC.	001310069
MELANIE FOODS LTD.	000415892	1317542 ONTARIO LTD	001317542
MK2 COMPUTER INC.	001462814	1324475 ONTARIO INC.	001324475
MY-E-BOX.COM COMPANY INC.	001369039	1327055 ONTARIO INC.	001327055
NORTHVIEW DRUGMART INC.	001270948	1336902 ONTARIO LTD.	001336902
NOTO PASTARIA INC.	001081989	1344656 ONTARIO LTD.	001344656
NOW PLAYING VIDEO INC.	001205033	1372888 ONTARIO INC.	001372888
OLD FIRE HOUSE WINE & BEER U-BREW INC.	001065476	1376577 ONTARIO LTD.	001376577
PARKCLIFF INVESTMENTS LIMITED	001342041	1384460 ONTARIO LIMITED	001384460
PEACHTREE GALLERY ART AND FRAME SHOP INC.	000957113	1419528 ONTARIO INC.	001419528
PEOPLE'S CHOICE PRODUCE PACKERS INC.	001399763	1419782 ONTARIO INC.	001419782
POOMARAM INC.	001082252	1572793 ONTARIO LIMITED	001572793
PRECIOUS CRYSTALS INC.	001421633	598528 ONTARIO LIMITED	000598528
PUCKERING AVIATION LIMITED	000850028	682872 ONTARIO LIMITED	000682872
RAE & MEEKIS ENTERPRISES LIMITED	000733416	688546 ONTARIO INC.	000688546
REGINA DESIGNS COMPANY LIMITED	001160850	801820 ONTARIO LIMITED	000801820
RENOVATIONS PLUS CORP.	000895248	808040 ONTARIO INC.	000808040
RIOGRAPHICS INC.	000797541	842048 ONTARIO LTD.	000842048
ROBERT D. JOHNSTON CONTRACTING LTD.	000541711	853116 ONTARIO INC.	000853116
ROCALDA INVESTMENTS INC.	000928329	859496 ONTARIO INC.	000859496
SAUDI CANADIAN CLEANING SERVICES INC.	001445691	897468 ONTARIO LIMITED	000897468
SFU FUNERAL SUPPLY INC.	001180263	943600 ONTARIO LIMITED	000943600
SILVER TANNING CENTRE LIMITED	000589184	943956 ONTARIO INC.	000943956
		960767 ONTARIO LTD.	000960767
		970048 ONTARIO INC.	000970048
		992443 ONTARIO LIMITED	000992443
		992561 ONTARIO LIMITED	000992561

M. KALSBECK
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

(140-G444)

**Cancellation of Certificate
of Incorporation
(Corporations Tax Act Defaulters)
Annulation de certificat de constitution
(Non-observation de la Loi sur
l'imposition des sociétés)**

NOTICE IS HEREBY GIVEN that, under subsection 241(4) of the *Business Corporations Act*, the Certificate of Incorporation of the corporations named hereunder have been cancelled by an Order for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(4) de la *Loi sur les sociétés par actions*, le certificat de constitution de la société sous-nommé a été annulée par Ordre pour non-observation des dispositions de la *Loi sur l'imposition des sociétés* et que la dissolution de la société concernée prend effet à la date susmentionnée.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
2007-07-16	
ABBINANTE DESIGN INC.	001307527
ALTRIMA CORP.	001240530
ART 642 INC.	000531826
ARTEC DRYWALL LIMITED	000967158
ASAHI INDUSTRIAL ELECTRONICS INCORPORATED	001096923
B & G GLASS LTD.	001188098
B.J.K. VEGETARIAN & FINE FOOD INC.	001192902
BUSY TRUCKING AND EXCAVATING LTD.	000891863
CAMBRIAN CASH REGISTER LIMITED	000338154
CANADIAN PHONE CORPORATION	001308002
CELLACTCOM INC.	001428499
CHAO XIA TRADING INC.	001579621
CLEOPATRA JEWELLERY & WATCHES INC.	001546662
COEBANC DISCOUNT SALES LTD.	001308057
COMMUNICATION X INC.	001356763
COMPUTER RESOURCES OF CANADA INC.	001262485
DESAR AUTO BODY INC.	001127019
DIGITAL SMARTCARD SOLUTIONS INC.	001466197
E. J. MCCONNELL INVESTMENT MANAGEMENT LIMITED	001118689
ELYSIUM STRUCTURES + LANDFORM INCORPORATED	001496371
ENGINEERED COMPOSITE STONE INC.	001308064
GLORIA MANN CASTING LTD.	001127596
HARBOUR FRONT INC.	001237436
INDUSTRIAL SAFETY & FIRE PROTECTION SERVICE LTD.	001222276
INTERNATIONAL FISH CO. LIMITED	001079017
J. N. CONEYBEARE SIDING & TRIM LTD.	000756967
JACQUELINE'S TAVERN LTD.	001187229
JAMAR FASHIONS INC.	001522171
JAVAGURL154 LTD.	002029601
JAYFOR CONTRACTORS INC.	001018726
JUSTARYN SALES INC.	000949300
K. & B. SIGN SERVICES LIMITED	000337350
K.C. SALES & MKTG. INC.	000435790
KITBAT CONTRACTING LTD.	000960388
LE PRINT EXPRESS INTERNATIONAL INC.	001035328
LICK-A-FROG INC.	001479909
LIQUIDATION WAREHOUSE CORP.	001570382
MARABOU PICTURES INCORPORATED	001231083

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
MEWA FILM SERVICES INC.	001168000
MIDLAND MOTOR SALES (KINGSTON) LTD.	001383000
NEW WORLD CONSTRUCTION LTD.	001228563
NU-TECH ASPHALT RECYCLING LTD.	001034627
OGGIE'S VARIETY LIMITED	001044979
ON SITE LTD.	001368786
ONTARIO SCHOOL OF TRUCKING LIMITED	001189700
OPTICIEN FILION OPTICIAN INC.	001024562
PETER GORDON GIFTS LIMITED	000105043
PLANET X COMICS & MAGAZINES INC.	002010950
PRESTIGE WOMEN'S FITNESS CLUB LTD.	001231113
PSO SOLUTIONS INC.	001414834
R & R MANAGEMENT INC.	001579844
R.G.M. INC.	001363717
ROCKETEER PUBLISHING INC.	001231086
RON ZACHARUK PRODUCTIONS LIMITED	000232316
RUTA RESTAURANT & CATERING INC.	001198288
SAANA FINE FOODS INC.	001418181
SAUNDRIA'S INC.	000974502
SMALL BUSINESS ALTERNATIVES INC.	000646723
SOLAR PLANET TANNING LIMITED	001041321
STOCK YARD BUILDING CENTRE INC.	001206681
STONEWALL TECHNICAL SOLUTIONS INC.	001344592
THE GRIEF RECOVERY INSTITUTE LTD.	001568542
TORONTO JEWELLERS SUPPLY COMPANY, LIMITED	000036112
TRAVERS 1910 LTD.	001029833
TRIBUNE PARTNERS INC.	000854019
VICTORY ROLL INC.	001348821
1011072 ONTARIO LIMITED	001011072
1038013 ONTARIO INC.	001038013
1049492 ONTARIO INC.	001049492
1086288 ONTARIO LIMITED	001086288
1129688 ONTARIO LIMITED	001129688
1131789 ONTARIO LTD.	001131789
1182515 ONTARIO INC.	001182515
1186712 ONTARIO LTD.	001186712
1191109 ONTARIO INC.	001191109
1202478 ONTARIO INC.	001202478
1206036 ONTARIO INCORPORATED	001206036
1209901 ONTARIO LIMITED	001209901
1211340 ONTARIO INC.	001211340
1238772 ONTARIO INC.	001238772
1240584 ONTARIO LTD.	001240584
1256801 ONTARIO LTD.	001256801
1277046 ONTARIO INC.	001277046
1279904 ONTARIO INC.	001279904
1286497 ONTARIO INC.	001286497
1294750 ONTARIO LIMITED	001294750
1302488 ONTARIO INC.	001302488
1307576 ONTARIO LTD.	001307576
1307577 ONTARIO LIMITED	001307577
1308231 ONTARIO INC.	001308231
1308232 ONTARIO INC.	001308232
1330486 ONTARIO INC.	001330486
1343498 ONTARIO LIMITED	001343498
1363171 ONTARIO LIMITED	001363171
1376856 ONTARIO LTD.	001376856
1404734 ONTARIO INC.	001404734
1419911 ONTARIO INC.	001419911
1425242 ONTARIO INC.	001425242
1427951 ONTARIO LIMITED	001427951
1429169 ONTARIO INC.	001429169
1434798 ONTARIO LIMITED	001434798
1473540 ONTARIO INC.	001473540
1493867 ONTARIO LIMITED	001493867
1578520 ONTARIO LIMITED	001578520

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
1580364 ONTARIO LTD.	001580364
629222 ONTARIO LIMITED	000629222
713460 ONTARIO LTD.	000713460
743276 ONTARIO INC.	000743276
860637 ONTARIO LTD.	000860637

M. KALSBECK
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

(140-G445)

Certificate of Dissolution Certificat de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act* has been endorsed. The effective date of dissolution precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les sociétés par actions*, un certificat de dissolution a été inscrit pour les compagnies suivantes. La date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
2007-05-23	
SCREENPLUS SIGNS INC.	001052248
2007-06-12	
LANDALES PROPERTIES LIMITED	000530701
2007-06-27	
CLEVELAND CONSTRUCTION INC.	000724219
2007-06-28	
SELECT-RITE AUTO PARTS INC.	000698955
2007-07-03	
1053198 ONTARIO LTD.	001053198
2007-07-04	
JOHN JONKER CONSTRUCTION LTD.	000387887
R G S EQUIPMENT INC.	001363451
2007-07-05	
J T C & ASSOCIATES LTD	001022876
2007-07-06	
Q. A. COPS INC.	001096527
2007-07-09	
HE-LA ELECTRONICS INC.	001074292
I.C.J.C. INVESTMENTS LTD.	000473995
MURRAY STEWART ENTERPRISES INC.	000712111
1034290 ONTARIO INC.	001034290
1579976 ONTARIO INC.	001579976
2007-07-10	
AMERICAN AVENUE GROUP INC.	000960211
2007-07-11	
L D B PAVING CO. INC.	000877872
PAJOT REALTY LIMITED	000434401
2007-07-12	
ATHLETIC VENTURES OF CANADA LIMITED	000273467
BALLANTRAE PROGRAMMING INC.	001222353
BEATHTON FARMS LTD.	000440601
BUCCANEER PETROLEUM LTD.	001110478
CANADIAN ORESEARCH INC.	000247480
ESSARTI INDUSTRIES LTD.	000410124
EYBL COMPANY INC.	001353944
FIPUTA INC.	001429208
GEORGIAN WOODCRAFT LIMITED	000432012

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
GORD'S AUTO WRECKERS (SHELBURNE) LTD.	000353009
GROSNOR SPORTSCARDS (LONDON) INC.	001244997
SPARTACUS GENERAL MANAGEMENT SERVICE INC.	001267598
WAZ TRANSPORT INC.	001542477
1021002 ONTARIO LTD.	001021002
1125461 ONTARIO CORP.	001125461
1520899 ONTARIO LIMITED	001520899
1623590 ONTARIO INC.	001623590
445305 ONTARIO CORP.	000445305
770815 ONTARIO LIMITED	000770815
821062 ONTARIO LTD.	000821062
2007-07-13	
ADVANTAGE AD GROUP INCORPORATED	002034544
AEGIS HOME CONTROL SYSTEMS INC.	001288799
AUTOSIGHT INC.	001563418
AVALANCO DEVELOPMENTS LIMITED	001361249
BIG PINK FILMS INC.	001318222
CATARAQUI VALLEY CONDOS INC.	000772774
DIVE TORONTO INC.	001554118
DM DRAUGHT SERVICE INC.	001021463
EARLY BIRD GAS & CONVENIENCE INC.	001566662
EHC-EKONA HOLDING CORP.	000673696
FURIO'S DELIGHTS INC.	001687263
GOVERNMENT PROCUREMENT CONSULTING INC.	001270786
GUILLET HOLDINGS INC.	000751513
HARDMAN BUILDERS INC.	001368972
HCM SOFT INC.	001603588
HOME TUNE-UP LTD.	000311696
I. C. COSGROVE ENTERPRISES LIMITED	000152714
IDOL TRADING LTD.	000762841
ILIUM INC.	001617852
JESS ELECTRONIC MODIFICATION INC.	000900371
KATIE CO. LTD.	001126270
KEM CHEMICALS SALES LTD.	001133334
KING CITY DRYWALL LTD.	000935276
LIVINGSTON ESTATES (GRIMSBY) LIMITED	000231648
MAMMAMIA RISTORANTE GELATERIA INC.	001469803
NEST EGG HOLDINGS INC	001055443
P.T. DOYLE HOLDINGS INC.	001257333
PALLADIAN SOLUTIONS INC.	001373624
PEACOCK BLUE INVESTMENTS INC.	000781271
RAY GAFFNEY MOTORS LIMITED	000218280
SAMSU INVESTMENT CONSULTANTS CANADA INC.	001390982
SAVA FURNITURE INC.	000982158
SHOT IN THE ARM MANAGEMENT CONSULTANTS INC.	002032371
THE CASTLEKEEPERS GROUP INC.	002042528
W.K. LEE FRUIT AND FLOWER MARKET LTD.	000850391
1006129 ONTARIO LIMITED	001006129
1050498 ONTARIO INC.	001050498
1096512 ONTARIO INC.	001096512
1153760 ONTARIO INC.	001153760
1387928 ONTARIO INC.	001387928
1514486 ONTARIO INC.	001514486
1593607 ONTARIO INC.	001593607
2013712 ONTARIO INC.	002013712
2036656 ONTARIO LIMITED	002036656
278489 ONTARIO LIMITED	000278489
412862 ONTARIO LIMITED	000412862
848100 ONTARIO INC.	000848100

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
2007-07-16	
ANANTA TRANSPORTATION INC.	001591667
CANAIR CARGO LTD.	000871288
CLEMENT MEN'S WEAR LIMITED	000201702
CONCORD DRYWALL & ACOUSTICS CORP.	000912924
CREATIVE COLOURS FASHIONS INC.	000591333
ESQUISITE GENERAL CONTRACTING & MAINTENANCE INC.	002063525
FORESTVIEW CHINESE RESTAURANT LTD.	001591949
GLEN TREILHARD FILMS LTD.	000768021
JARA VENTURES LIMITED	000795882
KENNY PHOTOCOPY & FAX INC.	001549412
LONDON PHYSICAL MANAGEMENT LTD.	000431502
MILADON CENTRE CANADA INC.	001414797
SILKY WAVE INTERNATIONAL LTD.	001648437
SZECHUAN KITCHEN CHINESE RESTAURANT INC.	002028480
1011748 ONTARIO LTD.	001011748
1093856 ONTARIO INC.	001093856
1277019 ONTARIO LTD.	001277019
1290176 ONTARIO LIMITED	001290176
1384755 ONTARIO LTD.	001384755
1531399 ONTARIO INC.	001531399
1547629 ONTARIO INC.	001547629
1560813 ONTARIO INC.	001560813
1562247 ONTARIO INC.	001562247
1584887 ONTARIO LTD.	001584887
1597220 ONTARIO INC.	001597220
1643270 ONTARIO INC.	001643270
1699270 ONTARIO LTD.	001699270
2055636 ONTARIO INC.	002055636
2007-07-17	
B.I.T. SERVICES INC.	001279619
BODY CULTURE LIMITED	001392111
BORGHESE PARACHUTE CENTRE LTD.	001193644
CANADIAN RIGHT-WAY LTD.	001357733
CONTACT SITE MANAGEMENT LTD.	001388005
CULTRAWOOD GLEN ENTERPRISES LIMITED	000559913
GLENN AIR LTD.	001257082
IMPERIAL HOMES LIMITED	000632052
JEESON DOLLAR DISCOUNT INC.	001309326
JOSEPH FELDMAN CONSTRUCTION LIMITED	000231596
MARSHA BERK HOLDINGS INC.	001378823
NIGOL'S CONSULTING SERVICES LTD.	000953451
SANGSTER LUMBER COMPANY, LIMITED	000034508
SMB FINANCIAL GROUP INC.	002064894
SUN TSUI TRADING & SERVICES INC.	001211752
THE MUSIC RESOURCE CENTRE INC.	001324310
WOMEN & HORSES MAGAZINE INC.	002073843
1031717 ONTARIO INC.	001031717
1036885 ONTARIO INC.	001036885
1064852 ONTARIO INC.	001064852
2055195 ONTARIO INC.	002055195
2007-07-18	
ALTECH PAVING INC.	001160809
CDM FINANCIAL SOLUTIONS INC.	001568303
FOCUSBRIDGE SOLUTIONS INC.	002023964
GRYFE HEALTH SERVICES CONSULTANTS INC.	000581388
HURONIA CANVAS & SPECIALTY COMPANY LIMITED	000114023
INTERPROVINCIAL MACLEOD INC.	000434212
O. J. DYSON HOLDINGS LIMITED	000608001
RELIC DESIGN STUDIO INC.	001478407
RICHARD C. BAKER INC.	000816045

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
SEQION NETWORKING SOLUTIONS INC.	
001269953	
VERBAR HOLDINGS LTD.	001275629
1312901 ONTARIO LIMITED	001312901
1354581 ONTARIO INC.	001354581
1557999 ONTARIO INC.	001557999
770773 ONTARIO INC.	000770773
890953 ONTARIO INC.	000890953
951526 ONTARIO LIMITED	000951526
2007-07-19	
ALBAROM ROOFING INCORPORATED	001689905
CENTRO ESTETICA INC.	001190014
FINLEY INVESTMENTS INC.	001050986
FORWARDCLAIM.COM INC.	001403240
G S C CONSULTING INC.	001555390
IMAGING IMPORTS INC.	001500415
J.D. BUSINESS MANAGEMENT INC.	001263496
K.R.V. CONSULTING SERVICES INC.	001638290
KINDERSTAR REALTY AJAX LTD.	002065752
LINDON INC.	000704716
LOOSEMORE EXCAVATING INC.	000413245
MOUNT VIEW FARMS LTD.	000596794
PCH CANADA LIMITED	001309541
PLANTT ENGINEERING LTD.	000930342
TILLSONBURG FIBRE INC.	001618536
1053765 ONTARIO LTD.	001053765
1095394 ONTARIO INC.	001095394
1165999 ONTARIO INC.	001165999
1221674 ONTARIO INC.	001221674
1492353 ONTARIO INC.	001492353
1517146 ONTARIO LIMITED	001517146
1557771 ONTARIO INC.	001557771
1660867 ONTARIO INC.	001660867
1665734 ONTARIO INC.	001665734
2073287 ONTARIO INC.	002073287
2104958 ONTARIO INC.	002104958
830959 ONTARIO INC.	000830959
2007-07-20	
B. ELLIS INC.	000330527
CLAY NEW MEDIA LIMITED	001274489
DINERSFEST LTD.	001125253
DO IT YOURSELF SHOP LTD.	000430989
DR. VAL'S BRAND INC.	001324398
ELECTRICAL ENGINEERING CONSOCIATES LIMITED	000210888
ERNIE LOCK LIMITED	000071216
FRANK DI PAOLO CONSTRUCTION LIMITED	000381222
G. R. PATERSON REAL ESTATE LTD.	000520665
GK TRAILER RENTAL INC.	002089037
KAISO SERVICES CORP.	001514063
KLINOVSKI INC.	001392009
LALIBELA CUISINE LTD.	001584304
OCSI TECHNOLOGIES INC.	001402350
ONKAR AUTO CENTRE LTD.	001093704
PEPPERSEED DEVELOPMENTS INC.	000692838
ROV-SUN MANUFACTURING INDUSTRIES LTD.	001347476
SOFTTECH CONSULTING SERVICES INC.	001165261
TECHNILA INDUSTRIES INC.	001125794
UNIVERSAL MATERIAL FINDERS INC.	001328316
VAN DER VLIST PERSONNEL LIMITED	000480457
WING SHING LOONG GINSENG CO. LTD.	001122412
1035108 ONTARIO INC.	001035108
1068610 ONTARIO INC.	001068610
1110943 ONTARIO INC.	001110943
1274623 ONTARIO LTD.	001274623
1347957 ONTARIO LIMITED	001347957

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
1356754 ONTARIO LIMITED	001356754
1360849 ONTARIO INC.	001360849
1420445 ONTARIO INC.	001420445
1474502 ONTARIO LTD.	001474502
1505118 ONTARIO INC.	001505118
1524911 ONTARIO LIMITED	001524911
1540273 ONTARIO LTD.	001540273
1701224 ONTARIO INC.	001701224
2032015 ONTARIO INC.	002032015
2042610 ONTARIO INC.	002042610
710018 ONTARIO INC.	000710018
895740 ONTARIO INC.	000895740
967689 ONTARIO INC.	000967689
2007-07-23	
ANDRIGHETTI MANAGEMENT SERVICES INC.	000723308
CAPITAL CITY MEDIA INC.	001289663
DELPHINIUM HOLDINGS INC.	001252763
FASHION VIEW LIMITED	001080904
HILLCREST FOOD PROCESSING COMPANY LTD.	000983804
INDO-WORLDWIDE INVESTMENTS INC.	001440336
JOHN THOMPSON (STICK) LTD.	000548792
L & Y HAIR SALON INC.	001619246
MAX EVENT MANAGEMENT GROUP INC.	001300450
MICMAC-4 INC.	002042830
OK7 DECORATING LIMITED	000605016
PROFESSIONAL ADVISORY SERVICES LIMITED	001403964
PROFESSIONAL PLANNING CONSULTANTS INC.	001167762
QUORUM AUTOMOTIVE INC.	002018530
R. E. MARENGER ENTERPRISES INC.	000580291
RUSSELL H. STEWART CONSTRUCTION COMPANY LIMITED	001617070
TIMBER VALLEY HOMES INC.	001331806
VIEW STAR GENERAL TRADING LTD.	001367552
ZIRCON DEVELOPMENTS LIMITED	000216608
1006994 ONTARIO LIMITED	001006994
1158537 ONTARIO INC.	001158537
1547957 ONTARIO LIMITED	001547957
1649015 ONTARIO INC.	001649015
2042575 ONTARIO INC.	002042575
673251 ONTARIO INC.	000673251
941536 ONTARIO LIMITED	000941536
944737 ONTARIO LIMITED	000944737
2007-07-24	
A CHEERS FLOWERS & GIFTS SHOP LTD.	001143375
BEACON ADVERTISING INC.	001448538
BROWN'S T. V. & STEREO LIMITED	000145163
CBM WORKFORCE LTD.	002126055
FAN'S COURT CHINESE RESTAURANT INC.	001276036
FIRST ROYAL MANAGEMENT INC.	001026179
IT CLICK INC.	001542128
PASTA FANTASY INC.	001144290
PIAVE MEAT PACKERS LIMITED	000141740
REAL CHANCE FINANCIAL CORP.	002054155
TYNE TERRACE HOMES LIMITED	000259238
WHOLESOME LIVING CONSULTING INC.	001474714
1157180 ONTARIO INC.	001157180
1679624 ONTARIO INC.	001679624
2054520 ONTARIO INC.	002054520
779815 ONTARIO LTD.	000779815
802083 ONTARIO INC.	000802083
927563 ONTARIO INC.	000927563

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
927564 ONTARIO INC.	000927564
2007-07-25	
ACG 18 INC.	001390134
CANADIAN TELESERVICES CORP.	000993086
CUBIC INSTITUTE INC.	002095039
DISTRIBUTION MANAGEMENT SERVICE INC.	000963682
GENCO ICE CREAM MANUFACTURING LTD.	001117148
M AND Y INC.	000852552
MAGALHAES INVESTMENTS INC.	001214474
MJA CONSULTING INC.	001155157
R.P. RECORDS INC.	001322000
SPYGIRL FILMS INC.	001462163
SUPERCOURIER (1987) LTD./ SUPERCOURRIER (1987) LTEE	000724639
TORBRAM GROCERS & FRESH MEAT LTD.	001093288
1261251 ONTARIO LTD.	001261251
1393733 ONTARIO LTD.	001393733
1466763 ONTARIO INC.	001466763
412237 ONTARIO LIMITED	000412237
964102 ONTARIO INC.	000964102

M. KALSBECK
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
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(140-G446)

Notice of Default in Complying with the Corporations Information Act Avis de non-observation de la Loi sur les renseignements exigés des personnes morales

NOTICE IS HEREBY GIVEN under subsection 241(3) of the *Business Corporations Act* that unless the corporations listed hereunder comply with the filing requirements under the *Corporations Information Act* within 90 days of this notice orders dissolving the corporation(s) will be issued. The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(3) de la *Loi sur les sociétés par actions*, si les sociétés mentionnées ci-dessous ne se conforment pas aux exigences de dépôt requises par la *Loi sur les renseignements exigés des personnes morales* dans un délai de 90 jours suivant la réception du présent avis, des ordonnances de dissolution seront délivrées contre lesdites sociétés. La date d'entrée en vigueur précède la liste des sociétés visées.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
2007-07-25	
FLOODMASTER BARRIERS INC.	1418037
G. S. ECKERSLEY REALTY LIMITED	487926
NORTHUMBERLAND PATTERN & MODEL LIMITED	885004

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Directrice, Direction des compagnies et des
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(140-G449)

**Cancellation of Certificate of
Incorporation
(Business Corporations Act)
Annulation de certificat de constitution
en personne morale
(Loi sur les sociétés par actions)**

NOTICE IS HEREBY GIVEN that by orders under subsection 241(4) of the *Business Corporations Act*, the certificates of incorporation set out hereunder have been cancelled and corporation(s) have been dissolved. The effective date of cancellation precedes the corporation listing.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(4) de la *Loi sur les sociétés par actions*, les certificats présentés ci-dessous ont été annulés et les sociétés ont été dissoutes. La dénomination sociale des sociétés concernées est précédée de la date de prise d'effet de l'annulation.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
2007-07-25	
AVANES IMPORTS LTD.	1685262
CANADIAN SECURITY ACADEMY INC.	2030257
CVG ENGINEERING CO. LTD.	1682927
GREEN VALLEY CONTRACTING INC.	2091367
LIFELINE EXPRESS INC.	2090790
MERCHMAN INC.	1620135
QIAN FENG CONSULTING COMPANY LTD.	1684119
RAGU INVESTMENTS LTD.	1684136
REPOLOGIX INC.	1684037
ROMANCING THE STOVE INC.	1684141
WESCAZ LTD.	1684021
638428 ONTARIO LIMITED	638428
1370825 ONTARIO INC.	1370825
1676881 ONTARIO INC.	1676881
1684112 ONTARIO INC.	1684112
1684114 ONTARIO INC.	1684114
2091019 ONTARIO LTD.	2091019
2091026 ONTARIO INC.	2091026
2007-07-26	
A.Z.A TRANSPORTATION INC.	1685363
AJP MARKETING INC.	1394835
ALLIANCE EXPLORATIONS LTD.	1504850
CITY LINE GENERAL CONTRACTING LTD.	2090291
DBIG NORTH AMERICA, INC.	1685685
DIXIE FINE CARS (CANADA) INC.	2090297
EDWOOD FIXTURES INC.	
HENRY STABLES INC.	1668395
K BANX MORTGAGES LTD.	1685236
LITTLE BAVARIA RESTAURANT INC.	733654
MARQUIS MOLD DESIGN LTD.	1681267
NORTH AMERICAN AUTO ACCIDENT PICTURES INC.	1678490
NUBOSS INC.	1682930
RENOVATION RESTORATION LTD.	1684014
RONDEB REALTY INC.	1685233
SUNNY'S FLOWER LAND INC.	2090584
TESSIER CONSTRUCTION LTD.	1278578
TOWNSEND MASTERTech INC.	1668349

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
TRILLIUM FREIGHT & TRANSPORT INC.	2090342
1778 BAYLY ST. HOLDINGS INC.	1679871
1662263 ONTARIO INC.	1662263
1663434 ONTARIO INC.	1663434
1663479 ONTARIO INC.	1663479
1663489 ONTARIO LIMITED	1663489
1665920 ONTARIO LTD.	1665920
1670634 ONTARIO LIMITED	1670634
1670635 ONTARIO LIMITED	1670635
1670636 ONTARIO LIMITED	1670636
1676973 ONTARIO INC.	1676973
1676974 ONTARIO INC.	1676974
1683004 ONTARIO INC.	1683004
1683903 ONTARIO INC.	1683903
1683910 ONTARIO LIMITED	1683910
1683933 ONTARIO LTD.	1683933
1683934 ONTARIO INC.	1683934
1683955 ONTARIO INC.	1683955
1685277 ONTARIO INC.	1685277
1685278 ONTARIO INC.	1685278
2054037 ONTARIO INC.	2054037
2090367 ONTARIO INC.	2090367
2007-07-27	
ALLICOCK & ASSOCIATES INC.	2091444
CANADAS MOST WANTED MOVING AND STORAGE INC.	1685248
CANAIR TELECOM INC.	2090831
FOX 2006 LTD.	1685369
GLOBAL MERGERS & ACQUISITIONS INC.	2091530
HEALTH CARE DYNAMICS INC.	1685762
INTERACTIVE EXECUTIVE OFFICES (ALLSTATE) CORP.	2090885
INTERACTIVE EXECUTIVE OFFICES (CONSUMERS) CORP.	2090879
LCINFOSYSTEMS INC.	2091463
PIZZA BUONASERA INC.	1685250
QUALITY AUTO REBUILDING SERVICE INCORPORATED	1685293
R K N AGENCY 4 EMPLOYMENT INC.	1685347
STORE SERVICES INC.	1678820
TABUUK ENTERPRISE SERVICE INC.	1685621
VIZOMEDIA INC.	2090566
WIRELESS PHONE INC.	1685222
YEN CONTRACTORS INC.	2090544
1674439 ONTARIO LTD	1674439
1681296 ONTARIO LIMITED	1681296
1681300 ONTARIO INC.	1681300
1685232 ONTARIO LIMITED	1685232
1685265 ONTARIO INC.	1685265
1685270 ONTARIO INC.	1685270
1685656 ONTARIO INC.	1685656
1685723 ONTARIO INC.	1685723
1685725 ONTARIO CORP.	1685725
2090522 ONTARIO CORP.	2090522
2090571 ONTARIO LTD.	2090571
2091350 ONTARIO LIMITED	2091350
2091413 ONTARIO LIMITED	2091413

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Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
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(140-G450)

**Cancellation for Cause
(Business Corporations Act)
Annulation à juste titre
(Loi sur les sociétés par actions)**

NOTICE IS HEREBY GIVEN that by orders under section 240 of the *Business Corporation Act*, the certificates set out hereunder have been cancelled for cause and in the case of certificates of incorporation the corporations have been dissolved. The effective date of cancellation precedes the corporation listing.

AVIS EST DONNÉ PAR LA PRÉSENTE que, par des ordres donnés en vertu de l'article 240 de la *Loi sur les sociétés par actions*, les certificats indiqués ci-dessous ont été annulés à juste titre et, dans le cas des certificats de constitution, les sociétés ont été dissoutes. La dénomination sociale des sociétés concernées est précédée de la date de prise d'effet de l'annulation.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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2007-07-30	
BRENTHILL DEVELOPMENTS LIMITED	416970
CANADA ONE (NIAGARA) OUTLET LIMITED	1314718
GREENSTONE CONSULTING CORP.	1484876
ENVIRO-SPAN INTERNATIONAL INC.	1648967
JLA FACTORY OUTLET HOLDINGS LIMITED	1280119
LINEBARGER HEARD CANADA INC.	1438242
LUNDY'S LANE (NIAGARA) LIMITED	1311604
MIRAE ORIENTAL MARKET INC.	1514202
MOTORWAY AUTOW SERVICES INC.	1491896
NDC PAYROLL SERVICES LIMITED	1286462
PRO REBAR INC.	1561233
SIEKMANN INVESTMENTS LIMITED	1403215
SIEMATIC CANADA INC.	915879
SUN CORP.	1629653
125 DUPONT HOLDINGS LIMITED	1349671
416860 ONTARIO LIMITED	416860
632369 ONTARIO LIMITED	632369
1173931 ONTARIO LIMITED	1173931
1432008 ONTARIO LIMITED	1432008
1514236 ONTARIO INC.	1514236
1693022 ONTARIO INC.	1693022
2013512 ONTARIO INC.	2013512

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(140-G451)

**Cancellation for Filing Default
(Corporations Act)
Annulation pour omission de se
conformer à une obligation de dépôt
(Loi sur les personnes morales)**

NOTICE IS HEREBY GIVEN that orders under Section 317(9) of the *Corporations Act* have been made cancelling the Letters Patent of the following corporations and declaring them to be dissolved. The date of the order of dissolution precedes the name of the corporation.

AVIS EST DONNÉ PAR LA PRÉSENTE que, les décrets émis en vertu de l'article 317 (9) de la *Loi sur les personnes morales* ont été émis pour annuler les lettres patentes des personnes morales suivantes et les déclarer dissoutes. La date du décret de la dissolution précède le nom de la personne morale.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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2007-07-25	
LONDON URBAN ALLIANCE ON RACE RELATIONS	878053
2007-07-30	
ONTARIO FOSTER TREATMENT ASSOCIATION	968381

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Security Branch
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(140-G452)

**Order Revoking Certificate of
Dissolution
(Business Corporations Act)
Ordre d'annulation du certificat de
dissolution
(Loi sur les sociétés par actions)**

NOTICE IS HEREBY GIVEN that an order under section 240 of the *Business Corporations Act* has been made revoking a Certificate of Dissolution dissolving the corporation set out hereunder. The effective date of the revoking order precedes the corporation listing.

AVIS EST DONNÉ PAR LA PRÉSENTE qu'en vertu de l'article 240 de la *Loi sur les sociétés par actions* un ordre a été donné ayant pour objet d'annuler le certificat de dissolution de la société désignée ci après. La date d'effet de l'ordre d'annulation précède la liste des sociétés visées.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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2007-07-30	
1426501 ONTARIO INC.	1426501
MITCHELL'S GOURMET FOODS INC.	1631304

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(140-G453)

**ERRATUM NOTICE
Avis d'erreur**

ONTARIO CORPORATION NUMBER 572108

Vide Ontario Gazette, Vol. 137-7 dated February 14, 2004

NOTICE IS HEREBY GIVEN that the notice issued under section 240 of the *Business Corporations Act* set out in the February 14, 2004 issue of the Ontario Gazette with respect to Accurate Models & Prototypes Inc., was issued in error and is null and void.

Cf. Gazette de l'Ontario, Vol. 137-7 datée du 14 février 2004.

PAR LA PRÉSENTE, nous vous informons que l'avis émis en vertu de l'article 240 de la Loi sur les sociétés par actions et énoncé dans la Gazette de l'Ontario du 14 février 2004 relativement à Accurate Models & Prototypes Inc., a été délivré par erreur et qu'il est nul et sans effet.

M. KALSBECK
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Security Branch
Directrice, Direction des compagnies et des
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(140-G454)

ERRATUM NOTICE Avis d'erreur

Vide Ontario Gazette, Vol. 140-29 dated July 21, 2007.

NOTICE IS HEREBY GIVEN that the notice issued under subsection 241(3) under Notice of Default in Complying with the Corporations Information Act set out in the July 21, 2007 issue of the Ontario Gazette was issued with the incorrect title and subsection for Y.C.I.P. Youth Crisis Intervention Program of Kanata, Ontario Corporation Number 1165860.

The notice should read:

Notice of Default in Complying with a Filing Requirement under the Corporations Information Act; subsection 317(9) of the Corporations Act.

Cf. Gazette de l'Ontario, Vol. 140-29 datée du 21 juillet 2007.

PAR LA PRÉSENTE, nous vous informons que l'avis émis sous la subdivision 241(3) en vertu de la Notice de non-observation de la Loi sur les renseignements exigés des compagnies et des associations et énoncé dans la Gazette de l'Ontario du 21 juillet 2007 indique le mauvais titre et subdivision pour Y.C.I.P. Youth Crisis Intervention Program of Kanata, Numéro de la société en Ontario 1165860.

Le titre est :

Avis de non-observation de la Loi sur les renseignements exigés des personnes morales, subdivision 317(9) de la Loi sur les personnes morales.

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(140-G455)

Marriage Act Loi sur le mariage

CERTIFICATE OF PERMANENT REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT PERMANENT autorisant à célébrer des mariages en Ontario ont été délivrés aux suivants:

July 23-27

NAME	LOCATION	EFFECTIVE DATE
Gleadall, Brian	Arkona	23-Jul-07
Grant, Angela	Stoney Creek	23-Jul-07

NAME	LOCATION	EFFECTIVE DATE
MacGregor, Robert	Kitchener	23-Jul-07
Spencer, Heather	Kingston	23-Jul-07
Costa, Tony	Toronto	23-Jul-07
Melanson, Brandon	Napanee	23-Jul-07
Silva, Wander Lucio	Toronto	23-Jul-07
Bolanos Varela, Gonzalo	Toronto	23-Jul-07
Careau, Denis (Dan)	Ottawa	23-Jul-07
Cherry, Stefan	Guelph	23-Jul-07
Kazharnovich, Julia	Brampton	23-Jul-07
Rodgers, Emily	Toronto	23-Jul-07
Frey Jr., George T.	Toronto	25-Jul-07
Ramoutar, Devanand	Toronto	25-Jul-07
Umadas, Amar	Markham	25-Jul-07
Sriram, Vidyarthi	Scarborough	25-Jul-07
Laaper, Frank	Hanmer	25-Jul-07
McMillan, Matthew H.	Scarborough	27-Jul-07
Linton, Jacqueline Opal	Brampton	27-Jul-07
Gray, R. Edward D.	Barrie	27-Jul-07
Boyd, George W.	Burlington	27-Jul-07
Lelless, Norma	Mississauga	27-Jul-07
Kraus, Michael	Kitchener	27-Jul-07
Francis, Aubrey	Gloucester	27-Jul-07
Mathai, Joseph K.	Willowdale	27-Jul-07
Hart, Glenn	Tecumseh	27-Jul-07

RE-REGISTRATIONS

NAME	LOCATION	EFFECTIVE DATE
Davis, Susan Allison	Perth	23-Jul-07
Aceituno, Juan Carlos	Ottawa	23-Jul-07
Pitcher, Richard	Picton	27-Jul-07

CERTIFICATES OF TEMPORARY REGISTRATION as person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT TEMPORAIRE autoris des mariages en Ontario ont été délivrés aux suivants:

NAME	LOCATION	EFFECTIVE DATE
Rotenberg, David	Ottawa	23-Jul-07
September 7, 2007 to September 11, 2007		
Sherman, Read Scudder	Ottawa	23-Jul-07
August 3, 2007 to August 7, 2007		
Hejnar, Steven	Dollard-Des-Ormeaux, QC	23-Jul-07
August 29, 2007 to September 2, 2007		
Stacey, William Eric	Summerford, NL	23-Jul-07
September 27, 2007 to October 1, 2007		
Crosby, David Douglas	Corner Brook, NL	23-Jul-07
August 23, 2007 to August 27, 2007		
Masaki, Yoshi-Michi	Winnipeg, MB	23-Jul-07
August 30, 2007 to September 3, 2007		
Gladish, Michael D.	Dawson Creek, BC	23-Jul-07
August 23, 2007 to August 27, 2007		
Evans, Calvin Donald	Wasaga Beach	23-Jul-07
August 16, 2007 to August 20, 2007		
Levy, Harlan Lester	Middle Sackville, NS	23-Jul-07
October 6, 2007 to October 10, 2007		
James, Andrew Frank	Calgary, AB	23-Jul-07
July 26, 2007 to July 30, 2007		
Scott, Craig	Coquitlam, BC	27-Jul-07
August 16, 2007 to August 20, 2007		
Reilly, Brent	Olds, AB	27-Jul-07

NAME	LOCATION	EFFECTIVE DATE
October 4, 2007 to October 8, 2007		
Shepherd, Stephanie	Minneapolis, MN	27-Jul-07
August 2, 2007 to August 6, 2007		
Nurse, Daniel	Varennes, QC	27-Jul-07
August 9, 2007 to August 13, 2007		
Peterson, Craig Warren	Ford City, PA	27-Jul-07
August 9, 2007 to August 13, 2007		
McCaskell, William	MacGregor, MB	27-Jul-07
August 8, 2007 to August 12, 2007		
Hattie, Joseph	Halifax, NS	27-Jul-07
August 9, 2007 to August 13, 2007		

CERTIFICATE OF CANCELLATION OF REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES AVIS DE RADIATION de personnes autorisées à célébrer des mariages en Ontario ont été envoyés à:

NAME	LOCATION	EFFECTIVE DATE
Gleadall, Brian	Dundas	23-Jul-07
Grant, Angela	Stoney Creek	23-Jul-07
MacGregor, Robert	St Marys	23-Jul-07
Przybylski, Konstanty Jan	London	25-Jul-07
Rankin, Gregory David	Forest	25-Jul-07
Kulathinkal, John Joseph	Zurich	25-Jul-07
Hudacko, Marko	Windsor	25-Jul-07
Gorczyca, Andrzej	Windsor	25-Jul-07
Correia, Manuel	London	25-Jul-07
Aicken, Janice	Kintore	26-Jul-07
Thompson, David S.	Stratford	26-Jul-07
Gray, Edward	Barrie	27-Jul-07
Boyd, George	Burlington	27-Jul-07
Hart, Glenn	Cambridge	27-Jul-07
Massop, Bernardus Johannes	Murillo	27-Jul-07

JUDITH M. HARTMAN,
Deputy Registrar General/
Registraire générale adjointe de l'état civil

(140-G447)

Change of Name Act Loi sur le changement de nom

NOTICE IS HEREBY GIVEN that the following changes of name were granted during the period from July 01, 2007 to July 15, 2007, under the authority of the *Change of Name Act*, R.S.O. 1990, c.c.7 and the following Regulation RRO 1990, Reg 68. The listing below shows the previous name followed by the new name.

AVIS EST PAR LA PRÉSENTE donné que les changements de noms mentionnés ci-après ont été accordés au cours de la période du 01 juillet au 15 juillet 2007, en vertu de la Loi sur le *changement de nom*, L.R.O. 1990, chap. C.7, et du *Règlement 68*, R.R.O. 1990, s'y rapportant. La liste indique l'ancien nom suivi du nouveau nom.

PREVIOUS NAME	NEW NAME
ABIGIAL, SIANGNEI.KIM.	VUM, SIANGNEI.KIM.
ABUDUKEYOUMU, AISIKEER.	KEYIM, ASKAR.
ADJEI, JACKLINE.	ATTAKORA, JACKLINE.
ADU-AGYEI,	ADU-AGYEI, MICHAEL.
AKWASI.POKU.	JOSEPH.AKWASI.O'POKU.
AFZAL, HADIYA.	SHEIKH, MENAAL.

PREVIOUS NAME	NEW NAME
AHMAD, SUMMAR.AZIZ.	AHMAD, SAMAR.AZIZ.
AHMED,	PARSONS,
SARAH.AWADH.	SARAH.ALEXANDRA.
AISIKEER, MILIBAN.	KEYIM, MIHRIBAN.
AISIKEER, MUKADASI.	KEYIM, MUKADAS.
AKBER, ANIL.	MADHANI, ANIL.AKBER.
AKHTAR, HEWAAD.	AKHTAR, HEWAAD.JOSEPH.
AL-KAZEMI, HASSANEN.	KAZEMI, SAMI.HASSANEN.
AL-ROUBAIAI,	AL-ROUBAIAI,
MUSTAFA.TALIB.	STEVE.
ALLEN, TROY.RIVER.	POST, TROY.ALLEN.
ALLEN-ASH, CAROLYN.JEAN.	ALLEN, CAROLYN.JEAN.
AMIRI, TAHMINA.	SADAT, TAHMINA.
AMO,	JOWSEY,
CRYSTAL.CHARLENA.	CRYSTAL.CHARLENA.
ANKUR, ANKUR.	SHARMA, ANKUR.
ATAMAN, WOLODYMYR.	ATAMAN, MICHAEL.
AVEKIACE	AVEKIANS,
TABRIZI, AILEEN.	AILEEN.DEMARIS.
AZIGULI, AZIGULI.	AMAT, ARZUGUL.
BABULKHER,	MAKRANI,
RUBINA.ABDULSALAMBIN.	RUBINA.MAHMAD.SOEB.
BAILEY, JENNA.MARIE.	LAVERTY, JENNA.MARIE.
BAKER,	RUBENSTEIN,
JENNIFER.LEIGH.	JENNIFER.LEIGH.
BANGURA, MARIE.	JANNEH, KHADIJATU.
BARBEAU, CHERYL.ANN.	BRYDGES, CHERYL.ANN.
BARBER, ALEXANDER.	VINCE, ALEXANDER.
ALLAN.JOSEPH.	ALLAN.JOSEPH.
BARKER,	LEBLANC,
JE'ZEL.FELICA.ELIZABETH.	JE'ZEL.FELICA.ELIZABETH.
BAROVIC SIFLIS, VANDA.	OLIVARES, WANDA.
BATUSOVA,	OLIFER,
TETYANA.VITALIEVNA.	TATIANA.
BEATTY,	GREGORY,
RACHELLE.CAROLYN.	RACHELLE.CAROLYN.
BELANGER, NICHOLAS.	DODARO, NICHOLAS.
ALEXANDER.DODARO.	ALEXANDER.
BELL, CINDY.LEE.	NNABUOGOR, CINDY.LEE.
BHARATH, KAMALJIT.KAUR.	KASHYAP, KAMALJIT.KAUR.
BHATTI,	BHATTI,
DANISH.	MUHAMMAD.SALMAN.
BIALECKI, ANNA.MARIA.	BIALECKI, ANIA.MARIA.
BISLIMI, CAMIL.	BISLIMI, QAMIL.
BISSESSAR,	BISSESSAR,
MOHANIE.KUMARIE.	LILLY.MOHANIE.KUMARIE.
BISSO, DANIAL.	BISSO, DANIEL.
BISSO, MOHANAD.	BISSO, ANDREW..
BOABA, DENISA.GABRIELA.	ZITA, DENISA.GABRIELA.
BOILEAU, BRIANNA.ELISE.	DEMPSEY, BRIANNA.ELISE.
BOLIKO BOLLA, NKAKE.	MAWAKA, MARTINE.
BOLINA, RAJBINDER.KAUR.	PAHAL, RAJBINDER.KAUR.
BOYER, AMANDA.JANE.	YIELDING, AMANDA.JANE..
BOZANOVIC-SOSIC, RADENKA.	BOZANOVIC, RADENKA.
BRADLY,	VAN SCHIE,
MONICA.MARIA.	MONIQUE.MARIA.
BRITKOVA, IRYNA.	DIKAL, IRYNA.
BROMFIELD,	BROMFIELD,
SELENA.VANESSA.	SEBRINA.SELENA.VANESSA.
BUCH,	BUCH,
STANLEY.CHRISTOPHER.	STAS.CHRISTOPHER.
BUDREAU, MICHELLE.EMILY.	RUFF, MICHELLE.EMILY.
BULYMA, YULIYA.	BAJENOV, YULIYA.
BURNAGE,	ROY,
SUZANNE.CHRISTINE.	SUZANNE.CHRISTINE.
BYLUND, PAMELA.CLAIR.	RIVETT, PAMELA.CLAIR.
CAMPO,	CAMPO-CORDOVA,
NINNE.ROSE.LEON.	NINNE.ROSE.LEON.

PREVIOUS NAME	NEW NAME	PREVIOUS NAME	NEW NAME
CAREY, MELISSA.ROSE.	DUPREE, MELISSA.ROSE.	DICKMAN, TRISTAN.MILES.	PAULE, TRISTAN.MILES.
CARTER, ALYSCIA.EMILY.	GERRIS, ALYSCIA.EMILY.	DIDOUH, HANANE.	EL-ABBASSI, HANANE.
CARTER, CHRISTINE.ELIZABETH.	GERRIS, CHRISTINE.ELIZABETH.	DIKAL, HRYHORIIY.	DIKAL, GREGORY.
CARTER, MARK.GORDON.	GERRIS, MARK.GORDON.	DIKAL, OLEH.	DIKAL, OLEG.
CARTER, MELISSA.GRACE.	GERRIS, GRACE.MELISSA..	DINH, MICHAEL.	DINH, MICHAEL.
CARTER, MIRIAH.STEPHANIE.	GERRIS, MIRIAH.STEPHANIE.	CAO.PHONG.	THUAN.VAN.
CARTER, REBECCA.ANN.	GERRIS, REBECCA.ANNE.	DIONNE, HELEN.MARY.	WARNER, HELEN.MARY.
CASSIDY, TAMMY.LYNN.	KEEZER, TAMMY.LYNN.	DIREH, IDANGOFIARI.	GOGO, DANGO.
CHAKRABARTY, TRISHITA.	CHAKRABARTY, MIMI.	DISTOR, MARY.DIOSA.	NAVARRETE, MARY.DIOSA.
CHAN, CHEUNG.TSOI.	CHAN, CLIFF.CHEUNG.TSOI.	DMITRIEW, CORINNE.ANN.	WATSON, CORINNE.ANN.
CHAN, CHI.YIP.	CHAN, WILFRID.CHI.YIP.	DOLAN, J.MICHAEL.	DOLAN, JAY.MICHAEL.
CHANG, CHONG.LEONG.	TANG, CHONG.LEONG.	DOYLE, WENDY.EVA.	DOYLE-MCLENNAN, WENDY.EVA.
CHATWELL, TERRI.DAYLE.	VAN HORN, TERRI.DAYLE.	DRESSER, JACQUELINE.MARIE.LOUISE.	BROWN, JACQUELINE.MARIE.LOUISE.
CHEEMA, RATTI.	GREWAL, MANDEEP.KAUR.	DROBONIKU, FATJON.	DROBONIKU, TONY.
CHEIKH, DANIELLE.LYNN.	SIPES, DANIELLE.LYNN.	DUMAS, ADAM.	KNIGHT, ADAM.TALON.
CHEN, HUI.SHAN.	MARTYN, ANGEL.HUIZHAN.	EARNSHAW, BAYLIE.LYNN.TIFFANY.	EARNSHAW-RICHARDS, BAYLIE.LYNN.TIFFANY.
CHEN, WEI-WEN.	CHEN, ERIC.YU-FENG.	ELIAS, MOHSSSEN.	ELIAS, MAX.MASON.JOSEPH.
CHEN, XU.ZHI.	CHEN, SHAWN.XU.ZHI.	ELKHOURY, EVELYN.	ZATOUNEH-MURRAY, ASHLEY.
CHEN, YEN-CHU.	CHEN, ANDREA.YEN-CHU.	ESMAEIL MOHAJER AYRA, AFSANEH.	MOHAJER, AFSANEH.
CHERNYAK, MICHEL.	CHERNYAK, MICHELLE.	ETHRIDGE, SUSAN.ELSIE.	ETHRIDGE, WOLF.MALAKI.
CHEUNG, YIN-TING.	CHEUNG, DONNA.YIN-TING.	FAGAN GALWAY, COLE.KEVIN.	KEELS, COLE.KEVIN.
CHIEN, CHUNG.HUNG.	CHIEN, TERESA.CHUNG.HUNG.	FAISAL, AL-HUSSEIN.	AL-ABDALLY, ALHUSSEIN.F.
CHIEN, YUK.PUI.	CHIEN, JOHNNY.YUK.PUI.	FARHAN, SARA.	FARHAN, SARAH.HUSSAIN.
CHO, LAI.FUNG.	CHO, LAI.FUNG.SHERRY.	FATIMA, NASEEM.	ASGHAR, NASEEM.FATIMA.
CHUNG, FERN.Y.	JUNG, AIDEN.FERN.	FEDUN, BRENDA.JOYCE.	FEDUN, BRENDA.JOYCE.
CHUTANI, MUHAMMAD.UZAIR.	CHUTANI, UZAIR.	FENG, YU.XIAO.	FENG, MARK.YUXIAO.
CIEPIEWICZ, JOSEPH.J.	SIOPIOLOSZ, JOSEPH.J.	FITZPATRICK, NORMA.CATHERINE.	FITZPATRICK-BAILEY, NORMA.CATHERINE.
CLARKE, JACQUELINE.HELENE.	SERVISS, JACQUELINE.HELENE.	FLYNN, VALORIA.BONITA.	ABELA, VALERIE.
CLEMENT, ADEBISI.	FAGBAMILA, MOJISOLA. OLOLADE.ADEBISI.	FOSTER, MERILYN.JEAN.	FOSTER, MARILYN.JEAN.
CO, KELLY.	CO, EDMUND.WEI-CHUN.	FULDA REICHMAN, SHIRA.TIKVA.	REICHMAN, SHIRA.TIKVA.
COBRES, DONATA.MONSERRAT.	COBRES, CECILIA.MONSERRAT.	GARCIA DE LA CADEN, BRENDA.MARISOL.	LEGROW, BRENDA.MARISOL.
COC, JULIE.WAIMANH.	QUACH, JULIE.	GARCIA, ANACLETO.FLORES.	GARCIA, ANDREW.ANACLETO.
CODE, AMBER.CHRISTINA.WAGER.	KINCAID, ETHAN.ALISTER.	GAUTHIER, JEAN.JOSEPH.ROBERT.	GAUTHIER, JOHN.ROBERT.
COKE, SAKHONE.	COKE, SHAUN.SAKHONE.	GAVRILESCU, CORNELIA.MARIANA.	ANCINELLI, CORNELIA.MARIANA.
CONNOLLY, CASSANDRA.	TEDESCO, CASSANDRA.	GILBERT, BRIDGET.ANN.ALFREDIA.	SARAKA, BRIDGET.ANN.ALFREDIA.
CHARLOTTE.ANN.	CHARLOTTE.ANN.	GILL, GURJIT.SINGH.	VIRK, MANDEEP.SINGH.
CONTOIS, JACKELINE.ELIZABETH.	CONTOIS, JACQUELYNE.ELIZABETH.	GILMORE, JENNIFER.M.	HEATON, JENNIFER.MARY.
COOK, GARRY.HERMAN.	COOK, GARRY.HEMAN.	GITTENS, NELLON.DOMINIC.	GITTENS, NEILON.DOMINIC.
COOK, JUSTIN.JAMES..	NOLAN, JUSTIN.JAMES.COOK.	GRACE, MARIA.	GRACE DIMITROVA, MARIA.
CORREIA SAWRIE, CHRISTOPHER.JOSEPH.	SAWRIE, CHRISTOPHER. JOSEPH.CORREIA.	GREATHEAD, AMANDA.LYNN.	EDRIDGE, AMANDA.LYNN.
CROW-ROUGE, BUTERFLII.DULA.AUCEAN.	CREAU-ROUGE, BUTERFLII.AUCEAN.DULA.	GREATHEAD, MARK.JOHN.DANIEL.	EDRIDGE, MARK.JOHN.DANIEL.
CULUM, BILJANA.	EGELJA, BILJANA.	GRIFFITHS, LOLA.MAY.	YOUNG, LOLA.MAY.
CYRILLA, ANITA.	VARGHESE, CYRILLA.ANITA.	GROSSMAN, KATARINA.	GROSSMAN, KATHARINA.SABO.
DANG, NGOC.HUONG.	GUERRERO, LINDA.	GUNJIKAR E RODRIGUES, JUDE.KEVIN.	MENEZES, JUDE.KEVIN.
DANG, NICHOLAS.NGUYEN.	NGUYEN, NICHOLAS.	GUTNIK, INNA.	GUTNIK, INESSA.MARIA.
DAWE, SHAWN.PATRICK.	MACINTYRE, SHAWN.PATRICK.	HABASHY, MAHA.REFAAT.HAB.	HANNA, MAHA.HABIB.
DENG, MING.MEI.	DENG, SUNNY.	HAFAERKAMP, HAYLEY.ELIZABETH.	FINN, HAYLEY.ILISH.ELIZABETH.
DER OHANIAN, TAGUI.	DER-OHANIAN, TAMARA.TAKOUHI.	HEBERT, LUKE.LAWRENCE.	TERRYBERRY, LUKE.LAWRENCE.
DEVI, JUGTEMBA.	SHARMA, JUGTEMBA.DEVI.	HEINRICH, BLAKE.DOUGLAS.	RICH, BLAKE.DOUGLAS.
DHAHAK, AHMED.	MEHANI, AHMED.BEN.FERID.MAJDI.		
DHALIWAL, HARJINDER.SINGH.	GILL, HARJINDER.SINGH.		
DHILLON, SONIA.BALJIT.	TULLY, SONIA.DHILLON.		
DI BACCO, FIORINA.	DE SANTIS, FIORINA.		

PREVIOUS NAME	NEW NAME	PREVIOUS NAME	NEW NAME	
HILSON, GEORGE.ALLEN. HOLLANDER, JOSEPH.MAXWELL.BRIAN. HOLMES, ALFORD.JEAN. HOLMES, MIKELLA.MURIEL.MARGARET. HOLROYD-LEDUC, SCOTT.GEORGE.BROWNE. HOPKINS, ANGELA.MARIE.	PERRAULT, ALLEN.JOSEPH. O'CONNELL, JOSEPH.MAXWELL.BRIAN. HOLMES, ALFRED.JEAN. HOLMES, MURIEL.MARGARET. LEDUC, SCOTT.GEORGE.BROWNE. MUIR, ANGELA.MARIE.HOPKINS. MUIR, TYLER. NATHANIEL.HOPKINS. DRESLER, MARTIN.MAREK. JIANG, CARMEN.ZI.YU. HUI, TOMMY. HULSMAN, JEREMIAH.CHARLES.JOSEPH. HUTCHINSON, LESLIE.JOYCE. INIBHUNU, OBHAKHAMEN.HAPPY. IRWANTO, YOSUA.ANTHONY. JIA, TAIRUI. JINUS, VANSUIILIAN.SUNG. JOHNSON, KEONA.CASSANDRA. JOHNSON-HUDSON, KENORDO.LESLIE. JOLY, MARIE.JEANNE. JONES, VALENTINA.IVANOVNA. JUHASZ, JANOSNE. KANAPATHIPILLAI, KIRIYA.. KAUR, PARVEENDER. KEEGAN, SHARON.MARIE. KELLY, SIOBHAN.MICHELE. KHALID, ABEER. KIRAN, JYOTI. KIRSHENBLATT, FELICIA.CASSANNDRA.JULIA. KLANERT, BRIGITTE.MONICA.URSULA. KLOEPFER, DYLAN.JOHN.CHRISTIE. KLOEPFER, JESSE.PAUL.CHRISTIE. KOCHEN, CARLY.RYAN. KRELLER, TAMMY.LYNN. KUIPERS, LISA.DIANE. KURTESI, DIMITRIOS. LAFRANCE, MICHAEL.WILLIAM. LAKHIAN, SATWINDER.KAUR. LALLJEE, DEBRA.ANN. LAM, ROBERT.BAO.DAT. LAMA, KUNAL. LAMA, NITIN. LAVINSKAS, JENNIFER.LYNN. LEE, GARRETT.ALLAN. LEE, JOONGHEON. LEE, KA.HUNG. LEE, SEOJOON. LETKEMAN, JOHAN. LIMBACHIYA, PINAL.JAYANTIBHAI.	PERRAULT, ALLEN.JOSEPH. O'CONNELL, JOSEPH.MAXWELL.BRIAN. HOLMES, ALFRED.JEAN. HOLMES, MURIEL.MARGARET. LEDUC, SCOTT.GEORGE.BROWNE. MUIR, ANGELA.MARIE.HOPKINS. MUIR, TYLER. NATHANIEL.HOPKINS. DRESLER, MARTIN.MAREK. JIANG, CARMEN.ZI.YU. HUI, TOMMY.YUE.HONG. HULSMAN, JEREMIAH.CHARLES.JOSEPH. MILLER, LESLIE.LAURA.. INIBHUNU, HAPPY.AGBON. IRWANTO, JOSHUA.ANTHONY. JIA, TERRY.TAIRUI. VUM, VANSUIILIAN.SUNG. WILLIAMS, KEONA.CASSANDRA. JOHNSON, KENORDO.LESLIE. JOLY, MARIELLE.JEANNE.MARIE. NIKONOVICH, VALENTINA.IVANOVNA. HORNOK, JOLAN. THARMASENAN, KIRIYA. KANSAL, SONYA. HENDERSON, SHARON.MARIE. WRAY, SIOBHAN.MICHELE. KHALID, NIYOMI. SHARMA, JYOTI.KIRAN. FERES, FALICIA. CASSANNDRA.JULIA. MCINNIS, BRIGITTE.MONICA.URSULA. CHRISTIE, DYLAN.JOHN. CHRISTIE, JESSE.PAUL. KOCHEN, RYAN.JACKSON. FUNSTON, TAMMY.LYNN. KUIPERS, LUCAS.VASYL. KURTESI, JIM. SOLOMON, MICHAEL.WILLIAM. BALA, SATWINDER.KAUR. MCFADDEN, DEBRA.ANN. HUYNH, ROBERT.BAO.DAT. SHARMA, KUNAL.. SHARMA, NITIN. WHITE, JENNIFER.LYNN. FOX, GARRETT.ALLAN. LEE, JOSEPH.JOONGHEON. LEE, LESLIE.KA-HUNG. LEE, STEPHEN.SEOJOON. LETKEMAN, JOHNY. VAIDYA, PINAL.KALPESH.	LUCHKO, DEANNA.JUNE.EVELYN. LUI, YAT.YEE. LUU, LE.PHAN. LUU, MINH.PHUONG. LUU, VIET.AN. MAC MILLAN, ANDREA.MICHELE. MACHIKESLAMI, MASSOUD. MACHIKESLAMI, NAYYER. MACPHERSON, CHRISTOPHER.SCOTT. MAIMAITI, MILIGU. MALLETTE, VICTORIA.KATHERINE. MAO, SOCHEAT. MARAMGANTY SHREE VEN, KALYANI.NAGA.SW. MARCHAND, NICOLE.JEAN. MARIANI, MARIANI. MARTINEZ, MARILOU.GATUZ. MATHEW, GEORGEY. MCCLENNON-WARREN, CYNTHIA.JEAN. MCCULLIGH-HILLIER, SKYLY.PARIS. MCINNIS, LUCAS.ARTHUR.EDWARD. MCMULLAN-JEONG, SOO.JIN. MENDEZ CRIOLLO, CLAUDIA.CRISTINA. MESHAL, ALI.SALEH. METELKINE, ANDREI.ALEXANDROVITCH. MIRANDA, MARIA.HELENA. MIRSALIMI, SEYEDEH.JINA. MITCHELL, ADELIND.SIGRID. MOELLER, IOANA. MOHAMMAD KABIR, HOMIRA. MOHAMMAD KABIR, LINA. MOHAMMAD KABIR, ROHINA. MOHAMMAD KABIR, TAMANA. MOHAMMAD RUSTAM, MOHAMMAD.KABIR. MOHAMMED, HUDA.UMAR. MOLODECKY, SONYA.ANASTASIA.AMELIA. MONETTE, ANDRE.EUGENE.ALBERT. MOONAMALE, KASSAPA.THERO. MOONEY, AMBER.JOYCE.LOUISE. MOORE, MADELINE.GRACE.DANIELLE. MORRISON, BRANDON.DAVID.DANIEL. MOTYKA, AGNIESZKA.MARIA. MURAD, RIZWANA. MYCHASIW, LENA.	LUCHKO, DIANE.JUNE.EVELYN. LUI, SHIRLEY.YAT.YEE. LUU, VIVIAN. LUU, PHUONG.MINH. LUU, AN.VIET. KOVACS, ANDREA.MICHELE. SHEIKHOESLAMI, MASSOUD. SHEIKHOESLAMI, NAYYER. MACPHERSON, CHEYENNE.REBA. NUR, MIHRIGUL. MCBRINE, VICTORIA.KATHERINE. MAO, BRAD.SOCHEAT. MARAMGANTY, SWETHA. MARCHAND, MICHELLE.JEAN. SALIM, MARIANI. CAPONDAG, MARILOU.MARTINEZ. MATHEW, JUSTIN.GEORGEY. MCCLENNON-WARREN, CINDY.LOU. STILLER, SKYLY.PARIS. TEATRO, LUCAS.ARTHUR.EDWARD. MCMULLAN-JEONG, GINA. CRIOLLO, CLAUDIA.CRISTINA. MESHAL, ALI.SHENAWA. SEDOFF, ANDREI. PEREIRA MARTINS, MARIA.HELENA. MIRSALIMI, JINA. MITCHELL, SOPHIA.ANGELIKA. MOELLER, IONA.NICOLE. KABIR, HOMIRA. KABIR, LINA. KABIR, ROHINA. KABIR, TAMANA. KABIR, RUSTAM. MOHAMMED, HUDA-MALAIKA.AMIN. MOLODECKY, SONIA.ANASTASIA.AMELIA. MONETTE, ANDRE.CATHERINE.NAOMI. ASHIR, AHMED. MONIZ, AMBER.JOYCE.LOUISE. MC DOUGALL, BROOKLIN. LANEE.GRACE.DANIELLE. DAYTON, BRANDON.DAVID.DANIEL. MOTYKA, JANE.AGNIESZKA.MARIA. ZUBAIR, RIZWANA. MICHASIW, LILLIAN.LENA.

PREVIOUS NAME	NEW NAME	PREVIOUS NAME	NEW NAME
NABIE, PAIGE.SYBIL.	TOUSSAINT-NABIE, PAIGE.SYBIL.	SAN'KO, DMITRY.	SANKO, DMITRY.
NARAYAN, PREM.	NARAYAN, PREM.GLEN.	SANDAL, ANGELY.	SINGH, ANGELY.KAUR.
NASRALIAH, ELIE.HOMERE.	NASRALLAH, ELIE.	SANDAL, RACHNA.	SINGH, RACHNA.KAUR.
NASRULLAH, NIZAR.	KHOJA, NIZAR.NASRULLAH.	SANDAL, SIMRAN.ANJALI.	SINGH, SIMRAN.KAUR.
NAUDI, FRANCIS.JOSEPH.CARMEL.	ROBINSON, FRANCIS.JOSEPH.CARMEL.	SAVAGE, EAMOND.SHAUN.	HARMON, EAMOND.SHAUN.
NGUY, NGOC.LOAN.	TRIEU, LEEANNE.	SHELL, THELMA.JEAN.	KENNEDY, THELMA.SHELL.
NGUYEN, NGAN.THU.	NGUYEN, ROSA.THUNGAN.	SCHEUNEMAN, ANDREW.JOSEPH.	HEASLIP, ANDREW.JOSEPH.
NIEMELA, ERKKI.JOHANNES.	NIEMELA, ERIC.JOHANNES..	SEABORN, VICTOR.CHARLES.	BLAKE, VICTOR.CHARLES.
NYERMA, KHENPO.PHURBU.	NYAIRMA, GYALPHUR.JATSA.	SHAHMAHMOUD, RAHELA.	KABIR, RAHELA.
O'BRIEN, ESTHER.MARIE.	O'BRIEN, MAURITA.ESTHER.	SHETTLEWOOD, ANDREA.ADELE.	SHETTLEWOOD, ANDRIAHA.ADELE.
OATMAN, LOVINA.CHARITY.LJUBA.	KONRATH, LOVINA.CHARITY.LJUBA.	SIMPSON, BRIANNA.LYNN.	SCOTT, BRIANNA.LYNN.
ODION, IJEOMA.CHARITY.	CHIJINDU, IJEOMA.C.	SINGH, KARNDDEEP.	POONI, KARNDDEEP.SINGH.
OLIVER, AUSTIN.ALEXANDER.	STURGE, AUSTIN.ALEXANDER.	SINGH, RAVINDER..	JOHAL, RAVINDER.SINGH.
OLSON, SAMANTHA.CHARITY.	PASQUARIELLO, SAMANTHA.CHARITY.	SINGH, SUKHJANT.	BHANGU, SUKHJANT.SINGH.
OSADA, YUKO.	PAUNOVIC, YUKO.	SIVAJOTHY, VIKRAM.	SIVA, VIKRAM.
OTCHERE-BOATENG, KWADWO.	BOATENG, ISAIAH.LAMARR.KWAJO.	SIVASUBRAMANIAM, ARJUN.SHRIDAR.	SAMY, ARJUN.SHRIDAR.
OTSU, YOKO.	MAY, YOKO.	SIVASUBRAMANIAM, GEETHA.	SAMY, GEETHA.
PATEL, CHIRAG.KUMAR.	PATEL, CHIRAGKUMAR.	SLANCO, CATHERINE.DARLENE.	DANVERS, KATRYNA.
KHANDUBHAL.	KHANDUBHAL.	SLOCHOWSKI FRANCO, MIA.MIRIAM.	SLOCHOWSKI, MIA.
PAYNE, FERDINAND.DON.PEDRO.	NKRUMAH, TESHOME.OCHOLA.	SMITH, SHAUNISTY.	HILL, SHAUNISTY.
PECASKIE, JEFFERY.AMBROSE.	PECASKIE, JEFFERY.AMBROSE.	HELEN.MARGARET.	HELEN.MARGARET.SMITH.
PERCHALUK, SARAH.SHARRON.	O'KEEFE, SARAH.SHARRON.	SONG, YANG.YANG.	SONG, LENA.
PERRIE, HAYDEN.SCOTT.	GLEDHILL, HAYDEN.SCOTT.	SPITERI, EUN-HA.	HONG, EUN-HA.
PIDLAOAN, MARILOU.SARMIENTO.	DELA CRUZ, MARILOU.SARMIENTO.	SPOONER, MICHEAL.JOHN.	SPOONER, MITCHELL.JOHN.
PINTO SOCIEDADE, ISABEL.	SOCIEDADE, ISABEL.	SRIPRASAD, VINOD.VIVEKANANDA.	SAI PREMANANDA, SWAMI.
PITT, RONALD.PATRICK.	MAHEUX, RONALD.PATRICK.	ST GEORGE, LILLIANNE.	ST GEORGES, DIANE.LAURETTE.
POXLEITNER, DAVID.SAMUEL.	JENKINS, SABAYAN.ANDREW.	STIEMANN, TAMMY.LYNNE.	ELLIOTT, TAMMY.LYNNE.
PUCZKO, KAROLINA.MARIA.	BERGERON, KAROLINA.MARIA.	SUMMONS, HAROLD.XAVIER.GOOCH.	SUMMONS, XAVIER.GOOCH.
PUGA, PEDRO.	PUGA, PETER.RODRIGUES.	SUN, CHAO.HUI.	SUN, EMILY.
MANUEL.RODRIGUES.	P RIARD, EDWARD.JOSEPH.	SYED, IMRAN.ALI.	WOOBI, DANIEL.CHOCOLATE.
PRIARD, EDDY.JOSEPH.LARRY.RENE.	QIDAN, KRISTINA.MARIA.	TAILLON, WALTER.JOSEPH.DAVID.	TALLON, WALTER.JOSEPH.DAVID.
QIDAN, YUSRA.GIHAD.	YE, PATRICK.QING.	TAIT, MAHARANI.	PERSAUD, RANI.
QIN, YEQING.	AZIMI, MARILA.	TALVERDI FRAIDANY, POWELL.	TALVERDI, POWELL.
QURAIISHI, MARILA.	GOMEZ-FELLINGHAM, MICHAEL.JOSHUA.	TANG, PUJUN.	TANG, THOMAS.PUJUN.
RAHMANN, MICHAEL.ARTHUR.	KHAN, DANISH.	TAO, THEM.HUY.	TAO, HUY.THEM.HARRY.
RAJA, RIZWAN.NAWAZ.	MACDONNELL-RANKIN, KATHERINE.LOUISE.	TASIGERILETU, TASIGERILETU.	TAI, TAS. GERILETU.
RANKIN, CATHERINE.LOUISE.	HASHEM, AVESTA..	TEETZEL, SAYWARD.DAWN.	BOAK, SAYWARD.DAWN.
RAYON, AVESTA.	RAYON HASHEM, RAHAT..	TEETZEL-DIBBLEY, KOREN.ADA.GRACE.	BOAK, ADA.GRACE.
RAYON, RAHAT.	DVILAITIS, ANTHONY.JOSEPH.	TEO, IRIS.TIAN-RUEY.	ZHANG, IRIS.YIN.XI.
REPSYS, ANTHONY.JOSEPH.	LATULIPE RICHARD, CATHERINE.MARIE.	TEO, SOK.SIANG.DANIE.	ZHANG, DANIEL.SU.XIANG.
RICHARD, CATHERINE.	AL-ZAIDI, SAYYID-ALI.ALI.	THAMBIRAJ, DANIEL.R.	THAMBIRAJ, DANIEL.RYLAN-ST.LUKE.
RIZVI, ALI.RAZA.	ROGACHOV, VIKTOR.OLEHOVYCH.	THERIAULT, CHANTELLE.DELENA.	KELLY, CHANTELE. DELENA.KAYLEE.
ROHACHOV, VIKTOR.OLEHOVYCH.	RUSSELL-HILL, TERESA.MARIE.	THIYAGARAJAH, MANOHARI.	SANJAYAN, MANOHARI.
RUSSELL-HILL, TERESA.MARIE.	KERR, PATRICIA.IRENE.	THIYAGARAJAH, VANINY.	VINOTHAN, VANINY.
RYAN, TERESA.	SALAT, MOHAMED.ABDULLAHI.	THORSTENSEN-WOLL, JEREMY.BJORN.	THORSEN, JEREMY.
SALAN, MOHAMED.ABDULLA.	SALIPUROVIC, GORAN.	TINHELA, MARISA.DOS.SANTOS.	TINHELA-ALVES, MARISA.DOS.SANTOS.
SALIPUROVIC, GORAN.		TRAN, MY.HUONG.	TO, SANDRA.M.H..
		TU, CHI.CHUNG.	TU, CHI.CHUNG.BRANDON.
		TULLOCH, ANJ.ANGELICA.	WELLS, ANJ.ANGELICA.
		TURABIJA, AMELA.	PELEKANOS, AMELA.

Dated July 26, 2007 Master's College and Seminary, by its solicitors,
Lech Lightbody O'Brien, 116 Hunter St. W., Peterborough, Ontario
K9H 2K6

(140-P221) 31, 32, 33, 34

Corporation Notices Avis relatifs aux compagnies

TRENT HEALTH INSURANCE COMPANY

NOTICE IS HEREBY GIVEN that Trent Health Insurance Company (**Trent Health**) has commenced voluntary wind-up procedures pursuant to a resolution of its sole shareholder effective the 23rd day of July 2007. Trent Health's shareholder has also appointed Mary Turtle, the Chief Financial Officer of Trent Health as its liquidator. Ms. Turtle's mailing address is 1920 College Avenue, Regina, SK, S4P 1C4.

Trent Health has not written any new business since August 2003.

This Notice is given to you pursuant to section 217(2) of the *Corporations Act* (Ontario).

Dated this 24th day of July 2007

(140-P222E) 31, 32

MARY TURTLE
Chief Financial Officer

COMPAGNIE D'ASSURANCE TRENT SANTÉ

AVIS EST PAR LES PRÉSENTES DONNÉ que la Compagnie d'assurance Trent santé (**Trent Santé**) a entrepris sa liquidation volontaire conformément à la résolution adoptée le 23^{ème} jour de juillet 2007 par son actionnaire unique. L'actionnaire de Trent Santé a aussi nommé comme liquidatrice Mary Turtle, chef des finances de Trent Santé. L'adresse postale de madame Turtle est le 1920, avenue College, Regina (Saskatchewan) S4P 1C4.

Trent Santé n'a pas souscrit de nouvelles affaires depuis le mois d'août 2003.

Le présent avis vous est fourni en vertu de l'article 217(2) de la Loi sur les personnes morales (Ontario).

Fait ce 24^{ème} jour de juillet 2007.

(140-P222F) 31, 32

MARY TURTLE
La chef des finances

TAKE NOTICE that 1462888 Ontario Inc., in its capacity as trustee of DCTR Trust, a trust established pursuant to the laws of the Province of Ontario, has assigned its interest as a limited partner of DCTR Limited Partnership, a limited partnership existing under the laws of the Province of Ontario, to New Horizons Car and Truck Rentals Ltd. effective as of July 31, 2007.

DATED the 31st day of July, 2007

Dennis Underwood- Director of Treasury & Corporate Controller with
New Horizons Car & Truck Rentals Ltd.

DCTR Limited Partnership, by its general partner New Horizons Car and
Truck Rentals Ltd.

(140-P232)

Sheriff's Sale of Lands Ventes de terrains par le sherif

UNDER AND BY VIRTUE OF Writ of Seizure and Sale issued out of the Superior Court of Justice dated Sept 6/06 Sheriff's file No 06-1575 to me directed, against the real and personal property of Maria Vena, debtor at the suit of The Toronto Dominion Bank Creditor, I have seized and taken in execution all the right, title, interest and equity of redemption of Maria Vena, debtor, in and to: Unit4, Level 7, Carleton Condominium Plan No 486, PT LT31, Con A(FR), PT BLK A Plan 530290, PTS 1,2,3 4R6800 S/T 62678, 626223, 659589, 659594 as in Schedule A of Declaration 659304, Nepean, Unit 47 Level B, Carleton Condominium Plan No 486 PT LT 31 Con A (RF) PT BLK A Plan 530290 PTS 1,2,3 4R6800 S/T 622678, 626223, 659589, 659594 as in Schedule A of Declaration 659304, Nepean, Ottawa Division of Ottawa-Carleton (No.4) and known municipally as 704-100 Grant Carmen Dr., Ottawa, Ontario

All of which said right, title, interest and equity of redemption of Maria Vena, debtor in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at, Sheriff's Office 2nd Floor 161 Elgin St., Ottawa, Ontario on Friday, 14 September 2007 at 10:00 A.M.

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens,

outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest

to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: Deposit 10% of bid price or \$1,000.00, whichever is greater

Payable at time of sale by successful bidder

To be applied to purchase price

Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at Sheriff's Office 2nd flr 161 Elgin St., Ottawa, Ontario

All payments` in cash or by certified cheque made payable to the Minister of Finance Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price Other conditions as announced

THIS SALE IS SUBJECT TO CANCELLATION BY THE SHERIFF WITHOUT FURTHER NOTICE UP TO THE TIME OF SALE.

Note: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

Date: July 10, 2007

(140-P233)

ANDRÉ F. BÉLANGER
Sheriff - City of Ottawa
161 Elgin St., Ottawa

**Sale of Lands for Tax Arrears
by Public Tender
Ventes de terrains par appel d'offres
pour arriéré d'impôt**

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE CITY OF BRANTFORD

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on September 4, 2007 at the Bid Deposit Box, Purchasing Department, Suite 120, Lower Level, 1 Market Square, Brantford, Ontario.

Description of Land(s):

Roll No. 2906 050 002 15300 0000
Part Glebe Lot Brantford City, Part Lot 2 Eagles Nest Tract
Brantford City, designated at Parts 1, 2, 3 & 4 on 2R-2974
City of Brantford, Being all of PIN 32102-0013 (LT)
Municipal Address: 347 Greenwich Street, Brantford, Ontario N3T 5N9
Minimum Tender Amount: \$5,243,574.45

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The property has environmental contamination and studies have been undertaken to review the levels of contamination. For more information visit the following website: <http://www.brantford.ca/content/publishing.nsf/Content/Brownfield+Welcome>

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

(140-P234) Ms. SARA AHMADI - Assistant City Solicitor
The Corporation of the City of Brantford
100 Wellington Square
Brantford, Ontario, N3T 2M3
Telephone: (519) 759-4150

Municipal Act, 2001, as amended

SALE OF LAND BY PUBLIC TENDER

**THE CORPORATION OF THE MUNICIPALITY OF
WHITESTONE**

TAKE NOTICE that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on September 12th, 2007 at the Municipal Offices, 21 Church Street, General Delivery, Dunchurch, Ontario, P0A 1G0.

The tenders will then be opened in public on the same day at 3:30 p.m. at the Dunchurch Community Centre, 2199 Highway 124, Dunchurch, Ontario.

Description of Land(s):

1. Parcel 26024, South Section, being Part Lot 8, Concession 1, Township of Burpee, Municipality of Whitestone, District of Parry Sound, designated as Part 20, Plan PSR-1132. T/W right of way over Part of Lots 8 and 9, Concession 1 and Lot 8, Concession 2, designated as Parts 23 and 24, Plan PSR-1132. Being all of PIN 52092-0046 (LT). Roll # 49 39 020 001 00823.
Minimum Tender Amount: \$6,385.88

2. Parcel 12,419, Parry Sound North Section, being Part Lot 9, Concession 1, Burton, Municipality of Whitestone, District of Parry Sound, designated as Part 1, Plan 42R-3825. As previously described in Instrument No. LT267868. Being all of PIN 52248-0016 (LT). Roll # 49 39 040 001 00902.
Minimum Tender Amount: \$6,507.79

3. Part Lots 1 and 2, southeast side of Main Street, Plan 61, Municipality of Whitestone (formerly Township of Hagerman), District of Parry Sound, designated as Parts 5, 6, 7 & 8, Plan 42R-2781. As previously described in Instrument No. 125296. Roll # 49 39 010 009 04400.
Minimum Tender Amount: \$27,269.05

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001, as amended*, and the *Municipal Tax Sales Rules*, as amended, made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: GST may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

(140-P235) TAMMY WYLIE, Treasurer
The Corporation of the Municipality of Whitestone
21 Church Street, General Delivery
DUNCHURCH, Ontario, P0A 1G0
(705) 389-2466

Municipal Act, 2001, as amended

SALE OF LAND BY PUBLIC TENDER

**THE CORPORATION OF THE TOWNSHIP OF NORTH
GLENGARRY**

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on 5 September 2007, at the Municipal Office, P.O. Box 700, 90 Main St. S., Alexandria, Ontario K0C 1A0.

The tenders will then be opened in public on the same day at 3:00 p.m. at the Municipal Office, 90 Main St. S., Alexandria.

Property Description(s):

Roll No. 01 11 016 001 48002 0000, Part of Lot 15 and Lot 6, Block F, Plan 10 for the Village of Glen Robertson, Now in the Township of North Glengarry, County of Glengarry (No. 14), Being the land described in Instrument No. 36025, Save and except part 2 on Reference Plan 14R-4440. File 03-03

Minimum Tender Amount: \$5,723.96

Roll No. 01 11 011 013 70100 0000, Part Block A and all of Lot 1, North of Main Street, Plan 23, Geographic Village of Dunvegan, Now in the Township of North Glengarry, County of Glengarry (No. 14), Being the Lands in Instrument No. 31149. File 05-05

Minimum Tender Amount: \$5,648.69

Roll No. 01 11 016 019 67000 0000, 1170 Highway 34, Dalkeith, Ontario, That Part of the East half of Lot 27, Concession 9, Geographic Township of Lochiel, Now the Township of North Glengarry, County of Glengarry (No. 14), lying south of Highway 417 as set on Plan 14R-47 and North of Highway 34 as set out on Plan 28995 containing an area of 40 acres, more or less. File 05-13

Minimum Tender Amount: \$12,786.87

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land(s) to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

www.OntarioTaxSales.ca

or if no internet access available, contact:

JOHANNA LEVAC (Annie)
Treasurer
The Corporation of the Township of North Glengarry
P.O. Box 700
90 Main St. S.
Alexandria, Ontario K0C 1A0
(613) 525-1110

(140-P236) **www.northglengarry.ca**

Municipal Act, 2001, as amended

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWN OF GRIMSBY

Take Notice that tenders are invited for the purchase of the land described below and will be received until 3:00 p.m. local time on 5 September 2007, at the Town Hall, 160 Livingston Ave., Grimsby, Ontario L3M 4G3.

The tenders will then be opened in public on the same day after 3:00 p.m. at the Town Hall, 160 Livingston Ave., Grimsby.

Property Description(s):

Roll No. 26 15 020 023 17200 0000, PIN 46044-0007(LT), Part Lot 23, Concession 5, Geographic Township of North Grimsby, Now Town of Grimsby, Regional Municipality of Niagara (No. 30), Being the Lands in Instrument No. NG13193 (Secondly), Lying North of Ontario Hydro. File No. 06-02

Minimum Tender Amount: \$11,763.23

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

Please Note: Property is Landlocked

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

VANDA BASIC
Tax Administrator
The Corporation of the Town of Grimsby
160 Livingston Ave.
Grimsby, Ontario L3M 4G3
(905) 945-9634

(140-P237)

Municipal Act, 2001, as amended

SALE OF LAND BY PUBLIC TENDER

**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND
THE THOUSAND ISLANDS**

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on 13 September 2007, at the Municipal Office, P.O. Box 129, 1 Jessie Street, Lansdowne, Ontario K0E 1L0.

The tenders will then be opened in public on the same day at 3:00 p.m. at the Municipal Office, 1 Jessie Street, Lansdowne.

Property Description(s):

Roll No. 08 12 812 025 37200 0000, Island 93D in the St. Lawrence River, Plan 120, lying opposite of Lot 23, Broken Front and Island 49F in the St. Lawrence River, Plan 120, Both Lands being opposite the Geographic Township of Lansdowne, Now in the Township of Leeds and the Thousand Islands, County of Leeds (No. 28), Being the Lands in Instrument No. 128869. File 05-14

Minimum Tender Amount: \$6,481.02

Roll No. 08 12 812 025 43200 0000, Island 91A, in the St. Lawrence River, Plan 120, Geographic Township of Lansdowne, Now in the Township of Leeds and the Thousand Islands, County of Leeds (No. 28), Being the Lands in Instrument No. 300438. File 05-15

Minimum Tender Amount: \$7,862.06

Roll No. 08 12 816 030 06311 0000, 840 Condley Lane, R.R. #2, Lyndhurst, Ontario, Part Lot 8, Concession 9, Geographic Township of Leeds, Now in the Township of Leeds and the Thousand Islands, County of Leeds (No. 28), Designated as Part 11, Plan 28R-141, Together with a Right of Way for all persons and vehicles in common with all others entitled thereto over, along and upon Part 15, 28R-141 as a means of access to and from the travelled road crossing said lot. File 05-18
Minimum Tender Amount: \$14,028.92

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land(s) to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

www.OntarioTaxSales.ca

or if no internet access available, contact:

JACKIE JONKMAN, AMCT
 Deputy Treasurer
 The Corporation of the Township of Leeds And
 The Thousand Islands
 P.O. Box 129
 1 Jessie Street
 Lansdowne, Ontario K0E 1L0
 (613) 659-2415
www.townshipleeds.on.ca

(140-P238)

municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land(s) to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

www.OntarioTaxSales.ca

or if no internet access available, contact:

MORA CHATTERSON
 Treasurer
 The Corporation of the Township of Cramahe
 P.O. Box 357
 1 Toronto Street
 Colborne, Ontario K0K 1S0
 (905) 355-2821 Ext. 223
www.visiteramahe.ca

(140-P239)

Municipal Act, 2001, as amended

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on 12 September 2007, at the Cramahe Township Municipal Office, P.O. Box 357, 1 Toronto Street, Colborne, Ontario K0K 1S0.

The tenders will then be opened in public on the same day at 3:00 p.m. at the Cramahe Township Municipal Office, 1 Toronto Street, Colborne.

Property Description(s):

Roll No. 14 11 011 030 10738 0000, Part Lot 16, Concession 4, Township of Cramahe, County of Northumberland (No 39), Designated as Part 38, Plan R.D.-86. File 06-01

Minimum Tender Amount: \$4,839.71

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the

Publications under Part III (Regulations) of the Legislation Act, 2006
Règlements publiés en application de la partie III (Règlements)
de la Loi de 2006 sur la législation

2007—08—11

ONTARIO REGULATION 369/07

made under the

ONTARIO COLLEGE OF TEACHERS ACT, 1996

Made: April 12, 2007

Approved: May 2, 2007

Filed: July 23, 2007

Published on e-Laws: July 24, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 72/97
(General)

Note: Ontario Regulation 72/97 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 6 of Ontario Regulation 72/97 is amended by adding the following subsection:

(1.2) The Council shall disqualify an elected member of the Council from sitting on the Council or suspend the member from his or her office as member of the Council if, at any point during the member's term,

- (a) the Executive Committee requests the Council under clause 31 (2) (b) to disqualify or suspend the member and no notice of appeal is submitted under subsection 32 (1) within the time specified in that subsection; or
- (b) if a notice of appeal is submitted under subsection 32 (1), the Council determines, after holding a hearing for the appeal, to disqualify or suspend the member under clause 32 (5) (b).

2. The Regulation is amended by adding the following sections:

PUBLIC INTEREST COMMITTEE

25.1 (1) The Public Interest Committee shall meet at least four times a year and at any other time requested by its chair, the Council or the Executive Committee.

(2) The chair of the Public Interest Committee shall schedule the Committee's meetings, taking into account the requirements under section 25.2 relating to the Committee's work plan and the reporting requirements under section 25.4.

(3) The Registrar shall give every member of the Public Interest Committee at least 10 days notice of each meeting, except that,

- (a) if the members waive the requirement for notice for a meeting, no notice is required for the meeting; and
- (b) the chair shall give a reduced amount of notice for a meeting if the members consent to it.

(4) The notice referred to in subsection (3) shall be in writing and shall specify the time, place and proposed agenda of the meeting.

(5) A meeting of the Public Interest Committee shall be held by any means that permits every person participating in the meeting to communicate with each other simultaneously.

(6) The chair of the Public Interest Committee shall ensure that minutes are,

- (a) taken at each meeting;
- (b) reviewed and approved at the meeting following the one at which they are taken; and
- (c) signed by the chair after approval.

(7) A quorum of the Public Interest Committee is three.

25.2 (1) The Public Interest Committee shall develop a work plan identifying its priorities and its proposed projects and activities for each period between elections of council members.

(2) Despite subsection (1), the first work plan developed after the day Ontario Regulation 369/07 comes into force shall relate to the period from the day the plan is developed until the day of the next election of council members.

(3) The Public Interest Committee shall include in its work plan a schedule for completing the proposed projects and activities.

(4) Each year after the year in which a work plan and schedule are first developed, the Public Interest Committee shall review them and modify them as necessary.

(5) The development of the work plan under subsection (1) or (2) and its modification, if any, under subsection (4) shall be done in consultation with the Council and shall take into account the budget approved by the Council to support the work of the Committee.

25.3 (1) The Public Interest Committee may request information from the Council to assist the Committee to,

- (a) develop or modify the work plan referred to in section 25.2;
- (b) implement the work plan; or
- (c) provide advice to the Council.

(2) Requests for information shall be made to the Registrar.

25.4 (1) Each year before the Council's annual meeting, the Public Interest Committee shall provide a report to the Council on the activities of the Committee during the previous year.

(2) The report shall include a copy of the most recent work plan referred to in section 25.2 and any other reports requested by the Council.

3. The Regulation is amended by adding the following sections:

CONFLICT OF INTEREST

27. (1) It is a conflict of interest for a member of the Council, a member of a committee of the Council or a member of the Public Interest Committee to make a decision, participate in making a decision or be present when a decision is made in the execution of his or her office if,

(a) there is an opportunity to directly or indirectly confer a benefit on the member or on any person listed in subsection (2); and

(b) the member knows or reasonably should know about the opportunity referred to in clause (a).

(2) The persons mentioned in clause (1) (a) are,

- (a) anyone connected with the member by blood relationship, marriage, common-law or adoption;
- (b) a corporation wholly owned or effectively controlled by the member; and
- (c) an employer of the member.

(3) Despite subsection (1), it is not a conflict of interest for a member of the Council to approve resolutions relating to,

- (a) the remuneration of Council members;
- (b) the indemnification of Council members; or
- (c) the acquisition of insurance in respect of the indemnification of Council members.

(4) Despite subsection (1), it is not a conflict of interest for a member of a committee of the Council to approve resolutions relating to,

- (a) the remuneration of members of the committee of the Council;
- (b) the indemnification of members of the committee of the Council; or
- (c) the acquisition of insurance in respect of the indemnification of members of the committee of the Council.

(5) A member of the Council, a member of a committee of the Council or a member of the Public Interest Committee who has a conflict of interest in relation to a decision by the Council or committee, as the case may be, or who believes that he or she may have one, shall disclose it immediately upon becoming aware of it, to,

- (a) the chair of the Council or committee, as the case may be, if the member is not the chair; or
- (b) the vice-chair of the Council or committee, as the case may be, if the member is the chair.

- (6) If the member becomes aware of the conflict of interest before or at any meeting at which the decision is discussed, the member,
- (a) shall not participate in any discussion of the decision,
 - (b) shall not vote on the decision; and
 - (c) shall withdraw from the meeting for the discussion of the decision and for any vote on the decision, if requested to do so by the person to whom the member is required to disclose the conflict of interest.
- (7) The Registrar shall keep a record of all disclosures made under subsection (5).

COMPLAINTS AGAINST MEMBERS

28. (1) Sections 29 to 31 set out the process for making and determining the following complaints:

1. A complaint that a member of the Council, a member of a committee of the Council or a member of the Public Interest Committee had a conflict of interest and failed to disclose it as required under subsection 27 (5).
2. A complaint that a member of the Council contravened his or her obligations under the oath or affirmation set out in subsection 4.1 (1).

(2) In sections 29 to 31, a reference to a member is a reference to a member of the Council, a member of a committee of the Council, or a member of the Public Interest Committee, as the case may be.

29. (1) Any person may make a complaint described in subsection 28 (1).

(2) The complaint shall be in writing, shall contain information regarding the basis for the complaint and shall be submitted to,

- (a) the vice-chair of the Council and the Registrar, if the complaint is against the chair of the Council; or
- (b) the chair of the Council and the Registrar, if the complaint is against any other member.

(3) The Registrar shall provide a copy of the complaint to the member against whom the complaint is made.

30. (1) The Executive Committee shall hold a hearing for every complaint made under section 29.

(2) The hearing and any discussions or deliberations related to it shall be closed to the public.

(3) The person who made the complaint may give evidence and make submissions at the hearing but shall not otherwise be present at the hearing or during any discussions or deliberations related to it.

(4) The member against whom the complaint is made may give evidence and make submissions at the hearing and may be present throughout the hearing but shall not be present during any discussions or deliberations related to it.

31. (1) After considering any evidence given and submissions made at the hearing, the Executive Committee shall, by a majority vote, determine whether the member had a conflict of interest and failed to disclose it, or contravened the oath or affirmation, as the case may be.

(2) If the Executive Committee determines that a member had a conflict of interest and failed to disclose it, or contravened the oath or affirmation, as the case may be, the Executive Committee may,

- (a) request the Council to reprimand the member in writing;
- (b) for an elected member of the Council, request the Council to,
 - (i) suspend the member from the Council for a period of at least 30 days but not more than 90 days, or
 - (ii) disqualify the member from sitting on the Council;
- (c) for a member who was appointed to the Council, request the Council to issue a report to the Minister, for referral to the Lieutenant Governor in Council, setting out details of the determination under subsection (1) and stating that if the member were an elected member of the Council, the Council would,
 - (i) suspend the member from the Council for a period of at least 30 days but not more than 90 days, or
 - (ii) disqualify the member from sitting on the Council, and
- (d) for a member of the Public Interest Committee, request the Council to issue a report to the Minister setting out the information described in clause (c).

(3) The Registrar shall inform the member of the Executive Committee's determination under subsection (1) and any request under subsection (2) within 10 days of the determination and request, if any.

(4) The Council shall act on the requests, if any, made to it under subsection (2) if the time for submitting a notice of appeal under subsection 32 (1) has passed and no notice is submitted.

32. (1) A member against whom a determination under subsection 31 (1) or request under subsection 31 (2) is made may, within 10 days after receiving notice of the determination or request, submit a written notice of appeal to the Council.

(2) The Council shall hold a hearing for every appeal submitted to it under subsection (1) within 30 days of receiving the notice.

(3) No member of the Council who participated in the decision made by the Executive Committee under subsection 31 (1) or (2) shall participate in or be present for the hearing of the appeal.

(4) Subsections 30 (2), (3) and (4) apply to the hearing of the appeal.

(5) After considering any evidence given and submissions made at the hearing before the Executive Committee or at the hearing of the appeal, the findings of the Executive Committee and any other information that the Council finds relevant, the Council shall, by a majority vote,

(a) uphold, vary or rescind the determination under subsection 31 (1); and

(b) determine whether to do any thing requested under subsection 31 (2).

4. This Regulation comes into force on the day it is filed.

RÈGLEMENT DE L'ONTARIO 369/07

pris en application de la

LOI DE 1996 SUR L'ORDRE DES ENSEIGNANTES ET DES ENSEIGNANTS DE L'ONTARIO

pris le 12 avril 2007
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déposé le 23 juillet 2007

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modifiant le Règl. de l'Ont. 72/97
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 72/97 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. L'article 6 du Règlement de l'Ontario 72/97 est modifié par adjonction du paragraphe suivant :

(1.2) Le conseil déclare le membre élu inapte à siéger au conseil ou le suspend de sa charge de membre du conseil si, au cours de son mandat :

- a) le bureau le lui demande en vertu de l'alinéa 31 (2) b) et aucun avis d'appel n'est remis en vertu du paragraphe 32 (1) dans le délai qui y est précisé;
- b) un avis d'appel est remis en vertu du paragraphe 32 (1) et, après l'audience d'appel, le conseil décide de prendre l'une de ces mesures en application de l'alinéa 32 (5) b).

2. Le Règlement est modifié par adjonction des articles suivants :

COMITÉ DE PROTECTION DE L'INTÉRÊT PUBLIC

25.1 (1) Le comité de protection de l'intérêt public se réunit au moins quatre fois par an et sur demande de son président, du conseil ou du bureau.

(2) Le président du comité de protection de l'intérêt public fixe les réunions en tenant compte des exigences concernant le plan de travail qui sont énoncées à l'article 25.2 et des rapports exigés par l'article 25.4.

(3) Le registrateur donne aux membres du comité de protection de l'intérêt public un préavis d'au moins 10 jours avant chaque réunion, sauf exceptions suivantes :

- a) aucun préavis n'est nécessaire si les membres y renoncent;
- b) le président donne un préavis plus court si les membres y consentent.

(4) Le préavis visé au paragraphe (3) est donné par écrit et indique la date et l'heure, le lieu et l'ordre du jour provisoire de la réunion.

(5) Les réunions du comité de protection de l'intérêt public se tiennent à l'aide de tout moyen qui permette à tous les participants de communiquer entre eux simultanément.

(6) Le président du comité de protection de l'intérêt public veille à ce que le procès-verbal :

- a) soit établi lors de chaque réunion;
- b) soit examiné et approuvé à la réunion qui suit celle où il est établi;
- c) soit signé par le président après qu'il a été approuvé.

(7) Trois membres constituent le quorum du comité de protection de l'intérêt public.

25.2 (1) Le comité de protection de l'intérêt public élabore un plan de travail dans lequel il établit ses priorités ainsi que les projets et activités envisagés pour chaque période entre deux élections des membres du conseil.

(2) Malgré le paragraphe (1), le premier plan de travail qui est élaboré après le jour de l'entrée en vigueur du Règlement de l'Ontario 369/07 vise la période allant de sa date d'élaboration à celle des élections suivantes des membres du conseil.

(3) Le comité de protection de l'intérêt public prévoit dans son plan de travail un calendrier d'exécution des projets et activités envisagés.

(4) Après l'année où un plan de travail et un calendrier sont établis pour la première fois, le comité de protection de l'intérêt public les réexamine annuellement et, au besoin, les modifie.

(5) L'élaboration du plan de travail visé au paragraphe (1) ou (2) et ses modifications éventuelles en application du paragraphe (4) se font après consultation du conseil et tiennent compte du budget que ce dernier a approuvé pour appuyer les travaux du comité.

25.3 (1) Le comité de protection de l'intérêt public peut demander au conseil de lui fournir des renseignements qui l'aideront :

- a) à élaborer ou à modifier le plan de travail visé à l'article 25.2;
- b) à mettre en oeuvre le plan de travail;
- c) à conseiller le conseil.

(2) Les demandes de renseignements sont présentées au registrateur.

25.4 (1) Avant la réunion annuelle du conseil, le comité de protection de l'intérêt public lui remet un rapport sur ses activités de l'année précédente.

(2) Le rapport comprend une copie du dernier plan de travail visé à l'article 25.2 et des autres rapports que lui demande le conseil.

3. Le Règlement est modifié par adjonction des articles suivants :

CONFLITS D'INTÉRÊTS

27. (1) Le membre du conseil, d'un de ses comités ou du comité de protection de l'intérêt public qui, dans l'exercice de ses fonctions, prend une décision, participe à la prise d'une décision ou est présent lorsqu'elle est prise est en situation de conflit d'intérêts dans les cas suivants :

- a) un avantage risque, directement ou indirectement, de lui être accordé ou d'être accordé à une personne mentionnée au paragraphe (2);
- b) il connaît ou devrait raisonnablement connaître le risque visé à l'alinéa a).

(2) Les personnes visées à l'alinéa (1) a) sont les suivantes :

- a) quiconque est lié au membre par le sang, le mariage, l'union de fait ou l'adoption;
- b) une personne morale dont le membre a la propriété exclusive ou le contrôle effectif;
- c) un employeur du membre.

(3) Malgré le paragraphe (1), n'est pas en situation de conflit d'intérêts le membre du conseil qui approuve des résolutions traitant des questions suivantes :

- a) la rémunération des membres du conseil;
- b) l'indemnisation des membres du conseil;
- c) la souscription d'assurance en vue de l'indemnisation des membres du conseil.

(4) Malgré le paragraphe (1), n'est pas en situation de conflit d'intérêts le membre d'un comité du conseil qui approuve des résolutions traitant des questions suivantes :

- a) la rémunération des membres du comité;
- b) l'indemnisation des membres du comité;
- c) la souscription d'assurance en vue de l'indemnisation des membres du comité.

(5) Le membre du conseil, d'un de ses comités ou du comité de protection de l'intérêt public qui est en situation de conflit d'intérêts à l'égard de décisions prises par le conseil ou le comité, selon le cas, ou qui se croit peut-être dans cette situation divulgue le conflit d'intérêts dès qu'il s'en aperçoit :

- a) au président du conseil ou du comité, selon le cas, s'il n'en assume pas la présidence;
- b) au vice-président du conseil ou du comité, selon le cas, s'il en assume la présidence.

(6) Le membre qui s'aperçoit du conflit d'intérêts avant la réunion à laquelle la décision est discutée ou à la réunion même prend les mesures suivantes :

- a) il ne participe pas aux discussions entourant la décision;
- b) il ne vote pas sur cette décision;
- c) il quitte la réunion lors des discussions et du vote si la personne à qui il est tenu de divulguer le conflit d'intérêts le lui demande.

(7) Le registraire consigne tous les conflits d'intérêts divulgués en application du paragraphe (5).

PLAINTES CONTRE LES MEMBRES

28. (1) Les articles 29 à 31 énoncent la procédure à suivre pour le dépôt et le règlement des plaintes suivantes :

- 1. Le fait qu'un membre du conseil, d'un de ses comités ou du comité de protection de l'intérêt public était en situation de conflit d'intérêts mais ne l'a pas divulgué contrairement au paragraphe 27 (5).
- 2. Le fait qu'un membre du conseil a manqué aux obligations imposées par le serment ou l'affirmation solennelle énoncé au paragraphe 4.1 (1).

(2) La mention d'un membre, aux articles 29 à 31, vaut mention d'un membre du conseil, d'un de ses comités ou du comité de protection de l'intérêt public, selon le cas.

29. (1) Toute personne peut déposer une plainte mentionnée au paragraphe 28 (1).

(2) La plainte est formulée par écrit, comprend une description de son fondement et est transmise à l'une des personnes suivantes :

- a) le vice-président du conseil et le registraire, si la plainte concerne le président du conseil;
- b) le président du conseil et le registraire, si la plainte concerne un autre membre.

(3) Le registraire fournit une copie de la plainte au membre concerné.

30. (1) Le bureau tient une audience sur toutes les plaintes déposées en vertu de l'article 29.

(2) L'audience et les discussions ou délibérations qui s'y rapportent se tiennent à huis clos.

(3) L'auteur de la plainte peut témoigner à l'audience et y présenter des observations, mais il ne peut pas participer autrement à l'audience ni aux discussions ou délibérations qui s'y rapportent.

(4) Le membre concerné peut témoigner à l'audience, y présenter des observations et y assister, à l'exception des discussions et délibérations qui s'y rapportent.

31. (1) Après avoir examiné les témoignages et les observations présentés à l'audience, le bureau décide à la majorité des voix si le membre était en situation de conflit d'intérêts mais ne l'a pas divulgué ou s'il a violé son serment ou affirmation solennelle, selon le cas.

(2) S'il décide que le membre était en situation de conflit d'intérêts mais ne l'a pas divulgué ou qu'il a violé son serment ou affirmation solennelle, selon le cas, le bureau peut demander au conseil de prendre l'une ou l'autre des mesures suivantes :

- a) lui infliger une réprimande écrite;
- b) s'il s'agit d'un membre élu du conseil :
 - (i) soit le suspendre de sa charge de membre du conseil entre 30 et 90 jours,
 - (ii) soit le déclarer inapte à siéger au conseil;

- c) s'il s'agit d'un membre nommé au conseil, présenter un rapport au ministre à transmettre ensuite au lieutenant-gouverneur en conseil qui décrit en détail la décision prise en application du paragraphe (1) et qui indique que, s'il s'agissait d'un membre élu, le conseil :
- (i) soit le suspendrait de sa charge de membre du conseil entre 30 et 90 jours,
 - (ii) soit le déclarerait inapte à siéger au conseil;
- d) s'il s'agit d'un membre du comité de protection de l'intérêt public, présenter un rapport au ministre qui indique les renseignements visés à l'alinéa c).

(3) Le registrateur avise le membre concerné, dans un délai de 10 jours, de la décision que le bureau a prise en application du paragraphe (1) et de toute demande éventuelle adressée en vertu du paragraphe (2).

(4) Le conseil donne suite aux demandes éventuelles qui lui sont adressées en vertu du paragraphe (2) si le délai d'appel prévu au paragraphe 32 (1) a expiré et qu'aucun avis d'appel n'a été remis.

32. (1) Le membre qui fait l'objet d'une décision prise en application du paragraphe 31 (1) ou d'une demande adressée en vertu du paragraphe 31 (2) peut, dans les 10 jours de la réception de l'avis de décision ou de demande, remettre un avis d'appel écrit au conseil.

(2) Le conseil tient une audience sur tous les appels interjetés en vertu du paragraphe (1) dans les 30 jours de la réception de l'avis d'appel.

(3) Les membres du conseil qui ont participé à la décision que le bureau a prise en application du paragraphe 31 (1) ou (2) ne doivent ni participer ni assister à l'audition de l'appel.

(4) Les paragraphes 30 (2), (3) et (4) s'appliquent à l'audition de l'appel.

(5) Après avoir examiné les témoignages et les observations présentés à l'audience du bureau ou à l'audition de l'appel, les conclusions du bureau et les autres renseignements que le conseil estime pertinents, celui-ci décide à la majorité des voix :

- a) d'une part, de confirmer, de modifier ou d'annuler la décision prise en application du paragraphe 31 (1);
- b) d'autre part, s'il convient de prendre l'une ou l'autre des mesures demandées en vertu du paragraphe 31 (2).

4. Le présent règlement entre en vigueur le jour de son dépôt.

Made by:
Pris par :

COUNCIL OF THE ONTARIO COLLEGE OF TEACHERS:
CONSEIL DE L'ORDRE DES ENSEIGNANTES ET DES ENSEIGNANTS DE L'ONTARIO :

DON CATTANI
Chair

BRIAN. P. MCGOWAN
Registrar and Chief Executive Officer

Date made: April 12, 2007.
Pris le : 12 avril 2007.

32/07

ONTARIO REGULATION 370/07

made under the

ONTARIO COLLEGE OF TEACHERS ACT, 1996

Made: June 27, 2007

Filed: July 23, 2007

Published on e-Laws: July 24, 2007

Printed in *The Ontario Gazette*: August 11, 2007**PUBLIC INTEREST COMMITTEE — MEMBERS****Remuneration**

1. (1) Subject to subsections (2) and (3), the expenses and remuneration paid to members of the Public Interest Committee shall be the same as the expenses and remuneration that are paid, under subsection 4 (4) of the Act, to members of the Council of the College appointed by the Lieutenant Governor in Council.

(2) The remuneration for a member of the Public Interest Committee who is serving as the Chair of the Committee shall be the same as the remuneration that is paid, under subsection 4 (4) of the Act, to the Chair of the Council of the College if that person is a member of Council appointed by the Lieutenant Governor in Council.

(3) Remuneration shall not be paid to a member of the Public Interest Committee, including the member serving as Chair, when section 46 of the Act applies with respect to him or her.

Commencement

2. **This Regulation comes into force on the day it is filed.**

RÈGLEMENT DE L'ONTARIO 370/07

pris en application de la

LOI DE 1996 SUR L'ORDRE DES ENSEIGNANTES ET DES ENSEIGNANTS DE L'ONTARIO

pris le 27 juin 2007

déposé le 23 juillet 2007

publié sur le site Lois-en-ligne le 24 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007**COMITÉ DE PROTECTION DE L'INTÉRÊT PUBLIC — MEMBRES****Rémunération**

1. (1) Sous réserve des paragraphes (2) et (3), les membres du comité de protection de l'intérêt public ont droit aux mêmes indemnités et à la même rémunération que celles que les membres du conseil de l'Ordre nommés par le lieutenant-gouverneur en conseil reçoivent en application du paragraphe 4 (4) de la Loi.

(2) Le membre du comité de protection de l'intérêt public qui fait fonction de président a droit à la même rémunération que celle que le président du conseil de l'Ordre reçoit en application du paragraphe 4 (4) de la Loi s'il s'agit d'un membre du conseil nommé par le lieutenant-gouverneur en conseil.

(3) Le membre du comité de protection de l'intérêt public, y compris celui qui fait fonction de président, n'a droit à aucune rémunération lorsque l'article 46 de la Loi s'applique à son égard.

Entrée en vigueur

2. **Le présent règlement entre en vigueur le jour de son dépôt.**

ONTARIO REGULATION 371/07

made under the

MUNICIPAL ACT, 2001

Made: June 20, 2007

Filed: July 23, 2007

Published on e-Laws: July 24, 2007

Printed in *The Ontario Gazette*: August 11, 2007Amending O. Reg. 599/06
(Municipal Services Corporations)

Note: Ontario Regulation 599/06 has not previously been amended.

1. Ontario Regulation 599/06 is amended by adding the following section:**Special corporation, Windsor-Detroit Tunnel**

10.1 (1) The City of Windsor may, by itself or together with one or more other public sector entities, use the powers referred to in paragraphs 1 to 5 of subsection 203 (1) of the Act in relation to a corporation that satisfies the following conditions:

1. It carries on business,
 - i. in the City of Detroit and elsewhere in the State of Michigan, or
 - ii. in the City of Detroit, elsewhere in the State of Michigan and in the City of Windsor.
2. Its purposes are restricted to,
 - i. managing, operating and maintaining all or part of the Tunnel,
 - ii. holding shares in one or more corporations established for the purpose of managing, operating and maintaining all or part of the Tunnel, or
 - iii. a combination of the purposes listed in subparagraphs i and ii.

(2) Sections 10 and 16 do not apply to a corporation established under subsection (1).

(3) Without limiting the generality of subsection (1), the power to establish a corporation under that subsection includes power to incorporate a corporation under the laws of the State of Michigan.

(4) Nothing in subsection (1) prevents the City of Windsor from using the powers referred to in subsection 203 (1) of the Act in relation to a corporation that carries on business in relation to the Tunnel only in the City of Windsor.

(5) In this section,

“City of Detroit” means the City of Detroit in the State of Michigan;

“State of Michigan” means the State of Michigan in the United States of America;

“Tunnel” means the motor vehicle tunnel that connects the City of Windsor with the City of Detroit, and includes any ancillary facilities for the transfer of passengers between municipal transportation systems of the City of Windsor and the City of Detroit.

2. (1) Subsection 18 (3) of the Regulation is amended by striking out “Despite section 10 and subsection (2)” at the beginning and substituting “Despite subsection (2)”.

(2) Section 18 of the Regulation is amended by adding the following subsection:

(4.1) Subsections (3) and (4) do not apply to a corporation established under section 10 or 10.1.

3. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 372/07

made under the

ONTARIO WATER RESOURCES ACT

Made: June 13, 2007

Filed: July 25, 2007

Published on e-Laws: July 27, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 903 of R.R.O. 1990

(Wells)

Note: Regulation 903 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) The definition of “annular space” in section 1 of Regulation 903 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“annular space” means an open space between a casing or well screen and the side of a well, and includes space between overlapping casings within the well;

(2) The definition of “bedrock” in section 1 of the Regulation is revoked and the following substituted:

“bedrock” means,

- (a) the solid rock underlying unconsolidated material such as gravel, sand, silt and clay, or
- (b) solid rock at the ground surface;

(3) The definition of “casing” in section 1 of the Regulation is revoked and the following substituted:

“casing” means pipe, tubing or other material installed in a well to support its sides, but does not include a well screen;

(4) Section 1 of the Regulation is amended by adding the following definitions:

“chlorinated” means disinfected with free chlorine residual;

“minor alteration” means, with respect to a well,

- (a) routine repair or maintenance,
- (b) the installation of monitoring, sampling or testing equipment, other than equipment used to test the yield of the well or the aquifer,
- (c) the installation of a pump in a test hole, or
- (d) the installation of a well cap or watertight well cover;

“pump” includes associated pumping equipment;

(5) Clause (a) of the definition of “sealant” in section 1 of the Regulation is revoked and the following substituted:

- (a) a slurry consisting of clean water and at least 20 per cent bentonite solids by weight, or

(6) Section 1 of the Regulation is amended by adding the following definition:

“well cluster” means a group of wells for which the person constructing the wells may complete one well record under subsection 16.4 (1);

(7) The definition of “well owner” in section 1 of the Regulation is revoked and the following substituted:

“well owner” means the owner of land upon which a well is situated and includes a tenant or lessee of the land and a well purchaser;

(8) Section 1 of the Regulation is amended by adding the following definitions:

“well purchaser” means a person who enters into a contract for the construction of a well with a person who is engaged in the business of constructing wells;

“well screen” means perforated pipe or tubing, unsealed concrete tiles or other material installed in a well to filter out particulate matter and form the water intake zone.

(9) Section 1 of the Regulation is amended by adding the following subsections:

- (2) For the purposes of this Regulation,
- (a) a person is a person constructing a well if the person is a well technician or other individual who works at the construction of the well; and
 - (b) a well purchaser is not a person constructing a well.
- (3) For the purposes of this Regulation, a well's structural stage is complete on the day on which the well is capable of being used for the purpose for which it was constructed but for,
- (a) compliance with section 15;
 - (b) the installation of a pump; or
 - (c) any alterations necessary to accommodate pumping, monitoring, sampling, testing or water treatment equipment.

2. The Regulation is amended by adding the following sections:

EXEMPTIONS

1.0.1 Sections 36 to 50 of the Act and this Regulation do not apply to any of the following that is a well:

1. A pond.
2. A reservoir.
3. A lagoon.
4. An artificial wetland.
5. A canal.
6. A trench.
7. A tile drain.
8. A wick drain.
9. A ditch.

1.0.2 Sections 36 to 50 of the Act and this Regulation do not apply to any of the following activities that are part of the construction of a well:

1. Inspecting the well using equipment that is not left unattended in the well.
2. Monitoring, sampling or testing the well using equipment that,
 - i. is not used to test the yield of the well or the aquifer, and is not left unattended in the well, or
 - ii. is not used to test the yield of the well or the aquifer, and was previously installed in the well.
3. Installing equipment for monitoring, sampling or testing a test hole or dewatering well, unless,
 - i. the installation of the equipment involves an alteration of the well, other than notching the top of the casing, or
 - ii. the equipment is used to test the yield of the well or the aquifer.

1.0.3 Section 43 of the Act does not apply to the following persons when they do anything referred to in paragraph 5 of subsection 5 (1) for a person who holds a well contractor licence:

1. Persons who hold a licence, limited licence or temporary licence under the *Professional Engineers Act*.
2. Persons who hold a certificate of registration under the *Professional Geoscientists Act, 2000* and who are practising members, temporary members or limited members of the Association of Professional Geoscientists of Ontario.
3. Persons who are registered under subsection 8 (2) of the *Ontario Association of Certified Engineering Technicians and Technologists Act, 1998*, being chapter Pr7, and who are ordinary members of the Association continued under that Act.

3. (1) Subsection 1.1 (2) of the Regulation is revoked and the following substituted:

- (2) Despite subsection (1), a person who constructs a test hole or dewatering well described in that subsection shall ensure that,
- (a) the major horizons of soil are excavated separately, stored separately, kept free from contamination and, when the test hole or dewatering well is no longer being used or maintained for future use as a well, backfilled in the same relative positions that they originally occupied; or

- (b) when the test hole or dewatering well is no longer being used or maintained for future use as a well, it is backfilled with commercially produced dry bentonite sealing material or other suitable sealant, or with clean, uncontaminated soil that has a grain size that is the same as or finer than the soil that was originally excavated.

(2) Subsection 1.1 (4) of the Regulation is revoked and the following substituted:

- (4) The well owner shall retain the services of the holder of a well contractor licence if,
- (a) the structural stage of a test hole or dewatering well is complete;
 - (b) the well owner has assumed control over the operation of the test hole or dewatering well; and
 - (c) it becomes apparent during use or abandonment of the test hole or dewatering well that subsection (1) does not apply.

4. (1) Paragraph 2 of section 4 of the Regulation is amended by striking out “the licensee’s employees” in the portion before subparagraph i and substituting “the licensee’s employees and agents”.

(2) Paragraph 3 of section 4 of the Regulation is revoked and the following substituted:

3. The licensee shall not do work or cause any work to be done with respect to the construction of wells except by or under the supervision of,
- i. the licensee, if the licensee is also the holder of a well technician licence acting within the authority granted by his or her well technician licence,
 - ii. a partner of the licensee, if the licensee is a partnership and the partner is the holder of a well technician licence acting within the authority granted by his or her well technician licence,
 - iii. an officer or director of the licensee, if the licensee is a corporation and the officer or director is the holder of a well technician licence acting within the authority granted by his or her well technician licence,
 - iv. an employee or agent of the licensee, if the employee or agent is the holder of a well technician licence acting within the authority granted by his or her well technician licence, or
 - v. if the work only involves things referred to in paragraph 5 of subsection 5 (1), a person referred to in paragraph 1, 2 or 3 of section 1.0.3.

5. (1) Paragraph 4 of subsection 5 (1) of the Regulation is revoked and the following substituted:

4. Pump Installation being a licence authorizing the holder to install and supervise the installation of pumps in or connected to wells.

(2) Subsection 5 (1) of the Regulation is amended by adding the following paragraph:

5. Monitoring, Sampling, Testing and Non-Powered Construction being a licence authorizing the holder to,
- i. install and supervise the installation of monitoring, sampling or testing equipment in a well, other than equipment used to test the yield of the well or the aquifer,
 - ii. install and supervise the installation of pumps in a test hole or dewatering well for monitoring, sampling or testing purposes,
 - iii. construct and supervise the construction of test holes and dewatering wells by any method that does not use powered equipment.

(3) Section 5 of the Regulation is amended by adding the following subsections:

- (1.1) A licence described in paragraph 1 or 2 of subsection (1),
- (a) does not authorize the holder to do anything referred to in paragraph 4 or subparagraph 5 i or ii of subsection (1); and
 - (b) authorizes the holder to do anything referred to in subparagraph 5 iii of subsection (1).
- (1.2) A licence described in paragraph 3 of subsection (1) only authorizes the holder to do what is specified in the licence.
- (1.3) A licence described in paragraph 4 of subsection (1) authorizes the holder to do anything referred to in subparagraphs 5 i and ii of subsection (1).

6. (1) Subsection 6 (2) of the Regulation is amended by striking out “and physical health”.

(2) Subsection 6 (3) of the Regulation is revoked and the following substituted:

- (3) The following are prescribed as qualifications for an applicant for a class of well technician licence described in paragraph 1, 2, 3 or 4 of subsection 5 (1):
1. Successful completion of a course of study, of at least 30 hours, that is approved by the Director for the class of well technician licence applied for.

2. Four thousand hours of work experience helping at or doing the activity that would be authorized by the licence applied for, or a combination of work experience and other qualifications that the Director considers equivalent.

(3.1) The following are prescribed as qualifications for an applicant for the class of well technician licence described in paragraph 5 of subsection 5 (1):

1. In the case of an applicant referred to in subsection (3.2),
 - i. successful completion of a course of study, of at least 15 hours, that is approved by the Director for the class of well technician licence described in paragraph 5 of subsection 5 (1), and
 - ii. 500 hours of work experience helping at or doing the activity that would be authorized by the licence applied for, or a combination of work experience and other qualifications that the Director considers equivalent.
2. In any other case,
 - i. successful completion of a course of study, of at least 30 hours, that is approved by the Director for the class of well technician licence described in paragraph 5 of subsection 5 (1), and
 - ii. 1,000 hours of work experience helping at or doing the activity that would be authorized by the licence applied for, or a combination of work experience and other qualifications that the Director considers equivalent.

(3.2) Paragraph 1 of subsection (3.1) applies to an applicant who,

- (a) is a member of the Association of Professional Engineers of Ontario as an engineer-in-training;
- (b) is a member of the Association of Professional Geoscientists of Ontario as a geoscientist-in-training; or
- (c) is a member of the Ontario Association of Certified Engineering Technicians and Technologists as a technician or technologist in training.

7. Section 7 of the Regulation is amended by adding the following paragraph:

0.1 The licensee shall work or supervise work in connection with the construction of a well only if,

- i. the work is done for a person who holds a well contractor licence, or
- ii. the work is done for a ministry of the Crown and the licensee is employed in the ministry.

8. Section 8 of the Regulation is amended by adding the following subsection:

(1.1) For the purpose of subsection (1), the Director may set different examinations for different classes of applicants and licences.

9. Section 8.1 of the Regulation is revoked and the following substituted:

CONTINUING EDUCATION — WELL TECHNICIANS

8.1 (1) If an application is made to renew a well technician licence described in paragraph 1, 2, 3 or 4 of subsection 5 (1), it is a qualification of renewing the licence that the applicant must have successfully completed continuing education courses approved by the Director that consist of a total of at least 21 hours of instruction in the period that ends on the date the application is submitted and began on the later of the following dates:

1. January 1 of the third calendar year preceding the calendar year in which the licence expires.
2. The last day of instruction in a continuing education course that was previously relied on by the applicant for the purpose of this subsection and that ended in the third calendar year preceding the calendar year in which the licence expires.

(2) If an application is made to renew a well technician licence described in paragraph 5 of subsection 5 (1), it is a qualification of renewing the licence that the applicant must have successfully completed continuing education courses approved by the Director that consist of a total of at least 14 hours of instruction in the period that ends on the date the application is submitted and began on the later of the following dates:

1. January 1 of the third calendar year preceding the calendar year in which the licence expires.
2. The last day of instruction in a continuing education course that was previously relied on by the applicant for the purpose of this subsection and that ended in the third calendar year preceding the calendar year in which the licence expires.

(3) If a well technician licence is renewed during a calendar year, subsection (1) or (2) does not apply to a further renewal that occurs during the following two calendar years.

10. Sections 11 and 11.1 of the Regulation are revoked.

11. (1) Section 12 of the Regulation is amended by adding the following subsection:

(0.1) Every person constructing a well shall comply with the requirements set out in this section.

(2) Subsection 12 (1) of the Regulation is revoked and the following substituted:

(1) The site of a new well shall be separated,

- (a) from an earth pit privy, privy vault, pail privy, greywater system or cesspool, as defined in Ontario Regulation 350/06 (Building Code) made under the *Building Code Act, 1992*, by at least the applicable clearance distance set out in Table 8.2.1.5. of that regulation; and
- (b) from a treatment unit, distribution pipe or holding tank, as defined in Ontario Regulation 350/06, by at least the applicable clearance distance set out in Table 8.2.1.6.A., 8.2.1.6.B. or 8.2.1.6.C. of that regulation.

(1.1) The references in subsection (1) to earth pit privies, privy vaults, pail privies, greywater systems, cesspools, treatment units, distribution pipes and holding tanks include references to earth pit privies, privy vaults, pail privies, greywater systems, cesspools, treatment units, distribution pipes and holding tanks that have not been constructed but for which a building permit has been issued.

(3) Subsection 12 (2) of the Regulation is revoked and the following substituted:

(2) The site of a new drilled well that has a casing that extends to a depth of more than six metres below ground level shall be at least 15 metres from a source of contaminants other than one mentioned in subsection (1).

(4) Clause 12 (3) (a) of the Regulation is amended by striking out “that does not have a watertight casing” and substituting “that does not have a casing”.

(5) Subsection 12 (3) of the Regulation is amended by striking out “source of pollution” in the portion after clause (b) and substituting “source of contaminants”.

(6) Subsection 12 (7) of the Regulation is revoked and the following substituted:

(7) A new well shall not be constructed with a well pit, and a well pit shall not be added to an existing well, at any location.

(7.1) Subsection (7) does not apply in respect of a test hole or dewatering well.

(7) Subsection 12 (8) of the Regulation is revoked and the following substituted:

(8) Despite subsection (7),

- (a) a new well may be constructed with a well pit if the well is created by diamond drilling equipment in connection with mineral exploration; and
- (b) a well pit may be added to an existing well, if the existing well was created by diamond drilling equipment in connection with mineral exploration.

(8) Subsection 12 (9) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(9) If a well pit is permitted pursuant to subsection (7.1) or (8), the following requirements apply to the well pit:

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(9) Paragraphs 2 and 3 of subsection 12 (9) of the Regulation are revoked and the following substituted:

- 2. The floor of the well pit shall be covered with a layer of suitable sealant at least 10 centimetres thick that, when set to a solid state, will be capable of supporting the weight of a person.
- 3. The top of the well pit shall be covered with a solid, watertight cover, sufficient to prevent the entry of surface water and other foreign materials into the well pit.

(10) Subsection 12 (10) of the Regulation is revoked and the following substituted:

(10) Paragraphs 4 to 8 of subsection (9) do not apply to a test hole or dewatering well described in subsection 13 (11).

12. The Regulation is amended by adding the following sections:

LOG AND FIELD NOTES

12.1 (1) Every person constructing or abandoning a well shall make, and have available for inspection at the well site,

- (a) a log of overburden and bedrock materials; and
 - (b) field notes that include an up-to-date record of the construction or abandonment of the well.
- (2) Despite clause (1) (a), a person is not required to have a log of overburden and bedrock materials if,

- (a) the person is constructing a well by the use of a driven point;
- (b) the person is altering a well without deepening it;
- (c) the person is only installing a pump; or
- (d) the person is abandoning a well.

COVERING OF WELL

12.2 Whenever a well under construction is left unattended, including during a minor alteration or the installation of a pump, the person constructing the well shall cover the upper open end of the well securely in a manner sufficient to prevent entry into it of surface water and other foreign materials.

SURFACE DRAINAGE

12.3 The person constructing the well shall ensure that the surface drainage is such that water will not collect or pond in the vicinity of the well.

WELL DEPTH

12.4 (1) If a new well is constructed by any method, the person constructing the well shall ensure that the well is at least six metres deep, unless the only useful aquifer available necessitates a shallower well, in which case the person constructing the well shall ensure that the well is at least three metres deep.

(2) Subsection (1) does not apply to a test hole or dewatering well.

13. (1) Section 13 of the Regulation is amended by adding the following subsection:

(0.1) Every person constructing a new well shall comply with the requirements set out in this section.

(2) Subsection 13 (1) of the Regulation is amended by striking out “Casing” at the beginning and substituting “Casing and well screen”.

(3) Subsection 13 (2) of the Regulation is amended by striking out “not later than 180 days after completion of construction” at the end and substituting “not later than 180 days after completion of the structural stage of the test hole or dewatering well”.

(4) Subsection 13 (3) of the Regulation is amended by striking out “Casing” at the beginning and substituting “Casing and well screen”.

(5) Subsection 13 (4) of the Regulation is amended by striking out “Casing” at the beginning and substituting “Casing and well screen”.

(6) Subsections 13 (7) to (11) of the Regulation are revoked and the following substituted:

(7) If concrete casing is used,

(a) the concrete casing sections shall be fully cured and commercially manufactured;

(b) the concrete casing sections shall be properly aligned in the well so that the joints are flush and the casing is centred; and

(c) the concrete casing sections shall be joined with a mastic sealing material that remains pliable and waterproof and that is approved for potable water use by NSF International.

(8) A well that obtains water from overburden shall be cased from the water intake zone to at least 40 centimetres above the highest point on the ground surface within three metres radially from the outside of the casing, after the surface drainage conforms with section 12.3, as measured on completion of the well's structural stage.

(9) A well that obtains water from bedrock shall be cased from the bedrock to at least 40 centimetres above the highest point on the ground surface within three metres radially from the outside of the casing, after the surface drainage conforms with section 12.3, as measured on completion of the well's structural stage.

(10) Subsections (8) and (9) do not require a cased well to be cased to the height set out in those subsections if,

(a) the well is made by the use of a jetted point or driven point;

(b) the well is cased, from the highest point on the ground surface within three metres radially from the outside of the casing, after the surface drainage conforms with section 12.3, to,

(i) the water-producing zone, if the well obtains water from overburden, or

(ii) the bedrock, if the well obtains water from bedrock;

(c) the top of the casing is above ground at a height sufficient to permit attachment of the well tag; and

(d) a permanent marker identifies the location of the well and is visible at all times of the year.

(11) Subsections (8) and (9) do not require a cased test hole or cased dewatering well to be cased above the ground surface if,

- (a) the well is located where vehicle or pedestrian traffic is likely to pass directly over the well;
- (b) the well is completed with a flush-mounted watertight commercially manufactured well cover sufficient to prevent entry of surface water and other foreign materials into the well; and
- (c) the well cover is sufficiently strong, durable and well-installed to protect the well from damage, or the well cover is covered with a metal plate that is sufficiently large and sufficiently strong, durable and well-installed to protect the well cover and the well from damage.

(11.1) A test hole or dewatering well is not required to be cased if,

- (a) abandonment of the test hole or dewatering well is scheduled to take place not later than 30 days after completion of the structural stage of the test hole or dewatering well; and
- (b) the person constructing the well covers the upper open end of the well securely in a manner sufficient to prevent the entry of surface water and other foreign materials whenever the well is left unattended.

(11.2) A well that is required to be cased shall, despite subsections (8), (9) and (10),

- (a) have at least six metres of casing below the level of the original ground surface, unless clause (b) applies; or
- (b) have at least 2.5 metres of casing below the level of the original ground surface, if a casing that extended to six metres below the level of the original ground surface would not permit the use of the only useful aquifer.

(11.3) Subsection (11.2) does not apply to a test hole or dewatering well.

(7) Subsection 13 (12) of the Regulation is revoked and the following substituted:

(12) The casing of a drilled well that obtains water from bedrock, other than from the weathered bedrock zone, shall be sealed into the bedrock with suitable sealant to prevent impairment of the quality of the ground water and the water in the well.

(8) Subsections 13 (14) and (15) of the Regulation are revoked and the following substituted:

(14) If a well is constructed with a well pit pursuant to subsection 12 (8),

- (a) subsections (8) and (9) do not require the well to be cased above the ground surface; and
- (b) the well pit shall be cased from the bottom of the well pit to at least 40 centimetres above the highest point on the ground surface within three metres radially from the outside of the well pit casing, after the surface drainage conforms with section 12.3, as measured at the time the well pit is completed.

(9) Paragraph 1 of subsection 13 (16) of the Regulation is revoked and the following substituted:

1. In the case of high yield wells, the casing specifications in Table 2 of AWWA A100-06, as it may be amended from time to time.

(10) Paragraph 6 of subsection 13 (16) of the Regulation is amended by striking out “Cement casing” at the beginning and substituting “Concrete casing”.

(11) Subsection 13 (17) of the Regulation is amended by striking out “Subsections (15) and (16) do not” at the beginning and substituting “Subsection (16) does not”.

(12) Subsection 13 (20) of the Regulation is amended by striking out “any substance, including foreign materials and surface water” at the end and substituting “surface water and other foreign materials”.

14. The Regulation is amended by adding the following section:

DEEPENING OF WELLS

13.1 (1) If a well is deepened, section 13 applies, with necessary modifications, as if a new well were being constructed, but continued use of the casing in the existing well is permitted if the casing appears sound.

(2) No person shall construct a well by penetrating through the bottom of a bored or dug well by means of drilling or by the use of a jetted point or driven point.

15. Section 14 of the Regulation is revoked and the following substituted:

ANNULAR SPACE — SUBSURFACE MOVEMENT

14. If a new well is constructed by any method, the person constructing the well shall ensure that any annular space, other than annular space surrounding a well screen, is sealed to prevent any movement of water, natural gas, contaminants or other material between subsurface formations or between a subsurface formation and the ground surface by means of the annular space.

ANNULAR SPACE — CONSTRUCTION AND SEALING OF DRIVEN POINT WELLS

14.1 (1) If a new well is constructed by the use of a driven point, the person constructing the well shall comply with section 14 by ensuring that any annular space is filled to the ground surface using a material and a method approved in writing by the Director that, in the opinion of the Director, will ensure that there are no gaps or air spaces in the material placed in the annular space.

(2) Subsection (1) does not apply to a test hole or dewatering well if abandonment of the test hole or dewatering well is scheduled to take place not later than 180 days after completion of the structural stage of the test hole or dewatering well.

ANNULAR SPACE — CONSTRUCTION AND SEALING OF BORED WELLS WITH CONCRETE CASING

14.2 (1) If a new well is constructed by boring and concrete casing is used, the person constructing the well shall ensure that the well is constructed with a diameter that,

- (a) from the ground surface to a depth of 2.5 metres, is at least 15.2 centimetres greater than the outside diameter of the casing that will be used; and
- (b) from a depth of 2.5 metres to a depth of at least the full depth of the well or six metres, whichever is less, is at least 7.6 centimetres greater than the outside diameter of the casing that will be used.

(2) If a new well is constructed by boring and concrete casing is used in the well, the person constructing the well shall comply with section 14 by ensuring that the following rules are complied with:

1. If a well screen is installed,
 - i. the annular space shall be filled, from the bottom of the well to at least the top of the well screen with clean, washed gravel or sand that is deposited after placement of the well screen and casing, and
 - ii. any remaining annular space shall be filled with suitable sealant, upward from the top of the gravel or sand referred to in subparagraph i to the bottom of the bentonite material referred to in paragraph 6.
2. The top of the gravel or sand referred to in subparagraph 1 i shall not be closer than six metres to the ground surface, unless the only useful aquifer available necessitates a shallower well, in which case the top of the gravel or sand shall not be closer than 2.5 metres to the ground surface.
3. If no well screen is installed, the annular space shall be filled with suitable sealant from the bottom of the casing upward to the bottom of the bentonite material referred to in paragraph 6.
4. The sealant referred to in subparagraph 1 ii or paragraph 3 shall be continuously deposited by forcing sealant through a tremie pipe, with the bottom end of the pipe immersed in the rising accumulation of sealant.
5. If the sealant referred to in subparagraph 1 ii or paragraph 3 contains cement,
 - i. it shall be allowed to set according to the manufacturer's specifications or for 12 hours, whichever is longer, and
 - ii. if, after setting in accordance with subparagraph i, the sealant has settled or subsided, it shall be topped up to the original level.
6. From the ground surface to a depth of at least 2.5 metres, the annular space shall be filled with bentonite granules, pellets or chips that have been screened in accordance with the manufacturer's specifications and that have a diameter of not more than 20 millimetres and not less than six millimetres.

(3) Subsections (1) and (2) do not apply to a test hole or dewatering well if abandonment of the test hole or dewatering well is scheduled to take place not later than 180 days after completion of the structural stage of the test hole or dewatering well.

ANNULAR SPACE — CONSTRUCTION AND SEALING OF DUG WELLS

14.3 (1) If a new well is constructed by digging, the person constructing the well shall comply with section 14 by ensuring that the annular space is filled to the ground surface in accordance with the following rules:

1. The annular space from the bottom of the well to a depth not closer to the ground surface than 2.5 metres shall be filled with,
 - i. clean, washed gravel or sand, or
 - ii. native materials that were excavated from the hole, if the well is not constructed in a contaminated area and the major horizons of soil are excavated separately, stored separately, kept free from contamination and backfilled in the same relative positions that they originally occupied.
2. The remainder of the annular space shall be filled with suitable sealant that will provide the appropriate structural strength to support the weight of persons and vehicles that may move over the area after it is filled.

(2) Subsection (1) does not apply to a test hole or dewatering well if abandonment of the test hole or dewatering well is scheduled to take place not later than 180 days after completion of the structural stage of the test hole or dewatering well.

ANNULAR SPACE — CONSTRUCTION AND SEALING OF DRILLED AND OTHER WELLS

14.4 (1) If a new well is constructed by any method, other than a method described in section 14.1, 14.2 or 14.3 or by the use of a jetted point, the person constructing the well shall ensure that the well is constructed with a diameter that, from the ground surface to a depth of at least the full depth of the well or six metres, whichever is less, is at least 7.6 centimetres greater than the outside diameter of the casing that will be used.

(2) If a new well is constructed by any method, other than a method described in section 14.1, 14.2 or 14.3 or by the use of a jetted point, the person constructing the well shall comply with section 14 by ensuring that the following rules are complied with:

1. If a well screen is installed,
 - i. the annular space shall be filled, from the bottom of the well to at least the top of the well screen with clean, washed gravel or sand that is,
 - A. deposited during or after placement of the well screen and casing, or
 - B. developed, after placement of the sealant referred to in subparagraph ii, by surging water through the well screen to remove the adjacent fine grained soils, and
 - ii. any remaining annular space shall be filled with suitable sealant, upward from the top of the gravel or sand referred to in subparagraph i to the ground surface.
2. If no well screen is installed, the annular space shall be filled with suitable sealant from the bottom of the casing upward to the ground surface.
3. The top of the gravel or sand referred to in paragraph 1 shall not be closer than six metres to the ground surface, unless the only useful aquifer available necessitates a shallower well, in which case the top of the gravel or sand shall not be closer than 2.5 metres to the ground surface.
4. The sealant referred to in paragraphs 1 and 2 shall be continuously deposited by forcing sealant through a tremie pipe, with the bottom end of the pipe immersed in the rising accumulation of sealant.
5. If the sealant referred to in paragraphs 1 and 2 contains cement,
 - i. it shall be allowed to set according to the manufacturer's specifications or for 12 hours, whichever is longer, and
 - ii. if, after setting in accordance with subparagraph i, the sealant has settled or subsided, it shall be topped up to the original level.

(3) Subsection (1) does not apply to a well if,

- (a) the well is constructed with a diameter that, from the ground surface to a depth of at least the full depth of the well or six metres, whichever is less, is at least 5.1 centimetres greater than the outside diameter of the casing that will be used;
- (b) the suitable sealant used to comply with subsection (2) has a maximum particle size that will not be subject to bridging; and
- (c) proper alignment is ensured by,
 - (i) in the case of a well constructed using a cable tool rig, the use of a breakaway guide for centering the casing that does not impair the quality of the water with which it comes into contact and that is placed two metres above the bottom of the casing, or
 - (ii) in the case of a well constructed using a rotary rig, the use of centralizers located below a depth of six metres.

(4) Subsections (1) to (3) do not apply to a test hole or dewatering well if abandonment of the test hole or dewatering well is scheduled to take place not later than 180 days after completion of the structural stage of the test hole or dewatering well.

ANNULAR SPACE — WELLS WITH A WELL PIT

14.5 (1) If a new well is constructed by any method and the well is constructed with a well pit,

- (a) the person constructing the well shall ensure that the well pit is constructed with a diameter that, from the bottom of the well pit to the ground surface, is at least 7.6 centimetres greater than the outside diameter of the well pit; and
- (b) the person constructing the well shall ensure that the annular space outside the well casing is filled, from the bottom of the well pit to the ground surface, with suitable sealant that will provide the appropriate structural strength to support the weight of persons and vehicles that may move over the area after it is filled.

- (2) If the sealant referred to in clause (1) (b) contains cement,
- (a) it shall be allowed to set according to the manufacturer's specifications or for 12 hours, whichever is longer; and
 - (b) if, after setting in accordance with clause (a), the sealant has settled or subsided, it shall be topped up to the original level.
- (3) Subsections (1) and (2) do not apply to a test hole or dewatering well if abandonment of the test hole or dewatering well is scheduled to take place not later than 180 days after completion of the structural stage of the test hole or dewatering well.

ANNULAR SPACE — WELLS WITH DOUBLE WALLED CASING

14.6 Sections 14 to 14.5 do not apply to a well that is constructed with a casing surrounded by a permanent casing of larger diameter (sometimes referred to as a double walled casing), but,

- (a) sections 14, 14.2, 14.3, 14.4 and 14.5 apply, with necessary modifications, to the annular space outside the outer casing; and
- (b) sections 14.2, 14.3 and 14.4 apply, with necessary modifications, to the annular space between the casings, unless there is no ground water leaking into the annular space between the casings.

FLOWING WELLS

14.7 (1) If, during construction of a well, the well becomes a flowing well, the person constructing the well,

- (a) shall construct the well to accommodate and be compatible with an appropriate device that controls the discharge of water from within the well casing, is capable of stopping the discharge of water from within the well casing, and is capable of withstanding the freezing of water in the well casing;
- (b) shall install a device described in clause (a);
- (c) shall construct the well and install the device described in clause (a) in a manner that prevents any uncontrolled flow of water from the well or at the well site; and
- (d) shall construct the well and install the device described in clause (a) in a manner that prevents backflow of water into the well or well casing.

(2) Subsection (1) does not apply if the well is abandoned in accordance with section 21.1.

(3) Every contract for the construction of a well shall be deemed to contain a term that makes the well contractor responsible for,

- (a) the cost of complying with subsection (1); and
- (b) if subsection (1) does not apply pursuant to subsection (2), the cost of abandoning the well.

(4) Subsection (3) does not apply to a written contract that expressly releases the well contractor from the responsibility referred to in that subsection.

DEVELOPMENT

14.8 (1) Before the structural stage of a new well is completed, the person constructing the well shall do everything reasonably practicable to remove any debris, including well cuttings and drilling fluids, from the well by developing the well until the well water is clear and free of sand.

(2) Subsection (1) does not apply to a test hole or a dewatering hole.

WELL YIELD

14.9 (1) Before the structural stage of a well is completed, the person constructing the well shall test the yield of the well in accordance with section 14.10.

(2) Subsection (1) does not apply to a minor alteration of a well or the installation of a pump.

(3) Subsection (1) does not apply to a test hole or dewatering well if the person constructing it,

- (a) measures the static water level in the well by means of a plastic or metal tape, an air line or an electrical device; and
- (b) ensures that any part of the tape, air line or electrical device that comes into contact with water in the well is clean.

(4) Subsection (1) does not apply to an alteration of a well that involves only,

- (a) the removal of the casing above the ground surface so that the casing is flush with the ground surface;
- (b) the addition of casing above the ground surface; or

(c) the creation or removal of a well pit.

14.10 (1) If the yield of water from a well is tested,

- (a) the water level in the well shall be measured and recorded on the well record for the well,
 - (i) immediately before commencement of pumping,
 - (ii) at one minute intervals or more frequently during the first five minutes of pumping,
 - (iii) at five minute intervals or more frequently during the next 25 minutes of pumping,
 - (iv) at 10 minute intervals or more frequently during the next 30 minutes of pumping,
 - (v) at one minute intervals or more frequently during the first five minutes after pumping stops,
 - (vi) at five minute intervals or more frequently during the next 25 minutes after pumping stops, and
 - (vii) at 10 minute intervals or more frequently during the next 30 minutes after pumping stops;
- (b) the water level in the well shall be measured by means of a plastic or metal tape that is clean or an air line or electrical device that is clean;
- (c) water shall be pumped from the well at a steady rate, continuously for at least one hour; and
- (d) the rate of pumping during the test shall be recorded on the well record.

(2) Clauses (1) (a) and (b) do not apply if the design of the well does not allow for the water level in the well to be measured during the test of water yield from the well.

(3) If water cannot be pumped from the well continuously for one hour in accordance with clause (1) (c), no further measurements are required under clause (1) (a) and there shall be recorded on the well record,

- (a) the reason pumping was discontinued;
- (b) the rate of pumping and the length of the pumping period; and
- (c) the water level measurements made.

WELL TAG

14.11 (1) Before the structural stage of a new cased well is completed, the person constructing the well shall obtain a well tag from the Ministry and shall affix it permanently to the outside of the casing or to a permanent structure associated with the well, at a point where the well tag will be visible and will not be obstructed by the well cap, by other components of the well or by equipment associated with the well.

(2) If an alteration, other than a minor alteration, is made to a cased well that does not already have a well tag, the person making the alteration shall obtain a well tag from the Ministry and, before the alteration is completed, shall affix the well tag permanently to the outside of the casing or to a permanent structure associated with the well, at a point where the well tag will be visible and will not be obstructed by the well cap, by other components of the well or by equipment associated with the well.

(3) If an alteration is made to a cased well that already has a well tag, the person making the alteration shall safeguard the well tag during the alteration and, if the well tag is removed, the person making the alteration shall, before the alteration is completed, reattach the well tag permanently to the outside of the casing or to a permanent structure associated with the well, at a point where the well tag will be visible and will not be obstructed by the well cap, by other components of the well or by equipment associated with the well.

(4) Despite subsection (3), if an alteration is made to a cased well that already has a well tag and the well tag is broken, defaced, illegible or otherwise unusable, the person making the alteration shall,

- (a) remove the well tag and return it, not later than the date clause (c) is complied with, to the Director;
- (b) obtain a new well tag from the Ministry and, before the alteration is completed, affix the well tag permanently to the outside of the casing or to a permanent structure associated with the well, at a point where the well tag will be visible and will not be obstructed by the well cap, by other components of the well or by equipment associated with the well; and
- (c) within 30 days after the new well tag is affixed to the casing, complete a well record with respect to the replacement of the well tag and forward a copy of the well record to the Director.

(5) Despite subsections (1) to (4), if one well record is prepared for a cluster of wells in accordance with section 16.4 and a well tag is affixed to the deepest well in the cluster, it is not necessary to affix a well tag to any other well in the cluster.

16. Section 15 of the Regulation is revoked and the following substituted:

DISINFECTION

15. (1) On the day the structural stage of the well is completed, the person constructing the well shall ensure that,
- (a) any remaining debris is removed from the well;
 - (b) the water in the well is dosed to a concentration of not less than 50 milligrams per litre and not more than 200 milligrams per litre of free chlorine and left undisturbed for a period of at least 12 hours; and
 - (c) the water in the well is not used for human consumption until the steps required by subsections (2) to (7) are taken.
- (2) A person who undertakes construction of a well that is being used or maintained for use for the purpose for which it was constructed or installs pumping equipment in a well shall ensure that as soon as possible after the construction or installation is complete, the water in the well is dosed to a concentration of not less than 50 milligrams per litre and not more than 200 milligrams per litre of free chlorine.
- (3) Subsection (2) does not apply to the replacement of a pump that is installed above or adjacent to a well or in a well pit unless the replacement involves the removal of a well cover or well cap required by subsection 15.2 (6) or (7).
- (4) A person referred to in subsection (2) shall ensure that, at least 12 hours and not more than 24 hours after the water is chlorinated, the well water is tested for free chlorine residual.
- (5) If, according to a test under subsection (4), the concentration of free chlorine residual in the well water is less than 50 milligrams per litre or more than 200 milligrams per litre, the person referred to in subsection (2) shall ensure that the following steps are taken:
1. Water shall be pumped out of the well until the concentration of free chlorine residual in the well water is less than 1 milligram per litre.
 2. The water in the well shall be dosed to a concentration of not more than 200 milligrams per litre of free chlorine.
 3. At least 12 hours and not more than 24 hours after the water is dosed under paragraph 2, the well water shall be tested for free chlorine residual.
 4. If, according to a test under paragraph 3, the concentration of free chlorine residual in the well water is less than 50 milligrams per litre or more than 200 milligrams per litre, the steps referred to in paragraphs 1 to 3 and this paragraph shall be repeated.
- (6) A person who is required to ensure that steps set out in subsection (5) are taken shall ensure that,
- (a) subject to paragraph 4 of subsection (5), the steps are taken in the sequence in which they are set out in subsection (5); and
 - (b) each step is taken as soon as reasonably possible.
- (7) If, according to a test under subsection (4) or paragraph 3 of subsection (5), the concentration of free chlorine residual in the well water is 50 milligrams per litre or more but not more than 200 milligrams per litre, the person who is referred to in subsection (2) shall ensure that water is pumped out of the well until the concentration of free chlorine residual in the well water is less than 1 milligram per litre.
- (8) No person shall, during a period between the chlorination of the water in a well by a person referred to subsection (2) and the testing of the well water for free chlorine residual under this section,
- (a) disturb the well; or
 - (b) use the well for any purpose.
- (9) A person who is responsible for ensuring that well water is tested for free chlorine residual under this section shall ensure that, before the well is used as a source of water for human consumption, the well purchaser is given a written record of the test results.
- (10) Subsections (4) to (9) do not apply to an alteration of a well if all of the following criteria are satisfied:
1. The alteration involves the urgent replacement or repair of a pump that unexpectedly failed.
 2. No water supply is immediately available as an alternative to the water from the well.
 3. The well purchaser provides the person who undertakes the alteration with written instructions to discontinue the disinfection process after complying with subsection (2).
- (11) If, pursuant to subsection (10), subsections (4) to (9) do not apply to an alteration of a well,
- (a) the well purchaser shall ensure that, before the well water is used for any purpose, water is pumped from the well until no odour of chlorine remains in the well water; and
 - (b) the person who undertakes the alteration shall retain the written instructions referred to in paragraph 3 of subsection (10) for two years.

(12) This section does not apply if the Director gives written approval to another method of disinfection and the approved method is complied with.

(13) This section does not apply to a minor alteration of a well.

(14) This section does not apply to a test hole, dewatering well or flowing well.

VENTING

15.1 (1) If a new well is constructed by any method, the person constructing the well shall ensure that the well is vented to the outside atmosphere in a manner that will safely disperse all gases.

(2) Subsection (1) does not apply to,

(a) a test hole; or

(b) a well in which casing is used to transmit water out of the well.

(3) If a pump is installed in a drilled well, the person constructing the well shall ensure that,

(a) an air vent is installed with a minimum inside diameter of,

(i) 0.3 centimetres, if the inside diameter of the casing is less than 12.7 centimetres, or

(ii) 1.2 centimetres, if the inside diameter of the casing is 12.7 centimetres or more;

(b) the air vent,

(i) is of sufficient length to extend above the covering of the well pit, if a well pit exists, or

(ii) extends above the ground surface a distance sufficient to prevent the entry of flood water from any anticipated flooding in the area but not less than 40 centimetres, if no well pit exists; and

(c) the open end of the air vent is shielded and screened in a manner sufficient to prevent the entry of any materials into the well.

(4) Subsection (3) does not apply to an uncased test hole or an uncased dewatering well.

(5) Subsection (3) does not apply to the following wells if there is no potential hazard from natural gas or any other gas:

1. A well with a well pit.

2. A test hole or dewatering well described in subsection 13 (11).

INSTALLATION OF EQUIPMENT

15.2 (1) Every person constructing a well shall comply with the requirements set out in this section.

(2) If a connection to the casing of a drilled well is made below the ground surface, a well seal or pitless adapter shall be used and the connection shall be made watertight.

(3) A cutting torch shall not be used to make an opening in the casing wall to accommodate a pitless adapter.

(4) If a connection to the casing of a well, other than a drilled well, is made below the ground surface, the connection shall be made watertight with durable bonding material.

(5) If a connection to the casing of a well is made below the ground surface, any outside excavation shall be filled with suitable sealant extending from the casing a minimum distance outward of 20 centimetres and extending from the bottom of the excavation to within 20 centimetres of the ground surface.

(6) The top of the casing of a well that is constructed by digging or boring shall be covered with a solid, watertight well cover, sufficient to prevent the entry of surface water and other foreign materials into the well.

(7) Subject to paragraph 8 of subsection 12 (9), the top of the casing of a well that is not constructed by digging or boring shall be sealed with a commercially manufactured vermin-proof well cap.

(8) Subsections (6) and (7) do not apply if all of the following criteria are satisfied:

1. A floor has been constructed around or adjacent to the casing of the well.

2. A pump is installed above or adjacent to the well.

3. The top of the casing is shielded in a manner sufficient to prevent entry of any material that may impair the quality of the water in the well.

4. The casing of the well is extended to at least 15 centimetres above the floor referred to in paragraph 1.

15.3 A person who installs equipment in a well shall ensure that the equipment is clean.

17. Section 16 of the Regulation is revoked and the following substituted:

INFORMATION

16. (1) Where a well is constructed and mineralized water is encountered, the person constructing the well shall immediately notify the well purchaser and the owner of the land on which the well is situated that the condition exists.

(2) Subsection (1) does not apply to a test hole or dewatering well.

(3) Where a well is constructed and natural gas is encountered, the person constructing the well shall immediately notify the well purchaser, the owner of the land on which the well is situated and the Director that the condition exists.

16.1 (1) On the day the structural stage of a well is completed, the person constructing the well shall, unless the well purchaser otherwise directs,

- (a) deliver to the well purchaser a copy of an information package about wells obtained from the Ministry;
- (b) provide the well purchaser with a water sample from the well of at least one litre for visual examination; and
- (c) measure the depth of the well in the presence of the well purchaser.

(2) Subsection (1) does not apply to a test hole or dewatering well.

(3) Subsection (1) does not apply to a minor alteration of a well.

16.2 (1) On the day a pump is replaced in an existing well, the person constructing the well shall, unless the well purchaser otherwise directs, deliver to the well purchaser a copy of an information package about wells obtained from the Ministry.

(2) Subsection (1) does not apply to a test hole or dewatering well.

RECORDS — SINGLE WELL RECORD

16.3 (1) On completion of a well's structural stage, the person constructing the well shall,

- (a) complete, in accordance with the instructions on the form, a well record for the well;
- (b) deliver a copy of the well record to the well purchaser and the owner of the land on which the well is situated within 14 days after the date on which the well's structural stage is complete;
- (c) forward a copy of the well record to the Director within 30 days after the date on which the well's structural stage is complete; and
- (d) retain a copy of the well record for two years.

(2) Subsection (1) does not apply to a minor alteration of a well or the installation of a pump.

(3) Subsection (1) does not apply in respect of a test hole or dewatering well that is abandoned within 30 days after the date on which its structural stage is complete.

RECORDS — WELL CLUSTERS

16.4 (1) Despite clause 16.3 (1) (a), a person constructing wells may complete one well record for a group of wells instead of a separate well record for each individual well if all the following circumstances exist:

1. Every well in the group is a test hole or dewatering well.
2. Every well in the group is located,
 - i. on the same property as another well in the group,
 - ii. on a property that is adjacent to a property on which another well in the group is located, or that would be adjacent but for a road between the two properties, or
 - iii. on a property that has only one or two intervening properties between it and a property on which another well in the group is located.
3. The structural stage of every well in the group is complete or, if the wells are being constructed in phases, the structural stage of every well in the relevant phase of construction is complete.
4. Each owner of land on which a well in the group is situated has given written consent to the use of a single well record for the group and the well record states that all the required consents have been given.

(2) For the purpose of subparagraph 2 iii of subsection (1), the following rules apply to the determination of the number of intervening properties between two properties on which wells are located:

1. The number of intervening properties shall be determined along a straight line joining the two wells.

2. If the straight line mentioned in paragraph 1 crosses a road, the road shall not be counted as an intervening property, unless one or both of the two wells is located on or inside the boundaries of the road.
 3. If part of the straight line mentioned in paragraph 1 is on or within the boundaries of a road, the number of intervening properties shall be determined with reference to the properties adjacent to that portion of the road, on the side of the road that has fewer properties.
- (3) A person constructing wells who completes one well record for a well cluster under subsection (1) shall,
- (a) indicate in the well record, in a convenient, concise and comprehensive manner, which of the wells share common features, such as diameter, construction technique, casing, venting, pumps and method of abandonment;
 - (b) include in the well record a statement that the person constructing the well will promptly submit to the Director, on request, any additional information in the person's custody or control related to any well in the well cluster that the person has constructed;
 - (c) despite clause 16.3 (1) (b), deliver to the well purchaser and each owner of land on which a well in the well cluster is situated a copy of the well record for the well cluster within 60 days after the commencement of construction of the first well or, if the wells are being constructed in phases, within 60 days after the commencement of construction of the first well in the relevant phase of construction; and
 - (d) despite clause 16.3 (1) (c), forward a copy of the well record for the well cluster to the Director within 75 days after the commencement of construction of the first well or, if the wells are being constructed in phases, within 75 days after the commencement of construction of the first well in the relevant phase of construction.
- (4) If one well record is completed for a well cluster under subsection (1) and an alteration, other than a minor alteration, is made to a well in the well cluster,
- (a) this section ceases to apply to that well; and
 - (b) the person making the alteration shall obtain and affix a well tag in accordance with subsection 14.11 (2) and comply with section 16.3.
- (5) A person constructing a well who completes a new well record under subsection (4) shall,
- (a) despite clause 16.3 (1) (b), deliver to the well purchaser and each owner of the land on which the well in the well cluster is affected by the subsequent construction a copy of the well record within 60 days after the commencement of the subsequent construction or, if the subsequent construction is done in phases, within 60 days after the commencement of the relevant phase of the subsequent construction; and
 - (b) despite clause 16.3 (1) (c), forward a copy of the well record to the Director within 75 days after the commencement of the subsequent construction or, if the subsequent construction is done in phases, within 75 days after the commencement of the relevant phase of the subsequent construction.

RECORDS — WELL ABANDONMENT

- 16.5** (1) On completion of the abandonment of a well, the person abandoning the well shall,
- (a) complete, in accordance with the instructions on the form, a well record for the well;
 - (b) deliver a copy of the well record to the owner of the land on which the well is situated,
 - (i) within 14 days after the date on which the well construction equipment is removed from the site, or
 - (ii) in the case of a well cluster, within 60 days after the date on which the first well in the well cluster is abandoned; and
 - (c) forward a copy of the well record, and any well tag that was removed from the well, to the Director,
 - (i) within 30 days after the date on which the well construction equipment is removed from the site, or
 - (ii) in the case of a well cluster, within 75 days after the date on which the first well in the well cluster is abandoned.
- (2) Subsection (1) does not apply in respect of a test hole or dewatering well that is abandoned within 30 days after the date on which its structural stage is complete.

18. Sections 17, 18 and 19 of the Regulation are revoked.

19. Section 20 of the Regulation is revoked and the following substituted:

WELL MAINTENANCE

- 20.** (1) The well owner shall maintain the well at all times after the completion of the well's structural stage in a manner sufficient to prevent the entry into the well of surface water and other foreign materials.

- (2) If the casing of a well extends above the ground surface, no person shall,
 - (a) reduce the height of the casing, if the casing of the well extends to a height of less than 40 centimetres above the ground surface; or
 - (b) reduce the height of the casing to a height of less than 40 centimetres above the ground surface, if the casing extends to a height of 40 centimetres or more above the ground surface.
- (3) Subsection (2) does not apply to a well described in subsection 13 (10) or a test hole or dewatering well described in subsection 13 (11).

20. Section 21 of the Regulation is revoked and the following substituted:

ABANDONMENT

- 21.** (1) A person constructing a new well that is discontinued before completion of the well's structural stage shall immediately abandon the well.
- (2) The well purchaser of a new well that is dry shall immediately abandon the well unless the owner of the land on which the well is situated agrees in writing to maintain the well for future use as a well.
 - (3) The well owner shall immediately abandon the well if it is not being used or maintained for future use as a well.
 - (4) If a well produces mineralized water, the well owner shall immediately abandon the well.
 - (5) If a well produces water that is not potable, the well owner shall immediately abandon the well unless the well owner seeks the advice of and takes such measures directed by the local medical officer of health.
 - (6) If a well contains natural gas or other gas, the well owner shall immediately abandon the well unless measures are taken to manage the gas in a way that prevents any potential hazard.
 - (7) If a well permits any movement of natural gas, contaminants or other materials between subsurface formations, or between a subsurface formation and the ground surface, and the movement may impair the quality of any waters, the well owner shall immediately abandon the well unless measures are taken that prevent the movement at all times.
 - (8) If a well is constructed in contravention of any provision of this Regulation dealing with the location of wells, the methods and materials used in the construction of wells or the standards of well construction, the well owner shall immediately take steps to rectify the situation, but if those steps fail, the owner shall immediately abandon the well.
 - (9) The well owner shall ensure that measures taken pursuant to subsections (5) to (7) are functional at all times.
 - (10) Subsections (4) to (8) do not apply if the well owner has the written consent of the Director.
 - (11) Subsections (4) and (5) do not apply to a test hole or dewatering well.
 - (12) Subsections (4) and (5) do not apply to a well that,
 - (a) is used or intended for use as a source of water for agriculture; and
 - (b) is not used as a source of water for human consumption.
 - (13) The person abandoning the well shall retain the services of the holder of a well contractor licence, and shall ensure that the contract between them requires a well technician licensed to construct the type of well that is being abandoned to be used to abandon the well, unless,
 - (a) the person who works on the abandonment of the well is the owner of the land or is a member of the owner's household;
 - (b) the person who works on the abandonment of the well is working without remuneration for another person on land owned by the other person or by a member of the other person's household;
 - (c) the person who works on the abandonment of the well holds a licence referred to in paragraph 1 of subsection 5 (1); or
 - (d) the well is a test hole or dewatering well, the well is abandoned by a method that does not use powered equipment, and the person who works on the abandonment of the well is,
 - (i) a person who holds a licence referred to in paragraph 5 of subsection 5 (1), or
 - (ii) a person referred to in paragraph 1, 2 or 3 of section 1.0.3.

21.1 (1) If a well is abandoned, the person abandoning the well shall ensure that the following steps are taken and, unless otherwise specified, they shall be taken in the sequence in which they are set out in this subsection:

- 1. If the well already has a well tag, the well tag shall be removed and returned to the Director within 30 days after its removal.
- 2. If the well casing or well screen has collapsed, reasonable efforts shall be made to remove it, and all other equipment and debris in the well shall be removed.

3. The well, including any annular space, shall be plugged by,
 - i. in the case of any well, placing a continuous column of an abandonment barrier from the bottom of the well upward to approximately two metres below the ground surface so that it prevents any movement of water, natural gas, contaminants or other material between subsurface formations or between a subsurface formation and the top of the abandonment barrier, or
 - ii. in the case of a well that is greater than 65.0 centimetres in diameter, placing a continuous column of an abandonment barrier by taking the steps described in subsection (5) until the materials placed in the well under that subsection reach to approximately two metres below the ground surface.
 4. If a well casing or well screen was not removed under paragraph 2, it shall be removed, where reasonably possible, during the taking of the steps required by paragraph 3, with the bottom of the casing immersed in the rising accumulation of the abandonment barrier until the required level has been reached.
 5. If a well casing or well screen was not removed under paragraph 2 or 4, it shall be removed, where reasonably possible, to a minimum depth of two metres below the ground surface.
 6. If an abandonment barrier placed under paragraph 3 contains cement, it shall be allowed to set until firm and, if necessary, it shall be topped up to approximately two metres below the ground surface.
 7. Unless to do so may cause remaining structures to be destabilized, damaged or unsafe, below ground concrete structures, foundations and slabs shall be removed, at any time before the steps required by paragraph 8 are taken, at least to a depth adequate to accommodate the sealing measures described in paragraph 8.
 8. The well shall be sealed at the ground surface by,
 - i. placing between 50 and 150 centimetres in vertical thickness of bentonite chips, pellets, granules or powder in the well opening in accordance with the manufacturer's specifications, and
 - ii. fill the remaining well opening to the ground surface with soil cover, or other material that is more in keeping with the surface material immediately adjacent to the well opening, to prevent inadvertent or unauthorized access.
 9. The disturbed area shall be stabilized to prevent erosion.
- (2) Paragraphs 2, 4 and 5 of subsection (1) do not apply to a person who abandons a well by overdrilling the entire well.
- (3) The following rules apply for the purpose of subparagraphs 3 i and ii of subsection (1):
1. The abandonment barrier must be compatible with the quality of the water found in the well.
 2. The abandonment barrier must not contain any materials that may impair the integrity of the abandonment barrier, including soil or drill cuttings.
 3. If the well is in contact with contaminants, the abandonment barrier must be stable in the presence of the contaminants.
 4. If the well is less than or equal to 6.5 centimetres in diameter and the well casing and well screen have been removed under paragraph 2 of subsection (1) or are being removed under paragraph 4 or 5 of subsection (1), the abandonment barrier must be,
 - i. a slurry consisting of clean water, Portland cement and not more than 5 per cent bentonite solids by weight, or
 - ii. a slurry consisting of clean water and at least 20 per cent bentonite solids by weight, and the abandonment barrier must be placed using a tremie pipe, with the bottom of the tremie pipe immersed in the rising accumulation of the abandonment barrier until the required level has been reached.
 5. Paragraph 4 also applies, with necessary modifications, to an uncased well that is less than or equal to 6.5 centimetres in diameter.
 6. If the well is less than or equal to 6.5 centimetres in diameter and the well casing and well screen have not been removed under paragraph 2 of subsection (1) and are not being removed under paragraph 4 or 5 of subsection (1), the abandonment barrier must be,
 - i. a slurry consisting of clean water, Portland cement and not more than 5 per cent bentonite solids by weight, or
 - ii. bentonite chips or pellets that have been screened and placed in accordance with the manufacturer's specifications.
 7. If the well is more than 6.5 centimetres in diameter, the abandonment barrier must be,
 - i. a slurry consisting of clean water and at least 20 per cent bentonite solids by weight,
 - ii. a slurry consisting of clean water, Portland cement and not more than 5 per cent bentonite,
 - iii. a slurry consisting of clean water and Portland cement,

- iv. a slurry consisting of clean water, Portland cement and clean sand,
- v. a slurry consisting of equal weights of Portland cement and clean gravel, mixed with clean water,
- vi. a slurry (sometimes called a concrete slurry) consisting of clean water, Portland cement, clean sand and clean gravel,
- vii. bentonite chips or pellets that have been screened and placed in accordance with the manufacturer's specifications, or
- viii. other material approved in writing by the Director, if the Director is of the opinion that the performance of the other material is the equivalent of the performance of a slurry referred to in subparagraphs i to vi.

8. A wet abandonment barrier for a well that is more than 6.5 centimetres in diameter shall be placed using a tremie pipe, with the bottom of the tremie pipe immersed in the rising accumulation of the abandonment barrier until the required level has been reached.

(4) Subparagraph 3 i of subsection (1) and subsection (3) do not prevent the placing of clean, washed sand or gravel in the well bore, adjacent to water producing zones or fractures, to minimize the loss of sealant material.

(5) The steps referred to in subparagraph 3 ii of subsection (1) with respect to a well that is greater than 65.0 centimetres in diameter, which shall be taken in the sequence in which they are set out in this subsection, are the following:

- 1. Clean sand or pea gravel shall be placed from the bottom of the well to the top of the deepest water producing zone or the top of the well screen, whichever is deeper.
- 2. At least 0.1 metre of bentonite chips or pellets shall be placed over the sand or pea gravel.
- 3. If the water level can be drawn down to the top of the bentonite chips or pellets,
 - i. the water level shall be drawn down to the top of the bentonite chips or pellets,
 - ii. at least 0.3 metres of a bentonite slurry that consists of clean water and at least 20 per cent bentonite solids and that is compatible with the quality of the water found in the well shall be placed over the bentonite chips or pellets, and
 - iii. clean gravel, sand, silt or clay shall be dropped over the bentonite slurry to fill the remainder of the well, while maintaining at least 0.3 metres of the bentonite slurry above the rising accumulation of gravel, sand, silt or clay.
- 4. If the water level cannot be drawn down to the top of the bentonite chips or pellets, the remainder of the well shall be filled to approximately two metres below the ground surface with an abandonment barrier, which may be interspersed with clean sand or pea gravel placed in each water producing zone of the well.

(6) If the well is greater than 65.0 centimetres in diameter, the person abandoning the well shall ensure that sealing materials are selected and placed for the purpose of paragraphs 3 and 8 of subsection (1) so that they will provide the appropriate structural strength to support the weight of persons and vehicles that may move over the area after it is filled.

(7) If the well is a flowing well, commercially manufactured drilling mud that does not impair the quality of the water with which it comes in contact may be used, in taking the steps required by subsection (1), to assist with drilling or placement of an abandonment barrier, but the drilling mud may not be used as an abandonment barrier.

(8) Paragraphs 2 to 9 of subsection (1) and subsections (3) to (7) do not apply to a person who abandons a well by excavation of the entire well in the course of work carried out for another purpose.

(9) This section also applies, with necessary modifications, to a well pit and, for that purpose, a reference in subsections (1) to (8) to a well shall be deemed to be a reference to a well pit.

21. Clause 22 (2) (a) of the Regulation is revoked and the following substituted:

(a) in accordance with subsection 14.11 (3) or (4) or paragraph 1 of subsection 21.1 (1); or

22. This Regulation comes into force on December 31, 2007.

ONTARIO REGULATION 373/07

made under the

PUBLIC SERVICE OF ONTARIO ACT, 2006

Made: June 27, 2007

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Printed in *The Ontario Gazette*: August 11, 2007**OATHS AND AFFIRMATIONS****Oath or affirmation of allegiance**

1. (1) The following oath or affirmation of allegiance to the Crown is prescribed for the purposes of subsection 5 (1) of the Act:

“I swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (*or the reigning sovereign for the time being*), her heirs and successors according to law. So help me God. (Omit this phrase in an affirmation.)”

(2) The public servant may make the oath or affirmation in either English or French.

Exemption, oath or affirmation of allegiance

2. A public servant who is not a citizen of Canada but is a citizen of another country is exempt from the requirement under subsection 5 (1) of the Act to swear or affirm his or her allegiance to the Crown if the public servant asserts that making the oath or affirmation could result in the loss of that citizenship.

Oath or affirmation of office

3. (1) The following oath or affirmation of office is prescribed for the purposes of section 6 of the Act:

“I swear (or solemnly affirm) that I will faithfully discharge my duties as a public servant and will observe and comply with the laws of Canada and Ontario and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a public servant. So help me God. (Omit this phrase in an affirmation.)”

(2) The public servant may make the oath or affirmation in either English or French.

Administration of oath or affirmation

4. (1) The persons described in Column 2 of the Table to this section are authorized to administer an oath or affirmation by a public servant who is appointed to a position described in Column 1 in the same row.

(2) In the Table to this section,

“commissioner for taking affidavits” means a person who is appointed under subsection 4 (1) of the *Commissioner for taking Affidavits Act* as a commissioner for taking affidavits;

“deputy minister’s delegate” means a public servant to whom the deputy minister has delegated his or her authority under this section and who is employed under Part III of the Act to work in the same ministry as the deputy minister;

“government lawyer” means a public servant employed under Part III of the Act as a legal counsel.

TABLE
PERSONS AUTHORIZED TO ADMINISTER OATHS AND AFFIRMATIONS

Item	Column 1	Column 2
	Public servant making the oath or affirmation	Persons authorized to administer the oath or affirmation
1.	A public servant who works in a ministry, but not in a minister’s office	The deputy minister of the ministry, the deputy minister’s delegate, a government lawyer or any other public servant who is a commissioner for taking affidavits
2.	A public servant who works in a minister’s office	A minister, a public servant employed under Part III of the Act who exercises managerial functions in the Office of the Premier, the Cabinet Office or the minister’s office, a government lawyer or any other public servant who is a commissioner for taking affidavits
3.	A public servant, other than a government appointee, who works in a public body	The public servant’s ethics executive as determined under subsection 62 (1) of the Act, a government lawyer or any other public servant who is a commissioner for taking affidavits

Item	Column 1	Column 2
	Public servant making the oath or affirmation	Persons authorized to administer the oath or affirmation
4.	A government appointee to a public body	The chair of the public body or any other public servant who is commissioner for taking affidavits
5.	The chair of a public body	A public servant employed under Part III of the Act who works in the Cabinet Office and who is a commissioner for taking affidavits

Commencement

5. This Regulation comes into force on the day subsection 5 (1) of the Act comes into force.

RÈGLEMENT DE L'ONTARIO 373/07

pris en application de la

LOI DE 2006 SUR LA FONCTION PUBLIQUE DE L'ONTARIO

pris le 27 juin 2007

déposé le 25 juillet 2007

publié sur le site Lois-en-ligne le 27 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007

SERMENTS ET AFFIRMATIONS SOLENNELLES**Serment ou affirmation solennelle d'allégeance**

1. (1) Le serment ou l'affirmation solennelle d'allégeance à la Couronne qui suit est prescrit pour l'application du paragraphe 5 (1) de la Loi :

«Je jure (ou j'affirme solennellement) que je serai fidèle et que je porterai sincère allégeance à Sa Majesté la reine Elizabeth II (*ou au souverain régnant*), à ses héritiers et à ses successeurs conformément à la loi. Ainsi Dieu me soit en aide. (Omettre cette dernière phrase pour une affirmation.)»

(2) Le fonctionnaire peut prêter serment ou faire l'affirmation solennelle en français ou en anglais.

Dispense : Serment ou affirmation solennelle d'allégeance

2. Le fonctionnaire qui n'est pas citoyen du Canada mais qui est citoyen d'un autre pays est soustrait à l'exigence de jurer ou d'affirmer solennellement son allégeance à la Couronne en application du paragraphe 5 (1) de la Loi s'il affirme que le fait de prêter ce serment ou de faire cette affirmation pourrait lui faire perdre sa citoyenneté.

Serment ou affirmation solennelle d'entrée en fonction

3. (1) Le serment ou l'affirmation solennelle d'entrée en fonction qui suit est prescrit pour l'application de l'article 6 de la Loi :

«Je jure (ou j'affirme solennellement) que je m'acquitterai fidèlement de mes fonctions de fonctionnaire et que je respecterai les lois du Canada et de l'Ontario. À moins d'y être légalement autorisé(e) ou tenu(e), je ne divulguerai ni ne donnerai à quiconque un renseignement ou un document dont j'aurai eu connaissance ou que j'aurai eu en ma possession dans l'exercice de mes fonctions. Ainsi Dieu me soit en aide. (Omettre cette dernière phrase pour une affirmation.)»

(2) Le fonctionnaire peut prêter serment ou faire l'affirmation solennelle en français ou en anglais.

Assermentation ou réception des affirmations solennelles

4. (1) Les personnes visées à la colonne 2 du tableau du présent article sont habilitées à faire prêter serment aux fonctionnaires nommés à un poste visé à la colonne 1 de la même rangée ou à recevoir leur affirmation solennelle.

(2) Les définitions qui suivent s'appliquent au tableau du présent article :

«avocat fonctionnaire» Fonctionnaire employé aux termes de la partie III de la Loi en tant qu'avocat. («government lawyer»)

«commissaire aux affidavits» Personne nommée en tant que tel en vertu du paragraphe 4 (1) de la *Loi sur les commissaires aux affidavits*. («commissioner for taking affidavits»)

«délégué du sous-ministre» Fonctionnaire à qui le sous-ministre a délégué le pouvoir que lui confère le présent article et qui est employé aux termes de la partie III de la Loi pour travailler dans le même ministère que lui. («deputy minister's delegate»)

TABLEAU
PERSONNES HABILITÉES À FAIRE PRÊTER SERMENT OU À RECEVOIR DES AFFIRMATIONS SOLENNELLES

Point	Colonne 1	Colonne 2
	Fonctionnaires prêtant serment ou faisant l'affirmation solennelle	Personnes habilitées à faire prêter serment ou à recevoir l'affirmation solennelle
1.	Les fonctionnaires qui travaillent dans un ministère mais pas dans le cabinet d'un ministre	Le sous-ministre du ministère, le délégué du sous-ministre, un avocat fonctionnaire ou un fonctionnaire qui est commissaire aux affidavits.
2.	Les fonctionnaires qui travaillent dans le cabinet d'un ministre	Un ministre, un fonctionnaire employé aux termes de la partie III de la Loi et qui exerce des fonctions de direction dans le cabinet du premier ministre, le Bureau du Conseil des ministres ou le cabinet du ministre, un avocat fonctionnaire ou un fonctionnaire qui est commissaire aux affidavits.
3.	Les fonctionnaires, autres que les personnes nommées par le gouvernement, qui travaillent dans un organisme public	Le responsable de l'éthique du fonctionnaire au sens du paragraphe 62 (1) de la Loi, un avocat fonctionnaire ou un fonctionnaire qui est commissaire aux affidavits.
4.	Les personnes nommées par le gouvernement à un organisme public	Le président de l'organisme public ou un fonctionnaire qui est commissaire aux affidavits.
5.	Les présidents des organismes publics	Un fonctionnaire employé aux termes de la partie III de la Loi qui travaille dans le Bureau du Conseil des ministres et qui est commissaire aux affidavits.

Entrée en vigueur

5. Le présent règlement entre en vigueur le jour de l'entrée en vigueur du paragraphe 5 (1) de la Loi.

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ONTARIO REGULATION 374/07

made under the

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PUBLIC BODIES AND COMMISSION PUBLIC BODIES — DEFINITIONS

Public bodies

1. Each body that is listed in Column 1 of Table 1 is prescribed as a public body for the purposes of the Act.

Commission public bodies

2. Each body listed in Column 2 of Table 1 is prescribed as a Commission public body for the purposes of the Act.

Commencement

3. **This Regulation comes into force on the day subsection 2 (1) of the Act comes into force.**

TABLE 1

Item	Column 1	Column 2
	Public bodies	Commission public bodies
1.	Accessibility Standards Advisory Council	Accessibility Standards Advisory Council
2.	Advertising Review Board	Advertising Review Board
3.	Advisory Council on Drinking-Water Quality and Testing Standards	Advisory Council on Drinking-Water Quality and Testing Standards
4.	Advisory Council on Special Education	Advisory Council on Special Education
5.	Advisory Council to the Order of Ontario	Advisory Council to the Order of Ontario
6.	AgriCorp	
7.	Agricultural Research Institute of Ontario	Agricultural Research Institute of Ontario

Item	Column 1	Column 2
	Public bodies	Commission public bodies
8.	Agriculture, Food and Rural Affairs Appeal Tribunal	Agriculture, Food and Rural Affairs Appeal Tribunal
9.	Alcohol and Gaming Commission of Ontario	
10.	Algonquin Forestry Authority	
11.	Animal Care Review Board	Animal Care Review Board
12.	Art Gallery of Ontario Crown Foundation	
13.	Assessment Review Board	Assessment Review Board
14.	Baycrest Hospital Crown Foundation	
15.	Board of negotiation continued under subsection 27 (1) of the <i>Expropriations Act</i>	Board of negotiation continued under subsection 27 (1) of the <i>Expropriations Act</i>
16.	Board of negotiation established under subsection 172 (5) of the <i>Environmental Protection Act</i>	Board of negotiation established under subsection 172 (5) of the <i>Environmental Protection Act</i>
17.	Building Code Commission	Building Code Commission
18.	Building Materials Evaluation Commission	Building Materials Evaluation Commission
19.	Canadian Opera Company Crown Foundation	
20.	Canadian Stage Company Crown Foundation	
21.	Cancer Care Ontario	
22.	The Centennial Centre of Science and Technology	The Centennial Centre of Science and Technology
23.	Child and Family Services Review Board	Child and Family Services Review Board
24.	Chiropody Review Committee	
25.	Chiropractic Review Committee	
26.	College Compensation and Appointments Council	College Compensation and Appointments Council
27.	College Relations Commission	College Relations Commission
28.	Committee to Evaluate Drugs	Committee to Evaluate Drugs
29.	Commodity Futures Advisory Board	
30.	Community Advisory Board of the Mental Health Centre, Penetanguishene	
31.	Each community care access corporation as defined in section 1 of the <i>Community Care Access Corporations Act, 2001</i>	
32.	Consent and Capacity Board	Consent and Capacity Board
33.	Conservation Review Board	Conservation Review Board
34.	Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund Committee	Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund Committee
35.	Criminal Injuries Compensation Board	Criminal Injuries Compensation Board
36.	Crown Employees Grievance Settlement Board	Crown Employees Grievance Settlement Board
37.	Crown Timber Board of Examiners	Crown Timber Board of Examiners
38.	Custody Review Board	Custody Review board
39.	Dentistry Review Committee	
40.	Deposit Insurance Corporation of Ontario	
41.	Eastern Ontario Development Corporation	Eastern Ontario Development Corporation
42.	Echo: Improving Women's Health in Ontario	
43.	Education Quality and Accountability Office	Education Quality and Accountability Office
44.	Education Relations Commission	Education Relations Commission
45.	Environmental Review Tribunal	Environmental Review Tribunal
46.	Financial Disclosure Advisory Board	
47.	Financial Services Commission of Ontario	Financial Services Commission of Ontario
48.	Financial Services Tribunal	Financial Services Tribunal
49.	Fire Marshal's Public Fire Safety Council	
50.	Fire Safety Commission	Fire Safety Commission
51.	Fish and Wildlife Heritage Commission	Fish and Wildlife Heritage Commission
52.	Grain Financial Protection Board	Grain Financial Protection Board
53.	Greater Toronto Transit Authority	
54.	Greater Toronto Transportation Authority	
55.	Greenbelt Council	Greenbelt Council
56.	Healing Arts Radiation Protection Commission	Healing Arts Radiation Protection Commission
57.	Health Professions Appeal and Review Board	Health Professions Appeal and Review Board
58.	Health Professions Regulatory Advisory Council	Health Professions Regulatory Advisory Council
59.	Health Services Appeal and Review Board	Health Services Appeal and Review Board
60.	Higher Education Quality Council of Ontario	
61.	Human Rights Tribunal of Ontario	Human Rights Tribunal of Ontario

Item	Column 1	Column 2
	Public bodies	Commission public bodies
62.	Each industry committee established under section 5 of the <i>Apprenticeship and Certification Act, 1998</i>	Each industry committee established under section 5 of the <i>Apprenticeship and Certification Act, 1998</i>
63.	Investment Advisory Committee of the Public Guardian and Trustee	Investment Advisory Committee of the Public Guardian and Trustee
64.	Kawartha Highlands Signature Site Park Management Advisory Board	Kawartha Highlands Signature Site Park Management Advisory Board
65.	Landlord and Tenant Board	Landlord and Tenant Board
66.	Languages of Instruction Commission of Ontario	Languages of Instruction Commission of Ontario
67.	Legal Aid Ontario	
68.	Licence Appeal Tribunal	Licence Appeal Tribunal
69.	Liquor Control Board of Ontario	
70.	Livestock Financial Protection Board	Livestock Financial Protection Board
71.	Livestock Medicines Advisory Committee	Livestock Medicines Advisory Committee
72.	Each local health integration network as defined under section 2 of the <i>Local Health System Integration Act, 2006</i>	
73.	McMichael Canadian Art Collection	
74.	Medical Eligibility Committee formed under subsection 7 (1) of the <i>Health Insurance Act</i>	Medical Eligibility Committee formed under subsection 7 (1) of the <i>Health Insurance Act</i>
75.	Metropolitan Toronto Convention Centre Corporation	
76.	Minister's Advisory Council for Arts and Culture	Minister's Advisory Council for Arts and Culture
77.	Mount Sinai Hospital Crown Foundation	
78.	National Ballet of Canada Crown Foundation	
79.	Niagara Escarpment Commission	Niagara Escarpment Commission
80.	Niagara Parks Commission	
81.	Normal Farm Practices Protection Board	Normal Farm Practices Protection Board
82.	North Pickering Development Corporation	North Pickering Development Corporation
83.	North York General Hospital Crown Foundation	
84.	Northern Ontario Development Corporation	Northern Ontario Development Corporation
85.	Northern Ontario Grow Bonds Corporation	Northern Ontario Grow Bonds Corporation
86.	Northern Ontario Heritage Fund Corporation	Northern Ontario Heritage Fund Corporation
87.	Office for Victims of Crime	Office for Victims of Crime
88.	Office of the Conflict of Interest Commissioner	Office of the Conflict of Interest Commissioner
89.	Office of the Employer Adviser	Office of the Employer Adviser
90.	Office of the Fairness Commissioner	
91.	Office of the Worker Adviser	Office of the Worker Adviser
92.	Ontario Advisory Committee on HIV/AIDS	Ontario Advisory Committee on HIV/AIDS
93.	Ontario Civilian Commission on Police Services	Ontario Civilian Commission on Police Services
94.	Ontario Clean Water Agency	Ontario Clean Water Agency
95.	Ontario Development Corporation	Ontario Development Corporation
96.	Ontario Economic Forecast Council	Ontario Economic Forecast Council
97.	Ontario Educational Communications Authority	
98.	Ontario Electricity Financial Corporation	
99.	Ontario Energy Board	
100.	Ontario Farm Products Marketing Commission	Ontario Farm Products Marketing Commission
101.	Ontario Film Review Board	Ontario Film Review Board
102.	Ontario Financing Authority	Ontario Financing Authority
103.	Ontario Food Terminal Board	
104.	Ontario Foundation for the Arts	
105.	Ontario French-language Educational Communications Authority/Office des télécommunications éducatives de langue française de l'Ontario	
106.	Ontario Geographic Names Board	Ontario Geographic Names Board
107.	Ontario Health Quality Council	
108.	Ontario Heritage Trust	Ontario Heritage Trust
109.	Ontario Highway Transport Board	Ontario Highway Transport Board
110.	Ontario Human Rights Commission	Ontario Human Rights Commission
111.	Ontario Immigrant Investor Corporation	

Item	Column 1	Column 2
	Public bodies	Commission public bodies
112.	Ontario Infrastructure Projects Corporation	
113.	Ontario Investment and Trade Advisory Council	Ontario Investment and Trade Advisory Council
114.	Ontario Labour Relations Board	Ontario Labour Relations Board
115.	Ontario Lottery and Gaming Corporation	
116.	Ontario Medal for Young Volunteers Advisory Council	Ontario Medal for Young Volunteers Advisory Council
117.	Ontario Media Development Corporation	Ontario Media Development Corporation
118.	Ontario Mental Health Foundation	
119.	Ontario Moose and Bear Allocation Advisory Committee	Ontario Moose and Bear Allocation Advisory Committee
120.	Ontario Mortgage and Housing Corporation	Ontario Mortgage and Housing Corporation
121.	Ontario Mortgage Corporation	Ontario Mortgage Corporation
122.	Ontario Municipal Board	Ontario Municipal Board
123.	Ontario Northland Transportation Commission	
124.	Ontario Parent Council	Ontario Parent Council
125.	Ontario Parks Board	Ontario Parks Board
126.	Ontario Parole and Earned Release Board	Ontario Parole and Earned Release Board
127.	Ontario Place Corporation	Ontario Place Corporation
128.	Ontario Police Arbitration Commission	Ontario Police Arbitration Commission
129.	Ontario Public Service Pension Board	
130.	Ontario Racing Commission	
131.	Ontario Realty Corporation	
132.	Ontario Research and Innovation Council	Ontario Research and Innovation Council
133.	Ontario Research Fund Advisory Board	Ontario Research Fund Advisory Board
134.	Ontario Review Board	Ontario Review Board
135.	Ontario Securities Commission	
136.	Ontario Special Education Tribunal (English)	Ontario Special Education Tribunal (English)
137.	Ontario Special Education Tribunal (French)	Ontario Special Education Tribunal (French)
138.	Ontario Student Assistance Program Appeal Board	Ontario Student Assistance Program Appeal Board
139.	Ontario Tourism Marketing Partnership Corporation	Ontario Tourism Marketing Partnership Corporation
140.	Ontario Trillium Foundation	
141.	Optometry Review Committee	
142.	Ottawa Congress Centre	
143.	Owen Sound Transportation Company	
144.	Pay Equity Hearings Tribunal	Pay Equity Hearings Tribunal
145.	Pay Equity Office	Pay Equity Office
146.	Pesticides Advisory Committee	Pesticides Advisory Committee
147.	Post Secondary Education Quality Assessment Board	Post Secondary Education Quality Assessment Board
148.	Province of Ontario Council for the Arts	
149.	Province of Ontario Medal for Fire Fighters Bravery Advisory Council	Province of Ontario Medal for Fire Fighters Bravery Advisory Council
150.	Province of Ontario Medal for Good Citizenship Advisory Council	Province of Ontario Medal for Good Citizenship Advisory Council
151.	Province of Ontario Medal for Police Bravery Advisory Council	Province of Ontario Medal for Police Bravery Advisory Council
152.	Provincial Advisory Committee on Francophone Affairs/Comité consultatif provincial sur les affaires francophones	Provincial Advisory Committee on Francophone Affairs/Comité consultatif provincial sur les affaires francophones
153.	Each provincial advisory committee established under section 3 of the <i>Trades Qualification and Apprenticeship Act</i>	Each provincial advisory committee established under section 3 of the <i>Trades Qualification and Apprenticeship Act</i>
154.	Provincial Schools Authority	
155.	Public Service Grievance Board	Public Service Grievance Board
156.	Rabies Advisory Committee	Rabies Advisory Committee
157.	Royal Botanical Gardens Crown Foundation	
158.	Royal Ontario Museum	
159.	Royal Ontario Museum Crown Foundation	
160.	Rural Economic Development Panel	Rural Economic Development Panel
161.	Science North	

Item	Column 1	Column 2
	Public bodies	Commission public bodies
162.	Selection Board of the Ontario Graduate Scholarship Awards	Selection Board of the Ontario Graduate Scholarship Awards
163.	Shaw Festival Crown Foundation	
164.	Small Business Agency of Ontario	Small Business Agency of Ontario
165.	Smart Systems for Health Agency	
166.	Social Assistance Review Board	Social Assistance Review Board
167.	Social Benefits Tribunal	Social Benefits Tribunal
168.	Soldiers' Aid Commission	Soldiers' Aid Commission
169.	Stadium Corporation of Ontario Ltd.	
170.	St. Lawrence Parks Commission	St. Lawrence Parks Commission
171.	Stratford Festival Crown Foundation	
172.	Sunnybrook Hospital Crown Foundation	
173.	Toronto Area Transit Operating Authority	Toronto Area Transit Operating Authority
174.	Toronto East General Hospital Crown Foundation	
175.	Toronto Hospital Crown Foundation	
176.	Toronto Islands Residential Community Trust Corporation	
177.	Toronto Symphony Orchestra Crown Foundation	
178.	Training Completion Assurance Fund Advisory Board	Training Completion Assurance Fund Advisory Board
179.	Trillium Gift of Life Network	
180.	Walkerton Clean Water Centre	
181.	Women's College and Wellesley Central Crown Foundation	
182.	Workplace Safety and Insurance Appeals Tribunal	
183.	Workplace Safety and Insurance Board	

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ONTARIO REGULATION 375/07

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PUBLIC BODIES AND COMMISSION PUBLIC BODIES — ETHICS EXECUTIVE FOR CERTAIN PUBLIC SERVANTS

Application

1. This Regulation applies with respect to every public body that is listed in Column 1 of Table 1.

Ethics executive

2. For a public body listed in Column 1 of Table 1, the individual who holds the position listed in Column 2 of the Table is prescribed under clause 71 (1) (b) of the Act as the ethics executive for public servants, other than government appointees, who work in the public body.

Commencement

3. This Regulation comes into force on the day paragraph 3 of subsection 62 (1) of the Act comes into force.

TABLE 1

Item	Column 1 Public body	Column 2
1.	Advertising Review Board	Ethics executive
2.	AgriCorp	Deputy minister of Government Services
3.	Agricultural Research Institute of Ontario	Chief executive officer
4.	Agriculture, Food and Rural Affairs Appeal Tribunal	Deputy minister of Agriculture, Food and Rural Affairs
5.	Alcohol and Gaming Commission of Ontario	Chief executive officer
6.	Algonquin Forestry Authority	General manager
7.	Assessment Review Board	Chief executive officer
8.	Board of negotiation continued under subsection 27 (1) of the <i>Expropriations Act</i>	Chief executive officer of the Ontario Municipal Board
9.	Board of negotiation established under subsection 172 (5) of the <i>Environmental Protection Act</i>	Deputy minister of Agriculture, Food and Rural Affairs
10.	Cancer Care Ontario	President and chief executive officer
11.	The Centennial Centre of Science and Technology	Director general and chief executive officer
12.	Child and Family Services Review Board	Deputy minister of Children and Youth Services
13.	College Compensation and Appointments Council	Executive director
14.	College Relations Commission	Director/registrar of the Ontario Labour Relations Board
15.	Each community care access corporation as defined in section 1 of the <i>Community Care Access Corporations Act, 2001</i>	Executive director
16.	Consent and Capacity Board	Chief operating officer
17.	Criminal Injuries Compensation Board	Chief administrative officer
18.	Crown Employees Grievance Settlement Board	Registrar
19.	Custody Review Board	Deputy minister of Children and Youth Services
20.	Deposit Insurance Corporation of Ontario	President and chief executive officer
21.	Echo: Improving Women's Health in Ontario	Chief executive officer
22.	Education Quality and Accountability Office	Chief executive officer
23.	Education Relations Commission	Director/registrar of the Ontario Labour Relations Board
24.	Financial Services Commission of Ontario	Chief executive officer
25.	Financial Services Tribunal	Chief executive officer of the Financial Services Commission of Ontario
26.	Greater Toronto Transit Authority	Chief executive officer
27.	Greater Toronto Transportation Authority	Chief executive officer
28.	Health Professions Appeal and Review Board	Chief operating officer
29.	Health Professions Regulatory Advisory Council	Secretary
30.	Health Services Appeal and Review Board	Chief operating officer
31.	Higher Education Quality Council of Ontario	Chief executive officer
32.	Human Rights Tribunal of Ontario	Chief administrative officer and registrar
33.	Landlord and Tenant Board	Director of operations
34.	Legal Aid Ontario	President and chief executive officer
35.	Licence Appeal Tribunal	Deputy minister of Government Services
36.	Liquor Control Board of Ontario	President and chief executive officer
37.	Each local health integration network as defined in section 2 of the <i>Local Health System Integration Act, 2006</i>	Chief executive officer
38.	McMichael Canadian Art Collection	Executive director and chief executive officer
39.	Metropolitan Toronto Convention Centre Corporation	President and chief executive officer
40.	Niagara Escarpment Commission	Director
41.	Niagara Parks Commission	General manager
42.	Northern Ontario Grow Bonds Corporation	Deputy minister of Northern Development and Mines
43.	Northern Ontario Heritage Fund Corporation	Deputy minister of Northern Development and Mines
44.	Office for Victims of Crime	Deputy Attorney General
45.	Office of the Conflict of Interest Commissioner	Director
46.	Office of the Employer Adviser	Director
47.	Office of the Worker Adviser	Director
48.	Ontario Clean Water Agency	Chief executive officer

Item	Column 1	Column 2
	Public body	Ethics executive
49.	Ontario Educational Communications Authority	Chief executive officer
50.	Ontario Electricity Financial Corporation	Chief executive officer
51.	Ontario Energy Board	Chief operating officer
52.	Ontario Farm Products Marketing Commission	Deputy minister of Agriculture, Food and Rural Affairs
53.	Ontario Financing Authority	Chief executive officer
54.	Ontario Food Terminal Board	General manager
55.	Ontario French-language Educational Communications Authority/Office des télécommunications éducatives de langue française de l'Ontario	Chief executive officer
56.	Ontario Health Quality Council	Chief executive officer
57.	Ontario Heritage Trust	Executive director
58.	Ontario Human Rights Commission	Executive director
59.	Ontario Infrastructure Projects Corporation	President and chief executive officer
60.	Ontario Labour Relations Board	Director/registrar
61.	Ontario Lottery and Gaming Corporation	Chief executive officer
62.	Ontario Media Development Corporation	Chief executive officer
63.	Ontario Mental Health Foundation	Executive director
64.	Ontario Mortgage and Housing Corporation	Deputy minister of Municipal Affairs and Housing
65.	Ontario Mortgage Corporation	Deputy minister of Municipal Affairs and Housing
66.	Ontario Municipal Board	Chief executive officer
67.	Ontario Northland Transportation Commission	President and chief executive officer
68.	Ontario Parole and Earned Release Board	Manager
69.	Ontario Place Corporation	General manager
70.	Ontario Police Arbitration Commission	Executive officer
71.	Ontario Public Service Pension Board	President and chief executive officer
72.	Ontario Racing Commission	Executive director and chief executive officer
73.	Ontario Realty Corporation	President and chief executive officer
74.	Ontario Review Board	Chief operating officer and registrar
75.	Ontario Tourism Marketing Partnership Corporation	President and chief executive officer
76.	Ontario Trillium Foundation	President and chief executive officer
77.	Ottawa Congress Centre	President
78.	Owen Sound Transportation Company	President
79.	Pay Equity Hearings Tribunal	Director/registrar of the Ontario Labour Relations Board
80.	Pay Equity Office	Director
81.	Post Secondary Education Quality Assessment Board	Director
82.	Province of Ontario Council for the Arts	Executive director
83.	Public Service Grievance Board	Secretary
84.	Royal Ontario Museum	Director and chief executive officer
85.	Science North	Chief executive officer
86.	Smart Systems for Health Agency	Chief executive officer
87.	Social Assistance Review Board	General manager
88.	Social Benefits Tribunal	General manager
89.	Stadium Corporation of Ontario Ltd.	President
90.	St. Lawrence Parks Commission	General manager
91.	Trillium Gift of Life Network	President and chief executive officer
92.	Workplace Safety and Insurance Appeals Tribunal	Tribunal director
93.	Workplace Safety and Insurance Board	President and chief executive officer

ONTARIO REGULATION 376/07

made under the

PUBLIC SERVICE OF ONTARIO ACT, 2006

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Printed in *The Ontario Gazette*: August 11, 2007**DELEGATION BY PUBLIC SERVICE COMMISSION UNDER SUBSECTION 44 (4) OF THE ACT****Delegation, public servants appointed to work in Commission public body**

1. For a Commission public body listed in Column 1 of Table 1, the individual who holds the position listed in Column 2 of the Table is prescribed for the purposes of clause 44 (4) (a) of the Act.

Commencement

2. **This Regulation comes into force on the day subsection 44 (4) of the Act comes into force.**

TABLE 1

Item	Column 1 Commission public body	Column 2 Prescribed individual
1.	Assessment Review Board	Chief executive officer
2.	Board of negotiation continued under subsection 27 (1) of the <i>Expropriations Act</i>	Chief executive officer of the Ontario Municipal Board
3.	The Centennial Centre of Science and Technology	Director general and chief executive officer
4.	College Compensation and Appointments Council	Executive director
5.	College Relations Commission	Director/registrar of the Ontario Labour Relations Board
6.	Consent and Capacity Board	Chief operating officer
7.	Criminal Injuries Compensation Board	Chief administrative officer
8.	Crown Employees Grievance Settlement Board	Registrar
9.	Education Quality and Accountability Office	Chief executive officer
10.	Education Relations Commission	Director/registrar of the Ontario Labour Relations Board
11.	Financial Services Commission of Ontario	Chief executive officer
12.	Financial Services Tribunal	Chief executive officer of the Financial Services Commission of Ontario
13.	Health Professions Appeal and Review Board	Chief operating officer
14.	Health Professions Regulatory Advisory Council	Secretary
15.	Health Services Appeal and Review Board	Chief operating officer
16.	Human Rights Tribunal of Ontario	Chief administrative officer and registrar
17.	Landlord and Tenant Board	Director of operations
18.	Niagara Escarpment Commission	Director
19.	Office of the Conflict of Interest Commissioner	Director
20.	Office of the Employer Adviser	Director
21.	Office of the Worker Adviser	Director
22.	Ontario Clean Water Agency	Chief executive officer
23.	Ontario Financing Authority	Chief executive officer
24.	Ontario Heritage Trust	Executive director
25.	Ontario Human Rights Commission	Executive director
26.	Ontario Labour Relations Board	Director/registrar
27.	Ontario Media Development Corporation	Chief executive officer
28.	Ontario Municipal Board	Chief executive officer
29.	Ontario Parole and Earned Release Board	Manager
30.	Ontario Place Corporation	General manager
31.	Ontario Police Arbitration Commission	Executive officer
32.	Ontario Review Board	Chief operating officer and registrar
33.	Ontario Tourism Marketing Partnership Corporation	President and chief executive officer
34.	Pay Equity Hearings Tribunal	Director/registrar of the Ontario Labour Relations Board

Item	Column 1	Column 2
	Commission public body	Prescribed individual
35.	Pay Equity Office	Director
36.	Post Secondary Education Quality Assessment Board	Director
37.	Public Service Grievance Board	Secretary
38.	Social Assistance Review Board	General manager
39.	Social Benefits Tribunal	General manager
40.	St. Lawrence Parks Commission	General manager

32/07

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POLITICAL ACTIVITY: SPECIALLY RESTRICTED PUBLIC SERVANTS

Prescribed tribunals

1. The tribunals listed in Schedule 1 are prescribed for the purposes of paragraph 9 of subsection 85 (2) of the Act.

Prescribed classes of public servant

2. The following classes of public servants are prescribed for the purposes of paragraph 10 of subsection 85 (2) of the Act:
 1. The government appointees to the Niagara Escarpment Commission who are not members of the council of a municipality.

Commencement

3. **This Regulation comes into force on the day subsection 85 (2) of the Act comes into force.**

SCHEDULE 1 PRESCRIBED TRIBUNALS

1. Agriculture, Food and Rural Affairs Appeal Tribunal.
2. Alcohol and Gaming Commission of Ontario.
3. Animal Care Review Board.
4. Assessment Review Board.
5. Board of negotiation continued under subsection 27 (1) of the *Expropriations Act*.
6. Board of negotiation established under subsection 172 (5) of the *Environmental Protection Act*.
7. Building Code Commission.
8. Building Materials Evaluation Commission.
9. Child and Family Services Review Board.
10. Chiropody Review Committee.
11. Chiropractic Review Committee.
12. College Relations Commission.
13. Consent and Capacity Board.
14. Conservation Review Board.

15. Criminal Injuries Compensation Board.
16. Crown Employees Grievance Settlement Board.
17. Custody Review Board.
18. Dentistry Review Committee.
19. Education Relations Commission.
20. Environmental Review Tribunal.
21. Fairness Commissioner.
22. Financial Services Commission of Ontario.
23. Financial Services Tribunal.
24. Fire Safety Commission.
25. Health Professions Appeal and Review Board.
26. Health Services Appeal and Review Board.
27. Human Rights Tribunal of Ontario.
28. Landlord and Tenant Board.
29. Licence Appeal Tribunal.
30. Medical Eligibility Committee formed under subsection 7 (1) of the *Health Insurance Act*.
31. Normal Farm Practices Protection Board.
32. Ontario Civilian Commission on Police Services.
33. Ontario Energy Board.
34. Ontario Farm Products Marketing Commission.
35. Ontario Film Review Board.
36. Ontario Highway Transport Board.
37. Ontario Human Rights Commission.
38. Ontario Labour Relations Board.
39. Ontario Municipal Board.
40. Ontario Parole and Earned Release Board.
41. Ontario Racing Commission.
42. Ontario Review Board.
43. Ontario Securities Commission.
44. Ontario Special Education Tribunal (English).
45. Ontario Special Education Tribunal (French).
46. Optometry Review Committee.
47. Pay Equity Hearings Tribunal.
48. Pay Equity Office.
49. Public Service Grievance Board.
50. Social Assistance Review Board.
51. Social Benefits Tribunal.
52. Workplace Safety and Insurance Appeals Tribunal.

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Printed in *The Ontario Gazette*: August 11, 2007**PUBLIC SERVICE GRIEVANCE BOARD: COMPLAINTS AND HEARINGS****CONTENTS**

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INTERPRETATION

Definitions**1. In this Regulation,**

"complainant" means a person who files a complaint with the Public Service Grievance Board or who gives notice in accordance with section 8 of his or her proposal to file a complaint;

"complaint about a disciplinary measure" means a complaint described in subsection 3 (1);

"complaint about a working condition or a term of employment" means a complaint described in subsection 4 (1);

"complaint about dismissal for cause" means a complaint described in subsection 2 (1);

"complaint under Part V of the Act (Political Activity)" means a complaint that may be filed with the Public Service Grievance Board under subsection 104 (3) of the Act;

"complaint under Part VI of the Act (Disclosing and Investigating Wrongdoing)" means a complaint that may be filed with the Public Service Grievance Board under subsection 140 (3) of the Act.

COMPLAINTS AUTHORIZED BY THIS REGULATION

Complaint about dismissal for cause

2. (1) A person who is aggrieved by his or her dismissal for cause under section 34 of the Act may file a complaint about the dismissal for cause with the Public Service Grievance Board,

- (a) if the person is eligible under sections 5 and 6 to file such a complaint;
- (b) if the person gives notice in accordance with section 8 of his or her proposal to file the complaint; and
- (c) if the person complies with the filing requirements set out in section 10.

(2) Subsection (1) does not affect the right of a person to file a complaint under Part V of the Act (Political Activity) or a complaint under Part VI of the Act (Disclosing and Investigating Wrongdoing).

Complaint about a disciplinary measure

3. (1) A public servant who is aggrieved by the imposition of a disciplinary measure under section 34 of the Act, other than dismissal for cause, may file a complaint about the disciplinary measure with the Public Service Grievance Board,

- (a) if the public servant is eligible under section 5 to file such a complaint;
- (b) if the public servant gives notice in accordance with section 8 of his or her proposal to file the complaint; and
- (c) if the public servant complies with the filing requirements set out in section 10.

(2) Subsection (1) does not affect the right of a public servant to file a complaint under Part V of the Act (Political Activity) or a complaint under Part VI of the Act (Disclosing and Investigating Wrongdoing).

Complaint about a working condition or a term of employment

4. (1) Subject to subsection (2), a public servant who is aggrieved about a working condition or about a term of his or her employment may file a complaint about the working condition or the term of employment with the Public Service Grievance Board,

- (a) if the public servant is eligible under sections 5 and 7 to file such a complaint;
- (b) if the public servant gives notice in accordance with section 8 of his or her proposal to file the complaint; and
- (c) if the public servant complies with the filing requirements set out in section 10.

(2) The following matters cannot be the subject of a complaint about a working condition or about a term of employment:

1. The term or duration of the public servant's appointment to employment by the Crown.
2. The assignment of the public servant to a particular class of position.
3. A dismissal without cause under subsection 38 (1) of the Act or a matter relating to such a dismissal.
4. The evaluation of a public servant's performance or the method of evaluating his or her performance.
5. The compensation provided or denied to a public servant as a result of the evaluation of his or her performance.

(3) Subsections (1) and (2) do not affect the right of a public servant to file a complaint under Part V of the Act (Political Activity) or a complaint under Part VI of the Act (Disclosing and Investigating Wrongdoing).

ELIGIBILITY TO FILE A COMPLAINT

Eligibility generally

5. (1) Subject to subsections (2) and (3), a public servant or other person is eligible to file a complaint if he or she was appointed by the Public Service Commission under subsection 32 (1) or (2) of the Act to employment by the Crown.

(2) If any of the following circumstances existed at the material time, a public servant or other person is not eligible to file a complaint:

1. He or she was a member of a bargaining unit represented by a bargaining agent under the *Crown Employees Collective Bargaining Act, 1993* or under the *Ontario Provincial Police Collective Bargaining Act, 2006*.
2. He or she was represented by the Ontario Crown Attorneys' Association or the Association of Law Officers of the Crown under an agreement between the Crown and one or both of those Associations.
3. He or she was employed in a position that was classified under subsection 33 (1) of the Act as a term classified position.
4. He or she was employed for a fixed term,
 - i. on a non-recurring project,
 - ii. in a professional or other special capacity, or
 - iii. on a temporary work assignment arranged by the Public Service Commission in accordance with a program for providing temporary help.
5. He or she was employed for a fixed term for fewer than 14 hours per week, employed for a fixed term for fewer than nine full days in four consecutive weeks or employed for a fixed term on an irregular or on-call basis.
6. He or she was employed for a fixed term during his or her regular school, college or university vacation period or was employed for a fixed term under a co-operative educational training program.

(3) Subsections (1) and (2) do not affect the right of a public servant or other person to file a complaint under Part V of the Act (Political Activity) or a complaint under Part VI of the Act (Disclosing and Investigating Wrongdoing).

Restrictions, complaint about dismissal for cause

6. A person is eligible to file a complaint about dismissal for cause only if, immediately before his or her dismissal,
- (a) he or she had been employed continuously for at least 12 months for a fixed term or a succession of fixed terms under subsection 32 (1) or (2) of the Act; or
 - (b) he or she was employed otherwise than for a fixed term and was not on probation.

Restrictions, complaint about a working condition or a term of employment

7. (1) A public servant is eligible to file a complaint about a working condition or a term of employment only if he or she had been employed continuously for at least six months before the deadline for giving notice in accordance with section 8 of his or her proposal to file the complaint.

(2) Despite subsection (1), the following public servants are not eligible to file a complaint about a working condition or a term of employment:

1. A public servant employed in a position that is classified under subsection 33 (1) of the Act as a position within the Senior Management Group.
2. A public servant who is employed as a Branch Director or as a Hospital Administrator.
3. A public servant who is employed in a position with headquarters located outside Ontario.
4. A public servant who is employed by the Crown as a lawyer.

FILING A COMPLAINT

Notice of proposal to file a complaint

8. (1) A person who proposes to file a complaint shall give notice of the proposal to the following person or entity:

1. A complainant who, at the material time, worked in a ministry shall give the notice to his or her deputy minister.
2. A complainant who, at the material time, worked in a Commission public body shall give the notice to the chair of the Public Service Commission.

(2) Subsection (1) does not apply with respect to a complaint under Part V of the Act (Political Activity) or a complaint under Part VI of the Act (Disclosing and Investigating Wrongdoing).

(3) The notice must set out the reasons for the complaint.

(4) The notice must be given within the following period:

1. For a complaint about dismissal for cause, within 14 days after the complainant receives notice of the dismissal.
2. For a complaint about a disciplinary measure, within 14 days after the complainant receives notice of the imposition of the disciplinary measure.
3. For a complaint about a working condition or a term of employment, within 14 days after the complainant becomes aware of the working condition or term of employment giving rise to the complaint.

Period for dispute resolution

9. (1) A complainant is not entitled to file a complaint with the Public Service Grievance Board until expiry of the period provided under this section for dispute resolution.

(2) Subsection (1) does not affect the right of a public servant or other person to file a complaint under Part V of the Act (Political Activity) or a complaint under Part VI of the Act (Disclosing and Investigating Wrongdoing).

(3) If the complainant was required to give a deputy minister notice of the proposal to make the complaint, and if the deputy minister or his or her delegate meets with the complainant within 30 days after the deputy minister receives the notice, the period provided for dispute resolution expires on the earlier of,

- (a) the day that is 30 days after the meeting; or
- (b) the day on which the deputy minister gives written notice to the complainant of his or her decision about the proposed complaint.

(4) If the complainant was required to give the chair of the Public Service Commission notice of the proposal to make the complaint, and if the chair or his or her delegate meets with the complainant within 30 days after the chair receives the notice, the period provided for dispute resolution expires on the earlier of,

- (a) the day that is 30 days after the meeting; or
- (b) the day on which the chair gives written notice to the complainant of his or her decision about the proposed complaint.

(5) If the deputy minister or chair of the Public Service Commission, as the case may be, or his or her delegate does not meet with the complainant within 30 days after receiving the notice, the period provided for dispute resolution expires 30 days after the notice was given to the deputy minister or chair.

Filing a complaint

10. (1) Within 14 days after the expiry of the period, if any, provided for dispute resolution under section 9, the complainant may file the complaint with the Public Service Grievance Board by delivering it to the chair of the Board.

(2) The complaint must set out the reasons for the complaint and must include the notice of the proposal, if any, to make the complaint and such other information and documents as the Board may specify.

HEARING A COMPLAINT

Duty to hear a complaint

11. (1) Within 30 days after a complaint is filed with the Public Service Grievance Board, the chair of the Board shall fix a time and place for a hearing of the complaint.

(2) The complainant and such other persons as the Board considers appropriate are parties to the complaint.

(3) The chair of the Board shall give written notice of the hearing to the parties.

Hearing

12. (1) The Public Service Grievance Board may assign one or more of its members to hear a complaint.

(2) A member is not precluded from hearing a complaint because he or she assisted the parties to mediate, conciliate, negotiate or help resolve the complaint by means of an alternate dispute resolution mechanism or because he or she presided at a pre-hearing conference at which the parties attempted to settle issues in the complaint.

(3) The consent of the parties is not required to permit a member described in subsection (2) to hear a complaint.

Combined hearings, etc.

13. (1) If two or more complaints involve the same or similar questions of fact, law or policy, the Public Service Grievance Board may combine the hearings for all or part of the complaints or may hear the complaints at the same time.

(2) The consent of the parties is not required to permit the Board to combine hearings or hear complaints at the same time.

Restriction on interim orders

14. The Board cannot make an interim order requiring the reinstatement of a person as a public servant.

“VULNERABLE PERSON” UNDER SECTION 24 OF THE ACT

Vulnerable person

15. For the purposes of section 24 of the Act, a person is a vulnerable person,

(a) if he or she is a person to whom services are provided in a community resource centre that is designated under section 15 of the *Ministry of Correctional Services Act*; or

(b) if he or she is an inmate, youth, patient, pupil or resident who is detained, resides or is cared for in,

(i) premises where services are provided by the Minister under the *Child and Family Services Act*,

(ii) a facility under the *Developmental Services Act*,

(iii) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf, school for the blind or demonstration school established or continued under section 13 of the *Education Act*,

(iv) a psychiatric facility under the *Mental Health Act*,

(v) a correctional institution under the *Ministry of Correctional Services Act*,

(vi) a place of temporary detention under the *Youth Criminal Justice Act* (Canada),

(vii) a youth custody facility under the *Youth Criminal Justice Act* (Canada), or

(viii) any other workplace where a public servant assigned to any of the locations described in clause (a) or subclauses (i) to (vii) works in carrying out the duties of his or her position.

COMMENCEMENT

Commencement

16. This Regulation comes into force on the day section 22 of the Act comes into force.

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Printed in *The Ontario Gazette*: August 11, 2007**SUSPENSION PENDING INVESTIGATION (PART III OF THE ACT)****Suspension pending investigation**

1. The maximum period of a suspension under subsection 36 (2) of the Act is two years.

Commencement

2. **This Regulation comes into force on the day subsection 36 (2) of the Act comes into force.**

32/07

ONTARIO REGULATION 380/07

made under the

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Printed in *The Ontario Gazette*: August 11, 2007**DISMISSAL WITHOUT CAUSE (PART III OF THE ACT)****Dismissal without cause**

1. (1) The following classes of position are prescribed for the purposes of subsection 38 (1) of the Act:

1. Any class of position of public servants employed in a senior management capacity and classified under subsection 33 (1) of the Act as a position within the Senior Management Group.
2. Any class of position of public servants employed in a managerial, administrative, professional, technical, clerical, operational or confidential capacity and classified under subsection 33 (1) of the Act as a position within the Management Compensation Plan.

(2) Subsection (1) does not apply with respect to classes of positions whose incumbents are represented by a bargaining agent for the purposes of collective bargaining under the *Crown Employees Collective Bargaining Act, 1993*.

Commencement

2. **This Regulation comes into force on the day subsection 38 (1) of the Act comes into force.**

32/07

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**CONFLICT OF INTEREST RULES FOR PUBLIC SERVANTS (MINISTRY) AND FORMER
PUBLIC SERVANTS (MINISTRY)**

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**PART I
RULES FOR PUBLIC SERVANTS WHO WORK IN A MINISTRY**

INTERPRETATION

Definitions

1. In this Part,

“confidential information” means information that is not available to the public and that, if disclosed, could result in harm to the Crown or could give the person to whom it is disclosed an advantage;

“gift” includes a benefit of any kind;

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons who live together in a conjugal relationship outside marriage.

Application

- 2. This Part applies to every public servant who works in a ministry.

PROHIBITED CONDUCT

Benefiting self, spouse or children

3. (1) A public servant shall not use or attempt to use his or her employment by the Crown to directly or indirectly benefit himself or herself or his or her spouse or children.

(2) A public servant shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Crown.

Accepting gifts

4. (1) A public servant shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the public servant when performing his or her duties to the Crown:

- 1. A person, group or entity that has dealings with the Crown.
- 2. A person, group or entity to whom the public servant provides services in the course of his or her duties to the Crown.
- 3. A person, group or entity that seeks to do business with the Crown.

(2) Subsection (1) shall not operate to prevent a public servant from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

(3) A public servant who receives a gift in the circumstances described in subsection (1) shall notify his or her ethics executive.

Disclosing confidential information

5. (1) A public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the public servant is authorized to do so by law or by the Crown.

(2) A public servant shall not use confidential information in a business or undertaking outside his or her work for the Crown.

- (3) A public servant shall not accept a gift directly or indirectly in exchange for disclosing confidential information.

Giving preferential treatment

6. (1) When performing his or her duties to the Crown, a public servant shall not give preferential treatment to any person or entity, including a person or entity in which the public servant or a member of his or her family or a friend has an interest.

(2) When performing his or her duties to the Crown, a public servant shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it.

(3) A public servant shall not offer assistance to a person or entity in dealing with the Crown other than assistance given in the ordinary course of the public servant's employment.

Hiring family members

- 7. (1) A public servant shall not, on behalf of the Crown, hire his or her spouse, child, parent or sibling.

(2) A public servant shall not, on behalf of the Crown, enter into a contract with his or her spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest.

(3) A public servant who hires a person on behalf of the Crown shall ensure that the person does not report to, or supervise the work of, the person's spouse, child, parent or sibling.

(4) A public servant who reports to, or supervises the work of, his or her spouse, child, parent or sibling shall notify his or her ethics executive.

Engaging in business, etc.

8. A public servant shall not become employed by or engage in a business or undertaking outside his or her employment by the Crown in any of the following circumstances:

- 1. If the public servant's private interests in connection with the employment or undertaking could conflict with his or her duties to the Crown.

2. If the employment or undertaking would interfere with the public servant's ability to perform his or her duties to the Crown.
3. If the employment is in a professional capacity and is likely to influence or detrimentally affect the public servant's ability to perform his or her duties to the Crown.
4. If the employment would constitute full-time employment for another person. However, this paragraph does not apply with respect to a public servant who is employed part-time by the Crown. This paragraph also does not apply with respect to a public servant who is on an authorized leave of absence from his or her position, but only if the employment is not contrary to or inconsistent with the terms of the leave of absence.
5. If, in connection with the employment or undertaking, any person would derive an advantage from the public servant's employment as a public servant.
6. If government premises, equipment or supplies are used in the employment or undertaking.

Participating in decision-making

9. (1) A public servant shall not participate in decision-making by the Crown with respect to a matter that the public servant is able to influence in the course of his or her duties if the public servant could benefit from the decision.

(2) Subsection (1) does not apply if the public servant obtains the prior approval of his or her ethics executive to participate in decision-making by the Crown with respect to the matter.

(3) A public servant who, in the course of his or her employment in a ministry, is a member of a body or group shall not participate in, or attempt to influence, decision-making by the body or group with respect to a matter if the public servant could benefit from the decision or if, as a result of the decision, the interests of the body or group could conflict with the interests of the Crown.

(4) A public servant described in subsection (3) shall inform the body or group if the circumstances described in that subsection exist.

MATTERS THAT MIGHT INVOLVE THE PRIVATE SECTOR

Interpretation

10. (1) Sections 11 and 12 apply to every public servant who works in a ministry, who routinely works on one or more matters that might involve the private sector and who has access to confidential information about the matter obtained during the course of his or her employment by the Crown.

(2) In this section and in sections 11 and 12,

“matter that might involve the private sector” means a matter,

- (a) that relates to services currently provided under a program of the Crown or by a public body, an agency of the Crown or a corporation controlled by the Crown with respect to which it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services, and
- (b) that has been referred to a ministry, a public body or an agency of the Crown by the Executive Council or a member of the Executive Council for review or implementation.

Duty to declare certain financial interests

11. (1) When a public servant described in subsection 10 (1) begins work on a matter that might involve the private sector, he or she shall make a declaration to the Conflict of Interest Commissioner in which the public servant discloses the following matters respecting his or her financial interests:

1. A legal or beneficial interest of the public servant in securities or derivatives of corporations or governments, other than the Government of Ontario.
2. A legal or beneficial interest of the public servant in a business entity or a commercial operation or in the assets of such an entity or operation.
3. A legal or beneficial interest of the public servant in real property.
4. A legal or beneficial interest of the public servant in a mutual fund that is operated as an investment club where,
 - i. its shares or units are held by not more than 50 persons and its indebtedness has never been offered to the public,
 - ii. it does not pay or give any remuneration for investment advice or in respect of trades in securities, except normal brokerage fees, and
 - iii. all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations.

(2) Despite subsection (1), the public servant is not required to disclose his or her legal or beneficial interest in any of the following:

1. A mutual fund within the meaning of subsection 1 (1) of the *Securities Act* other than a mutual fund described in paragraph 4 of subsection (1) of this Regulation.
2. Fixed-value securities issued or guaranteed by a government or a government agency.
3. A guaranteed investment certificate or similar financial instrument issued by a financial institution entitled by law to issue such instruments.
4. A registered pension plan, an employee benefit plan, an annuity or life insurance policy or a deferred profit sharing plan.
5. Real property that the public servant, or a member of his or her family, uses primarily as a residence or for recreational purposes.

(3) The public servant shall disclose the information required by subsection (1), with necessary modifications, in respect of his or her spouse and dependent children, but only to the extent that the legal or beneficial interests of the spouse or a child could create a conflict of interest.

(4) For the purpose of subsection (3), the public servant shall make reasonable efforts to obtain information about the financial interests described in subsection (1) of his or her spouse and dependent children.

(5) The public servant shall give the Conflict of Interest Commissioner a revised declaration whenever there is a change in any of the information required to be disclosed.

Prohibition on certain purchases

12. (1) A public servant described in subsection 10 (1) shall not purchase, or cause another person to purchase on his or her behalf, a legal or beneficial interest in an entity that is carrying on, or proposes to carry on, an activity relating to a matter that might involve the private sector.

(2) Despite subsection (1), a public servant may purchase an interest in a mutual fund (within the meaning of subsection 1 (1) of the *Securities Act*) that includes securities of a person or entity described in subsection (1) but not an interest in a mutual fund described in paragraph 4 of subsection 11 (1) of this Regulation that includes such securities.

(3) The prohibition described in subsection (1) ceases to have effect with respect to the matter,

- (a) six months after the date on which the action in respect of the matter is completed; or
- (b) six months after the date the Crown ceases to work on the matter.

List of positions

13. (1) The Public Service Commission shall maintain a current list of positions in which public servants work in a ministry and routinely work on one or more matters that might involve the private sector.

(2) The Commission shall ensure that public servants employed by the Crown in the positions described in subsection (1) are advised of the duties and restrictions imposed upon them under sections 11 and 12.

(3) Every ethics executive shall notify the Commission of changes to be made to the list with respect to those persons for whom he or she is the ethics executive.

PART II RULES FOR FORMER PUBLIC SERVANTS WHO WORKED IN A MINISTRY

INTERPRETATION

Definition

14. In this Part,

“designated senior position” means any of the following positions:

1. The Secretary of the Cabinet.
2. Deputy minister, associate deputy minister or assistant deputy minister.
3. A position that is classified under subsection 33 (1) of the Act as SMG 2, XOFA 1, XOFA 2, ITX 2, ITX 3 or ITX 4.

Application

15. (1) This Part applies with respect to every former public servant who, immediately before he or she ceased to be a public servant, worked in a ministry.

(2) Despite subsection (1), this Part does not apply to a person who ceases to be a public servant before the day on which section 57 of the Act comes into force.

PROHIBITED CONDUCT

Seeking preferential treatment, etc.

16. A former public servant shall not seek preferential treatment by, or privileged access to, public servants who work in a minister's office, a ministry or a public body.

Disclosing confidential information

17. (1) A former public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the former public servant is authorized to do so by law or by the Crown.

(2) A former public servant shall not use confidential information in a business or undertaking.

Restriction on lobbying

18. (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not lobby any of the following persons on behalf of a public body or another person or entity:

1. A public servant who works in a ministry or public body in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
2. The minister of any ministry in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
3. A public servant who works in the office of a minister described in paragraph 2.

Restriction on employment, etc.

19. (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position and who, at any time during the 12 months before he or she ceased to be employed as a public servant, in the course of his or her employment as a public servant,

- (a) had substantial involvement with a public body or another person or entity; and
- (b) had access to confidential information that, if it were to be disclosed to the public body, person or entity, could result in harm to the Crown or could give the public body, person or entity an unfair advantage in relation to one or more third parties.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity.

Restriction re certain transactions

20. (1) This section applies to a former public servant who, when he or she was a public servant working in a ministry, advised the Crown about a particular proceeding, negotiation or other transaction.

(2) The former public servant shall not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown ceases to be involved in it.

(3) Despite subsection (2), the former public servant may continue to advise or otherwise assist the Crown in connection with the particular proceeding, negotiation or other transaction.

PART III COMMENCEMENT

Commencement

21. This Regulation comes into force on the day section 57 of the Act comes into force.

RÈGLEMENT DE L'ONTARIO 381/07

pris en application de la

LOI DE 2006 SUR LA FONCTION PUBLIQUE DE L'ONTARIO

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PARTIE III**ENTRÉE EN VIGUEUR**

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PARTIE I**RÈGLES VISANT LES FONCTIONNAIRES QUI TRAVAILLENT DANS LES MINISTÈRES**

INTERPRÉTATION

Définitions

1. Les définitions qui suivent s'appliquent à la présente partie.

«conjoint» S'entend :

- a) soit d'un conjoint au sens de l'article 1 de la *Loi sur le droit de la famille*;
- b) soit de l'une ou l'autre de deux personnes qui vivent ensemble dans une union conjugale hors du mariage. («spouse»)

«don» S'entend en outre de tout avantage. («gift»)

«renseignements confidentiels» Renseignements qui ne sont pas dans le domaine public et dont la divulgation pourrait faire subir un préjudice à la Couronne ou pourrait conférer un avantage à la personne à qui ils sont divulgués. («confidential information»)

Application

2. La présente partie s'applique à tous les fonctionnaires qui travaillent dans les ministères.

CONDUITE INTERDITE

Interdiction de conférer un avantage

3. (1) Le fonctionnaire ne doit pas utiliser son emploi au service de la Couronne pour, directement ou indirectement, se conférer un avantage à lui-même ou en conférer un à son conjoint ou à ses enfants, ni tenter de le faire.

(2) Le fonctionnaire ne doit pas laisser la perspective d'un emploi futur au service d'une personne ou d'une entité nuire à l'exercice de ses fonctions au service de la Couronne.

Interdiction d'accepter de dons

4. (1) Un fonctionnaire ne doit pas accepter de don des personnes ou des entités suivantes lorsqu'une personne raisonnable pourrait conclure que le don risque de l'influencer dans l'exercice de ses fonctions au service de la Couronne :

1. Une personne, un groupe ou une entité qui a des rapports avec la Couronne.
2. Une personne, un groupe ou une entité à qui le fonctionnaire fournit des services dans le cadre de ses fonctions au service de la Couronne.
3. Une personne, un groupe ou une entité qui cherche à faire affaire avec la Couronne.

(2) Le paragraphe (1) n'a pas pour effet d'empêcher le fonctionnaire d'accepter un don de valeur symbolique offert par mesure de courtoisie ou d'hospitalité si une telle conduite est raisonnable dans les circonstances.

(3) Le fonctionnaire qui reçoit un don dans les circonstances visées au paragraphe (1) en avise son responsable de l'éthique.

Divulgarion de renseignements confidentiels

5. (1) Le fonctionnaire ne peut divulguer à une personne ou à une entité des renseignements confidentiels obtenus dans le cadre de son emploi au service de la Couronne que si la loi ou la Couronne l'y autorise.

(2) Le fonctionnaire ne doit pas utiliser de renseignements confidentiels dans le cadre d'une activité commerciale ou autre en dehors de son travail au service de la Couronne.

(3) Le fonctionnaire ne doit pas accepter de dons de façon directe ou indirecte en échange de la divulgation de renseignements confidentiels.

Traitement préférentiel

6. (1) Dans l'exercice de ses fonctions au service de la Couronne, le fonctionnaire ne doit pas faire bénéficier une personne ou une entité d'un traitement préférentiel, y compris une personne ou une entité dans laquelle lui-même, un membre de sa famille ou un de ses amis a un intérêt.

(2) Dans l'exercice de ses fonctions au service de la Couronne, le fonctionnaire doit s'efforcer d'éviter de donner l'impression qu'une personne ou une entité bénéficie d'un traitement préférentiel dont elle pourrait tirer un avantage.

(3) Le fonctionnaire ne doit pas fournir de l'aide à une personne ou à une entité dans ses rapports avec la Couronne si ce n'est l'aide fournie dans le cours normal de son emploi.

Embauche de membres de la famille

7. (1) Le fonctionnaire ne doit pas, au nom de la Couronne, embaucher son conjoint, son enfant, son père, sa mère, son frère ou sa soeur.

(2) Le fonctionnaire ne doit pas, au nom de la Couronne, conclure un contrat avec son conjoint, son enfant, son père, sa mère, son frère ou sa soeur ni avec une personne ou une entité dans laquelle l'un d'eux a un intérêt important.

(3) Le fonctionnaire qui, au nom de la Couronne, embauche une personne veille à ce qu'elle ne relève pas de son propre conjoint, de son propre enfant, de son propre père, de sa propre mère, de son propre frère ou de sa propre soeur ou à ce qu'elle n'en supervise pas le travail.

(4) Le fonctionnaire qui relève de son conjoint, de son enfant, de son père, de sa mère, de son frère ou de sa soeur ou qui en supervise le travail en avise son responsable de l'éthique.

Exercice d'une activité

8. Un fonctionnaire ne doit pas être employé dans une activité commerciale ou autre ni s'y livrer en dehors de son emploi au service de la Couronne dans l'une des circonstances suivantes :

1. Les intérêts privés du fonctionnaire liés à l'emploi ou l'activité risquent d'entrer en conflit avec ses fonctions au service de la Couronne.
2. L'emploi ou l'activité entraverait la capacité du fonctionnaire à exercer ses fonctions au service de la Couronne.
3. Il s'agit d'un emploi à titre professionnel qui risquerait d'influer sur la capacité du fonctionnaire à exercer ses fonctions au service de la Couronne ou de lui nuire.
4. L'emploi constituerait un emploi à temps plein pour une autre personne. Cependant, la présente disposition ne s'applique pas à l'égard d'un fonctionnaire qui est employé à temps partiel au service de la Couronne. La présente disposition ne s'applique pas non plus à l'égard d'un fonctionnaire qui est en congé autorisé pourvu que l'emploi n'entre pas en contradiction ou ne soit pas incompatible avec les conditions du congé.
5. Relativement à l'emploi ou l'activité, n'importe qui pourrait tirer un avantage du fait que le fonctionnaire est employé en tant que tel.
6. Des locaux, du matériel ou des fournitures du gouvernement sont utilisés pour l'emploi ou l'activité.

Participation à la prise de décision

9. (1) Le fonctionnaire ne doit pas participer à la prise d'une décision par la Couronne en ce qui concerne une question sur laquelle il peut avoir une influence dans le cadre de ses fonctions s'il peut tirer un avantage de la décision.

(2) Le paragraphe (1) ne s'applique pas si le fonctionnaire obtient au préalable de son responsable de l'éthique l'autorisation de participer à la prise de décision par la Couronne en ce qui concerne la question.

(3) Le fonctionnaire qui, dans le cadre de son emploi dans un ministère, est membre d'un organisme ou d'un groupe ne doit pas participer à la prise de décision par l'organisme ou le groupe sur une question ni tenter de l'influencer s'il peut lui-même tirer un avantage de la décision ou si, par suite de celle-ci, les intérêts de l'organisme ou du groupe pourraient entrer en conflit avec ceux de la Couronne.

(4) Un fonctionnaire visé au paragraphe (3) informe l'organisme ou le groupe de l'existence des circonstances visées à ce paragraphe.

QUESTIONS POUVANT CONCERNER LE SECTEUR PRIVÉ**Interprétation**

10. (1) Les articles 11 et 12 s'appliquent aux fonctionnaires qui travaillent dans un ministère, qui travaillent de façon courante sur des questions pouvant concerner le secteur privé et qui ont accès à des renseignements confidentiels sur ces questions obtenus dans le cadre de leur emploi au service de la Couronne.

(2) La définition qui suit s'applique au présent article et aux articles 11 et 12.

«question pouvant concerner le secteur privé» S'entend d'une question qui :

- a) d'une part, se rapporte à des services qui sont fournis actuellement dans le cadre d'un programme de la Couronne ou par un organisme public, un organisme de la Couronne ou une société contrôlée par la Couronne et qu'il est possible qu'une entité du secteur privé finance ou fournisse en tout ou en partie;
- b) d'autre part, a été renvoyée à un ministère, un organisme public ou un organisme de la Couronne par le Conseil exécutif ou un de ses membres pour examen ou mise en oeuvre.

Obligation de déclarer certains intérêts financiers

11. (1) Le fonctionnaire visé au paragraphe 10 (1) qui commence à travailler sur une question pouvant concerner le secteur privé remet au commissaire aux conflits d'intérêts une déclaration dans laquelle il divulgue les questions suivantes en ce qui concerne ses intérêts financiers :

1. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans des valeurs mobilières ou des produits dérivés de sociétés ou de gouvernements autres que le gouvernement de l'Ontario.
2. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans une entreprise ou une exploitation commerciale ou dans leurs éléments d'actif.
3. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans des biens immeubles.
4. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans un fonds mutuel qui est exploité comme un club d'investissement, si les conditions suivantes sont réunies :
 - i. ses actions ou ses parts sont détenues par 50 personnes au plus et ses titres de créance n'ont jamais été offerts au public,

- ii. il ne verse aucune rémunération pour des conseils en matière d'investissement ou d'opérations sur valeurs mobilières, sauf les frais de courtage ordinaires,
- iii. chacun de ses membres est tenu de contribuer au financement de son exploitation en proportion des actions ou parts qu'il détient.

(2) Malgré le paragraphe (1), le fonctionnaire n'est pas tenu de divulguer son intérêt en common law ou son intérêt bénéficiaire dans ce qui suit :

1. Un fonds mutuel au sens du paragraphe 1 (1) de la *Loi sur les valeurs mobilières* autre qu'un fonds mutuel visé à la disposition 4 du paragraphe (1) du présent règlement.
2. Les valeurs mobilières à valeur fixe, émises ou garanties par un palier de gouvernement ou l'un de ses organismes.
3. Les certificats de placement garantis ou d'autres effets financiers semblables émis par une institution financière légitimement autorisée à en émettre.
4. Un régime de retraite enregistré, un régime de prestations aux employés, une rente ou une police d'assurance-vie ou un régime de participation différée aux bénéficiaires.
5. Les biens immeubles que le fonctionnaire ou un membre de sa famille utilise essentiellement à des fins de résidence ou de loisirs.

(3) Le fonctionnaire divulgue les renseignements qu'exige le paragraphe (1) avec les adaptations nécessaires à propos de son conjoint et de ses enfants à charge, mais seulement dans la mesure où leur intérêt en common law ou intérêt bénéficiaire pourrait créer un conflit d'intérêts.

(4) Pour l'application du paragraphe (3), le fonctionnaire fait des efforts raisonnables pour obtenir des renseignements sur les intérêts financiers visés au paragraphe (1) de son conjoint et de ses enfants à charge.

(5) Le fonctionnaire donne au commissaire aux conflits d'intérêts une déclaration révisée dès qu'un changement se produit dans les renseignements qu'il doit divulguer.

Interdiction de certains achats

12. (1) Le fonctionnaire visé au paragraphe 10 (1) ne doit pas acheter, ni demander à une autre personne d'acheter pour son compte, un intérêt en common law ou un intérêt bénéficiaire dans une entité qui exerce ou se propose d'exercer une activité liée à une question pouvant concerner le secteur privé.

(2) Malgré le paragraphe (1), le fonctionnaire peut acheter un intérêt dans un fonds mutuel (au sens du paragraphe 1 (1) de la *Loi sur les valeurs mobilières*) qui est employé dans des valeurs mobilières d'une personne ou d'une entité visée au paragraphe (1), mais non un intérêt dans un fonds mutuel visé à la disposition 4 du paragraphe 11 (1) du présent règlement qui est employé dans de telles valeurs mobilières.

(3) L'interdiction visée au paragraphe (1) cesse d'avoir effet à l'égard de la question :

- a) soit six mois après la date à laquelle la prise des mesures relatives à la question est achevée;
- b) soit six mois après la date à laquelle la Couronne cesse de travailler sur la question.

Liste de postes

13. (1) La Commission de la fonction publique tient à jour une liste des postes des fonctionnaires qui travaillent dans un ministère et qui travaillent de façon courante sur des questions pouvant concerner le secteur privé.

(2) La Commission veille à ce que les fonctionnaires employés au service de la Couronne aux postes visés au paragraphe (1) soient avertis des obligations et des restrictions que les articles 11 et 12 leur imposent.

(3) Les responsables de l'éthique avisent la Commission des modifications à apporter à la liste en ce qui concerne les personnes dont ils sont les responsables de l'éthique.

PARTIE II RÈGLES VISANT LES ANCIENS FONCTIONNAIRES QUI TRAVAILLAIENT DANS LES MINISTÈRES

INTERPRÉTATION

Définition

14. La définition qui suit s'applique à la présente partie.

«poste supérieur désigné» S'entend des postes suivants :

1. Le secrétaire du Conseil des ministres.
2. Les sous-ministres, sous-ministres associés ou sous-ministres adjoints.
3. Les postes classés dans la catégorie de SMG 2, XOFA 1, XOFA 2, ITX 2, ITX 3 ou ITX 4 en vertu du paragraphe 33 (1) de la Loi.

Application

15. (1) La présente partie s'applique à tous les anciens fonctionnaires qui travaillaient dans les ministères juste avant de cesser d'être fonctionnaires.

(2) Malgré le paragraphe (1), la présente partie ne s'applique pas aux personnes qui ont cessé d'être fonctionnaires avant le jour de l'entrée en vigueur de l'article 57 de la Loi.

CONDUITE INTERDITE**Interdiction de solliciter un traitement préférentiel**

16. L'ancien fonctionnaire ne doit pas solliciter de traitement préférentiel de la part de fonctionnaires qui travaillent dans le cabinet d'un ministre, un ministère ou un organisme public ni d'accès privilégié à ceux-ci.

Divulgarion de renseignements confidentiels

17. (1) L'ancien fonctionnaire ne peut divulguer à une personne ou à une entité des renseignements confidentiels obtenus dans le cadre de son emploi au service de la Couronne que si la loi ou la Couronne l'y autorise.

(2) L'ancien fonctionnaire ne doit pas utiliser de renseignements confidentiels dans le cadre d'une activité commerciale ou autre.

Interdiction d'exercer des pressions

18. (1) Le présent article s'applique aux anciens fonctionnaires qui, juste avant de cesser d'être fonctionnaires, étaient employés à un poste supérieur désigné.

(2) Pendant les 12 mois qui suivent la date à laquelle il a cessé d'être fonctionnaire, l'ancien fonctionnaire ne doit pas exercer de pressions sur les personnes suivantes pour le compte d'un organisme public ou d'une autre personne ou entité :

1. Les fonctionnaires qui travaillent dans un ministère ou un organisme public dans lequel l'ancien fonctionnaire a travaillé à un moment donné au cours des 12 mois qui ont précédé la date à laquelle il a cessé d'être fonctionnaire.
2. Le ministre d'un ministère dans lequel l'ancien fonctionnaire a travaillé à un moment donné au cours des 12 mois qui ont précédé la date à laquelle il a cessé d'être fonctionnaire.
3. Les fonctionnaires qui travaillent dans le cabinet d'un ministre visé à la disposition 2.

Restriction en ce qui concerne l'emploi

19. (1) Le présent article s'applique aux anciens fonctionnaires qui, juste avant de cesser d'être fonctionnaires, étaient employés à un poste supérieur désigné et qui, à un moment donné au cours des 12 mois qui ont précédé la date à laquelle ils ont cessé d'être fonctionnaires, dans le cadre de leur emploi de fonctionnaire :

- a) d'une part, avaient des rapports importants avec un organisme public ou une autre personne ou entité;
- b) d'autre part, avaient accès à des renseignements confidentiels dont la divulgation à l'organisme public, à la personne ou à l'entité pourrait conférer à ceux-ci un avantage indu par rapport à des tiers ou pourrait faire subir un préjudice à la Couronne.

(2) Pendant les 12 mois qui suivent la date à laquelle il a cessé d'être fonctionnaire, l'ancien fonctionnaire ne doit pas accepter d'emploi auprès de l'organisme public, de la personne ou de l'entité ni devenir membre de son conseil d'administration ou d'une autre de ses instances dirigeantes.

Restriction en ce qui concerne certaines opérations

20. (1) Le présent article s'applique aux anciens fonctionnaires qui, lorsqu'ils travaillaient comme fonctionnaires dans un ministère, ont conseillé la Couronne sur une instance, négociation ou autre opération donnée.

(2) L'ancien fonctionnaire ne doit pas conseiller un organisme public ou une autre personne ou entité ni l'aider d'une autre façon en ce qui concerne l'instance, la négociation ou l'autre opération tant que la Couronne y est partie.

(3) Malgré le paragraphe (2), l'ancien fonctionnaire peut continuer à conseiller la Couronne ou l'aider d'une autre façon en ce qui concerne l'instance, la négociation ou l'autre opération.

**PARTIE III
ENTRÉE EN VIGUEUR****Entrée en vigueur**

21. Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 57 de la Loi.

ONTARIO REGULATION 382/07

made under the

PUBLIC SERVICE OF ONTARIO ACT, 2006

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PART I**RULES FOR PUBLIC SERVANTS WHO WORK IN A MINISTER'S OFFICE**

INTERPRETATION

Definitions**1. In this Part,**

“confidential information” means information that is not available to the public and that, if disclosed, could result in harm to the Crown or could give the person to whom it is disclosed an advantage;

“gift” includes a benefit of any kind;

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons who live together in a conjugal relationship outside marriage.

Application

2. This Part applies to every public servant who works in a minister’s office.

PROHIBITED CONDUCT

Benefiting self, spouse or children

3. (1) A public servant shall not use or attempt to use his or her employment by the Crown to directly or indirectly benefit himself or herself or his or her spouse or children.

(2) A public servant shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Crown.

Accepting gifts

4. (1) A public servant shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the public servant when performing his or her duties to the Crown:

1. A person, group or entity that has dealings with the Crown.
2. A person, group or entity to whom the public servant provides services in the course of his or her duties to the Crown.
3. A person, group or entity that seeks to do business with the Crown.

(2) Subsection (1) shall not operate to prevent a public servant from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

(3) A public servant who receives a gift in the circumstances described in subsection (1) shall notify his or her ethics executive.

Disclosing confidential information

5. (1) A public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the public servant is authorized to do so by law or by the Crown.

(2) A public servant shall not use confidential information in a business or undertaking outside his or her work for the Crown.

- (3) A public servant shall not accept a gift directly or indirectly in exchange for disclosing confidential information.

Giving preferential treatment

6. (1) When performing his or her duties to the Crown, a public servant shall not give preferential treatment to any person or entity, including a person or entity in which the public servant or a member of his or her family or a friend has an interest.

(2) When performing his or her duties to the Crown, a public servant shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it.

(3) A public servant shall not offer assistance to a person or entity in dealing with the Crown other than assistance given in the ordinary course of the public servant’s employment.

Hiring family members

7. (1) A public servant shall not, on behalf of the Crown, hire his or her spouse, child, parent or sibling.

(2) A public servant shall not, on behalf of the Crown, enter into a contract with his or her spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest.

(3) A public servant who hires a person on behalf of the Crown shall ensure that the person does not report to, or supervise the work of, the person’s spouse, child, parent or sibling.

(4) A public servant who reports to, or supervises the work of, his or her spouse, child, parent or sibling shall notify his or her ethics executive.

Engaging in business, etc.

8. A public servant shall not become employed by or engage in a business or undertaking outside his or her employment by the Crown in any of the following circumstances:

1. If the public servant’s private interests in connection with the employment or undertaking could conflict with his or her duties to the Crown.

2. If the employment or undertaking would interfere with the public servant's ability to perform his or her duties to the Crown.
3. If the employment is in a professional capacity and is likely to influence or detrimentally affect the public servant's ability to perform his or her duties to the Crown.
4. If the employment would constitute full-time employment for another person. However, this paragraph does not apply with respect to a public servant who is employed part-time by the Crown. This paragraph also does not apply with respect to a public servant who is on an authorized leave of absence from his or her position, but only if the employment is not contrary to or inconsistent with the terms of the leave of absence.
5. If, in connection with the employment or undertaking, any person would derive an advantage from the public servant's employment as a public servant.
6. If government premises, equipment or supplies are used in the employment or undertaking.

Participating in decision-making

9. (1) A public servant shall not participate in decision-making by the Crown with respect to a matter that the public servant is able to influence in the course of his or her duties if the public servant could benefit from the decision.

(2) Subsection (1) does not apply if the public servant obtains the prior approval of his or her ethics executive to participate in decision-making by the Crown with respect to the matter.

(3) A public servant who, in the course of his or her employment in a minister's office, is a member of a body or group shall not participate in, or attempt to influence, decision-making by the body or group with respect to a matter if the public servant could benefit from the decision or if, as a result of the decision, the interests of the body or group could conflict with the interests of the Crown.

(4) A public servant described in subsection (3) shall inform the body or group if the circumstances described in that subsection exist.

MATTERS THAT MIGHT INVOLVE THE PRIVATE SECTOR

Interpretation

10. (1) Sections 11 and 12 apply to every public servant who works in a minister's office, who routinely works on one or more matters that might involve the private sector and who has access to confidential information about the matter obtained during the course of his or her employment by the Crown.

(2) In this section and in sections 11 and 12,

“matter that might involve the private sector” means a matter,

- (a) that relates to services currently provided under a program of the Crown or by a public body, an agency of the Crown or a corporation controlled by the Crown with respect to which it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services, and
- (b) that has been referred to a ministry, a public body or an agency of the Crown by the Executive Council or a member of the Executive Council for review or implementation.

Duty to declare certain financial interests

11. (1) When a public servant described in subsection 10 (1) begins work on a matter that might involve the private sector, he or she shall make a declaration to his or her ethics executive in which the public servant discloses the following matters respecting his or her financial interests:

1. A legal or beneficial interest of the public servant in securities or derivatives of corporations or governments, other than the Government of Ontario.
2. A legal or beneficial interest of the public servant in a business entity or a commercial operation or in the assets of such an entity or operation.
3. A legal or beneficial interest of the public servant in real property.
4. A legal or beneficial interest of the public servant in a mutual fund that is operated as an investment club where,
 - i. its shares or units are held by not more than 50 persons and its indebtedness has never been offered to the public,
 - ii. it does not pay or give any remuneration for investment advice or in respect of trades in securities, except normal brokerage fees, and
 - iii. all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations.

(2) Despite subsection (1), the public servant is not required to disclose his or her legal or beneficial interest in any of the following:

1. A mutual fund within the meaning of subsection 1 (1) of the *Securities Act* other than a mutual fund described in paragraph 4 of subsection (1) of this Regulation.
2. Fixed-value securities issued or guaranteed by a government or a government agency.
3. A guaranteed investment certificate or similar financial instrument issued by a financial institution entitled by law to issue such instruments.
4. A registered pension plan, an employee benefit plan, an annuity or life insurance policy or a deferred profit sharing plan.
5. Real property that the public servant, or a member of his or her family, uses primarily as a residence or for recreational purposes.

(3) The public servant shall disclose the information required by subsection (1), with necessary modifications, in respect of his or her spouse and dependent children, but only to the extent that the legal or beneficial interests of the spouse or a child could create a conflict of interest.

(4) For the purpose of subsection (3), the public servant shall make reasonable efforts to obtain information about the financial interests described in subsection (1) of his or her spouse and dependent children.

(5) The public servant shall give his or her ethics executive a revised declaration whenever there is a change in any of the information required to be disclosed.

Prohibition on certain purchases

12. (1) A public servant described in subsection 10 (1) shall not purchase, or cause another person to purchase on his or her behalf, a legal or beneficial interest in an entity that is carrying on, or proposes to carry on, an activity relating to a matter that might involve the private sector.

(2) s Despite subsection (1), a public servant may purchase an interest in a mutual fund (within the meaning of subsection 1 (1) of the *Securities Act*) that includes securities of a person or entity described in subsection (1) of this Regulation but not an interest in a mutual fund described in paragraph 4 of subsection 11 (1) of this Regulation that includes such securities.

(3) The prohibition described in subsection (1) ceases to have effect with respect to the matter,

- (a) six months after the date on which the action in respect of the matter is completed; or
- (b) ix months after the date the Crown ceases to work on the matter.

List of positions

13. (1) For a minister's office, the individual designated under section 47 of the Act or, if no one is designated, the minister shall maintain a current list of positions in the minister's office in which public servants routinely work on one or more matters that might involve the private sector.

(2) The designate or the minister, as the case may be, shall ensure that public servants employed in the positions described in subsection (1) are advised of the duties and restrictions imposed upon them under sections 11 and 12.

(3) The minister's executive assistant shall notify the designate or the minister, as the case may be, of changes to be made to the list with respect to the public servants who work in the minister's office.

PART II RULES FOR FORMER PUBLIC SERVANTS WHO WORKED IN A MINISTER'S OFFICE

INTERPRETATION

Definition

14. In this Part,

“designated senior position” means any of the following positions:

1. In the Office of the Premier, the chief of staff, the principal secretary and any other position for which the duties routinely involve advising the Premier, a minister or a public servant.
2. In any other minister's office, the executive assistant, any special assistant (including a legislative assistant, a communications assistant and a policy advisor) and any other position for which the duties routinely involve advising the minister or a public servant.

Application

15. (1) This Part applies with respect to every former public servant who, immediately before he or she ceased to be a public servant, worked in a minister's office.

(2) Despite subsection (1), this Part does not apply to a person who ceases to be a public servant before the day on which section 57 of the Act comes into force.

PROHIBITED CONDUCT

Seeking preferential treatment, etc.

16. A former public servant shall not seek preferential treatment by, or privileged access to, public servants who work in a minister's office, a ministry or a public body.

Disclosing confidential information

17. (1) A former public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the former public servant is authorized to do so by law or by the Crown.

(2) A former public servant shall not use confidential information in a business or undertaking.

Restriction on lobbying

18. (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not lobby any of the following persons on behalf of a public body or another person or entity:

1. The minister of the minister's office in which the former public servant worked immediately before ceasing to be a public servant.
2. The minister of any other minister's office in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
3. A public servant who works in the minister's office described in paragraph 1 or in any other minister's office described in paragraph 2.
4. A public servant who works in the ministry of the minister's office described in paragraph 1 or in the ministry of any other minister's office described in paragraph 2.

Restriction on employment, etc.

19. (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position and who, at any time during the 12 months before he or she ceased to be employed as a public servant, in the course of his or her employment as a public servant,

- (a) had substantial involvement with a public body or another person or entity; and
- (b) had access to confidential information that, if it were to be disclosed to the public body, person or entity, could result in harm to the Crown or could give the public body, person or entity an unfair advantage in relation to one or more third parties.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity.

Restriction re certain transactions

20. (1) This section applies to a former public servant who, when he or she was a public servant working in a minister's office, advised the Crown about a particular proceeding, negotiation or other transaction.

(2) The former public servant shall not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown ceases to be involved in it.

(3) Despite subsection (2), the former public servant may continue to advise or otherwise assist the Crown in connection with the particular proceeding, negotiation or other transaction.

PART III COMMENCEMENT

Commencement

21. This Regulation comes into force on the day section 57 of the Act comes into force.

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21. Entrée en vigueur

PARTIE I**RÈGLES VISANT LES FONCTIONNAIRES QUI TRAVAILLENT DANS LES CABINETS DES MINISTRES**

INTERPRÉTATION

Définitions

1. Les définitions qui suivent s'appliquent à la présente partie.

«conjoint» S'entend :

- a) soit d'un conjoint au sens de l'article 1 de la *Loi sur le droit de la famille*;
- b) soit de l'une ou l'autre de deux personnes qui vivent ensemble dans une union conjugale hors du mariage. («spouse»)

«don» S'entend en outre de tout avantage. («gift»)

«renseignements confidentiels» Renseignements qui ne sont pas dans le domaine public et dont la divulgation pourrait faire subir un préjudice à la Couronne ou pourrait conférer un avantage à la personne à qui ils sont divulgués. («confidential information»)

Application

2. La présente partie s'applique à tous les fonctionnaires qui travaillent dans les cabinets des ministres.

CONDUITE INTERDITE

Interdiction de conférer un avantage

3. (1) Le fonctionnaire ne doit pas utiliser son emploi au service de la Couronne pour, directement ou indirectement, se conférer un avantage à lui-même ou en conférer un à son conjoint ou à ses enfants, ni tenter de le faire.

(2) Le fonctionnaire ne doit pas laisser la perspective d'un emploi futur au service d'une personne ou d'une entité nuire à l'exercice de ses fonctions au service de la Couronne.

Interdiction d'accepter de dons

4. (1) Un fonctionnaire ne doit pas accepter de don des personnes ou des entités suivantes lorsqu'une personne raisonnable pourrait conclure que le don risque de l'influencer dans l'exercice de ses fonctions au service de la Couronne :

1. Une personne, un groupe ou une entité qui a des rapports avec la Couronne.
2. Une personne, un groupe ou une entité à qui le fonctionnaire fournit des services dans le cadre de ses fonctions au service de la Couronne.
3. Une personne, un groupe ou une entité qui cherche à faire affaire avec la Couronne.

(2) Le paragraphe (1) n'a pas pour effet d'empêcher le fonctionnaire d'accepter un don de valeur symbolique offert par mesure de courtoisie ou d'hospitalité si une telle conduite est raisonnable dans les circonstances.

(3) Le fonctionnaire qui reçoit un don dans les circonstances visées au paragraphe (1) en avise son responsable de l'éthique.

Divulgation de renseignements confidentiels

5. (1) Le fonctionnaire ne peut divulguer à une personne ou à une entité des renseignements confidentiels obtenus dans le cadre de son emploi au service de la Couronne que si la loi ou la Couronne l'y autorise.

(2) Le fonctionnaire ne doit pas utiliser de renseignements confidentiels dans le cadre d'une activité commerciale ou autre en dehors de son travail au service de la Couronne.

(3) Le fonctionnaire ne doit pas accepter de dons de façon directe ou indirecte en échange de la divulgation de renseignements confidentiels.

Traitement préférentiel

6. (1) Dans l'exercice de ses fonctions au service de la Couronne, le fonctionnaire ne doit pas faire bénéficier une personne ou une entité d'un traitement préférentiel, y compris une personne ou une entité dans laquelle lui-même, un membre de sa famille ou un de ses amis a un intérêt.

(2) Dans l'exercice de ses fonctions au service de la Couronne, le fonctionnaire doit s'efforcer d'éviter de donner l'impression qu'une personne ou une entité bénéficie d'un traitement préférentiel dont elle pourrait tirer un avantage.

(3) Le fonctionnaire ne doit pas fournir de l'aide à une personne ou à une entité dans ses rapports avec la Couronne si ce n'est l'aide fournie dans le cours normal de son emploi.

Embauche de membres de la famille

7. (1) Le fonctionnaire ne doit pas, au nom de la Couronne, embaucher son conjoint, son enfant, son père, sa mère, son frère ou sa soeur.

(2) Le fonctionnaire ne doit pas, au nom de la Couronne, conclure un contrat avec son conjoint, son enfant, son père, sa mère, son frère ou sa soeur ni avec une personne ou une entité dans laquelle l'un d'eux a un intérêt important.

(3) Le fonctionnaire qui, au nom de la Couronne, embauche une personne veille à ce qu'elle ne relève pas de son propre conjoint, de son propre enfant, de son propre père, de sa propre mère, de son propre frère ou de sa propre soeur ou à ce qu'elle n'en supervise pas le travail.

(4) Le fonctionnaire qui relève de son conjoint, de son enfant, de son père, de sa mère, de son frère ou de sa soeur ou qui en supervise le travail en avise son responsable de l'éthique.

Exercice d'une activité

8. Un fonctionnaire ne doit pas être employé dans une activité commerciale ou autre ni s'y livrer en dehors de son emploi au service de la Couronne dans l'une des circonstances suivantes :

1. Les intérêts privés du fonctionnaire liés à l'emploi ou l'activité risquent d'entrer en conflit avec ses fonctions au service de la Couronne.
2. L'emploi ou l'activité entraverait la capacité du fonctionnaire à exercer ses fonctions au service de la Couronne.
3. Il s'agit d'un emploi à titre professionnel qui risquerait d'influer sur la capacité du fonctionnaire à exercer ses fonctions au service de la Couronne ou de lui nuire.
4. L'emploi constituerait un emploi à temps plein pour une autre personne. Cependant, la présente disposition ne s'applique pas à l'égard d'un fonctionnaire qui est employé à temps partiel au service de la Couronne. La présente disposition ne s'applique pas non plus à l'égard d'un fonctionnaire qui est en congé autorisé pourvu que l'emploi n'entre pas en contradiction ou ne soit pas incompatible avec les conditions du congé.
5. Relativement à l'emploi ou l'activité, n'importe qui pourrait tirer un avantage du fait que le fonctionnaire est employé en tant que tel.
6. Des locaux, du matériel ou des fournitures du gouvernement sont utilisés pour l'emploi ou l'activité.

Participation à la prise de décision

9. (1) Le fonctionnaire ne doit pas participer à la prise d'une décision par la Couronne en ce qui concerne une question sur laquelle il peut avoir une influence dans le cadre de ses fonctions s'il peut tirer un avantage de la décision.

(2) Le paragraphe (1) ne s'applique pas si le fonctionnaire obtient au préalable de son responsable de l'éthique l'autorisation de participer à la prise de décision par la Couronne en ce qui concerne la question.

(3) Le fonctionnaire qui, dans le cadre de son emploi dans le cabinet d'un ministre, est membre d'un organisme ou d'un groupe ne doit pas participer à la prise de décision par l'organisme ou le groupe sur une question ni tenter de l'influencer s'il peut lui-même tirer un avantage de la décision ou si, par suite de celle-ci, les intérêts de l'organisme ou du groupe pourraient entrer en conflit avec ceux de la Couronne.

(4) Un fonctionnaire visé au paragraphe (3) informe l'organisme ou le groupe de l'existence des circonstances visées à ce paragraphe.

QUESTIONS POUVANT CONCERNER LE SECTEUR PRIVÉ**Interprétation**

10. (1) Les articles 11 et 12 s'appliquent aux fonctionnaires qui travaillent dans le cabinet d'un ministre, qui travaillent de façon courante sur des questions pouvant concerner le secteur privé et qui ont accès à des renseignements confidentiels sur ces questions obtenus dans le cadre de leur emploi au service de la Couronne.

(2) La définition qui suit s'applique au présent article et aux articles 11 et 12.

«question pouvant concerner le secteur privé» S'entend d'une question qui :

- a) d'une part, se rapporte à des services qui sont fournis actuellement dans le cadre d'un programme de la Couronne ou par un organisme public, un organisme de la Couronne ou une société contrôlée par la Couronne et qu'il est possible qu'une entité du secteur privé finance ou fournisse en tout ou en partie;
- b) d'autre part, a été renvoyée à un ministère, un organisme public ou un organisme de la Couronne par le Conseil exécutif ou un de ses membres pour examen ou mise en oeuvre.

Obligation de déclarer certains intérêts financiers

11. (1) Le fonctionnaire visé au paragraphe 10 (1) qui commence à travailler sur une question pouvant concerner le secteur privé remet à son responsable de l'éthique une déclaration dans laquelle il divulgue les questions suivantes en ce qui concerne ses intérêts financiers :

1. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans des valeurs mobilières ou des produits dérivés de sociétés ou de gouvernements autres que le gouvernement de l'Ontario.
2. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans une entreprise ou une exploitation commerciale ou dans leurs éléments d'actif.
3. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans des biens immeubles.
4. L'intérêt en common law ou l'intérêt bénéficiaire du fonctionnaire dans un fonds mutuel qui est exploité comme un club d'investissement, si les conditions suivantes sont réunies :

- i. ses actions ou ses parts sont détenues par 50 personnes au plus et ses titres de créance n'ont jamais été offerts au public,
- ii. il ne verse aucune rémunération pour des conseils en matière d'investissement ou d'opérations sur valeurs mobilières, sauf les frais de courtage ordinaires,
- iii. chacun de ses membres est tenu de contribuer au financement de son exploitation en proportion des actions ou parts qu'il détient.

(2) Malgré le paragraphe (1), le fonctionnaire n'est pas tenu de divulguer son intérêt en common law ou son intérêt bénéficiaire dans ce qui suit :

- 1. Un fonds mutuel au sens du paragraphe 1 (1) de la *Loi sur les valeurs mobilières* autre qu'un fonds mutuel visé à la disposition 4 du paragraphe (1) du présent règlement.
- 2. Les valeurs mobilières à valeur fixe, émises ou garanties par un palier de gouvernement ou l'un de ses organismes.
- 3. Les certificats de placement garantis ou d'autres effets financiers semblables émis par une institution financière légitimement autorisée à en émettre.
- 4. Un régime de retraite enregistré, un régime de prestations aux employés, une rente ou une police d'assurance-vie ou un régime de participation différée aux bénéfices.
- 5. Les biens immeubles que le fonctionnaire ou un membre de sa famille utilise essentiellement à des fins de résidence ou de loisirs.

(3) Le fonctionnaire divulgue les renseignements qu'exige le paragraphe (1) avec les adaptations nécessaires à propos de son conjoint et de ses enfants à charge, mais seulement dans la mesure où leur intérêt en common law ou intérêt bénéficiaire pourrait créer un conflit d'intérêts.

(4) Pour l'application du paragraphe (3), le fonctionnaire fait des efforts raisonnables pour obtenir des renseignements sur les intérêts financiers visés au paragraphe (1) de son conjoint et de ses enfants à charge.

(5) Le fonctionnaire donne à son responsable de l'éthique une déclaration révisée dès qu'un changement se produit dans les renseignements qu'il doit divulguer.

Interdiction de certains achats

12. (1) Le fonctionnaire visé au paragraphe 10 (1) ne doit pas acheter, ni demander à une autre personne d'acheter pour son compte, un intérêt en common law ou un intérêt bénéficiaire dans une entité qui exerce ou se propose d'exercer une activité liée à une question pouvant concerner le secteur privé.

(2) Malgré le paragraphe (1), le fonctionnaire peut acheter un intérêt dans un fonds mutuel (au sens du paragraphe 1 (1) de la *Loi sur les valeurs mobilières*) qui est employé dans des valeurs mobilières d'une personne ou d'une entité visée au paragraphe (1), mais non un intérêt dans un fonds mutuel visé à la disposition 4 du paragraphe 11 (1) du présent règlement qui est employé dans de telles valeurs mobilières.

(3) L'interdiction visée au paragraphe (1) cesse d'avoir effet à l'égard de la question :

- a) soit six mois après la date à laquelle la prise des mesures relatives à la question est achevée;
- b) soit six mois après la date à laquelle la Couronne cesse de travailler sur la question.

Liste de postes

13. (1) Le particulier désigné en vertu de l'article 47 de la Loi à l'égard du cabinet d'un ministre ou, à défaut, le ministre tient à jour une liste des postes de ce cabinet dans lesquels des fonctionnaires travaillent de façon courante sur des questions pouvant concerner le secteur privé.

(2) Le particulier désigné ou le ministre, selon le cas, veille à ce que les fonctionnaires employés aux postes visés au paragraphe (1) soient avertis des obligations et des restrictions que les articles 11 et 12 leur imposent.

(3) L'attaché de direction du ministre avise le particulier désigné ou le ministre, selon le cas, des modifications à apporter à la liste en ce qui concerne les fonctionnaires qui travaillent dans le cabinet.

PARTIE II RÈGLES VISANT LES ANCIENS FONCTIONNAIRES QUI TRAVAILLAIENT DANS LES CABINETS DES MINISTRES

INTERPRÉTATION

Définition

14. La définition qui suit s'applique à la présente partie.

«poste supérieur désigné» S'entend des postes suivants :

1. Au sein du Cabinet du Premier ministre, le chef de cabinet, le secrétaire principal et tout autre poste dont l'une des fonctions courantes est de conseiller le premier ministre, un ministre ou un fonctionnaire.
2. Au sein du cabinet de tout autre ministre, l'attaché de direction, les adjoints spéciaux (notamment les adjoints politiques, les adjoints des communications et les conseillers en politiques) et tout autre poste dont l'une des fonctions courantes est de conseiller le ministre ou un fonctionnaire.

Application

15. (1) La présente partie s'applique à tous les anciens fonctionnaires qui travaillaient dans les cabinets des ministres juste avant de cesser d'être fonctionnaires.

(2) Malgré le paragraphe (1), la présente partie ne s'applique pas aux personnes qui ont cessé d'être fonctionnaires avant le jour de l'entrée en vigueur de l'article 57 de la Loi.

CONDUITE INTERDITE

Interdiction de solliciter un traitement préférentiel

16. L'ancien fonctionnaire ne doit pas solliciter de traitement préférentiel de la part de fonctionnaires qui travaillent dans le cabinet d'un ministre, un ministère ou un organisme public ni d'accès privilégié à ceux-ci.

Divulgateion de renseignements confidentiels

17. (1) L'ancien fonctionnaire ne peut divulguer à une personne ou à une entité des renseignements confidentiels obtenus dans le cadre de son emploi au service de la Couronne que si la loi ou la Couronne l'y autorise.

(2) L'ancien fonctionnaire ne doit pas utiliser de renseignements confidentiels dans le cadre d'une activité commerciale ou autre.

Interdiction d'exercer des pressions

18. (1) Le présent article s'applique aux anciens fonctionnaires qui, juste avant de cesser d'être fonctionnaires, étaient employés à un poste supérieur désigné.

(2) Pendant les 12 mois qui suivent la date à laquelle il a cessé d'être fonctionnaire, l'ancien fonctionnaire ne doit pas exercer de pressions sur les personnes suivantes pour le compte d'un organisme public ou d'une autre personne ou entité :

1. Le ministre dans le cabinet duquel l'ancien fonctionnaire travaillait juste avant de cesser d'être fonctionnaire.
2. Tout ministre dans le cabinet duquel l'ancien fonctionnaire a travaillé à un moment donné au cours des 12 mois qui ont précédé la date à laquelle il a cessé d'être fonctionnaire.
3. Les fonctionnaires qui travaillent dans le cabinet visé à la disposition 2 ou dans tout autre cabinet visé à la disposition 2.
4. Les fonctionnaires qui travaillent dans le ministère relevant du ministre dont le cabinet est visé à la disposition 1 ou dans tout ministère relevant d'un ministre dont le cabinet est visé à la disposition 2.

Restriction en ce qui concerne l'emploi

19. (1) Le présent article s'applique aux anciens fonctionnaires qui, juste avant de cesser d'être fonctionnaires, étaient employés à un poste supérieur désigné et qui, à un moment donné au cours des 12 mois qui ont précédé la date à laquelle ils ont cessé d'être fonctionnaires, dans le cadre de leur emploi de fonctionnaire :

- a) d'une part, avaient des rapports importants avec un organisme public ou une autre personne ou entité;
- b) d'autre part, avaient accès à des renseignements confidentiels dont la divulgation à l'organisme public, à la personne ou à l'entité pourrait conférer à ceux-ci un avantage indu par rapport à des tiers ou pourrait faire subir un préjudice à la Couronne.

(2) Pendant les 12 mois qui suivent la date à laquelle il a cessé d'être fonctionnaire, l'ancien fonctionnaire ne doit pas accepter d'emploi auprès de l'organisme public, de la personne ou de l'entité ni devenir membre de son conseil d'administration ou d'une autre de ses instances dirigeantes.

Restriction en ce qui concerne certaines opérations

20. (1) Le présent article s'applique aux anciens fonctionnaires qui, lorsqu'ils travaillaient comme fonctionnaires dans le cabinet d'un ministre, ont conseillé la Couronne sur une instance, négociation ou autre opération donnée.

(2) L'ancien fonctionnaire ne doit pas conseiller un organisme public ou une autre personne ou entité ni l'aider d'une autre façon en ce qui concerne l'instance, la négociation ou l'autre opération tant que la Couronne y est partie.

(3) Malgré le paragraphe (2), l'ancien fonctionnaire peut continuer à conseiller la Couronne ou l'aider d'une autre façon en ce qui concerne l'instance, la négociation ou l'autre opération.

**PARTIE III
ENTRÉE EN VIGUEUR**

Entrée en vigueur

21. Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 57 de la Loi.

32/07

ONTARIO REGULATION 383/07
made under the
PUBLIC SERVICE OF ONTARIO ACT, 2006

Made: June 27, 2007
Filed: July 25, 2007
Published on e-Laws: July 27, 2007
Printed in *The Ontario Gazette*: August 11, 2007

**ETHICS EXECUTIVE: ADDITIONAL POWERS, DUTIES AND FUNCTIONS UNDER PART IV
OF THE ACT**

Decisions under subsection 65 (5) of the Act

1. Without limiting the generality of the powers of an ethics executive under subsection 65 (5) of the Act, he or she may take any of the following actions in respect of a matter referred to in that subsection:

1. Require a public servant to notify his or her supervisor of decisions that the public servant proposes to make that could result in a contravention of the conflict of interest rules established under Part IV of the Act, and require the public servant to obtain the supervisor's approval for the proposed decisions.
2. Recommend disciplinary measures that may be imposed on a public servant, including suspension or dismissal, or recommend that the public servant's resignation be accepted.
3. Recommend that a public servant be transferred to another position or assigned to perform other duties in order to avoid or remedy a contravention of the conflict of interest rules.
4. Recommend that a public servant be temporarily relieved from duties that have resulted in a contravention of the conflict of interest rules or that may result in such a contravention.
5. Direct a public servant to transfer ownership or control of an asset to a neutral third party in order to avoid contravening the conflict of interest rules.

Collection, use and disclosure of personal information

2. (1) An ethics executive shall collect and use the personal information that is necessary to enable him or her to perform his or her duties under section 65 of the Act and under the conflict of interest rules established under Part IV of the Act.

(2) An ethics executive shall not disclose personal information collected under subsection (1) unless one or more of the following circumstances exist:

1. The person to whom the information relates consents to the disclosure.
2. The disclosure is required in connection with a legal proceeding relating to the Act or a regulation made under it.
3. The disclosure is made for the purpose of complying with an Act of the Legislature or an Act or Parliament or a treaty, agreement or arrangement made thereunder.
4. The disclosure is made to a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.
5. The ethics executive considers it to be reasonably necessary to disclose the information to a person or entity in order to verify information given to the ethics executive by the public servant.
6. The ethics executive considers it to be reasonably necessary to disclose the information to a person or entity in order to determine whether the public servant has contravened, or may have contravened, the conflict of interest rules.
7. The ethics executive considers it to be reasonably necessary to disclose the information to a person or entity in order to enable the person or entity to perform his, her or its duties under the Act.

Commencement

3. This Regulation comes into force on the day clause 71 (1) (d) of the Act comes into force.

32/07

ONTARIO REGULATION 384/07

made under the

PUBLIC SERVICE OF ONTARIO ACT, 2006

Made: June 27, 2007

Filed: July 25, 2007

Published on e-Laws: July 27, 2007

Printed in *The Ontario Gazette*: August 11, 2007**CONFLICT OF INTEREST COMMISSIONER: POWERS, DUTIES AND FUNCTIONS****Advice about conflict of interest matters**

1. The Conflict of Interest Commissioner has the following additional powers, duties and functions in connection with conflict of interest matters:

1. Upon request, to advise the Public Service Commission or its delegate in respect of conflict of interest matters relating to the appointment or proposed appointment of a person under subsection 32 (1) or (2) of the Act to employment by the Crown.
2. Upon request, to advise the Public Service Commission and ethics executives about conflict of interest matters affecting the public service of Ontario.
3. Upon the request of the Public Service Commission or an ethics executive, to act as a conflict of interest advisor to consultants or other independent contractors who provide services to a ministry or a Commission public body and to persons who are seconded to a position in a ministry or a Commission public body from a position outside the public service of Ontario.
4. Upon request, to provide advice about conflicts of interest to a minister or to the Director of the Public Appointments Secretariat in respect of the proposed appointment of a person to a public body.
5. If a public servant makes the declaration to the Commissioner respecting the public servant's financial interests that is required by the conflict of interest rules established under Part IV of the Act, to advise the public servant's ethics executive about the actions that may be taken by the public servant in order to avoid contravening the conflict of interest rules, including advice concerning the transfer of ownership or control of an asset to a neutral third party.

Decisions under subsection 65 (5) of the Act

2. (1) This section applies with respect to matters referred to the Conflict of Interest Commissioner under subsection 65 (6) of the Act.

(2) Without limiting the generality of the Commissioner's powers under subsection 65 (5) of the Act, he or she may take any of the following actions in respect of a matter referred to him or her under subsection 65 (6) of the Act:

1. Recommend that the Crown not do business with a person or entity that employs or uses the services of a former public servant whose employment or services would contravene the conflict of interest rules.
2. Require a public servant to take or refrain from taking specified actions in order to avoid contravening the conflict of interest rules, including requiring the public servant to transfer ownership or control of an asset to a neutral third party.
3. Require a public servant to notify his or her supervisor of decisions that the public servant proposes to make that could result in a contravention of the conflict of interest rules, and require the public servant to obtain the supervisor's approval for the proposed decisions.
4. Recommend disciplinary measures that may be imposed on a public servant, including suspension or dismissal, or recommend that the public servant's resignation be accepted.
5. Recommend that a public servant be transferred to another position or assigned to perform other duties in order to avoid or remedy a contravention of the conflict of interest rules.
6. Recommend that a public servant be temporarily relieved from duties that have resulted in a contravention of the conflict of interest rules or that may result in such a contravention.

Collection, use and disclosure of personal information

3. (1) The Conflict of Interest Commissioner shall collect and use the personal information that is necessary to enable him or her to perform his or her duties under section 65 of the Act and under the conflict of interest rules established under Part IV of the Act.

(2) The Commissioner shall not disclose personal information collected under subsection (1) unless one or more of the following circumstances exist:

1. The person to whom the information relates consents to the disclosure.
2. The disclosure is required in connection with a legal proceeding relating to the Act or a regulation made under it.
3. The disclosure is made for the purpose of complying with an Act of the Legislature or an Act or Parliament or a treaty, agreement or arrangement made thereunder.
4. The disclosure is made to a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.
5. The Commissioner considers it to be reasonably necessary to disclose the information to a person or entity in order to verify information given to the Commissioner or to an ethics executive by the public servant.
6. The Commissioner considers it to be reasonably necessary to disclose the information to a person or entity in order to determine whether the public servant has contravened, or may have contravened, the conflict of interest rules.
7. The Commissioner considers it to be reasonably necessary to disclose the information to a person or entity in order to enable the person or entity to perform his, her or its duties under the Act.

Commencement

4. **This Regulation comes into force on the day clause 31 (1) (g) of the Act comes into force.**

32/07

ONTARIO REGULATION 385/07

made under the

PUBLIC SERVICE OF ONTARIO ACT, 2006

Made: June 27, 2007

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Published on e-Laws: July 27, 2007

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PROVISION OF LEGAL SERVICES UNDER SECTION 147 OF THE ACT**Restrictions on eligibility**

1. (1) The Integrity Commissioner is not permitted to arrange or pay for the provision of legal services under section 147 of the Act to a public servant or former public servant involved in any investigation or other proceeding under Part VI of the Act unless,

- (a) the investigation or other proceeding relates to a disclosure that has been received by the Commissioner under section 116 of the Act, other than a disclosure which the Commissioner has refused under section 117 of the Act to deal with; or
- (b) the investigation or other proceeding relates to a complaint that has been made under section 140 of the Act.

(2) The Integrity Commissioner is not permitted to arrange or pay for the provision of legal services under section 147 of the Act to a public servant or former public servant if the Crown, another employer or a bargaining agent has offered to provide or pay for legal services in whole or in part but the offer has not been accepted.

(3) The Integrity Commissioner is not permitted to arrange or pay for the provision of legal services under section 147 of the Act to a person who is not a public servant or former public servant.

Limit on amount

2. (1) The maximum amount that the Integrity Commissioner is permitted to pay for legal services under section 147 of the Act provided to a public servant or former public servant is \$3,000 for a disclosure received under section 116 of the Act and \$3,000 for a complaint made under section 140 of the Act.

(2) If any legal services for a public servant or former public servant are being paid for by the Crown, another employer or a bargaining agent, the maximum amount that the Integrity Commissioner is permitted by subsection (1) to pay is reduced by the amount paid by the Crown, the employer or the bargaining agent, as the case may be, for the legal services.

Factors

3. When deciding whether to arrange and pay for the provision of legal services under section 147 of the Act to a public servant or former public servant, the Integrity Commissioner shall consider the following factors and such other matters as the Commissioner considers relevant:

1. The ability of the public servant or former public servant to pay for legal services.
2. The degree to which the public interest may be affected by the alleged wrongdoing or reprisal.

Recommendation

4. Two years after this Regulation comes into force, the Integrity Commissioner shall give a recommendation about the efficacy of this Regulation to the minister responsible for the administration of the Act.

Commencement

5. **This Regulation comes into force on the day section 147 of the Act comes into force.**

RÈGLEMENT DE L'ONTARIO 385/07

pris en application de la

LOI DE 2006 SUR LA FONCTION PUBLIQUE DE L'ONTARIO

pris le 27 juin 2007
 déposé le 25 juillet 2007
 publié sur le site Lois-en-ligne le 27 juillet 2007
 imprimé dans la *Gazette de l'Ontario* le 11 août 2007

FOURNITURE DE SERVICES JURIDIQUES EN VERTU DE L'ARTICLE 147 DE LA LOI

Restrictions : admissibilité

1. (1) Il n'est permis au commissaire à l'intégrité de prendre des arrangements en vue de la fourniture de services juridiques à un fonctionnaire ou à un ancien fonctionnaire qui participe à une enquête ou autre instance prévue par la partie VI de la Loi ou de payer ces services en vertu de l'article 147 de la Loi que dans les cas suivants :

- a) l'enquête ou l'autre instance porte sur une divulgation reçue par le commissaire en application de l'article 116 de la Loi, à l'exclusion d'une divulgation à laquelle il a refusé, en application de l'article 117 de la Loi, de donner suite;
- b) l'enquête ou l'autre instance porte sur une plainte qui a été présentée en application de l'article 140 de la Loi.

(2) Il n'est pas permis au commissaire à l'intégrité de prendre des arrangements en vue de la fourniture de services juridiques à un fonctionnaire ou à un ancien fonctionnaire ou de payer ces services en vertu de l'article 147 de la Loi si la Couronne, un autre employeur ou un agent négociateur a offert de les fournir ou de les payer en totalité ou en partie, mais que cette offre n'a pas été acceptée.

(3) Il n'est pas permis au commissaire à l'intégrité de prendre des arrangements en vue de la fourniture de services juridiques à une personne qui n'est pas un fonctionnaire ou un ancien fonctionnaire ni de payer ces services en vertu de l'article 147 de la Loi.

Plafond

2. (1) Le maximum qu'il est permis au commissaire à l'intégrité de payer en vertu de l'article 147 de la Loi à l'égard de services juridiques fournis à un fonctionnaire ou à un ancien fonctionnaire est fixé à 3 000 \$ dans le cas d'une divulgation reçue en application de l'article 116 de la Loi et à 3 000 \$ dans celui d'une plainte présentée en application de l'article 140 de la Loi.

(2) Si la Couronne, un autre employeur ou un agent négociateur paie des services juridiques offerts à un fonctionnaire ou à un ancien fonctionnaire, le maximum que le paragraphe (1) permet au commissaire à l'intégrité de payer est réduit du montant ainsi payé par la Couronne, l'employeur ou l'agent négociateur, selon le cas.

Facteurs

3. Lorsqu'il décide s'il doit prendre des arrangements en vue de la fourniture de services juridiques à un fonctionnaire ou à un ancien fonctionnaire et de payer ces services en vertu de l'article 147 de la Loi, le commissaire à l'intégrité prend en considération les facteurs suivants et toute autre question qu'il estime pertinente :

1. La capacité du fonctionnaire ou de l'ancien fonctionnaire de payer les services juridiques.
2. La mesure dans laquelle les actes répréhensibles ou les représailles allégués nuiraient à l'intérêt public.

Recommandations

4. Le commissaire à l'intégrité donne ses recommandations quant à l'efficacité du présent règlement deux ans après son entrée en vigueur au ministre chargé de l'application de la Loi.

Entrée en vigueur

5. Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 147 de la Loi.

32/07

ONTARIO REGULATION 386/07

made under the

CROWN EMPLOYEES COLLECTIVE BARGAINING ACT, 1993

Made: June 27, 2007

Filed: July 25, 2007

Published on e-Laws: July 27, 2007

Printed in *The Ontario Gazette*: August 11, 2007**PRESCRIBED AGENCIES, CROWN AS EMPLOYER****Prescribed agencies of the Crown**

1. The following agencies of the Crown are prescribed for the purposes of clause (b) of the definition of "Crown employee" in subsection 1 (1) of the Act:

1. Each local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*.
2. Algonquin Forestry Authority.
3. Greater Toronto Transit Authority.
4. Greater Toronto Transportation Authority.
5. Liquor Control Board of Ontario.
6. McMichael Canadian Art Collection.
7. Metropolitan Toronto Convention Centre Corporation.
8. The Niagara Parks Commission.
9. Ontario Public Service Pension Board.
10. Ontario Realty Corporation.
11. Ottawa Congress Centre.
12. Science North.
13. Workplace Safety and Insurance Appeals Tribunal.
14. Workplace Safety and Insurance Board.

Commencement

2. This Regulation comes into force on the day section 23 of Schedule C to the *Public Service of Ontario Statute Law Amendment Act, 2006* comes into force.

32/07

ONTARIO REGULATION 387/07

made under the

PAY EQUITY ACT

Made: June 27, 2007

Filed: July 25, 2007

Published on e-Laws: July 27, 2007

Printed in *The Ontario Gazette*: August 11, 2007**PRESCRIBED BODIES, CROWN AS EMPLOYER****Prescribed bodies**

1. The following bodies are prescribed for the purposes of clause 1.1 (1) (b) of the Act:

1. Colleges of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
2. Each local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*.
3. Algonquin Forestry Authority.
4. Greater Toronto Transit Authority.
5. Greater Toronto Transportation Authority.
6. Liquor Control Board of Ontario.
7. McMichael Canadian Art Collection.
8. Metropolitan Toronto Convention Centre Corporation.
9. The Niagara Parks Commission.
10. Ontario Public Service Pension Board.
11. Ontario Realty Corporation.
12. Ottawa Congress Centre.
13. Science North.
14. Workplace Safety and Insurance Appeals Tribunal.
15. Workplace Safety and Insurance Board.

Commencement

2. **This Regulation comes into force on the day section 107 of Schedule C to the *Public Service of Ontario Statute Law Amendment Act, 2006* comes into force.**

RÈGLEMENT DE L'ONTARIO 387/07

pris en application de la

LOI SUR L'ÉQUITÉ SALARIALE

pris le 27 juin 2007

déposé le 25 juillet 2007

publié sur le site Lois-en-ligne le 27 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007**ORGANISMES PRESCRITS, COURONNE EN TANT QU'EMPLOYEUR****Organismes prescrits**

1. Les organismes suivants sont prescrits pour l'application de l'alinéa 1.1 (1) b) de la Loi :

1. Les collèges d'arts appliqués et de technologie ouverts en vertu de la *Loi de 2002 sur les collèges d'arts appliqués et de technologie de l'Ontario*.

2. Chaque réseau local d'intégration des services de santé au sens de l'article 2 de la *Loi de 2006 sur l'intégration du système de santé local*.
3. L'Agence de foresterie du parc Algonquin.
4. La Régie des transports en commun du grand Toronto.
5. La Régie des transports du grand Toronto.
6. La Régie des alcools de l'Ontario.
7. La Collection McMichael d'art canadien.
8. La Société du palais des congrès de la communauté urbaine de Toronto
9. La Commission des parcs du Niagara.
10. La Commission du Régime de retraite des fonctionnaires de l'Ontario.
11. La Société immobilière de l'Ontario.
12. Le Centre des congrès d'Ottawa.
13. Science Nord.
14. Le Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail.
15. La Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail.

Entrée en vigueur

2. Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 107 de l'annexe C de la *Loi de 2006 modifiant des lois ayant trait à la fonction publique de l'Ontario*.

32/07

ONTARIO REGULATION 388/07

made under the

FARM PRODUCTS MARKETING ACT

Made: July 12, 2007

Approved: July 23, 2007

Filed: July 25, 2007

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Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 418 of R.R.O. 1990

(Greenhouse Vegetables — Plan)

Note: Regulation 418 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 8 of the Schedule to Regulation 418 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

8. (1) Each District Greenhouse Vegetable Producers' Committee shall be composed of five members.

(2) Despite subsection (1), the members of the District Greenhouse Vegetable Producers' Committee for District 2 who were in office immediately before Ontario Regulation 388/07 comes into force shall continue to hold office until their term of office expires.

2. This Regulation comes into force on the day it is filed.

Made by:

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

DAVE HOPE
Chair

GLORIA MARCO BORYS
Secretary

Date made: July 12, 2007.

I certify that I have approved this Regulation.

LEONA DOMBROWSKY
Minister of Agriculture, Food and Rural Affairs

Date approved: July 23, 2007.

32/07

ONTARIO REGULATION 389/07
made under the
FARM PRODUCTS MARKETING ACT

Made: June 13, 2007
Approved: July 23, 2007
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Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 439 of R.R.O. 1990
(Turkeys — Plan)

Note: Regulation 439 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Subsection 9 (2) of the Schedule to Regulation 439 of the Revised Regulations of Ontario, 1990 is amended by striking out “five” wherever it appears and substituting in each case “10”.

2. Section 10 of the Schedule to the Regulation is revoked and the following substituted:

10. (1) On or before October 1, 2007 and in every second year after that, the producers in District 1 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

(2) On or before October 1, 2008 and in every second year after that, the producers in District 2 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

(3) On or before October 1, 2007 and in every second year after that, the producers in District 3 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

(4) On or before October 1, 2008 and in every second year after that, the producers in District 4 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

(5) No person is eligible for election from any district to the local board unless the person's mailing address is within the district.

3. This Regulation comes into force on the day it is filed.

RÈGLEMENT DE L'ONTARIO 389/07

pris en application de la

LOI SUR LA COMMERCIALISATION DES PRODUITS AGRICOLES

pris le 13 juin 2007
approuvé le 23 juillet 2007
déposé le 25 juillet 2007
publié sur le site Lois-en-ligne le 27 juillet 2007
imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 439 des R.R.O. de 1990
(Dindons — Plan)

Remarque : Le Règlement 439 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 9 (2) de l'annexe du Règlement 439 des Règlements refondus de l'Ontario de 1990 est modifié par substitution de «10» à «cinq».

2. L'article 10 de l'annexe du Règlement est abrogé et remplacé par ce qui suit :

10. (1) Au plus tard le 1^{er} octobre 2007 et tous les deux ans par la suite, les producteurs du district 1 élisent parmi eux à leur comité et à la commission locale des représentants qui occupent leur poste pour un mandat de deux ans à compter du 1^{er} octobre.

(2) Au plus tard le 1^{er} octobre 2008 et tous les deux ans par la suite, les producteurs du district 2 élisent parmi eux à leur comité et à la commission locale des représentants qui occupent leur poste pour un mandat de deux ans à compter du 1^{er} octobre.

(3) Au plus tard le 1^{er} octobre 2007 et tous les deux ans par la suite, les producteurs du district 3 élisent parmi eux à leur comité et à la commission locale des représentants qui occupent leur poste pour un mandat de deux ans à compter du 1^{er} octobre.

(4) Au plus tard le 1^{er} octobre 2008 et tous les deux ans par la suite, les producteurs du district 4 élisent parmi eux à leur comité et à la commission locale des représentants qui occupent leur poste pour un mandat de deux ans à compter du 1^{er} octobre.

(5) Seules les personnes ayant une adresse postale dans un district donné peuvent être élues à la commission locale pour y représenter le district.

3. Le présent règlement entre en vigueur le jour de son dépôt.

Made by:
Pris par :

ONTARIO FARM PRODUCTS MARKETING COMMISSION:
COMMISSION DE COMMERCIALISATION DES PRODUITS AGRICOLES DE L'ONTARIO :

GORDON COUKELL
Vice-Chair

GLORIA MARCO BORYS
Secretary

Date made: June 13, 2007.
Pris le : 13 juin 2007.

I certify that I have approved this Regulation.
Je certifie que j'ai approuvé le présent règlement.

La ministre de l'Agriculture, de l'Alimentation et des Affaires rurales,

LEONA DOMBROWSKY
Minister of Agriculture, Food and Rural Affairs

Date approved: July 23, 2007.
Approuvé le : 23 juillet 2007.

32/07

ONTARIO REGULATION 390/07

made under the

MILK ACT

Made: July 12, 2007
Approved: July 23, 2007
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Amending Reg. 760 of R.R.O. 1990
(Milk and Farm-Separated Cream – Plan)

Note: Regulation 760 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 16 of the Schedule to Regulation 760 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

16. (1) After an election is held under subsection 19 (1), a newly elected member of the marketing board shall take office on the day following the last day of the annual meeting of producers.

(2) Despite subsection (1), if the member who would have otherwise held office until the day referred to in subsection (1) dies, resigns or ceases to be a licensed producer, the newly elected member may take office on a day prior to the day referred to in subsection (1) that is agreed upon by the marketing board and the newly elected member.

(3) Once a member takes office, he or she shall hold office until his or her successor takes office.

2. This Regulation comes into force on the day it is filed.

Made by:

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

DAVE HOPE
Chair

GLORIA MARCO BORYS
Secretary

Date made: July 12, 2007.

I certify that I have approved this Regulation.

LEONA DOMBROWSKY
Minister of Agriculture, Food and Rural Affairs

Date approved: July 23, 2007.

32/07

ONTARIO REGULATION 391/07
made under the
FARM PRODUCTS MARKETING ACT

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Amending Reg. 391 of R.R.O. 1990
(Asparagus — Plan)

Note: Regulation 391 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. The Table to subsection 9 (1) of the Schedule to Regulation 391 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

TABLE

District	Number of Members
1	1
2	4
3	1
4	1
5	2

2. This Regulation comes into force on the day it is filed.

RÈGLEMENT DE L'ONTARIO 391/07

pris en application de la

LOI SUR LA COMMERCIALISATION DES PRODUITS AGRICOLES

pris le 12 juin 2007
approuvé le 23 juillet 2007
déposé le 25 juillet 2007
publié sur le site Lois-en-ligne le 27 juillet 2007
imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 391 des R.R.O. de 1990
(Asperges — Plan)

Remarque : Le Règlement 391 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le tableau du paragraphe 9 (1) de l'annexe du Règlement 391 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

TABLEAU

District	Nombre de membres
1	1
2	4
3	1
4	1
5	2

2. Le présent règlement entre en vigueur le jour de son dépôt.

Made by:
Pris par :

ONTARIO FARM PRODUCTS MARKETING COMMISSION:
COMMISSION DE COMMERCIALISATION DES PRODUITS AGRICOLES DE L'ONTARIO :

DAVE HOPE
Chair

GLORIA MARCO BORYS
Secretary

Date made: June 12, 2007.
Pris le : 12 juin 2007.

I certify that I have approved this Regulation.
Je certifie que j'ai approuvé le présent règlement.

La ministre de l'Agriculture, de l'Alimentation et des Affaires rurales,

LEONA DOMBROWSKY
Minister of Agriculture, Food and Rural Affairs

Date approved: July 23, 2007.
Approuvé le : 23 juillet 2007.

32/07

ONTARIO REGULATION 392/07
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: March 28, 2007
Filed: July 26, 2007
Published on e-Laws: July 27, 2007
Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 426/06
(Smart Meters: Cost Recovery)

Note: Ontario Regulation 426/06 has not previously been amended.

1. Section 2 of Ontario Regulation 426/06 is amended by adding the following subsections:

(4.1) Subsection (1) does not prevent a distributor from recovering costs, if approved by the Board, that the distributor incurred as a result of supporting the IESO with finalizing the design of the requirements and processes for the interface and integration of the Smart Metering Entity's system with the distributor's billing and metering systems.

(4.2) The distributor's cost recovery under subsection (4.1) is subject to the Board receiving confirmation from the IESO that the distributor supported the IESO as described in subsection (4.1) and that the distributor was one of the first five distributors whose billing and metering systems were integrated with the Smart Metering Entity's system.

32/07

ONTARIO REGULATION 393/07

made under the

ELECTRICITY ACT, 1998

Made: March 28, 2007

Filed: July 26, 2007

Published on e-Laws: July 27, 2007

Printed in *The Ontario Gazette*: August 11, 2007**DESIGNATION OF SMART METERING ENTITY****Designation of IESO**

1. The IESO is designated as the Smart Metering Entity.

Non-application of *Business Corporations Act*

2. Other than as prescribed in Ontario Regulation 610/98 (The IMO) made under the Act, the *Business Corporations Act* does not apply to the IESO.

Exemption, s. 53.10 of Act

3. The IESO is exempt from section 53.10 of the Act.

32/07

ONTARIO REGULATION 394/07

made under the

NUTRIENT MANAGEMENT ACT, 2002

Made: July 25, 2007

Filed: July 26, 2007

Published on e-Laws: July 27, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 267/03

(General)

Note: Ontario Regulation 267/03 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) The definition of “agricultural source material” in subsection 1 (1) of Ontario Regulation 267/03 is amended by adding the following paragraph:

5. Anaerobic digestion output, if,
 - i. the anaerobic digestion materials were treated in a mixed anaerobic digestion facility, and
 - ii. at least 50 per cent, by volume, of the total amount of anaerobic digestion materials were on-farm anaerobic digestion materials.

(2) Subsection 1 (1) of the Regulation is amended by adding the following definitions:

“anaerobic digestion” means the decomposition of organic matter in an oxygen-limiting environment; (“digestion anaérobie”)

“anaerobic digestion materials” means materials that are intended for treatment in a mixed anaerobic digestion facility, whether the materials are generated at the agricultural operation or received at the agricultural operation from an outside source; (“matières destinées à la digestion anaérobie”)

“anaerobic digestion output” means any solid or liquid material that results from the treatment of anaerobic digestion materials in a mixed anaerobic digestion facility; (“matières issues de la digestion anaérobie”)

“farm feed” means any materials that are listed in paragraph 3, subparagraphs 7 iv and v and paragraph 8 of Schedule 1; (“produits servant d’aliments pour animaux”)

(3) The definition of “flow path” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“flow path”, in relation to a facility, site, outdoor confinement area, temporary storage area or vegetated filter strip system, means a surface channel or depression that conducts liquids away from the facility, site, area or system; (“voie d’écoulement”)

(4) The definition of “liquid nutrient transfer system” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“liquid nutrient transfer system” means all pipes and surfaces that come into contact with liquid prescribed materials during the movement of those materials to a permanent nutrient storage facility but does not include the components of a permanent liquid nutrient storage facility or a vehicle that is used to transport liquid nutrients; (“système de transfert d’éléments nutritifs liquides”)

(5) Subsection 1 (1) of the Regulation is amended by adding the following definitions:

“mixed anaerobic digestion” means anaerobic digestion of both on-farm anaerobic digestion materials and off-farm anaerobic digestion materials in the same facility; (“digestion anaérobie mixte”)

“mixed anaerobic digestion facility” means an anaerobic digestion facility that treats both on-farm anaerobic digestion materials and off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out; (“digesteur anaérobie mixte”)

(6) The definition of “non-agricultural source material” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“non-agricultural source material” means any of the following materials, other than a commercial fertilizer or compost that meets the guidelines entitled *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* prepared by the Ministry of the Environment and dated November 2004, if the materials are intended to be applied to land as nutrients:

1. Pulp and paper biosolids.
2. Sewage biosolids.
3. Anaerobic digestion output, if less than 50 per cent, by volume, of the total amount of anaerobic digestion materials that were treated in the mixed anaerobic digestion facility were on-farm anaerobic digestion materials.
4. Any other material that is not from an agricultural source that is capable of being applied to land as a nutrient; (“matière de source non agricole”)

(7) The definition of “Nutrient Management Protocol” in subsection 1 (1) of the Regulation is amended by striking out “August 12, 2005” and substituting “July 20, 2007”.**(8) Subsection 1 (1) of the Regulation is amended by adding the following definitions:**

“off-farm anaerobic digestion materials” means anaerobic digestion materials that are not generated at an agricultural operation and that are received at an agricultural operation from an outside source; (“matières ne provenant pas d’une exploitation agricole”)

“on-farm anaerobic digestion materials” means anaerobic digestion materials that are generated at an agricultural operation; (“matières provenant d’une exploitation agricole”)

(9) The definition of “permanent nutrient storage facility” in subsection 1 (1) of the Regulation is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:

- (d) a permanent nutrient storage facility used solely as part of a vegetated filter strip system;

(10) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“regulated mixed anaerobic digestion facility” means a mixed anaerobic digestion facility that is regulated under Part IX.1 and is not subject to the requirements of a certificate of approval or a provisional certificate of approval of a waste management system or waste disposal site under Part V of the *Environmental Protection Act*; (“digesteur anaérobie mixte réglementé”)

(11) The definition of “runoff” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“runoff” means a liquid that,

- (a) has come into contact with manure or anaerobic digestion materials or anaerobic digestion output, both in relation to a regulated mixed anaerobic digestion facility, in a permanent nutrient storage facility, temporary field nutrient storage site, outdoor confinement area, facility for the storage of off-farm anaerobic digestion materials or farm-animal yard lined with concrete or other paving material of equal or lesser permeability,
- (b) may contain components of manure, anaerobic digestion materials or anaerobic digestion output in solution or suspension, and

(c) is no longer contained in the permanent nutrient storage facility, temporary field nutrient storage site, outdoor confinement area, facility for the storage of off-farm anaerobic digestion materials or farm-animal yard; (“eaux de ruissellement”)

(12) The definition of “Sampling and Analysis Protocol” in subsection 1 (1) of the Regulation is amended by striking out “August 12, 2005” and substituting “July 20, 2007”.

(13) Clause (b) in the French version of the definition of “vegetated buffer zone” in subsection 1 (1) of the Regulation is amended by striking out “dicotylédones herbacées” and substituting “plantes herbacées non graminoides”.

(14) Subsection 1 (1) of the Regulation is amended by adding the following definitions:

“vegetated filter strip” means a densely vegetated strip of land engineered and constructed to intercept and treat runoff by settling, filtration, dilution, adsorption of pollutants and infiltration into the soil; (“bande de végétation filtrante”)

“vegetated filter strip system” means a complete system that is engineered for treating runoff and includes all of the following:

1. A component that collects and stores the runoff and allows solids in the runoff to settle.
2. A component that screens the runoff to remove coarse material.
3. A component that transfers the runoff to the vegetated filter strip, which may include a pump if necessary.
4. A distribution pipe, or an equivalent mechanism, that distributes runoff uniformly across the vegetated filter strip.
5. A vegetated filter strip; (“système de bande de végétation filtrante”)

2. (1) Subsection 6 (1) of the Regulation is amended by striking out “except for section 45, subsection 47 (3) and section 49” and substituting “except for section 45, subsection 47 (3), sections 49, 98.11 and 98.12 and Part IX.2”.

(2) Section 6 of the Regulation is amended by adding the following subsection:

(3) Despite subsection (1), what ever the number of nutrient units that are generated by a farm unit, this Regulation applies to an agricultural operation carried out on a farm unit to which subsection 11 (4.1) applies.

3. (1) Section 11 of the Regulation is amended by adding the following subsection:

(4.1) Section 10 applies to an agricultural operation carried out on a farm unit that receives off-farm anaerobic digestion materials for treatment through mixed anaerobic digestion in a regulated mixed anaerobic digestion facility.

(2) Subsection 11 (5) of the Regulation is amended by striking out “subsections (1), (3) and (4)” and substituting “subsections (1), (3), (4) and (4.1)”.

4. Section 11.1 of the Regulation is revoked and the following substituted:

Construction of buildings or structures

11.1 (1) If this Regulation requires a person who owns or controls an agricultural operation to have a nutrient management strategy for carrying out the operation, no person shall construct a building or structure on a farm unit on which the operation is carried out, where the building or structure is used to house farm animals or store nutrients, unless,

- (a) the nutrient management strategy applicable to the operation carried out on the farm unit contemplates the construction of the building or structure; and
- (b) the nutrient management strategy has been approved in accordance with this Regulation.

(2) No person shall construct a regulated mixed anaerobic digestion facility on a farm unit on which an agricultural operation is carried out unless the nutrient management strategy applicable to the operation carried out on the farm unit contemplates the construction of the facility and has been approved in accordance with this Regulation.

5. Section 17 of the Regulation is amended by adding the following subsection:

(4) A nutrient management strategy for an agricultural operation that treats materials through mixed anaerobic digestion in a regulated mixed anaerobic digestion facility must describe how the requirements of this Regulation respecting mixed anaerobic digestion will be satisfied including, but not limited to,

- (a) describing procedures to be used at the operation to determine whether off-farm anaerobic digestion materials meet the requirements of this Regulation for treatment in mixed anaerobic digestion;
- (b) describing how any permanent nutrient storage facilities to be used for the storage of off-farm anaerobic digestion materials will satisfy the requirements of this Regulation;
- (c) describing how the regulated mixed anaerobic digestion facility will satisfy the requirements of this Regulation;

(d) describing procedures to be used at the operation to manage anaerobic digestion output in accordance with the requirements of this Regulation.

6. (1) Subsection 22 (1) of the Regulation is amended by adding “(3.1)” after “(3)”.

(2) Section 22 of the Regulation is amended by adding the following subsection:

(3.1) If the person who owns or controls an agricultural operation treats materials through mixed anaerobic digestion in a regulated mixed anaerobic digestion facility, the strategy ceases to be in force on the day on which off-farm anaerobic digestion materials are first received on a farm unit of the operation unless,

- (a) the strategy contemplates mixed anaerobic digestion in a regulated mixed anaerobic digestion facility; and
- (b) the person who owns or controls the land on which the operation is carried out has submitted the strategy to a Director for approval.

7. Subsection 27 (1) of the Regulation is amended by adding the following clause:

(b.1) the operation is an agricultural operation and the person who owns or controls the land on which the operation is carried out treats materials through mixed anaerobic digestion in a regulated mixed anaerobic digestion facility;

8. Subsection 30 (1) of the Regulation is amended by striking out “subsection 22 (2), (3) or (4)” and substituting “subsection 22 (2), (3), (3.1) or (4)”.

9. The English version of section 46 of the Regulation is amended by striking out “condition”.

10. Section 62 of the Regulation is amended by adding the following subsections:

(1.1) This Part applies to an operation that is required to have a nutrient management strategy because it treats materials through mixed anaerobic digestion in a regulated mixed anaerobic digestion facility if, on and after the day this subsection comes into force, the storage facility for these materials is expanded or constructed.

(1.2) If subsection (1.1) applies, every reference in this Part to a “permanent nutrient storage facility” shall be read as including a reference to a “facility for the storage of off-farm anaerobic digestion materials” and the provisions of this Part that relate to a permanent liquid nutrient storage facility and a permanent solid nutrient storage facility apply, with necessary modifications, to a facility for the storage of off-farm anaerobic digestion materials.

11. (1) Clause 71 (1) (a) of the Regulation is revoked and the following substituted:

(a) a professional engineer designs the construction or expansion, including any associated monitoring systems, having regard to the requirements of this Regulation, and signs a commitment certificate prepared in a form and manner specified by a Director by which the engineer undertakes to have regard to those requirements and to inspect the construction or expansion upon completion;

(2) Section 71 of the Regulation is amended by adding the following subsection:

(3) No person shall construct or expand a regulated mixed anaerobic digestion facility on a farm unit in the course of an agricultural operation unless a professional engineer,

- (a) designs the construction or expansion of the facility having regard to the requirements of this Regulation;
- (b) designs the facility to provide for the transfer of materials into the storage facility and from the storage facility to the mixed anaerobic digestion facility so that odour emissions are minimized, if materials listed in Schedule 2 will be treated at the facility;
- (c) ensures that the facility is designed to manage non-combusted biogas; and
- (d) signs a commitment certificate prepared in a form and manner specified by a Director by which the engineer undertakes to have regard to those requirements and to inspect the construction or expansion on completion.

12. Paragraph 2 of subsection 81 (4) of the Regulation is revoked and the following substituted:

2. Vegetated filter strip systems which meet the requirements set out in Part IX.2 or which are exempt from that Part by section 98.15.

13. (1) Subsection 90 (2) of the Regulation is revoked and the following substituted:

(2) For the purposes of making a calculation under this Part or Part IX.1 in relation to a sample, a person shall use the actual analytical results obtained by the person who does an analysis of the sample under this Part or Part IX.1.

(2) Subsection 90 (3) of the Regulation is amended by striking out “If this Part” at the beginning and substituting “If this Part or Part IX.1”.

14. The heading immediately before section 91 of the Regulation is revoked and the following substituted:

MANURE AND ANAEROBIC DIGESTION OUTPUT

15. (1) Subsection 91 (1) of the Regulation is amended by striking out “manure is applied to land” in the portion before clause (a) and substituting “manure or anaerobic digestion output that falls within the definition of agricultural source material is applied to land”.

(2) Subsection 91 (2) of the Regulation is amended by striking out “manure is applied to land” and substituting “manure or anaerobic digestion output that falls within the definition of agricultural source material is applied to land”.

(3) Subsection 91 (3) of the Regulation is amended by striking out “manure is applied to land” in the portion before clause (a) and substituting “manure or anaerobic digestion output that falls within the definition of agricultural source material is applied to land”.

(4) Clause 91 (3) (a) is amended by striking out “one sample of the manure or each type of the manure” and substituting “one sample of each type of the manure or anaerobic digestion output”.

(5) Subsection 91 (4) of the Regulation is revoked and the following substituted:

(4) The analysis mentioned in subsection (1) or (2) shall be performed by a laboratory that is accredited by the Ministry of Agriculture, Food and Rural Affairs for that purpose.

(5) The analysis mentioned in subsection (3) shall be performed by,

- (a) a laboratory that is accredited by the Ministry of Agriculture, Food and Rural Affairs for that purpose; or
- (b) a laboratory that is accredited in accordance with the International Standard ISO/IEC 17025 — General Requirement for the Competence of Testing and Calibration Laboratories, dated December 15, 1999, as amended from time to time.

16. (1) Subsection 92 (1) of the Regulation is revoked and the following substituted:

Maximum application rate

(1) Each person who is required to collect samples and have them analyzed under section 91 shall calculate the maximum application rate to land for the manure or the anaerobic digestion output in the sample, using the most recently determined concentration under the applicable subsection or the concentrations set out in clause 91 (1) (b), if applicable.

(2) Subsection 92 (2) of the Regulation is revoked and the following substituted:

(2) The maximum application rate to land for the manure or the anaerobic digestion output in the sample must be such that the total available phosphorus in the nutrients that are applied to land per hectare during any consecutive five-year period does not exceed the greater of,

- (a) the crop production requirements per hectare for that five-year period plus 85 kilograms of phosphate per hectare; and
- (b) the phosphorus removed from the land per hectare in the harvested portion of the crop during that five-year period plus 390 kilograms of phosphate per hectare.

(3) Subsection 92 (5) of the Regulation is revoked and the following substituted:

(5) No person shall apply manure or anaerobic digestion output to land at a rate that exceeds the maximum application rate to land for the manure or anaerobic digestion output.

17. The Regulation is amended by adding the following Parts:

**PART IX.1
ANAEROBIC DIGESTION**

GENERAL

Application to mixed materials

98.1 For the purposes of this Part,

- (a) if a material would fall under both Schedule 1 and Schedule 2, it shall be treated for all purposes as a Schedule 2 material; and
- (b) if a material would fall under Schedule 3 and Schedule 1 or Schedule 2, it shall be treated for all purposes as a Schedule 3 material.

Compliance

98.2 A person who owns or controls an agricultural operation that treats off-farm anaerobic digestion materials through mixed anaerobic digestion on a farm unit on which the agricultural operation is carried out shall ensure,

- (a) that the requirements of this Part are met in relation to the operation; or

- (b) that, in relation to the operation,
 - (i) the requirements in respect of a certificate of approval or a provisional certificate of approval of a waste management system or waste disposal site under Part V of the *Environmental Protection Act* are met, and
 - (ii) the requirements of sections 98.11 and 98.12 are met.

RECEIPT OF OFF-FARM ANAEROBIC DIGESTION MATERIALS

Strategy, facilities required

98.3 (1) No person shall receive off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out for treatment in a regulated mixed anaerobic digestion facility unless the nutrient management strategy for the farm unit on which the agricultural operation is carried out,

- (a) contemplates the receipt of the materials for treatment in a regulated mixed anaerobic digestion facility; and
- (b) has been approved and is in force.

(2) No person shall receive off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out for treatment in a regulated mixed anaerobic digestion facility unless there is an operational regulated mixed anaerobic digestion facility on the farm unit on which the operation is carried out.

(3) No person shall receive off-farm anaerobic digestion materials that are listed in Schedule 2 on a farm unit on which an agricultural operation is carried out for treatment in a regulated mixed anaerobic digestion facility unless there is an operational regulated mixed anaerobic digestion facility that was designed by a professional engineer to minimize odour emissions and was built to those design specifications.

General requirements for receipt

98.4 No person shall receive off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out for treatment in a regulated mixed anaerobic digestion facility except in accordance with the following rules:

1. The materials must be listed in Schedule 1 or Schedule 2.
2. The materials must not be listed in Schedule 3.
3. No more than 100 m³ of materials, other than farm feed, shall be received at the operation on any day.
4. Subject to the individual capacity of the operation, there is no limit to the amount of farm feed that may be received at the operation on any day.
5. No more than 5,000 m³ of materials, including farm feed that is intended for treatment in the mixed anaerobic digestion facility, shall be received at the operation in any year.
6. The materials must be received in bulk or, if they are transported in packaging or storage containers of some sort, the extra packaging or containers must not remain at the operation following the receipt of the materials.

Metal analysis

98.5 (1) No person shall receive off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out for treatment in a regulated mixed anaerobic digestion facility unless the person obtains the results of an analysis of the materials in accordance with this section.

(2) A person who receives off-farm anaerobic digestion materials shall obtain results of an analysis of the materials in the following circumstances:

1. It is the first time since this section came into force that the person receives materials generated by that particular generator.
2. The person has previously obtained results with respect to materials from a generator and the person has received 1,000 m³ of materials, inclusive of materials that are about to be received, generated by that generator since the last time the person obtained results from that generator.
3. More than 12 months have passed since the last time the person obtained results from that generator.

(3) The results of an analysis of the materials must be from a sample that has been collected within 14 days before the materials are to be received and each sample of materials must be analysed for metal in accordance with the methods specified in the Sampling and Analysis Protocol.

(4) If an analysis determines that the concentration of metal in off-farm anaerobic digestion materials exceeds the maximum metal concentration set out in the following Table, no person shall receive the materials on the farm unit on which the agricultural operation is carried out.

TABLE

Column 1	Column 2
Regulated Metal	Maximum metal concentration in materials (mg/kg of total solids dry weight)
Arsenic	13
Cadmium	3
Chromium	210
Cobalt	34
Copper	100
Lead	150
Mercury	0.8
Molybdenum	5
Nickel	62
Selenium	2
Zinc	500

STORAGE OF OFF-FARM ANAEROBIC DIGESTION MATERIALS

General requirements for storage

98.6 No person shall store off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out for treatment in a regulated mixed anaerobic digestion facility except in accordance with the following rules:

1. The materials must only be stored on the property where the facility is located.
2. No more than 100 m³ of materials, other than farm feed, may be stored at any one time.
3. Subject to the individual capacity of the operation, there is no limit to the amount of farm feed that may be stored.
4. Materials that have a dry matter content of less than 18 per cent must be stored in a sealed tank.
5. Subject to paragraph 6, materials that have a dry matter content of at least 18 per cent and no more than 50 per cent that are stored for more than 48 hours must be stored in an enclosed storage facility.
6. Farm feed that has the dry matter content described in paragraph 5 need not be stored in accordance with paragraph 5, but it must be stored with a cover that prevents precipitation from coming into contact with the farm feed.
7. Subject to paragraph 8, materials that have a dry matter content of more than 50 per cent that are stored for more than 30 days must be stored in a facility that has,
 - i. walls that enclose at least 75 per cent of the area of the facility, and
 - ii. a roof that covers the entire facility and is attached to the walls.
8. Farm feed that has the dry matter content described in paragraph 7 need not be stored in accordance with paragraph 7, but it must be stored with a cover that prevents precipitation from coming into contact with the farm feed.
9. Materials listed in Schedule 2 must be stored in a facility that was designed by a professional engineer to minimize odour emissions and was built to those design specifications.

TREATMENT OF ANAEROBIC DIGESTION MATERIALS

Requirement re biogas

98.7 No person shall treat anaerobic digestion materials on a farm unit on which an agricultural operation is carried out in a regulated mixed anaerobic digestion facility unless,

- (a) the facility is equipped with a gas combustion system that is capable of consuming the equivalent of 110 per cent of the biogas that the facility can generate; and
- (b) a secondary gas burning facility is available in the case of failure of the gas combustion system and is utilized within 48 hours if the rate of release of non-combusted biogas exceeds 20 m³/hour.

Generated materials

98.8 No person shall treat on-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out in a regulated mixed anaerobic digestion facility unless the materials meet the following criteria:

1. The materials were generated on the farm unit on which the anaerobic digestion facility is located.
2. Despite paragraph 1, materials may be received from one or more agricultural operations carried out on several farm units, if the total number of farm animals on all the farm units generate less than 1,000 nutrient units annually.

3. The materials are organic materials that were generated through,
 - i. the growing, producing or raising of farm animals,
 - ii. the production of agricultural crops, including greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, trees and turf grass,
 - iii. the production of eggs, cream or milk, or
 - iv. the processing by a farmer of products produced primarily from the farmer's agricultural operation.

General requirements for treatment

98.9 (1) No person shall treat anaerobic digestion materials on a farm unit on which an agricultural operation is carried out in a regulated mixed anaerobic digestion facility except in accordance with the following rules:

1. No anaerobic digestion materials may be treated in the facility unless they are,
 - i. on-farm anaerobic digestion materials that meet the criteria set out in section 98.8, or
 - ii. off-farm anaerobic digestion materials that are received in accordance with sections 98.4 and 98.5.
2. Except in respect of treatment described in paragraph 6, at all times, at least 75 per cent, by volume, of the total amount of anaerobic digestion materials that are being treated in the facility must be on-farm anaerobic digestion materials.
3. Except in respect of treatment described in paragraph 6, at all times, at least 50 per cent, by volume, of the total amount of on-farm anaerobic digestion materials that are being treated in the facility must be comprised of manure.
4. Subject to subsection (2), the average time anaerobic digestion materials are treated in the facility must be at least 20 days.
5. Subject to subsection (3), anaerobic digestion materials must be treated at no less than 35 degrees Celsius at all times.
6. In addition to the requirements of paragraphs 4 and 5, materials listed in Schedule 2 must be further treated for,
 - i. no less than one hour at no less than 70 degrees Celsius, or
 - ii. no less than 20 hours at no less than 50 degrees Celsius.
7. All the biogas generated by the facility must be collected and treated in accordance with section 98.7.
8. The facility must have a device for monitoring the actual temperature at which the material is being treated or further treated.
9. The facility must be operated in accordance with the professional engineer's design specifications.

(2) Despite paragraph 4 of subsection (1), anaerobic digestion materials may be treated in the facility for an average time of fewer than 20 days if,

- (a) a professional engineer designs the facility such that it is capable of reducing the content of total volatile solids of the materials in the facility by at least 50 per cent in fewer than 20 days;
 - (b) the facility is built to the engineer's design specifications; and
 - (c) the average time is equal to or greater than the shorter period of time specified by the professional engineer.
- (3) Despite paragraph 5 of subsection (1), anaerobic digestion materials may be treated at less than 35 degrees Celsius if,
- (a) a professional engineer designs the facility such that it is capable of reducing the content of total volatile solids of the materials in the facility by at least 50 per cent at a temperature that is less than 35 degrees Celsius;
 - (b) the facility is built to the professional engineer's design specifications; and
 - (c) the anaerobic digestion materials are treated at a temperature that is no less than the temperature as specified by the professional engineer.

STORAGE OF ANAEROBIC DIGESTION OUTPUT

Storage capacity

98.10 (1) No person shall treat anaerobic digestion materials on a farm unit on which an agricultural operation is carried out through mixed anaerobic digestion in a regulated mixed anaerobic digestion facility unless the farm unit is capable of storing all of the anaerobic digestion output generated in the course of the operation during a period of 240 days.

(2) The 240 day storage capacity referred to in subsection (1) is in addition to the requirements for storage capacity set out in section 69 and may be achieved through the storage capacity of a combination of facilities described in Part VIII.

(3) Despite subsection (1), a farm unit on which an agricultural operation is carried out may have a total storage capacity of less than 240 days for anaerobic digestion output if the person who owns or controls the operation has agreements to transfer some of the output off the farm unit.

(4) If a farm unit on which an agricultural operation is carried out has a total storage capacity for anaerobic digestion output of less than 240 days in accordance with subsection (3), the person who owns or controls the operation shall ensure that the storage capacity of the farm unit is at least equal to the capacity required to store the output that is not transferred off the farm unit.

(5) Despite subsection (1), if a person who owns or controls the operation has a nutrient management strategy for the farm unit on which the agricultural operation is carried out that provides for the use of some or all of the solid anaerobic digestion output generated in the course of the operation by a means that eliminates the need for storing the output on the farm unit for 240 days, the storage capacity of the farm unit must be at least equal to the storage capacity that the strategy requires.

(6) Despite subsection (1), a person may treat anaerobic digestion materials on a farm unit on which the agricultural operation is carried out through mixed anaerobic digestion in a regulated mixed anaerobic digestion facility where the farm unit has a total storage capacity of less than 240 days for anaerobic digestion output if,

- (a) the anaerobic digestion output is solid;
- (b) the person who owns or controls the agricultural operation has an application schedule that complies with section 98.11 and that provides for the application of the anaerobic digestion output to land, on a schedule of times that eliminates the need for storing the materials on the farm unit for 240 days;
- (c) the person who owns or controls the agricultural operation applies the anaerobic digestion output to land in accordance with the application schedule; and
- (d) the storage capacity is equal to the storage capacity that the application schedule requires.

LAND APPLICATION OF ANAEROBIC DIGESTION OUTPUT

General requirements for land application

Application

98.11 (1) This section applies,

- (a) in respect of the application of any anaerobic digestion output that falls within the definition of agricultural source material to land on a farm unit on which an agricultural operation is carried out; and
- (b) to all agricultural operations, whether this Regulation requires the farm unit on which the agricultural operation is carried out to have a nutrient management plan or not.

(2) No person shall apply anaerobic digestion output that falls within the definition of agricultural source material to land on a farm unit on which an agricultural operation is carried out except in accordance with the following rules:

1. The application must comply with every requirement in Part VI that governs the land application of agricultural source materials, prescribed materials or nutrients, except section 40.
2. The anaerobic digestion output must not be applied to land within 150 metres from the top of the bank of surface water if the maximum sustained slope of the land is 25 per cent or greater as determined in accordance with the Nutrient Management Protocol.
3. The anaerobic digestion output must not be applied using a high trajectory irrigation gun capable of spraying liquid more than 10 metres unless the materials being applied are an aqueous solution or suspension containing more than 99 per cent water by weight.
4. The application must comply with section 50 and, for that purpose, every reference to “non-agricultural source materials” in that section shall be read as including a reference to “anaerobic digestion output”.

Application of output not from regulated mixed anaerobic digestion facility

98.12 (1) No person shall apply anaerobic digestion output that is from a mixed anaerobic digestion facility that is not a regulated mixed anaerobic digestion facility to land on a farm unit on which an agricultural operation is carried out except in accordance with the nutrient management plan, if a nutrient management plan is required for the farm unit on which the agricultural operation is carried out.

(2) No person shall apply anaerobic digestion output that is from a mixed anaerobic digestion facility that is not a regulated mixed anaerobic digestion facility to land on a farm unit on which an agricultural operation is carried out except in accordance with the following rules, if a nutrient management plan is not required for the farm unit on which the agricultural operation is carried out:

1. The application occurs at a rate such that the total available phosphorus in all prescribed materials that are applied to the land per hectare during any consecutive five-year period does not exceed the greater of,

- i. the crop production requirements per hectare for that five-year period plus 85 kilograms of phosphate per hectare, and
 - ii. the phosphorus removed from the land per hectare in the harvested portion of the crop during that five-year period plus 390 kilograms of phosphate per hectare.
2. The application occurs at a rate such that the total plant available nitrogen in all prescribed materials that are applied to the land per hectare does not exceed 200 kilograms of plant available nitrogen per hectare in any one 12-month period.
- (3) For the purposes of paragraph 2 of subsection (2), the total plant available nitrogen is the sum resulting from the following calculation:

$$(\text{ammonia and ammonium nitrogen}) + (\text{nitrite and nitrate nitrogen}) + (0.3) (\text{organic nitrogen})$$

where,

$$\text{organic nitrogen} = \text{total kjeldahl nitrogen} - (\text{ammonia and ammonium nitrogen}).$$

RECORDS RE ANAEROBIC DIGESTION

98.13 (1) Every person who owns or controls an agricultural operation that treats anaerobic digestion materials through the use of a regulated mixed anaerobic digestion facility shall keep the following records:

1. Records of the professional engineer's design specifications.
 2. With respect to every delivery of off-farm anaerobic digestion materials,
 - i. the name and address of the generator,
 - ii. the name and address of the person making the delivery, and
 - iii. the types of material received and the volume of materials received.
 3. The results of the analyses determining the concentrations of metals as required under section 98.5.
 4. The results of all analyses performed on anaerobic digestion output, as required.
 5. The destination of the anaerobic digestion output.
 6. A record of the date of use, if ever, of a secondary gas burning facility described in clause 98.7 (b) and duration of its use.
- (2) The person who owns or controls the agricultural operation shall maintain the records required under subsection (1) in accordance with sections 112 and 113, with necessary modifications.

PART IX.2 VEGETATED FILTER STRIP SYSTEMS

APPLICATION AND EXCEPTION

Application

98.14 Subject to section 98.15, a person who owns or controls an agricultural operation where a vegetated filter strip system is established, constructed, altered, expanded or operated shall ensure that the requirements of this Part are met in relation to the system.

Exception

98.15 This Part does not apply to the establishment, construction, alteration, expansion or operation of a vegetated filter strip system that manages runoff as part of an agricultural operation if,

- (a) the vegetated filter strip system is or forms part of a sewage works approved under section 53 of the *Ontario Water Resources Act*;
- (b) the person who owns or controls the agricultural operation has an approval under section 53 of the *Ontario Water Resources Act* for the establishment, alteration, extension or replacement of the sewage works; and
- (c) the vegetated filter strip system is used or operated in compliance with the approval granted under section 53 of the *Ontario Water Resources Act*.

CRITERIA FOR VEGETATED FILTER STRIP SYSTEM

Criteria

98.16 (1) A person who establishes, constructs, alters, expands or operates a vegetated filter strip system shall ensure that the following criteria are met:

1. The vegetated filter strip must slope downward from the location of the distribution pipe, with no abrupt changes in the slope and with the slope on any portion of the vegetated filter strip being no less than 2 per cent and no greater than 12 per cent.
2. The profile of the vegetated filter strip across its width must be flat.
3. The minimum depth of soil to bedrock under the extended vegetated filter strip area must be 0.5 metres.
4. The minimum depth of soil to the uppermost identified aquifer under the extended vegetated filter strip area must be 0.9 metres.
5. The vegetated filter strip must not be located within three metres of a field tile drain.
6. The vegetated filter strip must not be located within,
 - i. 100 metres of a municipal well,
 - ii. 15 meters of a drilled well that has a depth of at least 15 metres and a water tight casing to a depth of at least six metres below ground level, or
 - iii. 30 metres of any other well.
7. The vegetated filter strip must not be located in an area that is subject to flooding once or more every 100 years, according to flood plain mapping provided by the municipality or conservation authority having jurisdiction over the area.

(2) In this section,

“extended vegetated filter strip area” means the area on the surface of the ground that comprises the area of the vegetated filter strip plus the area that extends outwards a distance of 10 metres from every point on the perimeter of the vegetated filter strip.

Additional requirements

98.17 In addition to complying with the criteria set out in subsection 98.16 (1), a person who establishes, constructs, alters, expands or operates a vegetated filter strip system shall ensure that one of the following requirements is met:

1. There is a flow path,
 - i. that is at least 50 meters long extending from the lower edge of the vegetated filter strip to the top of the bank of the nearest surface water or tile inlet, and
 - ii. that is maintained under continuous vegetated cover, including perennial grasses, forbs or trees and perennial forage crops that can be harvested as hay or silage.
2. There is a permanently vegetated area that is adjacent to the lower edge of the vegetated filter strip and is located between the vegetated filter strip and the top of the bank of the nearest surface water or tile inlet. There is at least the minimum appropriate length between the lower edge of the vegetated filter strip and the top of the bank of the nearest surface water or tile inlet, as determined by referring to the average slope of the strip set out in Column 1 of the Table and referring to the minimum appropriate length set out opposite the slope in Column 2 of the Table.

TABLE

Column 1	Column 2
Average Slope of Vegetated Filter Strip (in per cent)	Minimum Length between Lower Edge of Vegetated Filter Strip and Top of Bank of Nearest Surface Water or Tile Inlet (in metres)
2 to < 4	10
4 to < 6	20
6 to < 8	30
8 to < 10	40
10 to ≤ 12	50

DESIGN AND ESTABLISHMENT OF VEGETATED FILTER STRIP SYSTEM

Design and establishment

98.18 No person shall establish, construct, alter or expand a vegetated filter strip system unless,

- (a) a professional engineer designs the establishment, construction, alteration or expansion of the vegetated filter strip system having regard to the requirements of this Regulation;
- (b) the vegetated filter strip is designed to accommodate infiltration of 100 per cent of the runoff treated by the vegetated filter strip system;

- (c) the professional engineer provides the person who owns or controls the agricultural operation with a written notice that sets out the design specifications and the amount of runoff that the vegetated filter strip system is designed to treat;
- (d) the vegetated filter strip system is built to the professional engineer's design specifications; and
- (e) the professional engineer provides the person who owns or controls the agricultural operation with a written notice that indicates the vegetated filter strip system meets the design specifications.

RUNOFF

Pre-treatment of runoff

98.19 No person shall establish, construct, alter, expand or operate a vegetated filter strip system unless it is designed to pre-treat runoff through the use of a component that is designed and operated to store and settle the solids before the runoff is transferred to the vegetated filter strip.

Discharge of runoff

98.20 No person shall permit the discharge of runoff through a vegetated filter strip system to a vegetated filter strip unless,

- (a) the runoff being discharged is distributed in a uniform manner across the full width of the strip;
- (b) the runoff proceeds down the strip in a sheet flow;
- (c) the strip is free from rills and channels, which may affect the distribution of the runoff on the strip; and
- (d) the strip is free of accumulated sediments and solids.

OPERATION AND MAINTENANCE OF VEGETATED FILTER STRIP SYSTEM

Operational requirements

98.21 No person shall permit the discharge of runoff through a vegetated filter strip system to a vegetated filter strip unless,

- (a) the vegetated filter strip has a minimum width of at least six metres;
- (b) the amount of runoff discharged through the vegetated filter strip system is no more than the amount the system was designed to handle; and
- (c) up-slope water has been diverted away from the strip so that it does not enter the strip.

Limiting access to vegetated filter strip

98.22 (1) No person shall allow livestock, vehicles, motorized snow vehicles or farm equipment to have access to a vegetated filter strip unless,

- (a) there is at least 30 centimetres of unsaturated soil at the surface of the strip at the time of access; and
 - (b) the presence of the livestock, vehicle, motorized snow vehicle or farm equipment does not damage the strip.
- (2) In this section,

“motorized snow vehicle” has the same meaning as in the *Motorized Snow Vehicle Act*; (“motoneige”)

“vehicle” has the same meaning as in the *Highway Traffic Act*. (“véhicule”)

Vegetative cover on vegetated filter strip

98.23 No person shall permit the discharge of runoff through a vegetated filter strip system to a vegetated filter strip unless the strip is covered with a continuous, well-established vegetated cover consisting primarily of perennial grasses, but not including trees.

Harvesting or mowing vegetated filter strip

98.24 Subject to section 98.25, the person who owns or controls an agricultural operation where a vegetated filter strip system has been established and is being operated as part of the agricultural operation shall harvest or mow the vegetated filter strip at regular intervals such that the strip continues to effectively intercept and treat the runoff.

Height of vegetation

98.25 The person who owns or controls an agricultural operation where a vegetated filter strip system has been established and is being operated as part of the agricultural operation shall ensure that the vegetated filter strip is maintained with vegetation with a height of no less than 75 millimetres.

Inspections

98.26 The person who owns or controls an agricultural operation where a vegetated filter strip system has been established and is being operated as part of the agricultural operation shall inspect the vegetated filter strip system every six months to ensure that all components are functioning effectively and that the design specifications are being maintained.

Use ceases if not functioning effectively or within specifications

98.27 If a component of a vegetated filter strip system is not functioning effectively or the system's design specifications are not maintained, the person who owns or controls the agricultural operation where the vegetated filter strip system has been established shall discontinue the operation of the system until such time as it is functioning effectively and the design specifications are maintained.

RECORD KEEPING**Record keeping**

98.28 (1) The person who owns or controls the agricultural operation where a vegetated filter strip system has been established and is being operated as part of the agricultural operation shall keep the following records in relation to the establishment and operation of the vegetated filter strip system:

1. The engineering design specifications and the written records referred to in section 98.18.
2. The date, time and description of inspections under section 98.26 and maintenance activity conducted on the system and the name of the person conducting the inspection or undertaking the maintenance activity.
3. A record of any actions taken to ensure that all components of the system are functioning effectively and that the design specifications of the system are being maintained.

(2) The person who owns or controls the agricultural operation shall maintain the records required under subsection (1) in accordance with section 112 and subsection 113 (1), with necessary modifications.

(3) The person who owns or controls the agricultural operation shall ensure that the records required under subsection (1) are kept in storage for a period of at least two years,

- (a) from the date of the last use of the vegetated filter strip system, for records of the engineering design specifications and the written records referred to in section 98.18; and
- (b) from the date they were created for all other records referred to in subsection (1).

18. The Regulation is amended by adding the following Schedules:

**SCHEDULE 1
OFF-FARM ANAEROBIC DIGESTION MATERIALS**

The following materials may be received at an agricultural operation for treatment in a regulated mixed anaerobic digestion facility:

1. Waste products from animal feeds listed in Classes 1, 2, 3, 4 and 5 of Part 1 of Schedule IV to the Feeds Regulation, 1983 (SOR/83-593) made under the *Feeds Act* (Canada), excluding any materials that contain an animal product that has not been denatured.
2. Materials that previously would have been a product described in paragraph 1 but are no longer suitable for use in feeding farm animals for reasons that do not include contamination by another material.
3. Organic waste matter derived from the drying or cleaning of field crops.
4. Organic waste derived from the processing of field crops.
5. Organic waste matter derived from the production of ethanol or biodiesel.
6. Aquatic plants.
7. Organic waste matter derived from food processing at,
 - i. bakeries,
 - ii. confectionary processing facilities,
 - iii. dairies and facilities that process dairy products,
 - iv. fruit and vegetable processing facilities,
 - v. cereal and grain processing facilities,
 - vi. oil seed processing facilities,

- vii. snack food manufacturing facilities,
 - viii. breweries and distilleries,
 - ix. wineries, and
 - x. beverage manufacturing facilities.
8. Waste brewers' and distillers' grain derived from food processing at breweries and distilleries.
 9. Fruit and vegetable waste.
 10. Organic waste materials from a greenhouse, nursery, garden centre or flower shop that is not part of an agricultural operation.

SCHEDULE 2
OFF-FARM ANAEROBIC DIGESTION MATERIALS, LIMITED

The following materials may be received at an agricultural operation for treatment in a regulated mixed anaerobic digestion facility subject to the restrictions in this Regulation with respect to Schedule 2 materials:

1. Waste products from animal feeds listed in Classes 1, 2, 3, 4 and 5 of Part 1 of Schedule IV to the Feeds Regulation (SOR/83-593) made under the *Feeds Act* (Canada), including any materials that contain an animal product that has not been denatured.
2. Paunch manure.

SCHEDULE 3
MATERIALS NOT ACCEPTABLE FOR USE IN A REGULATED MIXED ANAEROBIC DIGESTION FACILITY

The following materials shall not be received at an agricultural operation for treatment in a regulated mixed anaerobic digestion facility:

1. Solvents, where the solvent is a volatile organic compound that is used as a cleaning agent, diluent, dissolver, thinner, or viscosity reducer or for a similar purpose.
 2. Petroleum products and hydrocarbon fuels.
 3. Resins and plastics.
 4. Waste from food that was presented to a person for consumption but was not consumed, including but not limited to, restaurant waste and airplane food waste.
 5. Hazardous waste within the meaning of Regulation 347 (General – Waste Management) made under the *Environmental Protection Act*.
 6. Any material that has a dry matter content of less than 1 per cent.
- 19. This Regulation comes into force on the day it is filed.**

RÈGLEMENT DE L'ONTARIO 394/07

pris en application de la

LOI DE 2002 SUR LA GESTION DES ÉLÉMENTS NUTRITIFS

pris le 25 juillet 2007
déposé le 26 juillet 2007
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modifiant le Règl. de l'Ont. 267/03
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 267/03 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. (1) La définition de «matière de source agricole» au paragraphe 1 (1) du Règlement de l'Ontario 267/03 est modifiée par adjonction de la disposition suivante :

5. Les matières issues de la digestion anaérobie, si :

- i. d'une part, les matières destinées à la digestion anaérobie ont été traitées dans un digesteur anaérobie mixte,
- ii. d'autre part, au moins 50 pour cent, en volume, de la quantité totale des matières destinées à la digestion anaérobie étaient des matières provenant d'une exploitation agricole.

(2) Le paragraphe 1 (1) du Règlement est modifié par adjonction des définitions suivantes :

«digestion anaérobie» Décomposition de matières organiques dans un milieu hermétique. («anaerobic digestion»)

«matières destinées à la digestion anaérobie» Matières qui sont destinées à être traitées dans un digesteur anaérobie mixte, qu'elles soient produites dans l'exploitation agricole ou que celle-ci reçoit d'une source extérieure. («anaerobic digestion material»)

«matières issues de la digestion anaérobie» Matières solides ou liquides qui résultent du traitement de matières destinées à la digestion anaérobie dans un digesteur anaérobie mixte. («anaerobic digestion output»)

«produits servant d'aliments pour animaux» Toute matière qui est mentionnée à la disposition 3, aux sous-dispositions 7 iv et v et à la disposition 8 de l'annexe 1. («farm feed»)

(3) La définition de «voie d'écoulement» au paragraphe 1 (1) du Règlement est abrogée et remplacée par ce qui suit :

«voie d'écoulement» Relativement à une installation, à un site, à une zone de confinement extérieure, à une zone d'entreposage temporaire ou à un système de bande de végétation filtrante, s'entend d'un chenal de surface ou d'une dépression qui éloigne les liquides de l'installation, du site, de la zone ou du système. («flow path»)

(4) La définition de «système de transfert d'éléments nutritifs liquides» au paragraphe 1 (1) du Règlement est abrogée et remplacée par ce qui suit :

«système de transfert d'éléments nutritifs liquides» Toutes les canalisations et surfaces qui entrent en contact avec des matières prescrites liquides lors de leur déplacement jusqu'à une installation permanente d'entreposage d'éléments nutritifs, sauf les éléments d'une installation permanente d'entreposage d'éléments nutritifs liquides ou un véhicule servant au transport d'éléments nutritifs liquides. («liquid nutrient transfer system»)

(5) Le paragraphe 1 (1) du Règlement est modifié par adjonction des définitions suivantes :

«digesteur anaérobie mixte» Digesteur anaérobie qui traite, sur une unité agricole où une exploitation agricole exerce ses activités, à la fois des matières provenant d'une exploitation agricole et des matières ne provenant pas d'une exploitation agricole. («mixed anaerobic digestion facility»)

«digestion anaérobie mixte» Digestion anaérobie dans un même digesteur à la fois de matières provenant d'une exploitation agricole et de matières ne provenant pas d'une exploitation agricole. («mixed anaerobic digestion»)

(6) La définition de «matière de source non agricole» au paragraphe 1 (1) du Règlement est abrogée et remplacée par ce qui suit :

«matière de source non agricole» S'entend des matières suivantes qui sont destinées à l'épandage sur un bien-fonds comme éléments nutritifs, sauf les engrais commerciaux ou le compost qui satisfont aux lignes directrices intitulées *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* qu'a préparées le ministère de l'Environnement, lesquelles sont datées de novembre 2004 :

1. Les matières sèches biologiques provenant de la pulpe et du papier.
2. Les matières sèches biologiques provenant d'égouts.
3. Les matières issues de la digestion anaérobie, si moins de 50 pour cent, en volume, de la quantité totale des matières destinées à la digestion anaérobie qui ont été traitées dans le digesteur anaérobie mixte étaient des matières provenant d'une exploitation agricole.
4. Toute autre matière de source non agricole qui peut être épandue sur un bien-fonds comme élément nutritif. («non-agricultural source material»)

(7) La définition de «protocole de gestion des éléments nutritifs» au paragraphe 1 (1) du Règlement est modifiée par substitution de «20 juillet 2007» à «12 août 2005».

(8) Le paragraphe 1 (1) du Règlement est modifié par adjonction des définitions suivantes :

«matières ne provenant pas d'une exploitation agricole» Matières destinées à la digestion anaérobie qui ne sont pas produites dans une exploitation agricole et qu'une exploitation agricole reçoit d'une source extérieure. («off-farm anaerobic digestion materials»)

«matières provenant d'une exploitation agricole» Matières destinées à la digestion anaérobie qui sont produites dans une exploitation agricole. («on-farm anaerobic digestion materials»)

(9) La définition de «installation permanente d'entreposage d'éléments nutritifs» au paragraphe 1 (1) du Règlement est modifiée par adjonction de l'alinéa suivant :

- d) une installation permanente d'entreposage d'éléments nutritifs qui est utilisée uniquement dans le cadre d'un système de bande de végétation filtrante.

(10) Le paragraphe 1 (1) du Règlement est modifié par adjonction de la définition suivante :

«digesteur anaérobie mixte réglementé» Digesteur anaérobie mixte qui est réglementé en application de la partie IX.1 et qui n'est pas soumis aux exigences relatives à un certificat d'autorisation ou à un certificat d'autorisation provisoire d'un système de gestion des déchets ou d'un lieu d'élimination des déchets délivré en vertu de la partie V de la *Loi sur la protection de l'environnement*. («regulated mixed anaerobic digestion facility»)

(11) La définition de «eaux de ruissellement» au paragraphe 1 (1) du Règlement est abrogée et remplacée par ce qui suit :

«eaux de ruissellement» Liquide qui réunit les conditions suivantes :

- a) il est entré en contact avec du fumier ou avec des matières destinées à la digestion anaérobie ou des matières issues de la digestion anaérobie, toutes deux en lien avec un digesteur anaérobie mixte réglementé, dans une installation permanente d'entreposage d'éléments nutritifs, sur un site temporaire d'entreposage d'éléments nutritifs sur place, dans une zone de confinement extérieure, dans une installation d'entreposage de matières ne provenant pas d'une exploitation agricole ou dans une cour d'animaux d'élevage, chacun revêtu de béton ou d'un autre matériau de revêtement de perméabilité égale ou moindre;
- b) il peut contenir des éléments de fumier, de matières destinées à la digestion anaérobie ou de matières issues de la digestion anaérobie, en solution ou en suspension;
- c) il n'est plus contenu dans l'installation permanente d'entreposage d'éléments nutritifs, sur le site temporaire d'entreposage d'éléments nutritifs sur place, dans la zone de confinement extérieure, dans l'installation d'entreposage de matières ne provenant pas d'une exploitation agricole ou dans la cour d'animaux d'élevage. («runoff»)

(12) La définition de «protocole d'échantillonnage et d'analyse» au paragraphe 1 (1) du Règlement est modifiée par substitution de «20 juillet 2007» à «12 août 2005».

(13) La version française de l'alinéa b) de la définition de «zone tampon de végétation» au paragraphe 1 (1) du Règlement est modifiée par substitution de «plantes herbacées non graminoides» à «dicotylédones herbacées».

(14) Le paragraphe 1 (1) du Règlement est modifié par adjonction des définitions suivantes :

«bande de végétation filtrante» Bande de végétation dense conçue et aménagée pour intercepter les eaux de ruissellement et les traiter par décantation, filtration, dilution, adsorption des polluants et infiltration dans le sol. («vegetated filter strip»)

«système de bande de végétation filtrante» Système complet qui est conçu pour traiter les eaux de ruissellement et qui comprend l'ensemble des éléments suivants :

- 1. Un élément qui capte et entrepose les eaux de ruissellement et qui permet de faire décanter les matières solides qu'elles contiennent.
- 2. Un élément qui débarrasse les eaux de ruissellement des débris grossiers.
- 3. Un élément qui évacue les eaux de ruissellement vers la bande de végétation filtrante, au besoin à l'aide d'une pompe.
- 4. Un tuyau de répartition, ou un mécanisme équivalent, qui répartit uniformément les eaux de ruissellement à travers la bande de végétation filtrante.
- 5. Une bande de végétation filtrante. («vegetated filter strip system»)

2. (1) Le paragraphe 6 (1) du Règlement est modifié par substitution de «à l'exception de l'article 45, du paragraphe 47 (3), des articles 49, 98.11 et 98.12 et de la partie IX.2» à «à l'exception de l'article 45, du paragraphe 47 (3) et de l'article 49».

(2) L'article 6 du Règlement est modifié par adjonction du paragraphe suivant :

(3) Malgré le paragraphe (1), quel que soit le nombre d'unités nutritives produites par une unité agricole, le présent règlement s'applique à l'exploitation agricole qui exerce ses activités sur une unité agricole visée par le paragraphe 11 (4.1).

3. (1) L'article 11 du Règlement est modifié par adjonction du paragraphe suivant :

(4.1) L'article 10 s'applique à l'exploitation agricole qui exerce ses activités sur une unité agricole qui reçoit des matières ne provenant pas d'une exploitation agricole dans le but de les traiter par digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé.

(2) Le paragraphe 11 (5) du Règlement est modifié par substitution de «les paragraphes (1), (3), (4) et (4.1)» à «les paragraphes (1), (3) et (4)».

4. L'article 11.1 du Règlement est abrogé et remplacé par ce qui suit :

Construction de bâtiments ou de structures

11.1 (1) Si le présent règlement exige que la personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole se dote d'une stratégie de gestion des éléments nutritifs pour en exercer les activités, nul ne doit construire un bâtiment ou une structure sur l'unité agricole où l'exploitation exerce ses activités si le bâtiment ou la structure sert à garder des animaux d'élevage ou à entreposer des éléments nutritifs, sauf si :

- a) d'une part, la stratégie de gestion des éléments nutritifs applicable à l'exploitation qui exerce ses activités sur l'unité agricole prévoit la construction du bâtiment ou de la structure;
- b) d'autre part, la stratégie de gestion des éléments nutritifs a été approuvée conformément au présent règlement.

(2) Nul ne doit construire un digesteur anaérobie mixte réglementé sur une unité agricole où une exploitation agricole exerce ses activités, sauf si la stratégie de gestion des éléments nutritifs applicable à l'exploitation prévoit la construction de ce digesteur et a été approuvée conformément au présent règlement.

5. L'article 17 du Règlement est modifié par adjonction du paragraphe suivant :

(4) La stratégie de gestion des éléments nutritifs d'une exploitation agricole qui traite des matières par digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé doit décrire la façon dont il sera satisfait aux exigences du présent règlement à l'égard de la digestion anaérobie mixte, et notamment :

- a) décrire la marche à suivre à l'exploitation en vue de déterminer si les matières ne provenant pas d'une exploitation agricole satisfont aux exigences du présent règlement à l'égard du traitement par digestion anaérobie mixte;
- b) décrire la façon dont les installations permanentes d'entreposage d'éléments nutritifs qui serviront, le cas échéant, à entreposer des matières ne provenant pas d'une exploitation agricole satisferont à ces exigences;
- c) décrire la façon dont un digesteur anaérobie mixte réglementé satisfera à ces exigences;
- d) décrire les méthodes à utiliser à l'exploitation pour gérer les matières issues de la digestion anaérobie conformément à ces exigences.

6. (1) Le paragraphe 22 (1) du Règlement est modifié par insertion de « (3.1) » après « (3) ».

(2) L'article 22 du Règlement est modifié par adjonction du paragraphe suivant :

(3.1) Si la personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole traite des matières par digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé, la stratégie cesse d'être en vigueur le jour où des matières ne provenant pas d'une exploitation agricole sont reçues pour la première fois sur une unité agricole de l'exploitation, sauf si :

- a) d'une part, la stratégie prévoit la digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé;
- b) d'autre part, la personne qui est propriétaire ou qui a le contrôle du bien-fonds où l'exploitation exerce ses activités a soumis la stratégie à l'approbation d'un directeur.

7. Le paragraphe 27 (1) du Règlement est modifié par adjonction de l'alinéa suivant :

- b.1) il s'agit d'une exploitation agricole et la personne qui est propriétaire ou qui a le contrôle du bien-fonds où l'exploitation exerce ses activités traite des matières par digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé;

8. Le paragraphe 30 (1) du Règlement est modifié par substitution de « paragraphe 22 (2), (3), (3.1) ou (4) » à « paragraphe 22 (2), (3) ou (4) ».

9. La version anglaise de l'article 46 du Règlement est modifiée par suppression de « condition ».

10. L'article 62 du Règlement est modifié par adjonction des paragraphes suivants :

(1.1) La présente partie s'applique à l'exploitation qui est tenue de se doter d'une stratégie de gestion des éléments nutritifs du fait qu'elle traite des matières par digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé si, le jour de l'entrée en vigueur du présent paragraphe ou par la suite, l'installation d'entreposage de ces matières est agrandie ou construite.

(1.2) Si le paragraphe (1.1) s'applique, chaque mention dans la présente partie d'une « installation permanente d'entreposage d'éléments nutritifs » inclut la mention d'une « installation d'entreposage de matières ne provenant pas d'une exploitation agricole » et les dispositions de la présente partie qui se rapportent aux installations permanentes d'entreposage d'éléments nutritifs liquides et aux installations permanentes d'entreposage d'éléments nutritifs solides s'appliquent, avec les adaptations nécessaires, aux installations d'entreposage de matières ne provenant pas d'une exploitation agricole.

11. (1) L'alinéa 71 (1) a) du Règlement est abrogé et remplacé par ce qui suit :

- a) un ingénieur conçoit la construction ou l'agrandissement, notamment tout système de surveillance connexe, en tenant compte des exigences du présent règlement et signe un certificat d'engagement préparé sous la forme et de la façon que précise un directeur, par lequel il s'engage à tenir compte de ces exigences et à inspecter la construction ou l'agrandissement à la fin des travaux;

(2) L'article 71 du Règlement est modifié par adjonction du paragraphe suivant :

(3) Nul ne doit construire ou agrandir un digesteur anaérobie mixte réglementé sur une unité agricole où une exploitation agricole exerce ses activités, sauf si un ingénieur, à la fois :

- a) conçoit la construction ou l'agrandissement du digesteur en tenant compte des exigences du présent règlement;
- b) conçoit le digesteur de manière à prévoir le transfert de matières dans l'installation d'entreposage et de celle-ci au digesteur anaérobie mixte pour que soient réduites au minimum les émissions d'odeurs, si des matières mentionnées à l'annexe 2 seront traitées dans le digesteur;
- c) veille à ce que le digesteur soit conçu pour gérer le biogaz non brûlé;
- d) signe un certificat d'engagement préparé sous la forme et de la façon que précise un directeur, par lequel il s'engage à tenir compte de ces exigences et à inspecter la construction ou l'agrandissement à la fin des travaux.

12. La disposition 2 du paragraphe 81 (4) du Règlement est abrogée et remplacée par ce qui suit :

2. Des systèmes de bande de végétation filtrante qui satisfont aux exigences de la partie IX.2 ou qui sont soustraits à l'application de cette partie par l'article 98.15.

13. (1) Le paragraphe 90 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) Aux fins d'un calcul à effectuer en application de la présente partie ou de la partie IX.1 relativement à un échantillon, la personne utilise les résultats d'analyse réels obtenus par celle qui analyse l'échantillon en application de l'une ou l'autre de ces parties.

(2) Le paragraphe 90 (3) du Règlement est modifié par substitution de «Si la présente partie ou la partie IX.1» à «Si la présente partie» au début du paragraphe.

14. L'intertitre qui précède immédiatement l'article 91 du Règlement est abrogé et remplacé par ce qui suit :

FUMIER ET MATIÈRES ISSUES DE LA DIGESTION ANAÉROBIE

15. (1) Le paragraphe 91 (1) du Règlement est modifié par substitution de «l'épandage, sur un bien-fonds, de fumier ou de matières issues de la digestion anaérobie qui entrent dans la définition de «matière de source agricole»» à «l'épandage de fumier sur un bien-fonds» dans le passage qui précède l'alinéa a).

(2) Le paragraphe 91 (2) du Règlement est modifié par substitution de «l'épandage, sur un bien-fonds, de fumier ou de matières issues de la digestion anaérobie qui entrent dans la définition de «matière de source agricole»» à «l'épandage de fumier sur un bien-fonds».

(3) Le paragraphe 91 (3) du Règlement est modifié par substitution de «l'épandage, sur un bien-fonds, de fumier ou de matières issues de la digestion anaérobie qui entrent dans la définition de «matière de source agricole»» à «l'épandage de fumier sur un bien-fonds» dans le passage qui précède l'alinéa a).

(4) L'alinéa 91 (3) a) est modifié par substitution de «un échantillon de chaque type de fumier ou de matières issues de la digestion anaérobie épandus» à «un échantillon du fumier ou de chaque type de fumier épandu».

(5) Le paragraphe 91 (4) du Règlement est abrogé et remplacé par ce qui suit :

(4) L'analyse prévue au paragraphe (1) ou (2) est effectuée par un laboratoire qui est agréé par le ministère de l'Agriculture, de l'Alimentation et des Affaires rurales à cette fin.

(5) L'analyse prévue au paragraphe (3) est effectuée :

- a) soit par un laboratoire qui est agréé par le ministère de l'Agriculture, de l'Alimentation et des Affaires rurales à cette fin;
- b) soit par un laboratoire qui est agréé conformément à la norme internationale ISO/CEI 17025 (Prescriptions générales concernant la compétence des laboratoires d'échantillonnages et d'essais) datée du 15 décembre 1999, telle qu'elle est modifiée.

16. (1) Le paragraphe 92 (1) du Règlement est abrogé et remplacé par ce qui suit :

Taux maximal d'épandage

(1) Quiconque est tenu de prélever des échantillons et de les faire analyser en application de l'article 91 calcule le taux maximal d'épandage du fumier ou des matières issues de la digestion anaérobie échantillonnés sur le bien-fonds en se servant de la plus récente concentration établie en application du paragraphe applicable ou des concentrations prévues à l'alinéa 91 (1) b), le cas échéant.

(2) Le paragraphe 92 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) Le taux maximal d'épandage du fumier ou des matières issues de la digestion anaérobie échantillonnés sur le bien-fonds doit être tel que le phosphore assimilable total dans les éléments nutritifs qui sont épandus sur le bien-fonds par hectare au cours d'une période de cinq années consécutives n'est pas supérieur à la plus grande des quantités suivantes :

- a) les exigences de production végétale par hectare pour cette période, plus 85 kilogrammes de phosphate par hectare;
- b) le phosphore enlevé du bien-fonds par hectare dans la partie récoltée de la culture au cours de cette période, plus 390 kilogrammes de phosphate par hectare.

(3) Le paragraphe 92 (5) du Règlement est abrogé et remplacé par ce qui suit :

(5) Nul ne doit épandre de fumier ou de matières issues de la digestion anaérobie sur un bien-fonds à un taux dépassant le taux maximal d'épandage prévu pour le fumier ou les matières issues de la digestion anaérobie.

17. Le Règlement est modifié par adjonction des parties suivantes :

**PARTIE IX.1
DIGESTION ANAÉROBIE**

DISPOSITIONS GÉNÉRALES

Matières figurant dans plus d'une annexe

98.1 Pour l'application de la présente partie :

- a) les matières qui seraient visées à la fois par l'annexe 1 et l'annexe 2 sont traitées à toutes fins comme des matières visées par l'annexe 2;
- b) les matières qui seraient visées par l'annexe 3 et par l'annexe 1 ou l'annexe 2 sont traitées à toutes fins comme des matières visées par l'annexe 3.

Observation

98.2 La personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole qui traite des matières ne provenant pas d'une exploitation agricole par digestion anaérobie mixte sur une unité agricole où l'exploitation exerce ses activités veille, selon le cas :

- a) à ce qu'il soit satisfait aux exigences de la présente partie à l'égard de l'exploitation;
- b) à ce qu'il soit satisfait, à l'égard de l'exploitation :
 - (i) d'une part, aux exigences relatives à un certificat d'autorisation ou à un certificat d'autorisation provisoire d'un système de gestion des déchets ou d'un lieu d'élimination des déchets délivré en vertu de la partie V de la *Loi sur la protection de l'environnement*,
 - (ii) d'autre part, aux exigences des articles 98.11 et 98.12.

RÉCEPTION DE MATIÈRES NE PROVENANT PAS D'UNE EXPLOITATION AGRICOLE

Stratégie et installations requises

98.3 (1) Nul ne doit recevoir des matières ne provenant pas d'une exploitation agricole sur une unité agricole où une exploitation agricole exerce ses activités dans le but de les traiter dans un digesteur anaérobie mixte réglementé, sauf si la stratégie de gestion des éléments nutritifs de l'unité agricole :

- a) d'une part, prévoit la réception des matières dans le but de les traiter dans un digesteur anaérobie mixte réglementé;
- b) d'autre part, a été approuvée et est en vigueur.

(2) Nul ne doit recevoir des matières ne provenant pas d'une exploitation agricole sur une unité agricole où une exploitation agricole exerce ses activités dans le but de les traiter dans un digesteur anaérobie mixte réglementé, sauf s'il se trouve sur l'unité agricole un digesteur anaérobie mixte réglementé qui est en état de fonctionnement.

(3) Nul ne doit recevoir des matières ne provenant pas d'une exploitation agricole qui sont mentionnées à l'annexe 2 sur une unité agricole où une exploitation agricole exerce ses activités dans le but de les traiter dans un digesteur anaérobie mixte réglementé, sauf s'il se trouve sur l'unité agricole un digesteur anaérobie mixte réglementé en état de fonctionnement qui a été conçu par un ingénieur en vue de réduire au minimum les émissions d'odeurs et qui a été construit conformément à ces critères de conception.

Exigences générales : réception des matières

98.4 Nul ne doit recevoir des matières ne provenant pas d'une exploitation agricole sur une unité agricole où une exploitation agricole exerce ses activités dans le but de les traiter dans un digesteur anaérobie mixte réglementé, si ce n'est conformément aux règles suivantes :

1. Les matières doivent être mentionnées à l'annexe 1 ou à l'annexe 2.
2. Les matières ne doivent pas être mentionnées à l'annexe 3.
3. L'exploitation ne doit pas recevoir plus de 100 m³ de matières en une journée, autres que les produits servant d'aliments pour animaux.
4. Sous réserve de sa capacité, l'exploitation peut recevoir une quantité illimitée de produits servant d'aliments pour animaux en une journée.
5. L'exploitation ne doit pas recevoir plus de 5 000 m³ de matières par année, y compris les produits servant d'aliments pour animaux qui sont destinés à être traités dans le digesteur anaérobie mixte.
6. Les matières doivent être reçues en vrac ou, si elles sont transportées dans un emballage ou des conteneurs de quelque sorte que ce soit, ceux-ci ne doivent pas rester sur les lieux de l'exploitation après réception des matières.

Analyse de la concentration de métal

98.5 (1) Nul ne doit recevoir des matières ne provenant pas d'une exploitation agricole sur une unité agricole où une exploitation agricole exerce ses activités dans le but de les traiter dans un digesteur anaérobie mixte réglementé à moins d'avoir obtenu les résultats d'une analyse des matières conformément au présent article.

(2) Quiconque reçoit des matières ne provenant pas d'une exploitation agricole est tenu d'obtenir les résultats d'une analyse des matières dans les circonstances suivantes :

1. C'est la première fois depuis l'entrée en vigueur du présent article que la personne reçoit des matières produites par le producteur en question.
2. La personne a obtenu antérieurement d'un producteur des résultats à l'égard de matières et elle a reçu 1 000 m³ de matières produites par ce producteur, celles qu'elle est sur le point de recevoir étant comprises dans le chiffre, depuis la dernière fois qu'elle a obtenu des résultats de celui-ci.
3. Plus de 12 mois se sont écoulés depuis la dernière fois que la personne a obtenu des résultats du producteur en question.

(3) Les résultats d'une analyse des matières doivent provenir d'un échantillon qui a été prélevé au plus tard 14 jours avant la réception des matières. Chaque échantillon doit être analysé pour établir sa concentration de métal conformément aux méthodes que précise le protocole d'échantillonnage et d'analyse.

(4) Si une analyse établit que la concentration de métal dans des matières ne provenant pas d'une exploitation agricole dépasse la concentration maximale de métal énoncée au tableau suivant, nul ne doit recevoir ces matières sur l'unité agricole où l'exploitation agricole exerce ses activités.

TABLEAU

Colonne 1	Colonne 2
Métal réglementé	Concentration maximale de métal dans les matières (mg/kg, en poids sec, de matières solides totales)
Arsenic	13
Cadmium	3
Chrome	210
Cobalt	34
Cuivre	100
Plomb	150
Mercur	0,8
Molybdène	5
Nickel	62
Sélénium	2
Zinc	500

ENTREPOSAGE DES MATIÈRES NE PROVENANT PAS D'UNE EXPLOITATION AGRICOLE

Exigences générales : entreposage des matières

98.6 Nul ne doit entreposer des matières ne provenant pas d'une exploitation agricole sur une unité agricole où une exploitation agricole exerce ses activités dans le but de les traiter dans un digesteur anaérobie mixte réglementé, si ce n'est conformément aux règles suivantes :

1. Les matières doivent être entreposées uniquement sur le bien où est situé le digesteur.
2. Pas plus de 100 m³ de matières, autres que les produits servant d'aliments pour animaux, ne peuvent être entreposées à un moment donné.
3. Sous réserve de la capacité de l'exploitation, une quantité illimitée de produits servant d'aliments pour animaux peuvent être entreposés.
4. Les matières dont la teneur en matière sèche est de moins de 18 pour cent doivent être entreposées dans un réservoir étanche.
5. Sous réserve de la disposition 6, les matières ayant une teneur en matière sèche de 18 à 50 pour cent qui sont entreposées pendant plus de 48 heures doivent l'être dans une installation d'entreposage fermée.
6. Les produits servant d'aliments pour animaux ayant la teneur en matière sèche indiquée à la disposition 5 n'ont pas besoin d'être entreposés conformément à cette disposition. Ils doivent toutefois être recouverts pour empêcher qu'ils n'entrent en contact avec les précipitations.
7. Sous réserve de la disposition 8, les matières ayant une teneur en matière sèche de plus de 50 pour cent qui sont entreposées pendant plus de 30 jours doivent l'être dans une installation qui, à la fois :
 - i. a des murs qui enclosent au moins 75 pour cent de sa superficie,
 - ii. est munie d'un toit qui la recouvre dans sa totalité et qui est rattaché aux murs.
8. Les produits servant d'aliments pour animaux ayant la teneur en matière sèche indiquée à la disposition 7 n'ont pas besoin d'être entreposés conformément à cette disposition. Ils doivent toutefois être recouverts pour empêcher qu'ils n'entrent en contact avec les précipitations.
9. Les matières mentionnées à l'annexe 2 doivent être entreposées dans une installation qui a été conçue par un ingénieur en vue de réduire au minimum les émissions d'odeurs et qui a été construite conformément à ces critères de conception.

TRAITEMENT DES MATIÈRES DESTINÉES À LA DIGESTION ANAÉROBIE

Exigences : biogaz

98.7 Nul ne doit, sur une unité agricole où une exploitation agricole exerce ses activités, traiter des matières destinées à la digestion anaérobie dans un digesteur anaérobie mixte réglementé, sauf si, selon le cas :

- a) le digesteur est doté d'un système de combustion de gaz à même de brûler l'équivalent de 110 pour cent du biogaz qu'il peut produire;
- b) une installation secondaire de combustion de gaz est accessible en cas de défaillance du système principal et est utilisée dans les 48 heures si le taux d'émission du biogaz non brûlé dépasse 20 m³/heure.

Matières provenant d'une exploitation agricole

98.8 Nul ne doit, sur une unité agricole où une exploitation agricole exerce ses activités, traiter des matières provenant d'une exploitation agricole dans un digesteur anaérobie mixte réglementé, sauf si elles répondent aux critères suivants :

1. Les matières ont été produites sur l'unité agricole où est situé le digesteur.
2. Malgré la disposition 1, les matières peuvent être reçues d'une ou de plusieurs exploitations agricoles exerçant leurs activités sur plusieurs unités agricoles, si les animaux d'élevage sur l'ensemble des unités agricoles produisent, au total, moins de 1 000 unités nutritives par année.
3. Les matières sont des matières organiques provenant, selon le cas :
 - i. de l'élevage ou de la production d'animaux d'élevage,
 - ii. de la production de récoltes agricoles, notamment de récoltes en serre, de sirop d'érable, de champignons, de semis de pépinière, de tabac, d'arbres et de tourbe,
 - iii. de la production d'oeufs, de crème ou de lait,
 - iv. du traitement, effectué par un agriculteur, des produits qui proviennent principalement de son exploitation agricole.

Exigences générales : traitement

98.9 (1) Nul ne doit, sur une unité agricole où une exploitation agricole exerce ses activités, traiter des matières destinées à la digestion anaérobie dans un digesteur anaérobie mixte réglementé, si ce n'est conformément aux règles suivantes :

1. Aucune matière destinée à la digestion anaérobie ne peut être traitée dans le digesteur, sauf s'il s'agit, selon le cas :

- i. de matières provenant d'une exploitation agricole qui satisfont aux critères énoncés à l'article 98.8,
 - ii. de matières ne provenant pas d'une exploitation agricole qui sont reçues conformément aux articles 98.4 et 98.5.
2. Sauf à l'égard d'un traitement mentionné à la disposition 6, en tout temps, au moins 75 pour cent, en volume, de la quantité totale des matières destinées à la digestion anaérobie qui sont traitées dans le digesteur doivent être des matières provenant d'une exploitation agricole.
 3. Sauf à l'égard d'un traitement mentionné à la disposition 6, en tout temps, au moins 50 pour cent, en volume, de la quantité totale des matières provenant d'une exploitation agricole qui sont traitées dans le digesteur doivent être du fumier.
 4. Sous réserve du paragraphe (2), la durée moyenne de traitement dans le digesteur des matières destinées à la digestion anaérobie doit être d'au moins 20 jours.
 5. Sous réserve du paragraphe (3), les matières destinées à la digestion anaérobie doivent en tout temps être traitées à au moins 35 degrés Celsius.
 6. En plus d'être traitées conformément aux exigences énoncées aux dispositions 4 et 5, les matières mentionnées à l'annexe 2 doivent être traitées :
 - i. soit pendant au moins une heure à au moins 70 degrés Celsius,
 - ii. soit pendant au moins 20 heures à au moins 50 degrés Celsius.
 7. Tout le biogaz produit par le digesteur doit être récupéré et traité conformément à l'article 98.7.
 8. Le digesteur doit être doté d'un dispositif de contrôle de la température réelle à laquelle les matières sont traitées ou retraitées.
 9. Le digesteur doit être exploité conformément aux critères de conception fournies par l'ingénieur.
- (2) Malgré la disposition 4 du paragraphe (1), les matières destinées à la digestion anaérobie peuvent être traitées dans le digesteur pendant une durée moyenne de moins de 20 jours si, à la fois :
- a) un ingénieur conçoit le digesteur de sorte qu'il soit à même de réduire la teneur en matières volatiles totales des matières qu'il contient d'au moins 50 pour cent en moins de 20 jours;
 - b) le digesteur est construit conformément aux critères de conception fournies par l'ingénieur;
 - c) la durée moyenne est égale ou supérieure à celle plus courte que précise l'ingénieur.
- (3) Malgré la disposition 5 du paragraphe (1), des matières destinées à la digestion anaérobie peuvent être traitées à moins de 35 degrés Celsius si, à la fois :
- a) un ingénieur conçoit le digesteur de sorte qu'il soit à même de réduire la teneur en matières volatiles totales des matières qu'il contient d'au moins 50 pour cent à une température inférieure à 35 degrés Celsius;
 - b) le digesteur est construit conformément aux critères de conception fournies par l'ingénieur;
 - c) les matières sont traitées à une température qui n'est pas inférieure à celle que précise l'ingénieur.

ENTREPOSAGE DES MATIÈRES ISSUES DE LA DIGESTION ANAÉROBIE

Capacité d'entreposage

98.10 (1) Nul ne doit, sur une unité agricole où une exploitation agricole exerce ses activités, traiter des matières destinées à la digestion anaérobie par digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé, sauf si l'unité agricole est à même d'entreposer la totalité des matières issues de la digestion anaérobie qu'elle produit dans le cadre de ses activités pendant une période de 240 jours.

(2) La capacité d'entreposage de 240 jours mentionnée au paragraphe (1) s'ajoute aux exigences en matière de capacité d'entreposage énoncées à l'article 69 et peut être atteinte en combinant la capacité d'entreposage d'installations visées à la partie VIII.

(3) Malgré le paragraphe (1), une unité agricole où une exploitation agricole exerce ses activités peut disposer d'une capacité d'entreposage totale de moins de 240 jours pour les matières issues de la digestion anaérobie si la personne qui est propriétaire ou qui a le contrôle de l'exploitation a conclu des ententes prévoyant le transfert d'une partie des matières hors de l'unité.

(4) Si une unité agricole où une exploitation agricole exerce ses activités dispose d'une capacité d'entreposage totale pour les matières issues de la digestion anaérobie de moins de 240 jours conformément au paragraphe (3), la personne qui est propriétaire ou qui a le contrôle de l'exploitation veille à ce que la capacité d'entreposage de l'unité soit au moins égale à la capacité requise pour entreposer les matières qui ne sont pas transférées hors de l'unité.

(5) Malgré le paragraphe (1), si une personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole se dote d'une stratégie de gestion des éléments nutritifs pour l'unité agricole où l'exploitation exerce ses activités qui prévoit l'utilisation de certaines ou de la totalité des matières issues de la digestion anaérobie solides qu'elle produit dans le cadre de ses activités de sorte qu'il ne soit plus nécessaire d'entreposer les matières sur l'unité agricole pendant une période de 240 jours, la capacité d'entreposage de l'unité doit être au moins égale à celle qu'exige la stratégie.

(6) Malgré le paragraphe (1), une personne peut, sur une unité agricole où l'exploitation agricole exerce ses activités, traiter des matières destinées à la digestion anaérobie par digestion anaérobie mixte dans un digesteur anaérobie mixte réglementé lorsque l'unité dispose d'une capacité d'entreposage totale pour les matières issues de la digestion anaérobie de moins de 240 jours si, à la fois :

- a) les matières issues de la digestion anaérobie sont solides;
- b) la personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole a un calendrier d'épandage qui est conforme à l'article 98.11 et qui prévoit l'épandage des matières issues de la digestion anaérobie sur le bien-fonds à des intervalles tels qu'il n'est plus nécessaire d'entreposer celles-ci sur l'unité agricole pendant une période de 240 jours;
- c) la personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole épand les matières issues de la digestion anaérobie sur le bien-fonds conformément au calendrier d'épandage;
- d) la capacité d'entreposage est égale à celle qu'exige le calendrier d'épandage.

ÉPANDAGE DES MATIÈRES ISSUES DE LA DIGESTION ANAÉROBIE SUR LES BIENS-FONDS

Exigences générales : épandage

Champ d'application

98.11 (1) Le présent article s'applique :

- a) à l'égard de l'épandage, sur les biens-fonds d'une unité agricole où une exploitation agricole exerce ses activités, des matières issues de la digestion anaérobie qui entrent dans la définition de «matière de source agricole»;
- b) à toutes les exploitations agricoles, que le présent règlement exige ou non que l'unité agricole où l'exploitation agricole exerce ses activités se dote d'un plan de gestion des éléments nutritifs.

(2) Nul ne doit épandre des matières issues de la digestion anaérobie qui entrent dans la définition de «matière de source agricole» sur les biens-fonds d'une unité agricole où une exploitation agricole exerce ses activités, si ce n'est conformément aux règles suivantes :

1. L'épandage doit être conforme à chaque exigence, énoncée à la partie VI, sauf l'article 40, qui régit l'épandage sur un bien-fond de matières de source agricole, de matières prescrites ou d'éléments nutritifs.
2. Les matières issues de la digestion anaérobie ne doivent pas être épandues sur un bien-fonds dans les 150 mètres du haut de la berge d'une eau de surface si la pente soutenue maximale du bien-fonds est de 25 pour cent ou plus, selon un calcul effectué conformément au protocole de gestion des éléments nutritifs.
3. Les matières issues de la digestion anaérobie ne doivent pas être épandues à l'aide d'une lance d'irrigation à trajectoire haute à même de disperser un liquide sur plus de 10 mètres, sauf si les matières en question sont une solution ou suspension aqueuse contenant plus de 99 pour cent d'eau par poids.
4. L'épandage doit être conforme à l'article 50 et, à cette fin, chaque mention à cet article de «matières de source non agricole» inclut la mention de «matières issues de la digestion anaérobie».

Épandage de matières ne provenant pas d'un digesteur anaérobie mixte réglementé

98.12 (1) Nul ne doit épandre des matières issues de la digestion anaérobie qui proviennent d'un digesteur anaérobie mixte qui n'est pas un digesteur anaérobie mixte réglementé sur les biens-fonds d'une unité agricole où une exploitation agricole exerce ses activités, si ce n'est conformément au plan de gestion des éléments nutritifs, dans le cas où un tel plan est exigé pour l'unité agricole où l'exploitation exerce ses activités.

(2) Nul ne doit épandre des matières issues de la digestion anaérobie qui proviennent d'un digesteur anaérobie mixte qui n'est pas un digesteur anaérobie mixte réglementé sur les biens-fonds d'une unité agricole où une exploitation agricole exerce ses activités, si ce n'est conformément aux règles suivantes, dans le cas où un plan de gestion des éléments nutritifs n'est pas exigé pour l'unité agricole où l'exploitation exerce ses activités :

1. L'épandage est effectué à un taux tel que le phosphore assimilable total dans toutes les matières prescrites qui sont épandues sur le bien-fonds par hectare au cours d'une période de cinq années consécutives n'est pas supérieur à la plus grande des quantités suivantes :
 - i. les exigences de production végétale par hectare pour cette période, plus 85 kilogrammes de phosphate par hectare,

- ii. le phosphore enlevé du bien-fonds par hectare dans la partie récoltée de la culture au cours de cette période, plus 390 kilogrammes de phosphate par hectare.
 - 2. L'épandage est effectué à un taux tel que l'azote biodisponible total dans toutes les matières prescrites qui sont épandues sur le bien-fonds par hectare n'est pas supérieur à 200 kilogrammes d'azote biodisponible par hectare au cours d'une période de 12 mois.
 - (3) Pour l'application de la disposition 2 du paragraphe (2), l'azote biodisponible total est la somme de ce qui suit :
(azote ammoniacal (ammoniac et ammonium)) + (azote des nitrates (nitrate et nitrite)) + (0,3) (azote organique)
- où :

azote organique = azote Kjeldahl total – (azote ammoniacal (ammoniac et ammonium)).

DOSSIERS RELATIFS À LA DIGESTION ANAÉROBIE

98.13 (1) Chaque personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole qui traite des matières destinées à la digestion anaérobie dans un digesteur anaérobie mixte réglementé tient les dossiers suivants :

1. Les critères de conception fournis par l'ingénieur.
 2. À l'égard de chaque livraison de matières ne provenant pas d'une exploitation agricole :
 - i. le nom et l'adresse du producteur,
 - ii. le nom et l'adresse de la personne qui fait la livraison,
 - iii. les types et le volume de matières reçues.
 3. Les résultats des analyses établissant les concentrations de métal exigées en application de l'article 98.5.
 4. Les résultats de toutes les analyses requises effectuées sur les matières issues de la digestion anaérobie.
 5. La destination des matières issues de la digestion anaérobie.
 6. La date à laquelle une installation secondaire de combustion de gaz visée à l'alinéa 98.7 b) a été utilisée, le cas échéant, et la durée de son utilisation.
- (2) La personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole conserve les dossiers exigés par le paragraphe (1) conformément aux articles 112 et 113, avec les adaptations nécessaires.

PARTIE IX.2 SYSTÈMES DE BANDE DE VÉGÉTATION FILTRANTE

CHAMP D'APPLICATION

Application

98.14 Sous réserve de l'article 98.15, la personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole où un système de bande de végétation filtrante est établi, aménagé, modifié, agrandi ou exploité veille à ce qu'il soit satisfait aux exigences qu'impose la présente partie relativement au système.

Exception

98.15 La présente partie ne s'applique pas à l'établissement, à l'aménagement, à la modification, à l'agrandissement ou à l'exploitation d'un système de bande de végétation filtrante qui gère les eaux de ruissellement dans le cadre d'une exploitation agricole si les conditions suivantes sont réunies :

- a) le système est une station d'épuration des eaux d'égout à l'égard de laquelle une approbation a été accordée en vertu de l'article 53 de la *Loi sur les ressources en eau de l'Ontario*, ou il fait partie d'une telle station;
- b) la personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole est titulaire d'une approbation, accordée en vertu de l'article 53 de la *Loi sur les ressources en eau de l'Ontario*, qui autorise l'établissement, la modification, l'agrandissement ou le remplacement de la station d'épuration des eaux d'égout;
- c) le système est utilisé ou exploité conformément à l'approbation accordée en vertu de l'article 53 de la *Loi sur les ressources en eau de l'Ontario*.

CRITÈRES APPLICABLES AUX SYSTÈMES DE BANDE DE VÉGÉTATION FILTRANTE

Critères

98.16 (1) La personne qui établit, aménage, modifie, agrandit ou exploite un système de bande de végétation filtrante veille au respect des critères suivants :

1. La bande doit être inclinée par rapport à l'emplacement du tuyau de répartition. Il ne doit pas y avoir de changements abrupts dans la pente, laquelle ne doit pas être inférieure à 2 pour cent ni supérieure à 12 pour cent sur toute portion de la bande.
2. La bande doit être plane sur toute sa largeur.
3. La roche-mère doit se trouver à une profondeur d'au moins 0,5 mètre sous la surface de la bande et de son pourtour.
4. La couche supérieure identifiée de l'aquifère doit se trouver à une profondeur d'au moins 0,9 mètre sous la surface de la bande et de son pourtour.
5. La bande ne doit pas être située dans les 3 mètres d'un drain agricole souterrain.
6. La bande ne doit pas être située :
 - i. dans les 100 mètres d'un puits municipal,
 - ii. dans les 15 mètres d'un puits d'une profondeur d'au moins 15 mètres qui a été foré à la sondeuse et qui est muni d'un tubage étanche jusqu'à une profondeur d'au moins 6 mètres sous le niveau du sol,
 - iii. dans les 30 mètres de tout autre puits.
7. La bande ne doit pas être située dans une zone qui peut être inondée une ou plusieurs fois tous les 100 ans, selon les cartes des plaines inondables fournies par la municipalité ou l'office de protection de la nature ayant compétence sur la zone.

(2) La définition qui suit s'applique au présent article.

«bande et son pourtour» Zone à la surface du sol constituée de la bande de végétation filtrante proprement dite et d'un rayon de 10 mètres autour de son périmètre.

Exigences supplémentaires

98.17 En plus de veiller au respect des critères énoncés au paragraphe 98.16 (1), la personne qui établit, aménage, modifie, agrandit ou exploite un système de bande de végétation filtrante veille également à ce qu'il soit satisfait à l'une ou l'autre des exigences suivantes :

1. La bande comporte une voie d'écoulement qui réunit les conditions suivantes :
 - i. elle s'étend sur une longueur d'au moins 50 mètres depuis la bordure inférieure de la bande jusqu'au haut de la berge de l'eau de surface ou de l'entrée des drains la plus rapprochée,
 - ii. elle est en permanence entièrement recouverte de végétation, notamment de graminées vivaces, de plantes herbacées non graminoides ou d'arbres ainsi que de cultures fourragères vivaces qui peuvent être récoltées comme foin ou ensilage.
2. La bande comporte une zone de végétation permanente qui est comprise entre la bordure inférieure de la bande et le haut de la berge de l'eau de surface ou de l'entrée des drains la plus rapprochée. La longueur minimale requise sépare la bordure inférieure de la bande et le haut de la berge de l'eau de surface ou de l'entrée des drains la plus rapprochée, cette longueur correspondant, pour toute pente moyenne de la bande indiquée à la colonne 1 du tableau, à celle indiquée en regard à la colonne 2.

TABLEAU

Colonne 1	Colonne 2
Pente moyenne de la bande de végétation filtrante (en pourcentage)	Longueur minimale entre la bordure inférieure de la bande de végétation filtrante et le haut de la berge de l'eau de surface ou de l'entrée des drains la plus rapprochée (en mètres)
de 2 à < 4	10
de 4 à < 6	20
de 6 à < 8	30
de 8 à < 10	40
de 10 à ≤ 12	50

CONCEPTION ET ÉTABLISSEMENT DES SYSTÈMES DE BANDE DE VÉGÉTATION FILTRANTE

Conception et établissement

98.18 Nul ne doit établir, aménager, modifier ou agrandir un système de bande de végétation filtrante à moins que les conditions suivantes ne soient réunies :

- a) un ingénieur conçoit l'établissement, l'aménagement, la modification ou l'agrandissement du système, en tenant compte des exigences du présent règlement;
- b) la bande est conçue pour permettre l'infiltration de la totalité des eaux de ruissellement traitées par le système;
- c) l'ingénieur remet à la personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole un avis écrit qui indique les critères de conception du système et la quantité d'eaux de ruissellement qu'il est conçu pour traiter;
- d) le système est aménagé conformément aux critères de conception fournis par l'ingénieur;
- e) l'ingénieur remet à la personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole un avis écrit portant que le système respecte les critères de conception.

EAUX DE RUISSellement

Prétraitement des eaux de ruissellement

98.19 Nul ne doit établir, aménager, modifier, agrandir ou exploiter un système de bande de végétation filtrante à moins qu'il ne soit conçu pour prétraiter les eaux de ruissellement grâce à un élément conçu et exploité pour entreposer les matières solides et les faire décanter avant que les eaux n'atteignent la bande.

Rejet des eaux de ruissellement

98.20 Nul ne doit permettre le rejet d'eaux de ruissellement dans une bande de végétation filtrante à travers un système de bande de végétation filtrante à moins que les conditions suivantes ne soient réunies :

- a) les eaux de ruissellement sont réparties uniformément sur toute la largeur de la bande;
- b) les eaux de ruissellement s'écoulent en nappe sur la bande;
- c) la bande est exempte de rigoles et de ravines, lesquelles risquent d'influer sur la répartition des eaux de ruissellement;
- d) la bande est exempte de sédiments et de matières solides accumulés.

EXPLOITATION ET ENTRETIEN DES SYSTÈMES DE BANDE DE VÉGÉTATION FILTRANTE

Conditions d'exploitation

98.21 Nul ne doit permettre le rejet d'eaux de ruissellement dans une bande de végétation filtrante à travers un système de bande de végétation filtrante à moins que les conditions suivantes ne soient réunies :

- a) la bande a une largeur d'au moins six mètres;
- b) la quantité d'eaux de ruissellement rejetée à travers le système n'est pas supérieure à celle pour laquelle il a été conçu;
- c) les eaux qui se trouvent en amont de la pente ont été détournées pour qu'elles ne pénètrent pas dans la bande.

Accès restreint à la bande de végétation filtrante

98.22 (1) Nul ne doit permettre l'accès de bétail, de véhicules, de motoneiges ou de matériel agricole à une bande de végétation filtrante à moins que les conditions suivantes ne soient réunies :

- a) au moment de l'accès, une couche de sol non saturé d'au moins 30 centimètres recouvre la surface de la bande;
- b) leur présence n'endommage pas la surface de la bande.

(2) Les définitions qui suivent s'appliquent au présent article.

«motoneige» S'entend au sens de la *Loi sur les motoneiges*. («motorized snow vehicle»)

«véhicule» S'entend au sens du *Code de la route*. («vehicle»)

Couvert végétal

98.23 Nul ne doit permettre le rejet d'eaux de ruissellement dans une bande de végétation filtrante à travers un système de bande de végétation filtrante à moins que la bande ne soit recouverte d'un couvert végétal bien établi constitué principalement de graminées vivaces, à l'exclusion d'arbres.

Fauchage et tonte

98.24 Sous réserve de l'article 98.25, la personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole où un système de bande de végétation filtrante a été établi et est exploité dans le cadre de celle-ci fauche ou tond la bande à intervalles réguliers de manière à ce qu'elle continue d'intercepter et de traiter efficacement les eaux de ruissellement.

Hauteur de la végétation

98.25 La personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole où un système de bande de végétation filtrante a été établi et est exploité dans le cadre de celle-ci veille à ce que la végétation qui peuple la bande ait en tout temps une hauteur d'au moins 75 millimètres.

Inspections

98.26 La personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole où un système de bande de végétation filtrante a été établi et est exploité dans le cadre de celle-ci inspecte le système tous les six mois pour s'assurer que tous les éléments fonctionnent correctement et que les critères de conception sont respectés.

Cessation d'exploitation : mauvais fonctionnement ou non-respect des critères

98.27 Si un élément d'un système de bande de végétation filtrante ne fonctionne pas correctement ou que les critères de conception du système ne sont pas respectés, la personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole où le système a été établi doit en interrompre l'exploitation jusqu'à ce qu'il soit remédié à la situation.

TENUE DE DOSSIERS**Tenue de dossiers**

98.28 (1) La personne qui est propriétaire ou qui a le contrôle d'une exploitation agricole où un système de bande de végétation filtrante a été établi et est exploité dans le cadre de celle-ci tient les dossiers suivants relatifs à l'établissement et à l'exploitation du système :

1. Les critères de conception fournis par l'ingénieur et les dossiers écrits visés à l'article 98.18.
2. La date, l'heure et la description de toute inspection effectuée en application de l'article 98.26 et de toute activité d'entretien du système ainsi que le nom de la personne qui a effectué l'inspection ou l'activité.
3. Les mesures prises pour veiller à ce que tous les éléments du système fonctionnent correctement et à ce que les critères de conception de celui-ci soient respectés.

(2) La personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole conserve les dossiers exigés par le paragraphe (1) conformément à l'article 112 et au paragraphe 113 (1), avec les adaptations nécessaires.

(3) La personne qui est propriétaire ou qui a le contrôle de l'exploitation agricole veille à ce que les dossiers exigés par le paragraphe (1) soient conservés pendant au moins deux ans :

- a) après la date de la dernière utilisation du système de bande de végétation filtrante, dans le cas des dossiers des critères de conception fournis par l'ingénieur et des documents écrits visés à l'article 98.18;
- b) après la date de leur création, dans le cas des autres dossiers visés au paragraphe (1).

18. Le Règlement est modifié par adjonction des annexes suivantes :

ANNEXE 1
MATIÈRES NE PROVENANT PAS D'UNE EXPLOITATION AGRICOLE

Une exploitation agricole peut recevoir les matières suivantes dans le but de les traiter dans un digesteur anaérobie mixte réglementé :

1. Les déchets des aliments du bétail indiqués aux catégories 1, 2, 3, 4, et 5 de la partie 1 de l'annexe IV du Règlement de 1983 sur les aliments du bétail (D.O.R.S./83-593) pris en application de la *Loi relative aux aliments du bétail* (Canada), à l'exclusion des matières contenant un produit animal qui n'a pas été dénaturé.
2. Les matières qui auraient été auparavant un déchet visé à la disposition 1, mais qui ne se prêtent plus à l'alimentation des animaux d'élevage pour des raisons autres que la contamination par une autre matière.
3. Les déchets organiques dérivés du séchage ou du nettoyage des grandes cultures.
4. Les déchets organiques dérivés de la transformation des grandes cultures.
5. Les déchets organiques dérivés de la production d'éthanol ou de biodiesel.
6. Les plantes aquatiques.
7. Les déchets organiques dérivés de la transformation des aliments dans des :
 - i. boulangeries,
 - ii. confiseries,
 - iii. laiteries et installations de transformation de produits laitiers,
 - iv. installations de transformation de fruits et de légumes,
 - v. installations de transformation de céréales et de grains,
 - vi. installations de transformation d'oléagineux,
 - vii. installations de fabrication d'aliments pour collations,
 - viii. brasseries et distilleries,

- ix. établissements vinicoles,
- x. les installations de fabrication de boissons.
- 8. Les drêches dérivées de la transformation d'aliments dans les brasseries et les distilleries.
- 9. Les déchets de fruits et de légumes.
- 10. Les déchets organiques provenant de serres, de pépinières, de jardinerie ou de magasins de fleurs qui ne font pas partie d'une exploitation agricole.

ANNEXE 2
MATIÈRES NE PROVENANT PAS D'UNE EXPLOITATION AGRICOLE – RESTRICTIONS

Les matières suivantes peuvent être reçues dans une exploitation agricole dans le but de les traiter dans un digesteur anaérobie mixte réglementé, sous réserve des restrictions qu'énonce le présent règlement à l'égard des matières mentionnées à l'annexe 2 :

1. Les déchets des aliments du bétail indiqués aux catégories 1, 2, 3, 4, et 5 de la partie 1 de l'annexe IV du Règlement de 1983 sur les aliments du bétail (D.O.R.S./83-593) pris en application de la *Loi relative aux aliments du bétail* (Canada), y compris les matières contenant un produit animal qui n'a pas été dénaturé.
2. Le fumier de panse.

ANNEXE 3
MATIÈRES DONT L'UTILISATION DANS UN DIGESTEUR ANAÉROBIE MIXTE RÉGLEMENTÉ EST
INACCEPTABLE

Les matières suivantes ne doivent pas être reçues dans une exploitation agricole dans le but de les traiter dans un digesteur anaérobie mixte réglementé :

1. Les solvants, lorsqu'il s'agit de composés organiques volatils utilisés comme agents nettoyants, délayants, dissolvants, diluants ou agents réducteurs de la viscosité ou à une fin similaire.
2. Les produits pétroliers et les hydrocarbures.
3. Les résines et les plastiques.
4. Les déchets constitués d'aliments qui ont été servis à des personnes mais n'ont pas été consommés, notamment les déchets de restauration et ceux provenant des repas servis à bord des avions.
5. Les déchets dangereux au sens du règlement 347 (General – Waste Management) pris en application de la *Loi sur la protection de l'environnement*.
6. Toute matière dont la teneur en matière sèche est inférieure à 1 pour cent.

19. Le présent règlement entre en vigueur le jour de son dépôt.

32/07

ONTARIO REGULATION 395/07
made under the
ENVIRONMENTAL PROTECTION ACT

Made: July 25, 2007
Filed: July 26, 2007
Published on e-Laws: July 27, 2007
Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 347 of R.R.O. 1990
(General — Waste Management)

Note: Regulation 347 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Subsection 1 (1) of Regulation 347 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:

“anaerobic digestion” means the decomposition of organic matter in an oxygen-limiting environment;

“anaerobic digestion materials” means materials that are intended for treatment in a mixed anaerobic digestion facility, whether the materials are generated at the agricultural operation or received at the agricultural operation from an outside source;

“anaerobic digestion output” means any solid or liquid material that results from the treatment of anaerobic digestion materials in a mixed anaerobic digestion facility;

“mixed anaerobic digestion” means anaerobic digestion of both on-farm anaerobic digestion materials and off-farm anaerobic digestion materials in the same facility;

“mixed anaerobic digestion facility” means an anaerobic digestion facility that treats both on-farm anaerobic digestion materials and off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out;

“off-farm anaerobic digestion materials” means anaerobic digestion materials that are not generated at an agricultural operation and that are received at an agricultural operation from an outside source;

“on-farm anaerobic digestion materials” means anaerobic digestion materials that are generated at an agricultural operation;

“regulated mixed anaerobic digestion facility” means a mixed anaerobic digestion facility that is regulated under Part IX.1 of Ontario Regulation 267/03 (General) made under the *Nutrient Management Act, 2002* and is not subject to the requirements of a certificate of approval or a provisional certificate of approval of a waste management system or waste disposal site under Part V of the *Environmental Protection Act*;

2. (1) Subsection 3 (2) of the Regulation is amended by adding the following paragraph:

21. Waste that is anaerobic digestion output generated by a regulated mixed anaerobic digestion facility on an agricultural operation and that is intended for application on agricultural land as nutrient.

(2) Section 3 of the Regulation is amended by adding the following subsection:

(3.3) Paragraph 20 of subsection (2) does not apply to organic waste from food processing and preparation operations or operations for the sale or distribution of food, if the waste is transferred by a generator and destined for a site at which the waste will be subject to anaerobic digestion, composting or any other process or operation that results in the production of material intended for land application.

3. Subsection 5 (1) of the Regulation is amended by adding the following paragraph:

5. Regulated mixed anaerobic digestion facilities.

4. Section 8 of the Regulation is amended by adding the following subsections:

(3.1) Subject to subsection (3.2), sections 27, 40 and 41 of the Act do not apply in respect of trucks for hauling off-farm anaerobic digestion materials listed in Schedule 1 or 2 of Ontario Regulation 267/03 (General) made under the *Nutrient Management Act, 2002* to a waste disposal site that, pursuant to paragraph 5 of subsection 5 (1), is exempt from Part V of the Act and this Regulation.

(3.2) Trucks for hauling off-farm anaerobic digestion materials to a waste disposal site referred to in subsection (3.1) are exempt from sections 27, 40 and 41 of the Act only if every carrier has in his or her possession while transporting the materials a document from the owner or operator of the waste disposal site that indicates that the owner or operator of the site agrees to accept the materials.

5. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 396/07

made under the

ONTARIO WATER RESOURCES ACT

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Amending O. Reg. 525/98

(Approval Exemptions)

Note: Ontario Regulation 525/98 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Ontario Regulation 525/98 is amended by adding the following section:

3.2 (1) Subsections 53 (1) and (3) of the Act do not apply to a vegetated filter strip system that manages runoff as part of an agricultural operation.

(2) Despite subsection (1), subsections 53 (1) and (3) of the Act apply to vegetated filter strip systems that are exempt from the application of Part IX.2 of Ontario Regulation 267/03 (General) made under the *Nutrient Management Act, 2002* by section 98.15 of that Regulation.

(3) For the purpose of this section,

“runoff” has the same meaning as in Ontario Regulation 267/03 made under the *Nutrient Management Act, 2002*;

“vegetated filter strip system” has the same meaning as in Ontario Regulation 267/03 made under the *Nutrient Management Act, 2002*.

2. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 397/07

made under the

CITY OF OTTAWA ACT, 1999

Made: July 24, 2007

Filed: July 26, 2007

Published on e-Laws: July 27, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 540/00

(Transition Board — Other Powers and Duties)

Note: Ontario Regulation 540/00 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 11 of Ontario Regulation 540/00 is revoked.

2. This Regulation comes into force on the day it is filed.

RÈGLEMENT DE L'ONTARIO 397/07

pris en application de la

LOI DE 1999 SUR LA VILLE D'OTTAWA

pris le 24 juillet 2007

déposé le 26 juillet 2007

publié sur le site Lois-en-ligne le 27 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. de l'Ont. 540/00

(Conseil de transition — autres pouvoirs et fonctions)

Remarque : Le Règlement de l'Ontario 540/00 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. L'article 11 du Règlement de l'Ontario 540/00 est abrogé.

2. Le présent règlement entre en vigueur le jour de son dépôt.

Made by:
Pris par :

Le ministre des Affaires municipales et du Logement,

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs and Housing

Date made: July 24, 2007.
Pris le : 24 juillet 2007.

32/07

ONTARIO REGULATION 398/07

made under the

VETERINARIANS ACT

Made: July 12, 2007
Approved: July 25, 2007
Filed: July 26, 2007
Published on e-Laws: July 27, 2007
Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 1093 of R.R.O. 1990
(General)

Note: Regulation 1093 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 2 of Regulation 1093 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

“accredited clinical proficiency examination site” means a site where the clinical proficiency examination is administered and that is accredited by the American Veterinary Medical Association;

2. (1) Clause 3 (1) (f) of the Regulation is amended by striking out “Schedule” and substituting “by-laws”.

(2) Clause 3 (1) (h) of the Regulation is revoked and the following substituted:

(h) submits proof of his or her identity; and

(i) submits his or her basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school or a copy of the degree that is,

(i) notarized by a person authorized to notarize documents in a Canadian jurisdiction, or

(ii) certified by a person authorized to practice law in a Canadian jurisdiction.

3. (1) Subparagraph 4 i of subsection 5 (1) of the Regulation is amended by striking out “veterinary school” after “accredited” and substituting “clinical proficiency examination site”.

(2) Subparagraph 4 ii of subsection 5 (1) of the Regulation is amended by striking out “veterinary school” at the end and substituting “clinical proficiency examination site”.

4. Clause 7 (1) (c) of the Regulation is amended by striking out “veterinary school” after “accredited” and substituting “clinical proficiency examination site”.

5. Clause 10 (e) of the Regulation is amended by striking out “Schedule” at the end and substituting “by-laws”.

6. The Table to subsection 11 (1) of the Regulation is amended by adding the following:

12.	Specialty animal hospital	Clinic, Hospital or Services
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7. The Regulation is amended by adding the following section:

11.1 A certificate of accreditation for a specialty animal hospital will only be granted if minimum standards for accreditation as a specialty animal hospital for the applicant's specialty have been established under subsection 8 (1) of the Act.

8. Section 14 of the Regulation is amended by adding the following subsection:

(11) The following are conditions of a certificate of accreditation for a specialty animal hospital:

1. The veterinary services provided in or from the facility are limited to the specialty or services necessary to practice the specialty.
2. A member working in or from the facility must,
 - i. be a board certified specialist as described in section 41.1,
 - ii. have completed an accredited residency program in the relevant specialty, be certified by the board as being eligible in the specialty and practice under the supervision of a person described in subparagraph i, or
 - iii. be enrolled in an accredited training program in the relevant specialty and practice under the supervision of a person described in subparagraph i.

9. (1) Subsection 16 (1) of the Regulation is amended by striking out "Schedule" at the end and substituting "by-laws".

(2) Subsections 16 (2) and (3) of the Regulation are revoked.

(3) Subsection 16 (5) of the Regulation is amended by striking out "and the fee for a renewal of a postgraduate and resident licence is due before the licence expires".

(4) Subsection 16 (6) of the Regulation is revoked.

10. Paragraph 37 of subsection 17 (1) of the Regulation is amended by striking out "or" before "cancelled" and adding "or terminated" after "cancelled" in the portion before subparagraph i.

11. Subsection 23 (2) of the Regulation is amended by striking out "except for sections 29 and 30".

12. Subsection 28 (1) of the Regulation is amended by adding "ketamine or a targeted drug" after "controlled substance" in the portion before clause (a).

13. Sections 29 and 30 of the Regulation are revoked.

14. Clause 33 (2) (c) of the Regulation is amended by adding "ketamine or a targeted drug" after "controlled substance".

15. Subclause 41 (3) (b) (i) of the Regulation is revoked and the following substituted:

- (i) if the practice in or from the facility is restricted to one particular species or specialty, the name of that species or specialty or one of the words "animal", "pet", or "veterinary" or both the name of the species or specialty and one of the words "animal", "pet" or "veterinary", and

16. Part V.1 of the Regulation is revoked.

17. Sections 46 and 47 of the Regulation are revoked.

18. Subsections 48 (2), (3), (4) and (5) of the Regulation are revoked.

19. Section 49 of the Regulation is revoked.

20. Section 52 of the Regulation is revoked and the following substituted:

52. The Registrar shall enter in the register the following information for each member:

1. The name of the member.
2. The university and year of graduation of the member.
3. The year the member joined the College.
4. The member's principal place of practice or residence.
5. The address of the member's principal place of practice or, if none, a current address for contacting the member.
6. The member's business telephone number, if there is one.
7. The member's professional activity.

8. The member's employment function and type of employment.
9. The language or languages in which the member can offer professional services.
10. The class of licence held by the member.
11. The conditions and limitations imposed on the member's licence.
12. A notation of every decision or sanction imposed on the member's licence.

21. Subsection 54 (1) of the Regulation is amended by striking out "Schedule" at the end and substituting "by-laws".

22. Section 55 of the Regulation is amended by adding the following subsection:

- (5) The Registrar may confirm the licence number of a member to any person who requests it.

23. Section 56 of the Regulation is amended by striking out "or" at the end of clause (a) and by adding the following clause:

- (a.1) to a body that regulates a profession, whether inside or outside of Ontario, or to an umbrella organization for such bodies, where the College believes that such disclosure is in the public interest or that such disclosure will promote reciprocal disclosure of regulatory information; or

24. The Schedule to the Regulation is revoked.

25. This Regulation comes into force on the day it is filed.

Made by:

THE COLLEGE OF VETERINARIANS OF ONTARIO:

LISA BRAVERMAN
Counsel

Date made: July 12, 2007.

32/07

ONTARIO REGULATION 399/07

made under the

SAFE DRINKING WATER ACT, 2002

Made: July 25, 2007

Filed: July 26, 2007

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Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 170/03

(Drinking-Water Systems)

Note: Ontario Regulation 170/03 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. The Table to section 4 of Ontario Regulation 170/03 is revoked and the following substituted:

TABLE
APPLICATION OF SCHEDULES

Item	Drinking-Water Systems	Applicable Schedules				
		Treatment	Operational Checks, Sampling and Testing	Adverse Test Results and Other Problems	Reports	Chemical Testing Parameters
1.	Large municipal residential systems	1, 4	6, 7, 10, 13, 15.1	16, 17	22	23, 24
2.	Small municipal residential systems	1, 3, 4	6, 7, 11, 13, 15.1	16, 18, 19	22	23, 24
3.	Large municipal non-residential systems	2, 3, 5	6, 8, 12, 15, 15.2	16, 18, 19	21	23, 24
4.	Small municipal non-residential systems	2, 3, 5	6, 9, 12, 15, 15.2	16, 18, 19	21	23, 24
5.	Non-municipal year-round residential systems	2, 3, 5	6, 8, 11, 13, 15.1	16, 18, 19	21	23, 24
6.	Non-municipal seasonal residential systems	2, 3, 5	6, 9, 12, 15, 15.2	16, 18, 19	21	23, 24
7.	Large non-municipal non-residential systems	2, 3, 5	6, 8, 12, 15, 15.2	16, 18, 19	21	23, 24
8.	Small non-municipal non-residential systems	2, 3, 5	6, 9, 12, 15, 15.2	16, 18, 19	21	23, 24

2. (1) Paragraph 4 of subsection 5 (1) of the Regulation is amended by striking out “13-3”.

(2) Paragraph 3 of subsection 5 (2) of the Regulation is amended by striking out “13-3”.

(3) Paragraph 3 of subsection 5 (3) of the Regulation is amended by striking out “15-3”.

(4) Clause 5 (4) (b) of the Regulation is amended by striking out “and” at the end of sub-subclause (i) (B), by adding “and” at the end of subclause (ii), and by adding the following subclause:

- (iii) to comply, on behalf of the owner of the system that obtains the water and the operating authority for the system,
 - (A) with Schedule 15.1, in the case of a large municipal residential system, a small municipal residential system or a non-municipal year-round residential system, or
 - (B) with Schedule 15.2, in the case of a seasonal residential system.

3. Clause 6 (1) (c) of the Regulation is amended by striking out “and” at the end of sub-subclause (i) (B), by adding “and” at the end of subclause (ii), and by adding the following subclause:

- (iii) to comply with Schedule 15.2 on behalf of the owner of the system that obtains the water and the operating authority for the system.

4. (1) Subparagraph 1 i of subsection 13 (2) of the Regulation is amended by striking out “section 13-3”.

(2) Paragraph 1 of subsection 13 (2) of the Regulation is amended by adding the following subparagraphs:

- ii.1 Section 15.1-7 of Schedule 15.1.
- ii.2 Section 15.2-2 of Schedule 15.2.

(3) Subparagraph 1 ii of subsection 13 (3) of the Regulation is amended by striking out “15-3”.

5. (1) Section 6-10 of Schedule 6 to the Regulation is amended by adding the following paragraphs:

- 3. If the sample is taken from a drinking-water system’s distribution system under section 15.1-4 or 15.1-5 of Schedule 15.1, the addresses of all premises served by the plumbing from which samples were taken on the same day in accordance with subsection 15.1-6 (3).
- 4. If the sample is taken under section 15.1-7 of Schedule 15.1 and tested for pH,
 - i. the date and time of the test,
 - ii. the name of the person who conducted it, and
 - iii. the results of the test.

(2) Section 6-11 of Schedule 6 to the Regulation is amended by striking out “Schedules 7 to 15” wherever it appears and substituting in each case “Schedules 7 to 15.2”.

(3) Subsection 6-12 (1) of Schedule 6 to the Regulation is amended by striking out “Schedules 7 to 15” and substituting “Schedules 7 to 15.2”.

(4) Subsection 6-12 (2) of Schedule 6 to the Regulation is amended by striking out “Schedules 7 to 15” wherever it appears and substituting in each case “Schedules 7 to 15.2”.

6. (1) Section 13-3 of Schedule 13 to the Regulation is revoked.

(2) Subsection 13-5 (1) of Schedule 13 to the Regulation is amended by striking out “13-2, 13-3 or 13-4” and substituting “13-2 or 13-4”.

(3) Clause 13-5 (2) (a) of Schedule 13 to the Regulation is amended by striking out “13-2, 13-3 or 13-4” and substituting “13-2 or 13-4”.

(4) Clause 13-5 (2) (b) of Schedule 13 to the Regulation is amended by striking out “13-2, 13-3 or 13-4” and substituting “13-2 or 13-4”.

7. Section 15-3 of Schedule 15 to the Regulation is revoked.

8. The Regulation is amended by adding the following Schedules:

SCHEDULE 15.1
LEAD

Municipal: Large Residential
Small Residential

Non-Municipal: Year-Round Residential

Application

15.1-1. This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.
3. Non-municipal year-round residential systems.

Limited meaning of “serve”

15.1-2. For the purposes of this Schedule,

- (a) a drinking-water system serves a population if its distribution system is directly connected to the plumbing that serves the population;
- (b) a drinking-water system serves a private residence or other building if its distribution system is directly connected to the plumbing that serves the private residence or other building.

Definitions

15.1-3. In this Schedule,

“lead plumbing” and “lead service pipes” mean plumbing and service pipes with a lead content greater than 8 per cent; (“installation de plomberie en plomb”, “conduites de branchement en plomb”)

“lead solder” means solder with a lead content greater than 0.2 per cent; (“soudures de plomb”)

“Schedule 2 standard” means a standard prescribed for any substance in Schedule 2 to the Ontario Drinking-Water Quality Standards; (“norme prescrite à l’annexe 2”)

“standard prescribed for lead” means the standard prescribed for lead in Schedule 2 to the Ontario Drinking-Water Quality Standards; (“norme prescrite à l’égard du plomb”)

Standard sampling

15.1-4. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that, in accordance with sections 15.1-6 and 15.1-7, samples are taken during the periods described in subsection (2),

- (a) in plumbing that serves private residences, from at least the number of points set out in Column 3 of the Table to this section opposite the population served by the drinking-water system;
- (b) in plumbing that does not serve private residences, from at least the number of points set out in Column 4 of the Table to this section opposite the population served by the drinking-water system; and
- (c) in the drinking-water system’s distribution system, from at least the number of points set out in Column 5 of the Table to this section opposite the population served by the drinking-water system.

(2) The samples required by subsection (1) must be taken during each of the following periods:

1. The period from December 15, 2007 to April 15, 2008 and the corresponding period in every subsequent 12-month period.
2. The period from June 15, 2008 to October 15, 2008 and the corresponding period in every subsequent 12-month period.

TABLE
STANDARD SAMPLING — NUMBER OF SAMPLING LOCATIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Population Served by Drinking-Water System	Number of Sampling Points in Plumbing that Serves Private Residences	Number of Sampling Points in Plumbing that Does Not Serve Private Residences	Number of Sampling Points in Distribution System
1.	1- 99	5	1	1
2.	100 - 499	10	1	2
3.	500 - 3,299	20	2	4
4.	3,300 - 9,999	40	4	8
5.	10,000 - 49,999	60	6	12
6.	50,000 - 99,999	80	8	16
7.	100,000 or more	100	10	20

Reduced sampling

- 15.1-5.** (1) Section 15.1-4 ceases to apply to a drinking-water system, and this section applies instead, if,
- (a) in the case of a system that serves a population of less than 50,000,
 - (i) in each of two consecutive periods described in subsection 15.1-4 (2),
 - (A) not more than 10 per cent of all the samples taken from plumbing under section 15.1-4 and tested for lead exceeded half the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7, and
 - (B) no sample taken from plumbing under section 15.1-4 and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7, or
 - (ii) in each of four consecutive periods described in subsection 15.1-4 (2), not more than 10 per cent of all the samples taken from plumbing under section 15.1-4 and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7;
 - (b) in the case of a system that serves a population of 50,000 or more, in each of four consecutive periods described in subsection 15.1-4 (2), not more than 10 per cent of all the samples taken from plumbing under section 15.1-4 and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7.
- (2) For the purpose of subsection (1), if two samples that are taken on the same day from a point in plumbing are tested for lead under section 15.1-7, the sample with the lower concentration of lead shall not be considered.
- (3) If a drinking-water system serves a population of less than 50,000 and, under subsection (1), section 15.1-4 does not apply to the system, the owner of the drinking-water system and the operating authority for the system shall ensure that, in accordance with sections 15.1-6 and 15.1-7, samples are taken during the periods described in subsection (5) in every third 12-month period after samples were last taken under section 15.1-4 or this section,
- (a) in plumbing that serves private residences, from at least the number of points set out in Column 3 of the Table to this section opposite the population served by the drinking-water system;
 - (b) in plumbing that does not serve private residences, from at least the number of points set out in Column 4 of the Table to this section opposite the population served by the drinking-water system; and
 - (c) in the drinking-water system's distribution system, from at least the number of points set out in Column 5 of the Table to this section opposite the population served by the drinking-water system.
- (4) If a drinking-water system serves a population of 50,000 or more and, under subsection (1), section 15.1-4 does not apply to the system, the owner of the drinking-water system and the operating authority for the system shall ensure that, in accordance with sections 15.1-6 and 15.1-7, samples are taken during the periods described in subsection (5), in every 12-month period after samples were last taken under section 15.1-4 or this section,
- (a) in plumbing that serves private residences, from at least the number of points set out in Column 3 of the Table to this section opposite the population served by the drinking-water system;
 - (b) in plumbing that does not serve private residences, from at least the number of points set out in Column 4 of the Table to this section opposite the population served by the drinking-water system; and

- (c) in the drinking-water system's distribution system, from at least the number of points set out in Column 5 of the Table to this section opposite the population served by the drinking-water system.
- (5) The samples required by subsections (3) and (4) must be taken during each of the following periods in the relevant 12-month period:
1. The period from December 15 to April 15.
 2. The period from June 15 to October 15.
- (6) This section ceases to apply to a drinking-water system, and section 15.1-4 applies again, if in any period described in subsection (5), more than 10 per cent of all the samples taken from plumbing under that subsection and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7.
- (7) For the purpose of subsection (6), if two samples that are taken on the same day from a point in plumbing are tested for lead under section 15.1-7, the sample with the lower concentration of lead shall not be considered.

TABLE
REDUCED SAMPLING — NUMBER OF SAMPLING LOCATIONS

Column 1 Item	Column 2 Population Served by Drinking-Water System	Column 3 Number of Sampling Points in Plumbing that Serves Private Residences	Column 4 Number of Sampling Points in Plumbing that Does Not Serve Private Residences	Column 5 Number of Sampling Points in Distribution System
1.	1- 99	3	0	1
2.	100 - 499	5	1	1
3.	500 - 3,299	10	1	2
4.	3,300 - 9,999	20	2	3
5.	10,000 - 49,999	30	3	4
6.	50,000 - 99,999	40	4	8
7.	100,000 or more	50	5	10

Selection of sampling points

15.1-6. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that a sample taken from plumbing under section 15.1-4 or 15.1-5 is taken only with the consent of the occupant of the premises served by the plumbing.

(2) In selecting points in plumbing from which samples are to be taken under section 15.1-4 or 15.1-5, the owner of the drinking-water system and the operating authority for the system shall ensure that the samples comply with the following rules:

1. Subject to paragraph 2, samples must be taken from,
 - i. plumbing that is connected or is suspected of being connected to lead service pipes, or
 - ii. lead plumbing or plumbing that is suspected of being lead plumbing.
2. To the extent that it is not reasonably possible to take samples from plumbing described in paragraph 1, samples may be taken from,
 - i. plumbing that is connected or is suspected of being connected to service pipes that are not lead service pipes but have lead solder, or
 - ii. plumbing that is not lead plumbing but has or is suspected of having lead solder.
3. Samples must not be taken from more than one point in the same building.
4. Subject to paragraphs 1 to 3, samples must be taken from plumbing that serves different kinds of premises, including,
 - i. single-family homes and multi-unit residential buildings, in the case of samples taken under clause 15.1-4 (1) (a) or 15.1-5 (3) (a) or (4) (a), and
 - ii. commercial properties, industrial properties, designated facilities and public facilities, in the case of samples taken under clause 15.1-4 (1) (b) or 15.1-5 (3) (b) or (4) (b).
5. Subject to paragraphs 1 to 3, samples must be taken from different geographical areas that are served by the drinking-water system.

(3) The owner of a drinking-water system and the operating authority for the system shall ensure that each sample taken from the system's distribution system under section 15.1-4 or 15.1-5 is taken,

- (a) on the same day that samples are taken from points in plumbing under that section; and

- (b) from a point in the distribution system that is as close as reasonably possible to the points in plumbing from which samples are taken.

Sampling protocol and testing

15.1-7. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that samples taken from a point in plumbing under section 15.1-4 or 15.1-5 are taken in accordance with the following rules:

1. Two one-litre samples and the sample described in paragraph 12 must be taken.
 2. All three samples must be taken from the same tap.
 3. If the tap from which samples are to be taken has an aerator, the aerator must not be removed while the samples are being taken.
 4. The samples must be taken from,
 - i. a kitchen tap, if the sample is being taken from plumbing that serves premises that have a kitchen tap, or
 - ii. the tap that is most commonly used to provide water for human consumption, in any other case.
 5. If a filter or other water-treating device is installed on or near the tap specified in paragraph 4, the filter or other device must be bypassed without being removed, if it is reasonably possible to do so, while the samples are being taken.
 6. If a filter or other water-treating device is installed on or near the tap specified in paragraph 4 and it is not reasonably possible to bypass the filter or other device without removing it, the samples must be taken from another tap that is commonly used to provide water for human consumption.
 7. If a filter or other water-treating device is installed on or near every tap that provides water for human consumption and, in every case, it is not reasonably possible to bypass the filter or other device without removing it, the samples must be taken from the tap specified in paragraph 4, but the filter or other device must be removed before the step described in paragraph 8 is taken.
 8. Before the first sample is taken in accordance with paragraph 9, the tap must be turned on for at least five minutes and then turned off for the period described in subparagraph 9 i.
 9. The first sample to be taken must be taken in accordance with the following rules:
 - i. The sample must be taken immediately after a period of not less than 30 minutes but not more than 35 minutes during which the plumbing is not used and must include the first water that comes out when the tap is turned on to take the sample.
 - ii. The sample must be taken with water flowing at a rate that approximates normal use, without permitting water to splash out of the container in which the sample is being collected.
 10. The second sample to be taken must be taken immediately after the first sample, without turning off the tap or altering the flow rate of the tap.
 11. Unless the laboratory directions referred to in section 6-8 of Schedule 6 provide otherwise, two or more containers may be used to take the first sample and to take the second sample, but in that case the time taken to switch from one container to the next must be kept to a minimum.
 12. The third sample to be taken must be taken immediately after the second sample, without turning off the tap or altering the flow rate of the tap.
- (2) The owner of a drinking-water system and the operating authority for the system shall ensure that samples taken from a point in the system's distribution system under section 15.1-4 or 15.1-5 are taken in accordance with the following rules:
1. Before the samples are taken, the point in the distribution system must be flushed until the quality of the water at the point is representative of the quality of the water in that part of the distribution system.
 2. Three samples must be taken.
- (3) The owner of the drinking-water system and the operating authority for the system shall ensure that,
- (a) the samples taken under paragraphs 9 and 10 of subsection (1) and the first sample taken under subsection (2) are tested for lead;
 - (b) the second sample taken under subsection (2) is tested for total alkalinity; and
 - (c) the sample taken under paragraph 12 of subsection (1) and the third sample taken under subsection (2) are each tested for pH,
 - (i) immediately after the sample is taken, and
 - (ii) using a pH meter that measures pH to at least two significant digits.

(4) The owner of the drinking-water system and the operating authority for the system shall ensure that samples are taken and pH tests are conducted under this section only by,

- (a) a certified operator;
- (b) a water quality analyst;
- (c) a medical officer of health or public health inspector within the meaning of the *Health Protection and Promotion Act*;
- (d) a trained person; or
- (e) a person who,
 - (i) has been trained by a certified operator to take samples and conduct pH tests in accordance with this section,
 - (ii) works under the supervision of a certified operator, and
 - (iii) advises a certified operator of all pH test results within a reasonable period of time.

Drinking water tests

15.1-8. Every test of a sample taken from plumbing under section 15.1-4 or 15.1-5 is prescribed as a drinking-water test for the purpose of the definition of “drinking-water test” in section 2 of the Act.

Reporting requirements for samples taken from plumbing

15.1-9. (1) If the operating authority for a drinking-water system or the owner of a drinking-water system receives a report of a test result for a test conducted on a sample taken from plumbing under section 15.1-4 or 15.1-5, the operating authority or owner shall, within seven days after receiving the report, give the following to the occupant of the premises served by the tap from which the sample was taken:

1. A copy of the report.
2. A statement of whether the report indicates a result that exceeds any Schedule 2 standard.
3. If the report indicates a result described in paragraph 2, any advice given by the medical officer of health to the operating authority or owner with respect to any steps that the occupant should take.
4. The telephone number of a person who is available to answer questions about the report.

(2) If a laboratory conducts a test of a sample taken from plumbing under section 15.1-4 or 15.1-5 and a result of the test exceeds any Schedule 2 standard, the laboratory shall, within 24 hours after the result is obtained, give a written report to,

- (a) the operating authority for the drinking-water system, if an operating authority is responsible for the system;
- (b) the owner of the drinking-water system, if no operating authority is responsible for the system;
- (c) the medical officer of health; and
- (d) the Ministry's Spills Action Centre.

(3) The report required by subsection (2) shall specify,

- (a) the result that requires the report; and
- (b) the particular Schedule 2 standard that the result exceeds.

(4) If a laboratory reports a test result to the operating authority for a drinking-water system under subsection (2), the operating authority shall, within 24 hours after receiving the report, give a copy of the report to the owner of the system.

(5) If a laboratory reports a test result to the operating authority for a drinking-water system or the owner of a drinking-water system under subsection (2), the operating authority or owner shall, within 24 hours after receiving the report, give a copy of the report to the medical officer of health.

(6) If a copy of a report is given to the operator of a designated facility under subsection (1), the operator shall provide a copy of the report to the interested authority for the facility, as soon as reasonably possible and preferably within 24 hours after the operator receives the copy.

(7) A written document that is given under subsection (2), (4), (5) or (6) may be delivered personally or sent by fax or by electronic mail.

(8) Despite subsection (7), the Ministry's Spills Action Centre may require that a report that is given to the Centre under subsection (2) be given in an electronic format specified by the Director.

(9) Section 18 of the Act and Schedule 16 to this Regulation do not apply to a test of a sample taken from plumbing under section 15.1-4 or 15.1-5.

Corrective action for adverse results

15.1-10. If a report is made under subsection 15.1-9 (2), the owner of the drinking-water system and the operating authority for the system shall take such steps as are directed by the medical officer of health, including, if directed by the medical officer of health, providing information to occupants of the premises served by the plumbing from which the sample was taken that is in addition to the information provided under paragraph 3 of subsection 15.1-9 (1).

Corrosion control

15.1-11. (1) This section applies to a large municipal residential system if,

- (a) in two of the three most recent periods described in section 15.1-4 or 15.1-5, more than 10 per cent of all the samples taken from plumbing under that section and tested for lead exceed the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7; and
- (b) in each of the two periods mentioned in clause (a), the number of samples that exceed the standard prescribed for lead is at least two.

(2) For the purpose of subsection (1), if two samples that are taken on the same day from a point in plumbing are tested for lead under section 15.1-7, the sample with the lower concentration of lead shall not be considered.

(3) Within one year after the last day of the period mentioned in subsection (1) during which the test results are such as to cause this section to apply, the owner of the system and the operating authority for the system shall ensure that a plan that complies with subsection (5) is prepared and submitted to a Director appointed by the Minister under section 6 of the Act in respect of section 32 of the Act.

(4) The plan shall be prepared and submitted in a form and manner approved by the Director.

(5) The plan shall,

- (a) analyze the potential for lead leaching into water as a result of corrosion that occurs in the system's distribution system or in plumbing that is connected to the system's distribution system;
- (b) list and analyze possible measures to reduce the potential for lead leaching;
- (c) identify the preferred measure or measures;
- (d) set out an implementation schedule; and
- (e) include a program for monitoring the effectiveness of the preferred measure or measures.

(6) If subsection (3) applies to a drinking-water system that obtains treated water from another drinking-water system,

- (a) subsection (3) also applies to the owner of the other system and to the operating authority for the other system;
- (b) the plan mentioned in subsection (3) shall be a joint plan; and
- (c) the owner and operating authority mentioned in clause (a) shall, jointly with the owner of the system that obtains the treated water and the operating authority for that system, ensure that the plan is prepared and submitted.

(7) If the drinking-water system referred in clause (6) (a) itself obtains treated water from another system, subsection (6) also applies to that other system.

(8) If the plan mentioned in subsection (3) requires the owner or the operating authority to do anything in connection with implementing measures under the plan or monitoring their effectiveness, the owner shall, at the same time as the plan is submitted to the Director, apply to the Director to amend the system's approval or municipal drinking-water licence to reflect the requirements of the plan.

SCHEDULE 15.2
LEAD

Municipal: Large Non-Residential
Small Non-Residential

Non-Municipal: Seasonal Residential
Large Non-Residential
Small Non-Residential

Application

15.2-1. This Schedule applies to the following drinking-water systems:

1. Large municipal non-residential systems.
2. Small municipal non-residential systems.

3. Non-municipal seasonal residential systems.
4. Large non-municipal non-residential systems.
5. Small non-municipal non-residential systems.

Distribution samples

15.2-2. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that at least one distribution sample is taken every 12 months, from a point in the drinking-water system's distribution system or in plumbing that is connected to the drinking-water system that is likely to have an elevated concentration of lead.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for lead.

Schools, private schools and day nurseries

15.2-3. This Schedule does not apply to a drinking-water system that serves only a school, private school or day nursery to which section 5 of Ontario Regulation 243/07 (School, Private Schools and Day Nurseries) made under the Act applies.

9. Subsection 16-2 (2) of Schedule 16 to the Regulation is revoked and the following substituted:

(2) Despite subsection (1), subsection 18 (1) of the Act does not apply to the following drinking-water tests:

1. A drinking-water test that is conducted to ensure compliance with corrective action required by paragraph 1 of section 17-4 of Schedule 17 or paragraph 1 of section 18-4 of Schedule 18.
2. A drinking-water test that is conducted on a sample that was taken from plumbing, if the test is conducted solely for the purpose of determining the quality of the water in the plumbing.

10. This Regulation comes into force on the day it is filed.**RÈGLEMENT DE L'ONTARIO 399/07**

pris en application de la

LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

pris le 25 juillet 2007

déposé le 26 juillet 2007

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modifiant le Règl. de l'Ont. 170/03

(Réseaux d'eau potable)

Remarque : Le Règlement de l'Ontario 170/03 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le tableau de l'article 4 du Règlement de l'Ontario 170/03 est abrogé et remplacé par ce qui suit :

TABLEAU
APPLICATION DES ANNEXES

Point	Réseaux d'eau potable	Annexes applicables				
		Traitement	Vérifications de fonctionnement, échantillonnage et analyse	Résultats d'analyse insatisfaisants et autres problèmes	Rapports	Paramètres d'analyses chimiques
1.	Gros réseaux résidentiels municipaux	1, 4	6, 7, 10, 13, 15.1	16, 17	22	23, 24
2.	Petits réseaux résidentiels municipaux	1, 3, 4	6, 7, 11, 13, 15.1	16, 18, 19	22	23, 24
3.	Gros réseaux non résidentiels municipaux	2, 3, 5	6, 8, 12, 15, 15.2	16, 18, 19	21	23, 24
4.	Petits réseaux non résidentiels municipaux	2, 3, 5	6, 9, 12, 15, 15.2	16, 18, 19	21	23, 24
5.	Réseaux résidentiels toutes saisons non municipaux	2, 3, 5	6, 8, 11, 13, 15.1	16, 18, 19	21	23, 24

Point	Réseaux d'eau potable	Annexes applicables				
		Traitement	Vérifications de fonctionnement, échantillonnage et analyse	Résultats d'analyse insatisfaisants et autres problèmes	Rapports	Paramètres d'analyses chimiques
6.	Réseaux résidentiels saisonniers non municipaux	2, 3, 5	6, 9, 12, 15, 15.2	16, 18, 19	21	23, 24
7.	Gros réseaux non résidentiels et non municipaux	2, 3, 5	6, 8, 12, 15, 15.2	16, 18, 19	21	23, 24
8.	Petits réseaux non résidentiels et non municipaux	2, 3, 5	6, 9, 12, 15, 15.2	16, 18, 19	21	23, 24

2. (1) La disposition 4 du paragraphe 5 (1) du Règlement est modifiée par suppression de «13-3».

(2) La disposition 3 du paragraphe 5 (2) du Règlement est modifiée par suppression de «13-3».

(3) La disposition 3 du paragraphe 5 (3) du Règlement est modifiée par suppression de «15-3».

(4) L'alinéa 5 (4) b) du Règlement est modifié par adjonction du sous-alinéa suivant :

(iii) se conformer, au nom du propriétaire et de l'organisme d'exploitation du réseau qui est alimenté en eau :

(A) soit à l'annexe 15.1, dans le cas d'un gros réseau résidentiel municipal, d'un petit réseau résidentiel municipal ou d'un réseau résidentiel toutes saisons non municipal,

(B) soit à l'annexe 15.2, dans le cas d'un réseau résidentiel saisonnier.

3. L'alinéa 6 (1) c) du Règlement est modifié par adjonction du sous-alinéa suivant :

(iii) se conformer à l'annexe 15.2 au nom du propriétaire et de l'organisme d'exploitation du réseau qui est alimenté en eau.

4. (1) La sous-disposition 1 i) du paragraphe 13 (2) du Règlement est modifiée par suppression de «l'article 13-3».

(2) La disposition 1 du paragraphe 13 (2) du Règlement est modifiée par adjonction des sous-dispositions suivantes :

ii.1 L'article 15.1-7 de l'annexe 15.1.

ii.2 L'article 15.2-2 de l'annexe 15.2.

(3) La sous-disposition 1 ii) du paragraphe 13 (3) du Règlement est modifiée par suppression de «15-3».

5. (1) L'article 6-10 de l'annexe 6 du Règlement est modifié par adjonction des dispositions suivantes :

3. Si l'échantillon est prélevé dans le réseau de distribution d'un réseau d'eau potable en application de l'article 15.1-4 ou 15.1-5 de l'annexe 15.1, les adresses de tous les lieux que dessert l'installation de plomberie dans laquelle les échantillons ont été prélevés le même jour conformément au paragraphe 15.1-6 (3).

4. Si l'échantillon est prélevé en application de l'article 15.1-7 de l'annexe 15.1 et analysé pour en mesurer le pH :

i. la date et l'heure de l'analyse,

ii. le nom de la personne qui a effectué l'analyse,

iii. les résultats de l'analyse.

(2) L'article 6-11 de l'annexe 6 du Règlement est modifié par substitution de «annexes 7 à 15.2» à «annexes 7 à 15» partout où figure cette expression.

(3) Le paragraphe 6-12 (1) de l'annexe 6 du Règlement est modifié par substitution de «annexes 7 à 15.2» à «annexes 7 à 15».

(4) Le paragraphe 6-12 (2) de l'annexe 6 du Règlement est modifié par substitution de «annexes 7 à 15.2» à «annexes 7 à 15» partout où figure cette expression.

6. (1) L'article 13-3 de l'annexe 13 du Règlement est abrogé.

(2) Le paragraphe 13-5 (1) de l'annexe 13 du Règlement est modifié par substitution de «13-2 ou 13-4» à «13-2, 13-3 ou 13-4».

(3) L'alinéa 13-5 (2) a) de l'annexe 13 du Règlement est modifié par substitution de «13-2 ou 13-4» à «13-2, 13-3 ou 13-4».

(4) L'alinéa 13-5 (2) b) de l'annexe 13 du Règlement est modifié par substitution de «13-2 ou 13-4» à «13-2, 13-3 ou 13-4».

7. L'article 15-3 de l'annexe 15 du Règlement est abrogé.

8. Le Règlement est modifié par adjonction des annexes suivantes :

ANNEXE 15.1
PLOMB

Réseaux municipaux : Gros résidentiels
Petits résidentiels

Réseaux non municipaux : Toutes saisons résidentiels

Champ d'application

15.1-1. La présente annexe s'applique aux réseaux d'eau potable suivants :

1. Les gros réseaux résidentiels municipaux.
2. Les petits réseaux résidentiels municipaux.
3. Les réseaux résidentiels toutes saisons non municipaux.

Sens restreint de «desservir»

15.1-2. Pour l'application de la présente annexe :

- a) un réseau d'eau potable dessert une population si son réseau de distribution est raccordé directement à l'installation de plomberie qui dessert cette population;
- b) un réseau d'eau potable dessert une résidence privée ou un autre bâtiment si son réseau de distribution est raccordé directement à l'installation de plomberie qui dessert la résidence privée ou l'autre bâtiment.

Définitions

15.1-3. Les définitions qui suivent s'appliquent à la présente annexe.

«conduites de branchement en plomb» et «installation de plomberie en plomb» Conduites de branchement et installation de plomberie dont la teneur en plomb est supérieure à 8 pour cent. («lead service pipes», «lead plumbing»)

«norme prescrite à l'annexe 2» Norme prescrite à l'égard de toute substance à l'annexe 2 des normes de qualité de l'eau potable de l'Ontario. («Schedule 2 standard»)

«norme prescrite à l'égard du plomb» La norme prescrite à l'égard du plomb à l'annexe 2 des normes de qualité de l'eau potable de l'Ontario. («standard prescribed for lead»)

«soudures de plomb» Soudures dont la teneur en plomb est supérieure à 0,2 pour cent. («lead solder»)

Échantillonnage normalisé

15.1-4. (1) Le propriétaire et l'organisme d'exploitation d'un réseau d'eau potable veillent à ce que, conformément aux articles 15.1-6 et 15.1-7, des échantillons soient prélevés au cours des périodes visées au paragraphe (2) :

- a) dans une installation de plomberie qui dessert des résidences privées, à partir d'au moins le nombre de points indiqué à la colonne 3 du tableau du présent article en regard de la population que dessert le réseau d'eau potable;
- b) dans une installation de plomberie qui ne dessert pas de résidences privées, à partir d'au moins le nombre de points indiqué à la colonne 4 du tableau du présent article en regard de la population que dessert le réseau d'eau potable;
- c) dans le réseau de distribution d'un réseau d'eau potable, à partir d'au moins le nombre de points indiqué à la colonne 5 du tableau du présent article en regard de la population que dessert le réseau d'eau potable.

(2) Les échantillons exigés par le paragraphe (1) doivent être prélevés au cours de chacune des périodes suivantes :

1. La période allant du 15 décembre 2007 au 15 avril 2008 et la période correspondante dans chaque période subséquente de 12 mois.
2. La période allant du 15 juin 2008 au 15 octobre 2008 et la période correspondante dans chaque période subséquente de 12 mois.

TABLEAU
ÉCHANTILLONNAGE NORMALISÉ — NOMBRE DE POINTS D'ÉCHANTILLONNAGE

Colonne 1	Colonne 2	Colonne 3	Colonne 4	Colonne 5
Point	Population que dessert le réseau d'eau potable	Nombre de points d'échantillonnage dans l'installation de plomberie qui dessert des résidences privées	Nombre de points d'échantillonnage dans l'installation de plomberie qui ne dessert pas de résidences privées	Nombre de points d'échantillonnage dans le réseau de distribution
1.	1 - 99	5	1	1
2.	100 - 499	10	1	2
3.	500 - 3 299	20	2	4
4.	3 300 - 9 999	40	4	8
5.	10 000 - 49 999	60	6	12
6.	50 000 - 99 999	80	8	16
7.	100 000 ou plus	100	10	20

Échantillonnage réduit

15.1-5. (1) L'article 15.1-4 cesse de s'appliquer à un réseau d'eau potable et le présent article s'applique à sa place si :

a) dans le cas d'un réseau qui dessert une population de moins de 50 000 habitants :

(i) soit que, au cours de chacune de deux périodes consécutives visées au paragraphe 15.1-4 (2) :

(A) d'une part, pas plus de 10 pour cent de tous les échantillons prélevés dans une installation de plomberie en application de l'article 15.1-4 et analysés pour en mesurer la concentration de plomb dépassaient la moitié de la norme prescrite à l'égard du plomb, comme l'indiquent les résultats des analyses effectuées en application de l'article 15.1-7,

(B) d'autre part, aucun des échantillons prélevés dans une installation de plomberie en application de l'article 15.1-4 et analysés pour en mesurer la concentration de plomb ne dépassait la norme prescrite à l'égard du plomb, comme l'indiquent les résultats des analyses effectuées en application de l'article 15.1-7,

(ii) soit que, au cours de chacune de quatre périodes consécutives visées au paragraphe 15.1-4 (2), pas plus de 10 pour cent de tous les échantillons prélevés dans une installation de plomberie en application de l'article 15.1-4 et analysés pour en mesurer la concentration de plomb dépassaient la norme prescrite à l'égard du plomb, comme l'indiquent les résultats des analyses effectuées en application de l'article 15.1-7;

b) dans le cas d'un réseau qui dessert une population de 50 000 habitants ou plus, au cours de chacune de quatre périodes consécutives visées au paragraphe 15.1-4 (2), pas plus de 10 pour cent de tous les échantillons prélevés dans une installation de plomberie en application de l'article 15.1-4 et analysés pour en mesurer la concentration de plomb dépassaient la norme prescrite à l'égard du plomb, comme l'indiquent les résultats des analyses effectuées en application de l'article 15.1-7.

(2) Pour l'application du paragraphe (1), si deux échantillons prélevés le même jour à partir d'un point dans une installation de plomberie sont analysés pour en mesurer la concentration de plomb en application de l'article 15.1-7, il n'est pas tenu compte de l'échantillon dont la concentration de plomb est la plus basse.

(3) Si un réseau d'eau potable dessert une population de moins de 50 000 habitants et que, aux termes du paragraphe (1), l'article 15.1-4 ne s'y applique pas, le propriétaire et l'organisme d'exploitation du réseau veillent à ce que, conformément aux articles 15.1-6 et 15.1-7, des échantillons soient prélevés au cours des périodes visées au paragraphe (5) toutes les trois périodes de 12 mois après le dernier prélèvement d'échantillons effectué en application de l'article 15.1-4 ou du présent article :

a) dans une installation de plomberie qui dessert des résidences privées, à partir d'au moins le nombre de points indiqué à la colonne 3 du tableau du présent article en regard de la population que dessert le réseau d'eau potable;

b) dans une installation de plomberie qui ne dessert pas de résidences privées, à partir d'au moins le nombre de points indiqué à la colonne 4 du tableau du présent article en regard de la population que dessert le réseau d'eau potable;

c) dans le réseau de distribution d'un réseau d'eau potable, à partir d'au moins le nombre de points indiqué à la colonne 5 du tableau du présent article en regard de la population que dessert le réseau d'eau potable.

(4) Si un réseau d'eau potable dessert une population de 50 000 habitants ou plus et que, aux termes du paragraphe (1), l'article 15.1-4 ne s'y applique pas, le propriétaire et l'organisme d'exploitation du réseau veillent à ce que, conformément aux articles 15.1-6 et 15.1-7, des échantillons soient prélevés au cours des périodes visées au paragraphe (5) toutes les périodes de 12 mois après le dernier prélèvement d'échantillons effectué en application de l'article 15.1-4 ou du présent article :

- a) dans une installation de plomberie qui dessert des résidences privées, à partir d'au moins le nombre de points indiqué à la colonne 3 du tableau du présent article en regard de la population que dessert le réseau d'eau potable;
- b) dans une installation de plomberie qui ne dessert pas de résidences privées, à partir d'au moins le nombre de points indiqué à la colonne 4 du tableau du présent article en regard de la population que dessert le réseau d'eau potable;
- c) dans le réseau de distribution d'un réseau d'eau potable, à partir d'au moins le nombre de points indiqué à la colonne 5 du tableau du présent article en regard de la population que dessert le réseau d'eau potable.
- (5) Les échantillons exigés par les paragraphes (3) et (4) doivent être prélevés au cours de chacune des périodes suivantes de la période de 12 mois pertinente :
1. La période allant du 15 décembre au 15 avril.
 2. La période allant du 15 juin au 15 octobre.
- (6) Le présent article cesse de s'appliquer à un réseau d'eau potable, et l'article 15.1-4 s'applique de nouveau si, au cours d'une période visée au paragraphe (5), plus de 10 pour cent de tous les échantillons prélevés dans une installation de plomberie en application de ce paragraphe et analysés pour en mesurer la concentration de plomb dépassaient la norme prescrite à l'égard du plomb, comme l'indiquent les résultats des analyses effectuées en application de l'article 15.1-7.
- (7) Pour l'application du paragraphe (6), si deux échantillons prélevés le même jour à partir d'un point dans une installation de plomberie sont analysés pour en mesurer la concentration de plomb en application de l'article 15.1-7, il n'est pas tenu compte de l'échantillon dont la concentration de plomb est la plus basse.

TABLEAU
ÉCHANTILLONNAGE RÉDUIT — NOMBRE DE POINTS D'ÉCHANTILLONNAGE

Colonne 1	Colonne 2	Colonne 3	Colonne 4	Colonne 5
Point	Population que dessert le réseau d'eau potable	Nombre de points d'échantillonnage dans l'installation de plomberie qui dessert des résidences privées	Nombre de points d'échantillonnage dans l'installation de plomberie qui ne dessert pas de résidences privées	Nombre de points d'échantillonnage dans le réseau de distribution
1.	1- 99	3	0	1
2.	100 - 499	5	1	1
3.	500 - 3 299	10	1	2
4.	3 300 - 9 999	20	2	3
5.	10 000 - 49 999	30	3	4
6.	50 000 - 99 999	40	4	8
7.	100 000 ou plus	50	5	10

Choix des points d'échantillonnage

15.1-6. (1) Le propriétaire et l'organisme d'exploitation d'un réseau d'eau potable veillent à ce que l'échantillon prélevé dans une installation de plomberie en application de l'article 15.1-4 ou 15.1-5 ne soit prélevé qu'avec le consentement de l'occupant des lieux que dessert l'installation.

(2) En choisissant les points dans l'installation de plomberie à partir desquels les échantillons doivent être prélevés en application de l'article 15.1-4 ou 15.1-5, le propriétaire et l'organisme d'exploitation du réseau d'eau potable veillent à ce que les échantillons soient conformes aux règles suivantes :

1. Sous réserve de la disposition 2, les échantillons doivent être prélevés :
 - i. soit dans une installation de plomberie qui est raccordée à des conduites de branchement en plomb ou qui est soupçonnée de l'être,
 - ii. soit dans une installation de plomberie en plomb ou qui est soupçonnée d'être une telle installation.
2. Dans le mesure où il n'est pas raisonnablement possible de les prélever dans une installation de plomberie mentionnée à la disposition 1, les échantillons peuvent être prélevés :
 - i. soit dans une installation de plomberie qui est raccordée à des conduites de branchement qui ne sont pas des conduites de branchement en plomb mais qui ont des soudures de plomb, ou qui est soupçonnée de l'être,
 - ii. soit dans une installation de plomberie qui n'est pas une installation de plomberie en plomb mais qui a ou est soupçonnée d'avoir des soudures de plomb.
3. Les échantillons ne doivent pas être prélevés à partir de plus d'un point dans le même bâtiment.
4. Sous réserve des dispositions 1 à 3, les échantillons doivent être prélevés dans une installation de plomberie qui dessert différents types de lieux, notamment :

- i. des maisons unifamiliales et des immeubles d'habitation à logements multiples, dans le cas d'échantillons prélevés en application de l'alinéa 15.1-4 (1) a) ou 15.1-5 (3) a) ou (4) a),
 - ii. des propriétés commerciales, des propriétés industrielles, des établissements désignés et des installations publiques, dans le cas d'échantillons prélevés en application de l'alinéa 15.1-4 (1) b) ou 15.1-5 (3) b) ou (4) b).
5. Sous réserve des dispositions 1 à 3, les échantillons doivent être prélevés dans différents secteurs géographiques que dessert le réseau d'eau potable.
- (3) Le propriétaire et l'organisme d'exploitation d'un réseau d'eau potable veillent à ce que chaque échantillon prélevé dans le réseau de distribution du réseau en application de l'article 15.1-4 ou 15.1-5 le soit :
- a) d'une part, le même jour que les échantillons sont prélevés à partir de points dans une installation de plomberie en application de cet article;
 - b) d'autre part, à partir d'un point dans le réseau de distribution qui est aussi proche que raisonnablement possible des points dans l'installation de plomberie à partir desquels les échantillons sont prélevés.

Protocole d'échantillonnage et analyse

15.1-7. (1) Le propriétaire et l'organisme d'exploitation d'un réseau d'eau potable veillent à ce que les échantillons prélevés à partir d'un point dans une installation de plomberie en application de l'article 15.1-4 ou 15.1-5 le soient conformément aux règles suivantes :

1. Deux échantillons d'un litre et l'échantillon visé à la disposition 12 doivent être prélevés.
2. Les trois échantillons doivent tous être prélevés du même robinet.
3. Si le robinet duquel les échantillons doivent être prélevés est muni d'un aérateur, celui-ci ne doit pas être enlevé pendant le prélèvement des échantillons.
4. Les échantillons doivent être prélevés :
 - i. d'un robinet de cuisine, si l'échantillon est prélevé dans une installation de plomberie qui dessert des lieux qui ont un tel robinet,
 - ii. du robinet le plus habituellement utilisé pour fournir de l'eau destinée à la consommation humaine, dans les autres cas.
5. Si un filtre ou un autre dispositif de traitement de l'eau est installé sur le robinet précisé à la disposition 4 ou à sa proximité, si cela est raisonnablement possible le filtre ou le dispositif doit être contourné sans être enlevé pendant le prélèvement des échantillons.
6. Si un filtre ou un autre dispositif de traitement de l'eau est installé sur le robinet précisé à la disposition 4 ou à sa proximité et qu'il n'est pas raisonnablement possible de le contourner sans l'enlever, les échantillons doivent être prélevés d'un autre robinet qui est habituellement utilisé pour fournir de l'eau destinée à la consommation humaine.
7. Si un filtre ou un autre dispositif de traitement de l'eau est installé sur chaque robinet qui fournit de l'eau destinée à la consommation humaine ou à sa proximité et que, dans chaque cas, il n'est pas raisonnablement possible de le contourner sans l'enlever, les échantillons doivent être prélevés du robinet précisé à la disposition 4. Toutefois, le filtre ou le dispositif doit être enlevé avant que ne soit prise la mesure énoncée à la disposition 8.
8. Avant que le premier échantillon ne soit prélevé conformément à la disposition 9, le robinet doit être laissé ouvert pendant au moins cinq minutes, puis fermé pour la période prévue à la sous-disposition 9 i.
9. Le premier échantillon doit être prélevé conformément aux règles suivantes :
 - i. Il doit être prélevé immédiatement après une période de non-utilisation de l'installation de plomberie allant de 30 à 35 minutes et doit inclure la première eau à sortir du robinet lorsque celui-ci est ouvert aux fins du prélèvement de l'échantillon.
 - ii. Il doit être prélevé pendant que l'eau coule à un débit qui s'approche de l'usage normal, sans que l'eau ne rejaillisse du contenant dans lequel l'échantillon est prélevé.
10. Le deuxième échantillon doit être prélevé immédiatement après le premier, sans que le robinet soit fermé ou que le débit soit changé.
11. À moins que les instructions du laboratoire mentionnées à l'article 6-8 de l'annexe 6 ne prévoient le contraire, deux contenants ou plus peuvent être utilisés pour prélever le premier et le deuxième échantillon, auquel cas le temps pris pour passer d'un contenant à l'autre doit être le plus court possible.
12. Le troisième échantillon doit être prélevé immédiatement après le deuxième, sans que le robinet soit fermé ou que le débit soit changé.

(2) Le propriétaire et l'organisme d'exploitation d'un réseau d'eau potable veillent à ce que les échantillons prélevés à partir d'un point dans le réseau de distribution du réseau en application de l'article 15.1-4 ou 15.1-5 soient prélevés conformément aux règles suivantes :

1. Avant le prélèvement des échantillons, le point dans le réseau de distribution doit être vidangé jusqu'à ce que la qualité de l'eau à ce point soit représentative de celle de l'eau se trouvant dans cette partie du réseau de distribution.
2. Trois échantillons doivent être prélevés.

(3) Le propriétaire et l'organisme d'exploitation du réseau d'eau potable veillent à ce que :

- a) les échantillons prélevés en application des dispositions 9 et 10 du paragraphe (1) et le premier échantillon prélevé en application du paragraphe (2) soient analysés pour en mesurer la concentration de plomb;
- b) le deuxième échantillon prélevé en application du paragraphe (2) soit analysé pour en mesurer l'alcalinité totale;
- c) l'échantillon prélevé en application de la disposition 12 du paragraphe (1) et le troisième échantillon prélevé en application du paragraphe (2) soient analysés chacun pour en mesurer le pH :
 - (i) immédiatement après leur prélèvement,
 - (ii) à l'aide d'un pH-mètre qui mesure le pH avec au moins deux chiffres significatifs.

(4) Le propriétaire et l'organisme d'exploitation du réseau d'eau potable veillent à ce qu'uniquement l'une ou l'autre des personnes suivantes prélève les échantillons et effectue les analyses du pH en application du présent paragraphe :

- a) un exploitant agréé;
- b) un analyste de la qualité de l'eau;
- c) un médecin-hygiéniste ou un inspecteur de la santé au sens de la *Loi sur la protection et la promotion de la santé*;
- d) une personne qualifiée;
- e) une personne qui réunit les conditions suivantes :
 - (i) elle a été formée par un exploitant agréé en vue de prélever des échantillons et d'effectuer des analyses du pH conformément au présent article,
 - (ii) elle travaille sous la supervision d'un exploitant agréé,
 - (iii) elle communique tous les résultats des analyses du pH à un exploitant agréé dans un délai raisonnable.

Analyses de l'eau potable

15.1-8. Chaque analyse d'un échantillon prélevé dans une installation de plomberie en application de l'article 15.1-4 ou 15.1-5 est prescrite comme analyse de l'eau potable pour l'application de la définition de «analyse de l'eau potable» à l'article 2 de la Loi.

Exigences en matière de rapports — échantillons prélevés dans une installation de plomberie

15.1-9. (1) S'il reçoit un rapport du résultat d'une analyse d'un échantillon prélevé dans une installation de plomberie en application de l'article 15.1-4 ou 15.1-5, l'organisme d'exploitation ou le propriétaire d'un réseau d'eau potable remet ce qui suit à l'occupant des lieux que dessert le robinet duquel l'échantillon a été prélevé dans les sept jours de la réception du rapport :

1. Une copie du rapport.
2. Un énoncé précisant si le rapport indique un résultat qui dépasse une norme prescrite à l'annexe 2.
3. Si le rapport indique un résultat visé à la disposition 2, les conseils que le médecin-hygiéniste a donnés à l'organisme d'exploitation ou au propriétaire quant aux mesures que l'occupant devrait prendre.
4. Le numéro de téléphone d'une personne qui est disponible pour répondre aux questions sur le rapport.

(2) Si un laboratoire effectue une analyse d'un échantillon prélevé dans une installation de plomberie en application de l'article 15.1-4 ou 15.1-5 et qu'un résultat d'analyse dépasse une norme prescrite à l'annexe 2, le laboratoire remet un rapport écrit aux personnes et organismes suivants dans les 24 heures après que le résultat a été obtenu :

- a) l'organisme d'exploitation du réseau d'eau potable, si un tel organisme en est responsable;
- b) le propriétaire du réseau d'eau potable, si aucun organisme d'exploitation n'en est responsable;
- c) le médecin-hygiéniste;
- d) le centre d'intervention en cas de déversement du ministère.

(3) Le rapport exigé par le paragraphe (2) précise :

- a) d'une part, le résultat à l'égard duquel le rapport est exigé;
- b) d'autre part, la norme prescrite à l'annexe 2 que le résultat dépasse.

(4) Si un laboratoire lui remet un rapport du résultat d'une analyse en application du paragraphe (2), l'organisme d'exploitation d'un réseau d'eau potable en remet une copie au propriétaire du réseau dans les 24 heures qui suivent la réception du rapport.

(5) Si un laboratoire lui remet un rapport du résultat d'une analyse en application du paragraphe (2), l'organisme d'exploitation ou le propriétaire d'un réseau d'eau potable en remet une copie au médecin-hygiéniste dans les 24 heures qui suivent la réception du rapport.

(6) Si une copie d'un rapport lui est remise en application du paragraphe (1), l'exploitant d'un établissement désigné en remet une copie à l'autorité compétente de l'établissement dès qu'il est raisonnablement possible de le faire et, de préférence, dans les 24 heures qui suivent la réception de la copie.

(7) Le document écrit qui est remis en application du paragraphe (2), (4), (5) ou (6) peut être remis à personne ou envoyé par télécopie ou courrier électronique.

(8) Malgré le paragraphe (7), le centre d'intervention en cas de déversement du ministère peut exiger que le rapport qui lui est remis en application du paragraphe (2) le soit sous la forme électronique que le directeur précise.

(9) Ni l'article 18 de la Loi ni l'annexe 16 du présent règlement ne s'appliquent à l'analyse d'un échantillon prélevé dans une installation de plomberie en application de l'article 15.1-4 ou 15.1-5.

Mesures correctives en cas de résultats insatisfaisants

15.1-10. Si un rapport est fait en application du paragraphe 15.1-9 (2), le propriétaire et l'organisme d'exploitation du réseau d'eau potable prennent les mesures qu'ordonne le médecin-hygiéniste, y compris, si ce dernier l'ordonne, la fourniture de renseignements en sus de ceux prévus à la disposition 3 du paragraphe 15.1-9 (1) aux occupants des lieux que dessert l'installation de plomberie dans laquelle l'échantillon a été prélevé.

Protection contre la corrosion

15.1-11. (1) Le présent article s'applique à un gros réseau municipal résidentiel si :

- a) d'une part, au cours de deux des trois plus récentes périodes visées à l'article 15.1-4 ou 15.1-5, plus de 10 pour cent de tous les échantillons prélevés dans une installation de plomberie en application de cet article et analysés pour en mesurer la concentration de plomb dépassent la norme prescrite à l'égard du plomb, comme l'indiquent les résultats des analyses effectuées en application de l'article 15.1-7;
- b) d'autre part, au cours de chacune des deux périodes visées à l'alinéa a), au moins deux des échantillons dépassent la norme prescrite à l'égard du plomb.

(2) Pour l'application du paragraphe (1), si deux échantillons prélevés le même jour à partir d'un point dans une installation de plomberie sont analysés pour en mesurer la concentration de plomb en application de l'article 15.1-7, il n'est pas tenu compte de l'échantillon dont la concentration de plomb est la plus basse.

(3) Dans l'année qui suit le dernier jour de la période mentionnée au paragraphe (1) au cours de laquelle les résultats d'analyse sont tels que le présent article s'applique, le propriétaire et l'organisme d'exploitation du réseau veillent à ce qu'un plan qui est conforme au paragraphe (5) soit préparé et présenté à un directeur nommé par le ministre en application de l'article 6 de la Loi en ce qui concerne l'article 32 de la Loi.

(4) Le plan est préparé et présenté sous la forme et de la façon qu'approuve le directeur.

(5) Le plan fait ce qui suit :

- a) il analyse la possibilité de lixiviation de plomb dans l'eau par suite de la corrosion qui se produit dans le réseau de distribution du réseau ou dans son installation de plomberie;
- b) il énumère et analyse les mesures éventuelles visant à diminuer la possibilité de lixiviation de plomb;
- c) il indique la ou les mesures préférées;
- d) il établit un calendrier de mise en oeuvre;
- e) il comprend un programme de surveillance de l'efficacité de la ou des mesures préférées.

(6) Si le paragraphe (3) s'applique à un réseau d'eau potable qui est alimenté en eau traitée par un autre réseau d'eau potable les règles suivantes s'appliquent :

- a) le paragraphe (3) s'applique également au propriétaire et à l'organisme d'exploitation de l'autre réseau;
- b) le plan visé au paragraphe (3) est un plan conjoint;
- c) le propriétaire et l'organisme d'exploitation visés à l'alinéa a) veillent, conjointement avec le propriétaire et l'organisme d'exploitation du réseau qui est alimenté en eau traitée, à ce que le plan soit préparé et présenté.

(7) Si le réseau d'eau potable visé à l'alinéa (6) a) est lui aussi alimenté en eau traitée par un autre réseau, le paragraphe (6) s'applique également à cet autre réseau.

(8) Si le plan visé au paragraphe (3) exige que le propriétaire ou l'organisme d'exploitation fasse quoi que ce soit relativement à la mise en oeuvre des mesures qu'il prévoit ou à la surveillance de leur efficacité, le propriétaire demande au directeur, en même temps que le plan lui est présenté, de modifier l'approbation accordée ou le permis municipal d'eau potable délivré à l'égard du réseau afin de tenir compte des exigences du plan.

ANNEXE 15.2 PLOMB

Réseaux municipaux : Gros non résidentiels
Petits non résidentiels

Réseaux non municipaux : Saisonniers résidentiels
Gros non résidentiels
Petits non résidentiels

Champ d'application

15.2-1. La présente annexe s'applique aux réseaux d'eau potable suivants :

1. Les gros réseaux non résidentiels municipaux.
2. Les petits réseaux non résidentiels municipaux.
3. Les réseaux résidentiels saisonniers non municipaux.
4. Les gros réseaux non résidentiels et non municipaux.
5. Les petits réseaux non résidentiels et non municipaux.

Échantillons de distribution

15.2-2. (1) Le propriétaire et l'organisme d'exploitation d'un réseau d'eau potable veillent à ce qu'au moins un échantillon de distribution soit prélevé tous les 12 mois, à partir d'un point donné dans le réseau de distribution du réseau d'eau potable ou dans son installation de plomberie qui révélera vraisemblablement une concentration élevée de plomb.

(2) Le propriétaire et l'organisme d'exploitation du réseau d'eau potable veillent à ce que chacun des échantillons prélevés en application du paragraphe (1) soit analysé pour en mesurer la concentration de plomb.

Écoles, écoles privées et garderies

15.2-3. La présente annexe ne s'applique pas à un réseau d'eau potable qui dessert uniquement une école, une école privée ou une garderie à laquelle s'applique l'article 5 du Règlement de l'Ontario 243/07 (Écoles, écoles privées et garderies) pris en application de la Loi.

9. Le paragraphe 16-2 (2) de l'annexe 16 du Règlement est abrogé et remplacé par ce qui suit :

(2) Malgré le paragraphe (1), le paragraphe 18 (1) de la Loi ne s'applique pas aux analyses de l'eau potable suivantes :

1. Celle qui est effectuée aux fins de conformité avec les mesures correctives exigées par la disposition 1 de l'article 17-4 de l'annexe 17 ou la disposition 1 de l'article 18-4 de l'annexe 18.
2. Celle qui est effectuée sur un échantillon qui a été prélevé dans une installation de plomberie, si elle l'est uniquement en vue d'évaluer la qualité de l'eau dans celle-ci.

10. Le présent règlement entre en vigueur le jour de son dépôt.

ONTARIO REGULATION 400/07

made under the

SAFE DRINKING WATER ACT, 2002

Made: July 25, 2007

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Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 243/07

(Schools, Private Schools and Day Nurseries)

Note: Ontario Regulation 243/07 has not previously been amended.

1. (1) Subsection 1 (1) of Ontario Regulation 243/07 is amended by adding the following definitions:

“lead plumbing” means plumbing with a lead content greater than 8 per cent;

“lead solder” means solder with a lead content greater than 0.2 per cent;

(2) Section 1 of the Regulation is amended by adding the following subsection:

(1.1) Despite subsection (1), for the purposes of this Regulation, a school or private school does not include a place of residence used by a teacher or other person employed by the school or private school.

(3) Subsection 1 (2) of the Regulation is revoked and the following substituted:

(2) For the purposes of this Regulation, a school or private school is open on a day if, at any time during that day, programs are held or services are provided there for children under 18 years of age.

2. (1) Subsection 3 (1) of the Regulation is revoked and the following substituted:

(1) This section applies to a school, private school or day nursery if no part of the plumbing that serves the building that houses the school, private school or day nursery was installed before January 1, 1990.

(2) Section 3 of the Regulation is amended by adding the following subsections:

(2.1) The flushing requirement in subsection (2) does not apply to the plumbing in a part of a building if, during the entire week in question, that part is not open to children under 18 years of age.

(2.2) If a building houses a school or private school and is open to children under 18 years of age for 24 hours on the day referred to in clause (2) (a), the flushing shall be completed at the earliest practicable time and preferably before 6 a.m.

(3) Paragraph 1 of subsection 3 (3) of the Regulation is amended by adding “that serves a drinking water fountain or a tap that is commonly used to provide water for consumption by children under 18 years of age” at the end.**(4) Paragraph 3 of subsection 3 (3) of the Regulation is amended by striking out the words “human consumption” at the end and substituting “consumption by children under 18 years of age”.****(5) Subsection 3 (4) of the Regulation is revoked and the following substituted:**

(4) The operator of a school, private school or day nursery shall ensure that a record is made of the date and time of every flushing required by subsection (2) and,

(a) the name of the person who performed the flushing; or

(b) if all or part of the plumbing was flushed by an automatic device, the name of the person who verified that the automatic flushing took place.

3. (1) Subsection 4 (1) of the Regulation is revoked and the following substituted:

(1) This section applies to a school, private school or day nursery if all or part of the plumbing that serves the building that houses the school, private school or day nursery was installed before January 1, 1990.

(2) Section 4 of the Regulation is amended by adding the following subsections:

(2.1) The flushing requirement in subsection (2) does not apply to the plumbing in a part of the building if, during the entire day in question, that part is not open to children under 18 years of age.

(2.2) If a building houses a school or private school and is open to children under 18 years of age for 24 hours a day, the flushing shall be completed at the earliest practicable time and preferably before 6 a.m.

(3) Paragraph 1 of subsection 4 (3) of the Regulation is amended by adding “that serves a drinking water fountain or a tap that is commonly used to provide water for consumption by children under 18 years of age” at the end.

(4) Paragraph 3 of subsection 4 (3) of the Regulation is amended by striking out the words “human consumption” at the end and substituting “consumption by children under 18 years of age”.

(5) Subsection 4 (4) of the Regulation is revoked and the following substituted:

(4) The operator of a school, private school or day nursery shall ensure that a record is made of the date and time of every flushing required by subsection (2) and,

- (a) the name of the person who performed the flushing; or
- (b) if all or part of the plumbing was flushed by an automatic device, the name of the person who verified that the automatic flushing took place.

4. (1) Clause 5 (1) (b) of the Regulation is revoked and the following substituted:

- (b) a day nursery, if all or part of the plumbing that serves the building that houses the day nursery was installed before January 1, 1990.

(2) Paragraphs 3, 4, 5 and 6 of subsection 5 (2) of the Regulation are revoked and the following substituted:

3. If the tap from which the samples are to be taken has an aerator, the aerator must not be removed while the samples are being taken.
4. If a filter or other device that treats water is installed on or near the tap from which the samples are taken and it is practicable to bypass the filter or other device without removing it, the filter or other device must be bypassed while the samples are being taken.
5. The samples must be taken from,
 - i. a kitchen tap, if the samples are taken from a day nursery that has a kitchen tap, or
 - ii. a tap that is commonly used to provide water for consumption by children under 18 years of age, in any other case.
6. If there is more than one tap that meets the requirements in subparagraphs 5 i or 5 ii and one of those taps is more likely than the others to be served by lead plumbing or plumbing that contains lead solder, the samples must be taken from the tap that is most likely to be served by lead plumbing or plumbing that contains lead solder.
- 6.1 If a filter or other device that treats water is installed on or near the tap that has been selected for sampling in accordance with paragraphs 5 and 6 and it is not practicable to bypass the filter or other device without removing it, before the start of the period referred to in subparagraph 7 i or ii,
 - i. the filter or other device must be removed, and
 - ii. the tap must be turned on for at least five minutes.

5. (1) Subsection 6 (1) of the Regulation is amended by striking out “1, 2 or 3” and substituting “2”, by adding “and” at the end of clause (b) and by revoking clauses (d) and (e).

(2) Subsection 6 (3) of the Regulation is revoked and the following substituted:

- (3) A report or a copy of a report required by this section may be delivered personally or sent by fax or by electronic mail.

(3) Subsection 6 (4) of the Regulation is amended by striking out “subsection (1)” and substituting “this section”.

(4) Section 6 of the Regulation is amended by adding the following subsection:

(6) The operator of a school, private school or day nursery who receives a report under subsection (1) shall, within 24 hours after the report is received, give a copy of the report to,

- (a) the medical officer of health;
- (b) the Ministry’s Spills Action Centre;
- (c) the Ministry of Education, or any successor of that ministry, if the report relates to a school; and
- (d) the Ministry of Children and Youth Services, or any successor of that ministry, if the report relates to a day nursery.

6. This Regulation comes into force on the day it is filed.

ONTARIO REGULATION 401/07

made under the

SAFE DRINKING WATER ACT, 2002

Made: July 25, 2007

Filed: July 26, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007Amending O. Reg. 248/03
(Drinking-Water Testing Services)

Note: Ontario Regulation 248/03 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 3.1 of Ontario Regulation 248/03 is revoked and the following substituted:**Supervised chlorine residual, turbidity and pH checks****3.1** (1) Subsection 63 (1) of the Act does not apply to a person who conducts,

- (a) a test under subsection 7-5 (1.1) of Schedule 7 to “Drinking-Water Systems”;
- (b) a test under subsection 8-5 (1.1) of Schedule 8 to “Drinking-Water Systems”;
- (c) a test under subsection 9-5 (1.1) of Schedule 9 to “Drinking-Water Systems”; and
- (d) a pH test under section 15.1-7 of Schedule 15.1 to “Drinking-Water Systems”.

(2) In subsection (1), “Drinking-Water Systems” means Ontario Regulation 170/03 (Drinking-Water Systems) made under the Act.

2. (1) Sub-subparagraph 3 ii C of section 6 of the Regulation is revoked and the following substituted:

C. Schedules 15.1 and 16 to Ontario Regulation 170/03 (Drinking-Water Systems),

(2) Subparagraph 3 ii of section 6 of the Regulation is amended by adding the following sub-subparagraph:

E. Section 6 of Ontario Regulation 243/07 (Schools, Private Schools and Day Nurseries), and

3. (1) Subsection 12 (3) of the Regulation is amended by adding the following paragraph:

- 4. A test in respect of which a report is required under section 6 of Ontario Regulation 243/07 (Schools, Private Schools and Day Nurseries).

(2) Subsection 12 (4) of the Regulation is revoked and the following substituted:

(4) If, on or after June 7, 2007 and before July 26, 2007, a person who provides drinking-water testing services prepares a report on a water sample taken under section 5 of Ontario Regulation 243/07, the person shall give a copy of the report to the Director in the manner approved by the Director not later than 28 days after the later of the following dates:

- 1. July 26, 2007.
- 2. The date the reporting of the test result is authorized under subsection (1).

4. (1) Subsection 13 (1) of the Regulation is amended by adding the following paragraph:

- 4.1 All documents relating to a drinking-water test in respect of which a report is required under section 6 of Ontario Regulation 243/07 (Schools, Private Schools and Day Nurseries), including transmittal records.
- 4.2 All documents relating to a drinking water test in respect of which a report is required under section 15.1-9 of Schedule 15.1 to Ontario Regulation 170/03 (Drinking-Water Systems), including transmittal records.

(2) Section 13 of the Regulation is amended by adding the following subsection:

(3) If a person who provides drinking-water testing services created a document described in paragraph 4.1 of subsection (1) on or after June 7, 2007 and before July 26, 2007, and the document is in the possession and control of the person on July 26, 2007, the person shall ensure that the document is kept for at least five years.

5. This Regulation comes into force on the day it is filed.

ONTARIO REGULATION 402/07

made under the

PROFESSIONAL ENGINEERS ACT

Made: June 22, 2007

Approved: July 25, 2007

Filed: July 26, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 941 of R.R.O. 1990

(General)

Note: Regulation 941 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) Clause 56 (1) (b) of Regulation 941 of the Revised Regulations of Ontario, 1990 is amended by striking out “the Province of Ontario” at the end and substituting “Canada”.

(2) Clause 56 (1) (c) of the Regulation is revoked and the following substituted:

(c) has, since becoming a Member, had five or more years of professional engineering experience that is satisfactory to the Council;

2. Clause 57 (2) (b) of the Regulation is amended by striking out “the Province of Ontario” and substituting “Canada”.

3. This Regulation comes into force on September 1, 2007.

Made by:

COUNCIL OF THE ASSOCIATION OF PROFESSIONAL ENGINEERS OF ONTARIO:

WALTER BILANSKI
*President*KIM ALLEN
Chief Executive Officer/Registrar

Date made: June 22, 2007.

32/07

ONTARIO REGULATION 403/07

made under the

HEALTH INSURANCE ACT

Made: July 25, 2007

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Amending Reg. 552 of R.R.O. 1990

(General)

Note: Regulation 552 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. The definition of “schedule of benefits” in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

7. Amendments dated January 1, 2008;

2. This Regulation comes into force on January 1, 2008.

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ONTARIO REGULATION 404/07

made under the

HEALTH INSURANCE ACT

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Amending Reg. 552 of R.R.O. 1990

(General)

Note: Regulation 552 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) Subsection 21 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:

“disability” means, in respect of an insured person,

- (a) a restriction in the ability of the insured person to perform an activity in a manner or within a range considered normal for an individual, where the restriction is the result of an impairment, or
- (b) the inability of the insured person to perform an activity in a manner or within a range considered normal for an individual, where the inability is the result of an impairment;

“impairment” means, in respect of an insured person, a loss of or abnormality in the insured person’s physiological or anatomical structure or function;

(2) The definition of “insured physiotherapy service” in subsection 21 (1) of the Regulation is revoked and the following substituted:

“insured physiotherapy service” means physiotherapy service that is an insured service under this section and,

- (a) that is rendered by a designated physiotherapist, or
- (b) that is an assigned service rendered by a support worker;

(3) Subsection 21 (1) of the Regulation is amended by adding the following definitions:

“long-term care facility” means a facility that is a long-term care facility for the purposes of section 59 of the *Long-Term Care Act, 1994*;

“support worker” means a person,

- (a) whose qualifications and training in respect of a physiotherapy service satisfy the standards for professional practice of the College of Physiotherapists of Ontario in respect of physiotherapist support personnel, and
- (b) who is employed by a designated physiotherapy clinic.

(4) Section 21 of the Regulation is amended by adding the following subsection:

(1.1) A physiotherapy service provided by a support worker is an assigned service for the purposes of this section if the following conditions are satisfied:

- 1. The physiotherapy service is rendered by the support worker under the direction and supervision of a designated physiotherapist and in accordance with the standards of the College of Physiotherapists of Ontario that apply in respect of physiotherapists working with support workers.
- 2. The patient has an ongoing professional relationship with the designated physiotherapist who is supervising the provision of the physiotherapy service.

3. The designated physiotherapist who is supervising the provision of the physiotherapy service is available to direct and supervise the support worker at the time the support worker renders the physiotherapy service.

(5) Clause 21 (2) (a) of the Regulation is amended by striking out “and” at the end of subclause (ii), by revoking subclause (iii) and by substituting the following:

- (iii) are rendered at a designated physiotherapy clinic, and
- (iv) are rendered by a designated physiotherapist or are assigned services rendered by a support worker;

(6) Clause 21 (2) (b) of the Regulation is amended by striking out “and” at the end of subclause (iii), by revoking subclause (iv) and by substituting the following:

- (iv) are rendered at a designated physiotherapy clinic, and
- (v) are rendered by a designated physiotherapist or are assigned services rendered by a support worker;

(7) Subclause 21 (2) (c) (ii) of the Regulation is revoked and the following substituted:

- (ii) are rendered by a designated physiotherapist to an insured person in the insured person’s home and the home is not a long-term care facility, and

(8) Subsection 21 (2) of the Regulation is amended by adding “or” at the end of subclause (c) (iii) and by adding the following clause:

- (d) the physiotherapy services,
 - (i) are rendered at a long-term care facility to a resident of that facility,
 - (ii) are ordered by a physician or by the registered nurse in the long-term care facility in which the insured person is resident who has the most responsibility for the insured person’s nursing care, and
 - (iii) are provided,
 - (A) by a designated physiotherapist employed by or rendering services on behalf of a designated physiotherapy clinic, or
 - (B) by a support worker employed by a designated physiotherapy clinic described in sub-subclause (A) and the physiotherapy services are assigned services, and
 - (iv) are required to be provided in the long-term care facility because of the insured person’s condition, illness or injury.

(9) Subsection 21 (3) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

- (3) The amount payable by the Plan for insured physiotherapy services rendered to an insured person is determined as follows:

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(10) Paragraph 4 of subsection 21 (3) of the Regulation is revoked and the following substituted:

4. Subject to subsection (4), the amount payable by the Plan for a fiscal year shall not exceed,
- i. for insured physiotherapy services provided during the fiscal year to an insured person referred to in clause (2) (a), (c) or (d), the maximum amount payable for 100 days,
 - ii. for insured physiotherapy services provided during the fiscal year to an insured person referred to in clause (2) (b), the maximum amount payable for 50 days.

(11) Section 21 of the Regulation is amended by adding the following subsections:

(4) Despite subparagraphs 4 i and ii of subsection (3) and subject to subsection (4.1), the amount payable by the Plan in respect of an insured person for a fiscal year may be increased by the amount payable for not more than 50 additional days if on each additional day on which physiotherapy services are provided the insured person is subject to a disability or impairment that can reasonably be expected to improve with the additional physiotherapy services.

(4.1) Despite subparagraph 4 i of subsection (3) and subsection (4), if insured physiotherapy services described in clause (2) (d) are provided in a long-term care facility pursuant to a written agreement between the Minister and the designated physiotherapy facility under which physiotherapy services are provided to insured persons who reside in the long-term care facility, the amount payable by the Plan for a fiscal year in respect of those services shall not exceed the amount set out in that written agreement.

(12) Subsection 21 (6) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(6) A payment under this section for insured physiotherapy services rendered on or after April 1, 2005 may only be made if the following conditions are satisfied:

(13) Subsection 21 (7) of the Regulation is amended by striking out “an account submitted” in the portion before paragraph 1 and substituting “an account submitted under this section”.

(14) Subsection 21 (7) of the Regulation is amended by adding the following paragraphs:

3. If the account is for additional physiotherapy services referred to in subsection (4), the operator or clinic fails to obtain, before providing the additional services, a written certificate,
 - i. that is given,
 - A. by a physician, or
 - B. by the registered nurse in the long-term care facility in which the insured person is resident who has the most responsibility for the insured person's nursing care, if the physiotherapy services are rendered at a long-term care facility to a resident of that facility, and
 - ii. that states the insured person is subject to a disability or impairment that can reasonably be expected to improve with the additional physiotherapy service.
4. If the account is for additional physiotherapy services referred to in subsection (4), the operator or clinic fails to obtain, before providing the additional services, a written plan of care provided by the physiotherapist most responsible for the insured person's care,
 - i. that identifies the nature of the insured person's ongoing impairment or disability,
 - ii. that contains an analysis of the physiotherapist's assessment findings before the additional physiotherapy services are provided which identifies the insured person's ongoing functional problems, and
 - iii. that contains a description of the additional physiotherapy services, treatment goals and discharge plan and specifies the number of days for which additional insured physiotherapy services are recommended.
5. If the account is for additional physiotherapy services referred to in subsection (4), the operator or clinic fails to maintain in its written records the certificate referred to in paragraph 3 or the plan of care required under paragraph 4.
6. If the account is for additional physiotherapy services referred to in subsection (4), the operator or clinic fails to prepare and maintain copies of the initial assessment of the insured person and any ongoing reassessments performed during the fiscal year that demonstrate, using generally accepted outcome measures, whether progress has been made as a result of the provision of physiotherapy services and the degree of that progress.

(15) Subsection 21 (8) of the Regulation is amended by striking out “and” at the end of clause (c), by revoking clause (d) and by substituting the following:

- (d) the name or names of the person or persons who actually rendered each service referred to in clause (c) on each date and at each location and the number of the licence or certificate of registration issued by the College of Physiotherapists of Ontario to the designated physiotherapist,
 - (i) who rendered each service, or
 - (ii) in the case of an assigned service, who directed and supervised the provision of the assigned service by a support worker; and
- (e) in the case of an assigned service, details of the aspects of the treatment plan assigned to the support worker, the level of supervision required and the date of reassessment by the designated physiotherapist who directed and supervised the provision of the assigned service.

(16) Section 21 of the Regulation is amended by adding the following subsection:

- (9) Subclause (8) (d) (i) and clause (8) (e) apply only in respect of assigned services provided after July 27, 2007.

2. Section 21.1 of the Regulation is revoked and the following substituted:

21.1 (1) For the purposes of paragraph 3 of subsection 11.2 (1) of the Act, physiotherapy services are prescribed as insured services for the purposes of the Act if the physiotherapy services are rendered in accordance with a written agreement between a provider of physiotherapy services and the General Manager.

(2) Despite subsection 21 (3), an agreement referred to in subsection (1) may provide for payment for physiotherapy services provided to insured persons on a basis other than fee-for-service.

(3) Despite subsections 21 (3) and (4), the maximum amount payable for physiotherapy services under an agreement described in subsection (1) is the amount payable under the terms of the agreement.

3. Subsection 35 (10) of the Regulation is revoked and the following substituted:

(10) Every physiotherapy clinic listed in the document published by the Ministry of Health and Long-Term Care titled "Schedule of Designated Physiotherapy Clinics", dated March 1, 2007, is prescribed as a health facility for the purposes of the Act.

4. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Subsections 1 (1) to (14) and section 2 shall be deemed to have come into force on April 1, 2005.

32/07

ONTARIO REGULATION 405/07

made under the

HIGHWAY TRAFFIC ACT

Made: July 25, 2007

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Amending O. Reg. 555/06

(Hours of Service)

Note: Ontario Regulation 555/06 has not previously been amended.

1. (1) Paragraph 4 of subsection 3 (1) of Ontario Regulation 555/06 is revoked and the following substituted:

4. A vehicle engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.
- 4.1 A vehicle operated by or on behalf of a municipality, road authority or public utility while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

(2) The definition of "emergency" in subsection 3 (4) of the Regulation is revoked.

2. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 406/07

made under the

MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

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Printed in *The Ontario Gazette*: August 11, 2007**REGULATED ACTIVITIES: ADDITIONAL PRESCRIBED ACTIVITIES****Administering mortgages**

1. The following activities are prescribed for the purposes of paragraph 2 of subsection 5 (1) of the Act as activities that constitute administering mortgages:

1. Taking steps, on behalf of another person or entity, to enforce payment by a borrower under a mortgage.

Commencement

2. **This Regulation comes into force on July 1, 2008.**

32/07

ONTARIO REGULATION 407/07

made under the

MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

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EXEMPTIONS FROM THE REQUIREMENTS TO BE LICENSED

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COMMENCEMENT

20. Commencement

EXEMPTIONS FOR SIMPLE REFERRALS

When providing information to a prospective borrower

1. (1) A person or entity who refers a prospective borrower to a prospective mortgage lender is exempted under subsection 6 (4) of the Act from the requirement in section 2 of the Act to have a brokerage licence or a mortgage broker's or agent's licence if the person or entity complies with both of the following requirements and criteria:

1. Before or at the time of making the referral, the person or entity informs the prospective borrower in writing,
 - i. that the person or entity has received or will or may receive a fee or other remuneration, whether directly or indirectly, for making the referral, and
 - ii. of the nature of the relationship between the person or entity and the prospective lender.
2. The only other information that the person or entity is permitted to give to the prospective borrower is the name, address, telephone number, fax number, email address or website address of the prospective lender or of an individual who acts on behalf of the prospective lender.

(2) Nothing in subsection (1) affects the right of a person or entity who does not have a brokerage licence or a mortgage broker's or agent's licence to refer a prospective borrower to a prospective lender for no fee or other remuneration.

When providing information to a prospective lender

2. (1) A person or entity who refers a prospective mortgage lender to a prospective borrower is exempted under subsection 6 (5) of the Act from the requirement in section 2 of the Act to have a brokerage licence or a mortgage broker's or agent's licence if the person or entity complies with all of the following requirements and criteria:

1. Before making the referral, the person or entity informs the prospective borrower in writing,
 - i. that the person or entity has received or will or may receive a fee or other remuneration, whether directly or indirectly, for making the referral, and
 - ii. of the nature of the relationship between the person or entity and the prospective lender.
2. The person or entity then obtains the prospective borrower's written consent to give specified information to the prospective lender.
3. The only information that the person or entity is permitted to give to the prospective lender is the name, address, telephone number, fax number, email address or website address of the prospective borrower or of an individual who acts on behalf of the prospective borrower.
4. The person or entity does not give the prospective lender any information about the prospective borrower other than the information that is authorized by both paragraph 3 and the written consent of the prospective borrower.

(2) Nothing in subsection (1) affects the right of a person or entity who does not have a brokerage licence or a mortgage broker's or agent's licence to refer a prospective lender to a prospective borrower for no fee or other remuneration.

EXEMPTIONS FOR LAWYERS

When dealing in mortgages

3. A lawyer is exempted under subsection 6 (6) of the Act from the requirement under section 2 of the Act to have a brokerage licence or a mortgage broker's or agent's licence if both of the following circumstances exist:

1. The lawyer, acting in his or her professional capacity as a lawyer on behalf of a client,
 - i. solicits a person or entity to lend money on the security of real property, or
 - ii. engages in an activity described in paragraph 2, 3 or 4 of subsection 2 (1) of the Act.
2. The lawyer does not hold himself or herself out as engaging in any activity described in subsection 2 (1) of the Act, except as described in paragraph 1 of this section, or otherwise as dealing in mortgages.

When trading in mortgages

4. A lawyer is exempted under subsection 6 (6) of the Act from the requirement in section 3 of the Act to have a brokerage licence or a mortgage broker's or agent's licence if both of the following circumstances exist:

1. The lawyer, acting in his or her professional capacity as a lawyer on behalf of a client, engages in an activity described in paragraph 1 or 2 of subsection 3 (1) of the Act.
2. The lawyer does not hold himself or herself out as engaging in any activity described in subsection 3 (1) of the Act, except as described in paragraph 1 of this section, or otherwise as trading in mortgages.

When administering mortgages

5. A lawyer is exempted under subsection 6 (6) of the Act from the requirement in section 5 of the Act to have a mortgage administrator's licence if both of the following circumstances exist:

1. The lawyer administers mortgages, acting in his or her professional capacity as a lawyer on behalf of a client.
2. The lawyer does not hold himself or herself out as administering mortgages, except as described in paragraph 1 of this section.

EXEMPTIONS FOR OTHER PERSONS AND ENTITIES

GENERAL EXEMPTIONS

For trustees in bankruptcy

6. A person or entity who is acting as a trustee in bankruptcy is exempted under subsections 6 (7) and (9) of the Act from any requirement to have a brokerage licence or a mortgage administrator's licence.

When acting under court order

7. A person or entity who is acting under an order of the Superior Court of Justice is exempted under subsections 6 (7) and (9) of the Act from any requirement to have a brokerage licence or a mortgage administrator's licence.

For certain statutory corporations

8. The following corporations are exempted under subsections 6 (7) and (9) of the Act from any requirement to have a brokerage licence or a mortgage administrator's licence:

1. Eastern Ontario Development Corporation.
2. Northern Ontario Development Corporation.
3. Ontario Development Corporation.
4. Ontario Infrastructure Projects Corporation.
5. Ontario Mortgage and Housing Corporation.
6. Ontario Realty Corporation.

For directors, employees, etc., of Crown agencies

9. (1) In this section,

“Crown agency” means an agency of the Crown in right of Ontario, Canada or another province or territory of Canada.

(2) Every individual who is an officer or employee of a Crown agency or is a director, partner or member of the governing body of a Crown agency is exempted under subsection 6 (8) of the Act from the requirement in section 2 or 3 of the Act to have a mortgage broker's or agent's licence if he or she deals or trades in mortgages solely on behalf of the Crown agency in the ordinary course of his or her duties.

For directors, employees, etc., of certain exempted persons and entities

10. (1) In this section,

“exempted person or entity” means a person or entity who is exempted under subsection 6 (4), (5), (6) or (7) of the Act from the requirement in section 2 or 3 of the Act to have a brokerage licence.

(2) Every individual who is an officer or employee of an exempted person or entity or is a director, partner or member of the governing body of such a person or entity is exempted under subsection 6 (8) of the Act from the requirement in section 2 or 3 of the Act to have a mortgage broker's or agent's licence if he or she deals or trades in mortgages solely on behalf of the person or entity in the ordinary course of his or her duties.

(3) Despite subsection (2), if there are conditions or restrictions that apply with respect to the exempted person's or entity's exemption, the individual's exemption is subject to corresponding restrictions.

EXEMPTIONS FOR DEALING IN MORTGAGES

For consumer reporting agencies

11. A consumer reporting agency registered under the *Consumer Reporting Act* is exempted under subsection 6 (7) of the *Mortgage Brokerages, Lenders and Administrators Act, 2006* from the requirement in section 2 of the Act to have a brokerage licence if both of the following circumstances exist:

1. In the course of acting as a consumer reporting agency, the agency provides information about prospective borrowers to prospective mortgage lenders, whether or not the Act governs the lenders.
2. The agency does not hold itself out as otherwise dealing in mortgages.

EXEMPTIONS FOR TRADING IN MORTGAGES

For registered dealers

12. A person or entity who is registered as a dealer under the *Securities Act* is exempted under subsection 6 (7) of the *Mortgage Brokerages, Lenders and Administrators Act, 2006* from the requirement under section 3 of the Act to have a brokerage licence if the following circumstances exist:

1. The person or entity, acting on its own behalf, buys, sells or exchanges mortgages with one or more of the following persons or entities or, acting on its own behalf, solicits one or more of the following persons or entities to buy, sell or exchange mortgages:
 - i. The Crown in right of Ontario, Canada or any province or territory of Canada.
 - ii. A brokerage acting on its own behalf.
 - iii. A financial institution.
 - iv. A corporation that is a subsidiary of a person or entity described in paragraph 1, 2 or 3.
 - v. A corporation that is an approved lender under the *National Housing Act* (Canada).
 - vi. An administrator or trustee of a registered pension plan within the meaning of subsection 248 (1) of the *Income Tax Act* (Canada).
 - vii. A person or entity who is registered as an adviser or dealer under the *Securities Act* when the person or entity is acting as a principal or as an agent or trustee for accounts that are fully managed by the person or entity.
 - viii. A person or entity who is registered under securities legislation in another province or territory of Canada with a status comparable to that described in paragraph vii when the person or entity is acting as a principal or as an agent or trustee for accounts that are fully managed by the person or entity.
 - ix. A person or entity in respect of which all of the owners of interests, except the voting securities required by law to be owned by directors, are persons or entities described in subparagraphs i to viii.
2. The person or entity does not hold themselves out as otherwise trading in mortgages.
3. The person or entity is not otherwise required to be licensed.

In connection with mortgage securitization

13. (1) A person or entity is exempted under subsection 6 (7) of the Act from the requirement in section 3 of the Act to have a brokerage licence if both of the following circumstances exist:

1. The person or entity carries on the business of trading in mortgages in connection with mortgage securitization.
2. The person or entity is not otherwise required to be licensed.

(2) In this section,

“mortgage securitization” means the creation of securities, as defined in the *Securities Act*, that represent an interest in, or obligations backed by, a mortgage or a discrete pool of mortgages.

When acting through an intermediary

14. A person or entity is exempted under subsection 6 (7) of the Act from the requirement in section 3 of the Act to have a brokerage licence if the person or entity buys, sells or exchanges mortgages on its own behalf through a mortgage brokerage or a person or entity that is exempted from the requirement to have a brokerage licence.

EXEMPTIONS FOR MORTGAGE LENDING

When acting through an intermediary

15. A person or entity is exempted under subsection 6 (7) of the Act from the requirement in section 4 of the Act to have a brokerage licence if the person or entity carries on business as a mortgage lender solely through a mortgage brokerage or a person or entity that is exempted from the requirement to have a brokerage licence.

EXEMPTIONS FOR ADMINISTERING MORTGAGES

When acting for the Crown

16. A person or entity is exempted under subsection 6 (9) of the Act from the requirement in section 5 of the Act to have a mortgage administrator’s licence if the person or entity carries on the business of administering mortgages on behalf of the Crown in right of Ontario, Canada or another province or territory of Canada and if the person or entity is not otherwise required to be licensed.

When acting for a financial institution, etc.

17. (1) A person or entity is exempted under subsection 6 (9) of the Act from the requirement in section 5 of the Act to have a mortgage administrator’s licence if the person or entity carries on the business of administering mortgages on behalf of a financial institution or finance company and if the person or entity is not otherwise required to be licensed.

(2) For the purposes of this section,

“affiliate”, with respect to a corporation, has the same meaning as in the *Business Corporations Act*;

“finance company” means a corporation or partnership, other than a financial institution, that satisfies both of the following criteria:

1. A material business activity of the corporation or partnership involves making or refinancing loans, or entering into other similar arrangements for advancing funds or credit.
2. The shares or ownership interests of the corporation or partnership, or of another person or entity with which it is affiliated, are listed on a stock exchange in Canada or outside Canada that is a prescribed stock exchange for the purposes of the *Income Tax Act* (Canada).

(3) For the purposes of the definition of “finance company” in subsection (2), a partnership is affiliated with another person or entity if one of them is controlled by the other or if both are controlled by the same person or entity.

For collection agencies

18. A collection agency that is registered under the *Collection Agencies Act* is exempted under subsection 6 (9) of the *Mortgage Brokerages, Lenders and Administrators Act, 2006* from the requirement in section 5 of the Act to have a mortgage administrator’s licence if both of the following circumstances exist:

1. In the course of acting as a collection agency, the agency takes steps, on behalf of another person or entity, to enforce payment by borrowers under mortgages.
2. The agency does not hold itself out as engaging in any other activity described in subsection 5 (1) of the Act or otherwise as administering mortgages.

In connection with mortgage-backed securities

19. (1) A person or entity is exempted under subsection 6 (9) of the Act from the requirement in section 5 of the Act to have a mortgage administrator’s licence when the person or entity carries on the business of administering only those mortgages that constitute the assets backing mortgage-backed securities.

(2) In this section,

“mortgage-backed securities” means securities, as defined in the *Securities Act*, that represent an interest in, or obligations backed by, a mortgage or a discrete pool of mortgages.

COMMENCEMENT

Commencement

20. This Regulation comes into force on March 1, 2008.

32/07

ONTARIO REGULATION 408/07

made under the

MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

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MORTGAGE BROKERAGES: LICENSING

ELIGIBILITY CRITERIA

For a corporation

1. (1) A brokerage licence may be issued under subsection 14 (1) of the Act to a corporation if all of the following requirements are satisfied:

1. The corporation was incorporated under an Act of any jurisdiction in Canada.

2. The corporation has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
 3. The corporation has errors and omissions insurance in a form approved by the Superintendent with extended coverage for loss resulting from fraudulent acts or it has some other form of assurance in a form approved by the Superintendent. The insurance or other assurance must be sufficient to pay a minimum of \$500,000 in respect of any one occurrence involving the corporation or any mortgage broker or agent authorized to deal or trade in mortgages on its behalf and \$1 million in respect of all occurrences during a 365-day period involving the corporation or any such broker or agent.
 4. The application includes the particulars of the individual to be designated as the corporation's principal broker. The individual must be eligible under subsection 7 (7) of the Act to be designated as a principal broker.
- (2) In determining whether a corporation is not suitable to be licensed as a mortgage brokerage, the Superintendent is required by subsection 14 (1) of the Act to have regard to the following prescribed circumstances:
1. Whether, having regard to its financial position, the corporation cannot reasonably be expected to be financially responsible in the conduct of its business.
 2. Whether the past conduct of any director or officer of the corporation affords reasonable grounds for belief that the business of the corporation will not be carried on in accordance with the law and with integrity and honesty.
 3. Whether the corporation is carrying on activities that contravene or will contravene the Act or the regulations if the corporation is licensed.
 4. Whether a director or officer of the corporation has made a false statement or has provided false information to the Superintendent with respect to the application for a licence.
- (3) If application is made for the licence before July 1, 2008, the application must include evidence satisfactory to the Superintendent that the corporation will have the insurance or other form of assurance described in paragraph 3 of subsection (1) on and after July 1, 2008, but the corporation is not required to have the insurance or other form of assurance when the application is made.

(4) Subsection (3) is revoked on July 1, 2008.

For a partnership

2. (1) A brokerage licence may be issued under subsection 14 (1) of the Act to a partnership if all of the following requirements are satisfied:
1. The partnership was formed under the law of any jurisdiction in Canada.
 2. The partnership has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
 3. The partnership has errors and omissions insurance in a form approved by the Superintendent with extended coverage for loss resulting from fraudulent acts or it has some other form of assurance in a form approved by the Superintendent. The insurance or other assurance must be sufficient to pay a minimum of \$500,000 in respect of any one occurrence involving the partnership or any mortgage broker or agent authorized to deal or trade in mortgages on its behalf and \$1 million in respect of all occurrences during a 365-day period involving the partnership or any such broker or agent.
 4. The application includes the particulars of the individual to be designated as the partnership's principal broker. The individual must be eligible under subsection 7 (7) of the Act to be designated as a principal broker.
- (2) In determining whether a partnership is not suitable to be licensed as a mortgage brokerage, the Superintendent is required by subsection 14 (1) of the Act to have regard to the following prescribed circumstances:
1. Whether, having regard to its financial position, the partnership cannot reasonably be expected to be financially responsible in the conduct of its business.
 2. Whether the past conduct of any partner affords reasonable grounds for belief that the business of the partnership will not be carried on in accordance with the law and with integrity and honesty.
 3. Whether the partnership or any partner is carrying on activities that contravene or will contravene the Act or the regulations if the partnership is licensed.
 4. Whether a partner has made a false statement or has provided false information to the Superintendent with respect to the application for a licence.
- (3) If application is made for the licence before July 1, 2008, the application must include evidence satisfactory to the Superintendent that the partnership will have the insurance or other form of assurance described in paragraph 3 of subsection (1) on and after July 1, 2008, but the partnership is not required to have the insurance or other form of assurance when the application is made.

(4) Subsection (3) is revoked on July 1, 2008.**For a sole proprietorship**

3. (1) A brokerage licence may be issued under subsection 14 (1) of the Act to a sole proprietorship if all of the following requirements are satisfied:

1. The proprietor is a resident of Canada.
2. The sole proprietorship has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
3. The sole proprietorship has errors and omissions insurance in a form approved by the Superintendent with extended coverage for loss resulting from fraudulent acts or it has some other form of assurance in a form approved by the Superintendent. The insurance or other assurance must be sufficient to pay a minimum of \$500,000 in respect of any one occurrence involving the sole proprietorship or any mortgage broker or agent authorized to deal or trade in mortgages on its behalf and \$1 million in respect of all occurrences during a 365-day period involving the sole proprietorship or any such broker or agent.

(2) In determining whether a sole proprietorship is not suitable to be licensed as a mortgage brokerage, the Superintendent is required by subsection 14 (1) of the Act to have regard to the following prescribed circumstances:

1. Whether, having regard to its financial position, the sole proprietorship cannot reasonably be expected to be financially responsible in the conduct of its business.
2. Whether the past conduct of the proprietor affords reasonable grounds for belief that the business of the sole proprietorship will not be carried on in accordance with the law and with integrity and honesty.
3. Whether the sole proprietorship or the proprietor is carrying on activities that contravene or will contravene the Act or the regulations if the sole proprietorship is licensed.
4. Whether the proprietor has made a false statement or has provided false information to the Superintendent with respect to the application for a licence.

(3) If application is made for the licence before July 1, 2008, the application must include evidence satisfactory to the Superintendent that the sole proprietorship will have the insurance or other form of assurance described in paragraph 3 of subsection (1) on and after July 1, 2008, but the sole proprietorship is not required to have the insurance or other form of assurance when the application is made.

(4) Subsection (3) is revoked on July 1, 2008.

LICENSEES' AUTHORIZED NAMES

Authorized names

4. (1) A brokerage licence is issued either in the legal name of the corporation, partnership or sole proprietorship or in the legal name and one other name that is registered to the corporation, partnership or sole proprietorship under the *Business Names Act*.

(2) Despite subsection (1), a brokerage licence cannot be issued to a corporation, partnership or sole proprietorship in any name that the Superintendent reasonably believes is,

- (a) the same as or similar to the name of another licensee such that the use of that name by two licensees would be likely to confuse or mislead the public; or
- (b) objectionable on any public grounds.

COMMENCEMENT

Commencement**5. This Regulation comes into force on March 1, 2008.**

ONTARIO REGULATION 409/07

made under the

MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

Made: July 25, 2007

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Printed in *The Ontario Gazette*: August 11, 2007**MORTGAGE BROKERS AND AGENTS: LICENSING****CONTENTS**

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INTERPRETATION

Definitions**1. In this Regulation,**

“approved” means approved by the Superintendent;

“prescribed education and experience requirements for a broker's licence” means the requirements described in paragraphs 5, 6, 7 and 8 of subsection 2 (1);

“prescribed education requirements for an agent's licence” means the requirement described in paragraph 5 of subsection 5 (1).

ISSUANCE OF MORTGAGE BROKER'S LICENCES

Eligibility criteria, mortgage broker's licence

2. (1) A mortgage broker's licence may be issued under subsection 14 (1) of the Act to an individual who satisfies the following requirements:

1. The individual is at least 18 years old.
2. The individual is a resident of Canada.

3. The individual has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
4. The individual is authorized by a brokerage to deal or trade in mortgages on its behalf.
5. The individual has successfully completed an approved education program for mortgage agents.
6. The individual has been licensed as a mortgage agent for at least 24 of the 36 months immediately before he or she applies for the licence.
7. The individual has successfully completed an approved education program for mortgage brokers within three years before he or she applies for the licence.
8. The individual has passed the approved qualifying exam for mortgage brokers within three years before he or she applies for the licence.

(2) An individual is deemed to have satisfied one or more of the prescribed education and experience requirements for a broker's licence if the Superintendent is satisfied that the individual has a combination of education and experience that is equivalent to the applicable requirement.

(3) The individual is deemed to have satisfied the requirement of paragraph 6 of subsection (1) if either of the following circumstances exist:

1. For at least 24 of the 36 months immediately before he or she applies for the licence, the individual has the following experience:
 - i. the individual was employed or authorized to deal in mortgages on behalf of a person who was registered under the *Mortgage Brokers Act*, and
 - ii. throughout the 24 months, the Superintendent had notice under that Act that the individual was so employed or authorized.
2. For at least 24 of the 36 months immediately before he or she applies for the licence, the individual's experience consisted of a combination of the following:
 - i. he or she was licensed as a mortgage agent for a portion of the 24 months, and
 - ii. he or she was employed or authorized to deal in mortgages as described in paragraph 1 and, throughout the applicable portion of the 24 months, the Superintendent had notice under the *Mortgage Brokers Act* that the individual was so employed or authorized.

(4) Subsection (3) is revoked on July 1, 2011.

Partial exemption, previous licensee

3. An individual is exempted from the prescribed education and experience requirements for a broker's licence if the individual was licensed as a mortgage broker at any time during the 24 months before applying for the licence.

Restriction on applications for mortgage broker's licence

4. (1) An individual whose mortgage broker's licence has been revoked, or whose application for a mortgage broker's licence or for renewal of such a licence has been refused, cannot apply for a mortgage broker's licence unless,

- (a) 12 months have passed since the revocation or refusal; and
- (b) the individual satisfies the Superintendent that new or other evidence is available or that material circumstances have changed.

(2) An individual whose mortgage agent's licence has been revoked, or whose application for an agent's licence or for renewal of such a licence has been refused, cannot apply for a mortgage broker's licence unless,

- (a) 12 months have passed since the revocation or refusal; and
- (b) the individual satisfies the Superintendent that new or other evidence is available or that material circumstances have changed.

ISSUANCE OF MORTGAGE AGENT'S LICENCES

Eligibility criteria, mortgage agent's licence

5. (1) A mortgage agent's licence may be issued under subsection 14 (1) of the Act to an individual who satisfies the following requirements:

1. The individual is at least 18 years old.
2. The individual is a resident of Canada.

3. The individual has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
4. The individual is authorized by a brokerage to deal or trade in mortgages on its behalf.
5. The individual has successfully completed an approved education program for mortgage agents within two years before he or she applies for the licence.

(2) An individual is deemed to have satisfied the prescribed education requirements for an agent's licence if the Superintendent is satisfied that the individual has a combination of education and experience that is equivalent to those requirements.

Partial exemption, previous licensee

6. An individual is exempted from the prescribed education requirements for an agent's licence if the individual was licensed as a mortgage agent at any time during the 24 months before applying for the licence.

Partial exemption, work for certain finance companies

7. (1) An individual is exempted from the prescribed education requirements for an agent's licence if both of the following circumstances exist:

1. The brokerage on whose behalf the individual is authorized to deal in mortgages is a finance company and the brokerage is either the lender for all of the mortgages that brokers and agents authorized to deal in mortgages on behalf of the brokerage deal in, or is an affiliate of the lender.
2. The Superintendent is satisfied that the brokerage will provide the individual with such training as the Superintendent considers adequate.
3. The individual undertakes, as a condition of his or her licence, to successfully complete an approved education program for mortgage agents before he or she is authorized to deal in mortgages on behalf of another brokerage other than a finance company that satisfies the criteria described in paragraphs 1 and 2.

(2) For the purposes of this section,

“affiliate”, with respect to a corporation, has the same meaning as in the *Business Corporations Act*;

“finance company” means a corporation or partnership, other than a financial institution, that satisfies both of the following criteria:

1. A material business activity of the corporation or partnership involves making or refinancing loans, or entering into other similar arrangements for advancing funds or credit.
2. The shares or ownership interests of the corporation or partnership, or of another person or entity with which it is affiliated, are listed on a stock exchange in Canada or outside Canada that is a prescribed stock exchange for the purposes of the *Income Tax Act* (Canada).

(3) For the purposes of the definition of “finance company” in subsection (2), a partnership is affiliated with another person or entity if one of them is controlled by the other or if both are controlled by the same person or entity.

Restriction on applications for agent's licence

8. (1) An individual whose mortgage agent's licence has been revoked, or whose application for an agent's licence or for renewal of such a licence has been refused, cannot apply for an agent's licence unless,

- (a) 12 months have passed since the revocation or refusal; and
- (b) the individual satisfies the Superintendent that new or other evidence is available or that material circumstances have changed.

(2) An individual whose mortgage broker's licence has been revoked, or whose application for a mortgage broker's licence or for renewal of such a licence has been refused, cannot apply for an agent's licence unless,

- (a) 12 months have passed since the revocation or refusal; and
- (b) the individual satisfies the Superintendent that new or other evidence is available or that material circumstances have changed.

RENEWAL OF BROKERS' AND AGENTS' LICENCES

Eligibility criteria for renewal

9. A mortgage broker's or agent's licence may be renewed under subsection 16 (4) of the Act for an individual who satisfies the following requirements:

1. The individual is a resident of Canada.
2. The individual has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
3. The individual is authorized by a brokerage to deal or trade in mortgages on its behalf.
4. The individual has completed an approved continuing education requirement, if any, for mortgage brokers or agents, as the case may be.

UNSUITABILITY FOR LICENCE

Criteria re individual not suitable

10. In determining whether an individual is not suitable to be licensed as a mortgage broker or agent, the Superintendent is required by subsections 14 (1) and 16 (4) of the Act to have regard to the following prescribed circumstances:

1. Whether the individual's past conduct affords reasonable grounds for belief that he or she will not deal or trade in mortgages in accordance with the law and with integrity and honesty.
2. Whether the individual is carrying on activities that contravene or will contravene the Act or the regulations if he or she is licensed.
3. Whether the individual has made a false statement or has provided false information to the Superintendent with respect to the application for the licence.

TRANSITIONAL MATTERS — MORTGAGE BROKERS

Partial exemption, education in progress on July 1, 2008

11. (1) An individual who is enrolled on July 1, 2008 in the Financial Services Underwriting Program offered by Seneca College is exempted from the prescribed education and experience requirements for a broker's licence if the individual applies for a mortgage broker's licence within one year after successfully completing the program.

(2) This section is revoked on July 1, 2011.

Partial exemption, registered real estate broker

12. (1) An individual who applies for a mortgage broker's licence before July 1, 2009 is exempted from the prescribed education and experience requirements for a broker's licence if the individual was registered as a real estate broker under the *Real Estate and Business Brokers Act, 2002* immediately before the earlier of the date on which he or she applies for the licence and July 1, 2008.

(2) This section is revoked on July 1, 2009.

Partial exemption, registered broker under *Mortgage Brokers Act*

13. (1) An individual who applies for a mortgage broker's licence before July 1, 2008 is exempted from the prescribed education and experience requirements for a broker's licence,

- (a) if, on the date on which the individual applies for the licence, he or she is a director or officer of a corporation registered under the *Mortgage Brokers Act*, a partner in a partnership registered under that Act or the proprietor of a sole proprietorship registered under that Act and is actively engaged in the mortgage broker business of the corporation, partnership or sole proprietorship, and
- (b) if the Superintendent was notified under that Act before the date on which the individual applies for the licence that the individual was such a director, officer, partner or proprietor.

(2) This section is revoked on July 1, 2008.

Partial exemption, agent under *Mortgage Brokers Act*

14. (1) An individual who applies for a mortgage broker's licence before July 1, 2008 is exempted from the prescribed education and experience requirements for a broker's licence,

- (a) if, on the date on which the individual applies for the licence, he or she is employed or authorized to deal in mortgages on behalf of a person who is registered under the *Mortgage Brokers Act*;
- (b) if the Superintendent was notified under that Act before the date on which the individual applies for the licence that the individual is so employed or authorized; and
- (c) if the individual has successfully completed,
 - (i) the Financial Services Underwriting Program offered by Seneca College after 1998,
 - (ii) the Mortgage Brokers Program offered by Seneca College in 1994, 1995, 1996, 1997 or 1998, or

(iii) The Mortgage Brokers Course sponsored by the Ontario Mortgage Brokers Association before 1995.

(2) This section is revoked on July 1, 2008.

TRANSITIONAL MATTERS — MORTGAGE AGENTS

Partial exemptions, agent under *Mortgage Brokers Act*

15. (1) An individual who applies for a mortgage agent's licence before July 1, 2008 is exempted from the prescribed education requirement for an agent's licence,

- (a) if, for a total of at least 24 of the 36 months before he or she applies for the licence, the individual was employed or authorized to deal in mortgages on behalf of a person who was registered under the *Mortgage Brokers Act*; and
- (b) if, throughout the 24 months, the Superintendent had notice under that Act that the individual was so employed or authorized.

(2) An individual who applies for an agent's licence before July 1, 2008 is exempted from the prescribed education requirements for an agent's licence,

- (a) if, on the date he or she applies for the licence, the individual is employed or authorized to deal in mortgages on behalf of a person who is registered under the *Mortgage Brokers Act*;
- (b) if, before the individual applies for the licence, the Superintendent has been notified under that Act that the individual is so employed or authorized; and
- (c) if the individual has successfully completed an education program for mortgage agents before July 1, 2006 that is approved for the purposes of this section.

(3) An individual who applies for an agent's licence before July 1, 2008 is exempted from the prescribed education requirements for an agent's licence,

- (a) if, on the date he or she applies for the licence, the individual is employed or authorized to deal in mortgages on behalf of a person who is registered under the *Mortgage Brokers Act*;
- (b) if, before the individual applies for the licence, the Superintendent has been notified under that Act that the individual is so employed or authorized; and
- (c) if the individual undertakes, as a condition of his or her licence, to successfully complete an approved education program for mortgage agents before July 1, 2010.

(4) This section is revoked on July 1, 2008.

COMMENCEMENT

Commencement

16. This Regulation comes into force on March 1, 2008.

32/07

ONTARIO REGULATION 410/07

made under the

MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

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PRINCIPAL BROKERS: ELIGIBILITY, POWERS AND DUTIES

Eligibility criteria

1. An individual who satisfies the following criteria is eligible under subsection 7 (7) of the Act to be designated by a brokerage as its principal broker:

- 1. The individual is a mortgage broker who is authorized by the brokerage to deal or trade in mortgages on its behalf.

2. The individual has the following status in relation to the brokerage:
 - i. If the brokerage is a corporation, he or she is a director or officer of the corporation.
 - ii. If the brokerage is a partnership other than a limited partnership, he or she is a partner.
 - iii. If the brokerage is a limited partnership, he or she is a general partner or is a director or officer of a corporation that is a general partner.
 - iv. If the brokerage is a sole proprietorship, he or she is the sole proprietor.

Duty re compliance

2. (1) The principal broker of a brokerage shall take reasonable steps to ensure that the brokerage, and each broker and agent authorized to deal or trade in mortgages on its behalf, complies with every requirement established under the Act.

(2) The principal broker shall ensure that the brokerage takes reasonable steps to deal with any contravention of a requirement established under the Act by the brokerage or by a broker or agent authorized to deal or trade in mortgages on its behalf.

Duty re policies and procedures

3. (1) The principal broker of a brokerage shall review the policies and procedures of the brokerage to determine whether they are reasonably designed to ensure,

- (a) that the brokerage, and each broker and agent authorized to deal or trade in mortgages on its behalf, comply with every requirement established under the Act; and
- (b) that each broker and agent authorized to deal or trade in mortgages on behalf of the brokerage is adequately supervised.

(2) The principal broker shall recommend to the brokerage that it make changes in its policies and procedures, if necessary, to ensure that the standards described in clauses (1) (a) and (b) are achieved.

Duty re trust statement

4. The principal broker of a brokerage shall sign and date any trust account reconciliation statement prepared by the brokerage to indicate that he or she has reviewed it and certifies that it is accurate.

Commencement

5. This Regulation comes into force on March 1, 2008.

32/07

ONTARIO REGULATION 411/07

made under the

MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

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MORTGAGE ADMINISTRATORS: LICENSING

ELIGIBILITY CRITERIA

For a corporation

1. (1) A mortgage administrator's licence may be issued under subsection 14 (1) of the Act to a corporation if all of the following requirements are satisfied:

1. The corporation was incorporated under an Act of any jurisdiction in Canada.
2. The corporation has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.

3. The corporation has errors and omissions insurance in a form approved by the Superintendent with extended coverage for loss resulting from fraudulent acts or it has some other form of assurance in a form approved by the Superintendent. The insurance or other assurance must be sufficient to pay a minimum of \$500,000 in respect of any one occurrence involving the corporation and \$1 million in respect of all occurrences during a 365-day period involving the corporation.
 4. The corporation has a financial guarantee in an amount equal to \$25,000. The financial guarantee may be an irrevocable letter of credit with a financial institution, unimpaired working capital, a surety bond issued by an insurer licensed under the *Insurance Act* or some other form of financial guarantee in a form approved by the Superintendent.
- (2) In determining whether a corporation is not suitable to be licensed as a mortgage administrator, the Superintendent is required by subsection 14 (1) of the Act to have regard to the following prescribed circumstances:
1. Whether, having regard to its financial position, the corporation cannot reasonably be expected to be financially responsible in the conduct of its business.
 2. Whether the past conduct of any director or officer of the corporation affords reasonable grounds for belief that the business of the corporation will not be carried on in accordance with the law and with integrity and honesty.
 3. Whether the corporation is carrying on activities that contravene or will contravene the Act or the regulations if the corporation is licensed.
 4. Whether a director or officer of the corporation has made a false statement or has provided false information to the Superintendent with respect to the application for a licence.
- (3) If application is made for the licence before July 1, 2008, the application must include evidence satisfactory to the Superintendent that the corporation will have the insurance or other form of assurance described in paragraph 3 of subsection (1) and the financial guarantee described in paragraph 4 of subsection (1) on and after July 1, 2008, but the corporation is not required to have the insurance or other form of assurance or the financial guarantee when the application is made.

(4) Subsection (3) is revoked on July 1, 2008.

For a partnership

2. (1) A mortgage administrator's licence may be issued under subsection 14 (1) of the Act to a partnership if all of the following requirements are satisfied:
1. The partnership was formed under the law of any jurisdiction in Canada.
 2. The partnership has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
 3. The partnership has errors and omissions insurance in a form approved by the Superintendent with extended coverage for loss resulting from fraudulent acts or it has some other form of assurance in a form approved by the Superintendent. The insurance or other assurance must be sufficient to pay a minimum of \$500,000 in respect of any one occurrence involving the partnership and \$1 million in respect of all occurrences during a 365-day period involving the partnership.
 4. The partnership has a financial guarantee in an amount equal to \$25,000. The financial guarantee may be an irrevocable letter of credit with a financial institution, unimpaired working capital, a surety bond issued by an insurer licensed under the *Insurance Act* or some other form of financial guarantee in a form approved by the Superintendent.
- (2) In determining whether a partnership is not suitable to be licensed as a mortgage administrator, the Superintendent is required by subsection 14 (1) of the Act to have regard to the following prescribed circumstances:
1. Whether, having regard to its financial position, the partnership cannot reasonably be expected to be financially responsible in the conduct of its business.
 2. Whether the past conduct of any partner affords reasonable grounds for belief that the business of the partnership will not be carried on in accordance with the law and with integrity and honesty.
 3. Whether the partnership or any partner is carrying on activities that contravene or will contravene the Act or the regulations if the partnership is licensed.
 4. Whether a partner has made a false statement or has provided false information to the Superintendent with respect to the application for a licence.
- (3) If application is made for the licence before July 1, 2008, the application must include evidence satisfactory to the Superintendent that the partnership will have the insurance or other form of assurance described in paragraph 3 of subsection (1) and the financial guarantee described in paragraph 4 of subsection (1) on and after July 1, 2008, but the partnership is not required to have the insurance or other form of assurance or the financial guarantee when the application is made.

(4) Subsection (3) is revoked on July 1, 2008.

For a sole proprietorship

3. (1) A mortgage administrator's licence may be issued under subsection 14 (1) of the Act to a sole proprietorship if all of the following requirements are satisfied:

1. The proprietor is a resident of Canada.
2. The sole proprietorship has a mailing address in Ontario that is not a post office box and that is suitable to permit service by registered mail.
3. The sole proprietorship has errors and omissions insurance in a form approved by the Superintendent with extended coverage for loss resulting from fraudulent acts or it has some other form of assurance in a form approved by the Superintendent. The insurance or other assurance must be sufficient to pay a minimum of \$500,000 in respect of any one occurrence involving the sole proprietorship and \$1 million in respect of all occurrences during a 365-day period involving the sole proprietorship.
4. The sole proprietorship has a financial guarantee in an amount equal to \$25,000. The financial guarantee may be an irrevocable letter of credit with a financial institution, unimpaired working capital, a surety bond issued by an insurer licensed under the *Insurance Act* or some other form of financial guarantee in a form approved by the Superintendent.

(2) In determining whether a sole proprietorship is not suitable to be licensed as a mortgage administrator, the Superintendent is required by subsection 14 (1) of the Act to have regard to the following prescribed circumstances:

1. Whether, having regard to its financial position, the sole proprietorship cannot reasonably be expected to be financially responsible in the conduct of its business.
2. Whether the past conduct of the proprietor affords reasonable grounds for belief that the business of the sole proprietorship will not be carried on in accordance with the law and with integrity and honesty.
3. Whether the sole proprietorship or the proprietor is carrying on activities that contravene or will contravene the Act or the regulations if the sole proprietorship is licensed.
4. Whether the proprietor has made a false statement or has provided false information to the Superintendent with respect to the application for a licence.

(3) If application is made for the licence before July 1, 2008, the application must include evidence satisfactory to the Superintendent that the sole proprietorship will have the insurance or other form of assurance described in paragraph 3 of subsection (1) and the financial guarantee described in paragraph 4 of subsection (1) on and after July 1, 2008, but the sole proprietorship is not required to have the insurance or other form of assurance or the financial guarantee when the application is made.

(4) Subsection (3) is revoked on July 1, 2008.

LICENSEES' AUTHORIZED NAMES

Authorized names

4. (1) A mortgage administrator's licence is issued either in the legal name of the corporation, partnership or sole proprietorship or in the legal name and one other name that is registered to the corporation, partnership or sole proprietorship under the *Business Names Act*.

(2) Despite subsection (1), a mortgage administrator's licence cannot be issued to a corporation, partnership or sole proprietorship in any name that the Superintendent reasonably believes is,

- (a) the same as or similar to the name of another licensee such that the use of that name by two licensees would be likely to confuse or mislead the public; or
- (b) objectionable on any public grounds.

COMMENCEMENT

Commencement

5. This Regulation comes into force on March 1, 2008.

ONTARIO REGULATION 412/07

made under the

MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

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Printed in *The Ontario Gazette*: August 11, 2007**REPORTING REQUIREMENTS FOR LICENSEES****Change of address for service**

1. If a licensee changes the licensee's mailing address in Ontario, the licensee shall give the Superintendent particulars of the new address no later than five days after the change occurs.

Change of other contact information

2. If a brokerage or mortgage administrator changes its email address, phone number or fax number, the brokerage or mortgage administrator shall give the Superintendent particulars of the new address or number no later than five days after the change occurs.

Change of principal place of business

3. If a brokerage or mortgage administrator changes the location of its principal place of business in Ontario, the brokerage or mortgage administrator shall notify the Superintendent no later than five days after the change occurs.

Change of offices open to the public

4. If a brokerage or mortgage administrator opens or closes an office in Ontario that is open to the public, the brokerage or mortgage administrator shall notify the Superintendent no later than five days after doing so.

Change of director, officer, partner

5. (1) If a licensee that is a corporation changes one or more of its directors or officers, the licensee shall notify the Superintendent no later than five days after the change occurs.

(2) If a licensee that is a partnership changes one or more of its partners, the licensee shall notify the Superintendent no later than five days after the change occurs.

Change of principal broker

6. If a brokerage changes its principal broker, the brokerage shall notify the Superintendent no later than five days after the change occurs.

Change of authority to act on behalf of brokerage

7. (1) If a mortgage broker or agent ceases to be authorized to deal or trade in mortgages on behalf of a brokerage, the brokerage shall notify the Superintendent no later than five days after the authority ceases.

(2) A mortgage broker or agent who ceases to be authorized to deal or trade in mortgages on behalf of a brokerage shall notify the Superintendent no later than five days after the authority ceases.

Commencement

8. (1) **Subject to subsection (2), this Regulation comes into force on March 1, 2008.**

(2) **Section 4 comes into force on July 1, 2008.**

32/07

ONTARIO REGULATION 413/07

made under the

PENSION BENEFITS ACT

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Printed in *The Ontario Gazette*: August 11, 2007Amending Reg. 909 of R.R.O. 1990
(General)

Note: Regulation 909 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) Subsection 1 (2) of Regulation 909 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

“solvency asset adjustment” means the amount calculated under section 1.2; (“rajustement de l’actif de solvabilité”)

(2) The definition of “solvency liability adjustment” in subsection 1 (2) of the Regulation is revoked and the following substituted:

“solvency liability adjustment” means the amount specified by section 1.3; (“rajustement du passif de solvabilité”)

2. The Regulation is amended by adding the following section:

1.3 (1) For the purposes of this Part, the solvency liability adjustment in relation to a report is zero unless either of the circumstances described in subsection (2) exist.

(2) The solvency liability adjustment in relation to a report is the amount calculated under subsection (3) if either of the following circumstances exist:

1. The solvency valuation includes a determination of a solvency asset adjustment, and that solvency asset adjustment includes an amount described in clause 1.2 (1) (a).
2. The solvency valuation includes a determination of a solvency asset adjustment, and that solvency asset adjustment includes an amount defined as “A” in subsection 1.2 (2).

(3) In the circumstances described in subsection (2), the solvency liability adjustment is the amount, positive or negative, by which the value of the solvency liabilities is adjusted as a result of using a solvency valuation interest rate that is the average of market interest rates calculated over the same period of time as the one used in the determination of the amount referred to in paragraph 1 or 2 of subsection (2), whichever applies.

3. (1) Section 3.2 of the Regulation is revoked and the following substituted:

3.2 Each of the following pension plans is prescribed as a jointly sponsored pension plan for the purposes of the Act:

1. OMERS Primary Pension Plan, registered under the Act as number 345983.

(2) Section 3.2 of the Regulation, as remade by subsection (1), is amended by adding the following paragraph:

2. OMERS Supplemental Pension Plan for Police, Firefighters and Paramedics, registered under the Act as number 1175892.

4. (1) Section 37 of the Regulation is amended by adding the following subsection:

(1.1) Subsection (1) does not apply with respect to a jointly sponsored pension plan.

(2) Subsection 37 (3) of the Regulation is revoked.

(3) Subsection 37 (4) of the Regulation is amended by striking out “where the assessment date for a plan is on or after the 1st day of January, 1993” in the portion before clause (a).

(4) Subsection 37 (6) of the Regulation is amended by striking out “Where the assessment date for a plan is on or after the 1st day of January, 1993 and” in the portion before clause (a) and substituting “If”.

5. Paragraph 9 of subsection 47 (1) of the Regulation is revoked.

6. The Regulation is amended by adding the following section:

47.3.1 The employers who are required to make contributions under the OMERS Supplemental Pension Plan for Police, Firefighters and Paramedics, registered under the Act as number 1175892, and the members of the pension plan are exempt from the requirement to make contributions under clause 4 (2) (a) with respect to any solvency deficiency under the plan and from the requirement to make special payments under clauses 4 (2) (c) and 4 (2.4) (b) with respect to any solvency deficiency under the plan.

7. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Subsection 3 (2) and section 6 come into force on July 1, 2008.

RÈGLEMENT DE L'ONTARIO 413/07

pris en application de la

LOI SUR LES RÉGIMES DE RETRAITE

pris le 25 juillet 2007

déposé le 27 juillet 2007

publié sur le site Lois-en-ligne le 31 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 909 des R.R.O. de 1990

(Dispositions générales)

Remarque : Le Règlement 909 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. (1) Le paragraphe 1 (2) du Règlement 909 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction de la définition suivante :

«rajustement de l'actif de solvabilité» Le montant calculé conformément à l'article 1.2. («solvency asset adjustment»)

(2) La définition de «rajustement du passif de solvabilité» au paragraphe 1 (2) du Règlement est abrogée et remplacée par ce qui suit :

«rajustement du passif de solvabilité» Le montant précisé par l'article 1.3. («solvency liability adjustment»)

2. Le Règlement est modifié par adjonction de l'article suivant :

1.3 (1) Pour l'application de la présente partie, le rajustement du passif de solvabilité lié à un rapport est de zéro, sauf dans l'un ou l'autre des cas prévus au paragraphe (2).

(2) Le rajustement du passif de solvabilité lié à un rapport est le montant calculé conformément au paragraphe (3) dans l'un ou l'autre des cas suivants :

1. L'évaluation de solvabilité comprend la détermination d'un rajustement de l'actif de solvabilité, lequel comprend un montant visé à l'alinéa 1.2 (1) a).
2. L'évaluation de solvabilité comprend la détermination d'un rajustement de l'actif de solvabilité, lequel comprend un montant correspondant à l'élément «A», défini au paragraphe 1.2 (2).

(3) Dans les cas prévus au paragraphe (2), le rajustement du passif de solvabilité est le montant, positif ou négatif, du rajustement de la valeur du passif de solvabilité en raison de l'utilisation d'un taux d'intérêt de l'évaluation de solvabilité qui est égal à la moyenne des taux d'intérêt du marché, calculé pour la même période que celle qui sert au calcul du montant mentionné à la disposition 1 ou 2 du paragraphe (2), selon le cas.

3. (1) L'article 3.2 du Règlement est abrogé et remplacé par ce qui suit :

3.2 Chacun des régimes de retraite suivants est prescrit à titre de régime de retraite conjoint pour l'application de la Loi :

1. Le Régime de retraite principal d'OMERS, enregistré en vertu de la Loi sous le numéro 345983.

(2) L'article 3.2 du Règlement, tel qu'il est pris de nouveau par le paragraphe (1), est modifié par adjonction de la disposition suivante :

2. Le Régime complémentaire d'OMERS pour les policiers, les pompiers et les auxiliaires médicaux, enregistré en vertu de la Loi sous le numéro 1175892.

4. (1) L'article 37 du Règlement est modifié par adjonction du paragraphe suivant :

(1.1) Le paragraphe (1) ne s'applique pas à l'égard des régimes de retraite conjoints.

(2) Le paragraphe 37 (3) du Règlement est abrogé.

(3) Le paragraphe 37 (4) du Règlement est modifié par suppression de «lorsque la date d'établissement de la cotisation d'un régime tombe le 1^{er} janvier 1993 ou après cette date,» dans le passage qui précède l'alinéa a).

(4) Le paragraphe 37 (6) du Règlement est modifié par substitution de «Si un choix fait en vertu du paragraphe 5.1 (1) ou (2) est applicable à la date d'établissement de la cotisation» à «Lorsque la date d'établissement de la cotisation d'un régime tombe le 1^{er} janvier 1993 ou après cette date et qu'un choix fait en vertu du paragraphe 5.1 (1) ou (2) est applicable à cette date» dans le passage qui précède l'alinéa a).

5. La disposition 9 du paragraphe 47 (1) du Règlement est abrogée.

6. Le Règlement est modifié par adjonction de l'article suivant :

47.3.1 Les employeurs qui sont tenus de cotiser au Régime complémentaire d'OMERS pour les policiers, les pompiers et les auxiliaires médicaux, enregistré en vertu de la Loi sous le numéro 1175892, et les participants au régime sont dispensés de l'obligation de faire les cotisations visées à l'alinéa 4 (2) a) relativement à tout déficit de solvabilité du régime et de celle de faire les paiements spéciaux visés aux alinéas 4 (2) c) et (2.4) b) relativement à un tel déficit.

7. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le jour de son dépôt.

(2) Le paragraphe 3 (2) et l'article 6 entrent en vigueur le 1^{er} juillet 2008.

32/07

ONTARIO REGULATION 414/07

made under the

CO-OPERATIVE CORPORATIONS ACT

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 178 of R.R.O. 1990
(General)

Note: Regulation 178 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Regulation 178 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

REDEMPTION OF CERTAIN SHARES

11. (1) This section prescribes the manner of selecting the shares of a series of preference shares that are to be redeemed in the circumstances described in subsection 31 (1.1) of the Act.

(2) Subject to subsection (3), the shares of a series of preference shares that are to be redeemed shall be selected in one of the following ways:

1. By lot, within the series, in the manner determined by the board of directors.
2. As nearly as may be in proportion to the number of preference shares of the series that are registered in the name of each holder of shares of that series.
3. In such other manner as the board of directors determines with the consent of the holders of preference shares of the series, obtained in the manner set out in subsection 31 (3) of the Act.
4. By date of issuance, within the series, from the earliest date to the latest.

(3) The articles may confine the manner of selection to one or more of the ways described in subsection (2).

2. The Regulation is amended by adding the following section immediately after the heading "Offering Statement and Material Change Statement":

11.1 For the purposes of subsection 34 (1) of the Act, the prescribed number of security holders is 35.

3. The Regulation is amended by adding the following sections:

RESTRICTIONS ON ELECTRONIC NOTICE

21. The following circumstances are prescribed under clause 172 (1) (b) of the Act as circumstances in which a notice or other document cannot be sent electronically by a co-operative to a member or director:

1. If the co-operative is a non-profit housing co-operative.

22. The following circumstances are prescribed under clause 172 (2.1) (b) of the Act as circumstances in which a notice or other document cannot be sent electronically by a member or director of a co-operative to the co-operative:

1. If the co-operative is a non-profit housing co-operative.

4. This Regulation comes into force on August 31, 2007.

32/07

ONTARIO REGULATION 415/07

made under the

FINANCIAL SERVICES COMMISSION OF ONTARIO ACT, 1997

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 11/01

(Assessment of Expenses and Expenditures)

Note: Ontario Regulation 11/01 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Subsection 3 (4) of Ontario Regulation 11/01 is amended by striking out “the Ontario Insurance Commission or”.

2. (1) The definition of “F” in paragraph 2 of subsection 4 (1) of the Regulation is amended by striking out “during the assessment period for the Commission’s Accident Benefits Analysis Unit” at the end and substituting “during the assessment period in respect of activities relating to automobile insurance policy and compliance matters”.

(2) The definition of “L” in paragraph 5 of subsection 4 (1) of the Regulation is amended by striking out “the Ontario Insurance Commission or”.

(3) The definition of “M” in paragraph 5 of subsection 4 (1) of the Regulation is amended by striking out “the Ontario Insurance Commission or”.

(4) The definition of “W” in paragraph 9 of subsection 4 (1) of the Regulation is amended by striking out “other than taxes paid under section 391 of the *Insurance Act*” and substituting “other than taxes paid under section 74.4 of the *Corporations Tax Act*”.

(5) Clause 4 (2) (c) of the Regulation is amended by striking out “the Ontario Insurance Commission or”.

(6) Clause 4 (2) (d) of the Regulation is amended by striking out “the Ontario Insurance Commission or”.

3. (1) The definition of “B” in subsection 10 (1) of the Regulation is amended by striking out “former members of the pension plan” and substituting “former members and other beneficiaries of the pension plan”.

(2) Subsection 10 (4) of the Regulation is amended by striking out “The number of members and former members of a pension plan” at the beginning and substituting “The number of members and the number of former members and other beneficiaries of a pension plan”.

4. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 416/07

made under the

PENSION BENEFITS ACT

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: July 30, 2007

Printed in *The Ontario Gazette*: August 11, 2007Amending Reg. 909 of R.R.O. 1990
(General)

Note: Regulation 909 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) The definition of “life income fund” in subsection 1 (1) of Regulation 909 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“life income fund” means an RRIF that meets the requirements of either Schedule 1 or Schedule 1.1; (“fonds de revenu viager”)

(2) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“life income fund that is governed by this Schedule” means an RRIF that meets the requirements of Schedule 1 or Schedule 1.1, as the case may be; (“fonds de revenu viager régi par la présente annexe”)

2. (1) Subclause 21 (2) (a) (v) of the Regulation is amended by striking out “sections 22.2 to 22.4” at the end and substituting “sections 22.2 to 22.5”.

(2) Clause 21 (2) (d) of the Regulation is amended by striking out “sections 22.2 to 22.4” and substituting “sections 22.2 to 22.5”.

(3) Clause 21 (2) (h) of the Regulation is revoked and the following substituted:

(h) upon the death of the owner of the account, the owner’s spouse or, if there is none or if the spouse is otherwise disentitled, the owner’s named beneficiary or, if there is none, the owner’s estate is entitled to receive a benefit equal to the value of the assets in the account.

(4) Section 21 of the Regulation is amended by adding the following subsections:

(2.2) The benefit described in clause (2) (h) may be transferred to an RRSP or an RRIF in accordance with the *Income Tax Act* (Canada).

(2.3) A spouse of the owner of a locked-in retirement account is not entitled under clause (2) (h) to receive the value of the assets in the account unless the owner was a member or former member of a pension plan from which assets were transferred directly or indirectly to purchase the account.

(2.4) A spouse living separate and apart from the owner of a locked-in retirement account on the date of the owner’s death is not entitled under clause (2) (h) to receive the value of the assets in the account.

(2.5) A spouse of the owner of a locked-in retirement account may waive his or her entitlement to receive the survivor’s benefit described in clause (2) (h) from the account by delivering to the financial institution a written waiver in a form approved by the Superintendent.

(2.6) A spouse who has delivered a waiver under subsection (2.5) may cancel it by delivering a written and signed notice of cancellation to the financial institution before the date of the death of the owner of the account.

(2.7) For the purposes of clause (2) (h), a determination as to whether the owner of the account has a spouse is to be made on the date of the owner’s death.

(2.8) For the purposes of clause (2) (h), the value of the assets in the account includes all accumulated investment earnings, including any unrealized capital gains and losses, of the account from the date of death until the date of payment.

3. (1) Subsection 22.1 (1) of the Regulation is amended by striking out “sections 22.2 to 22.4” and substituting “sections 22.2 to 22.5”.

(2) Subsection 22.1 (2) of the Regulation is revoked and the following substituted:

(2) Any of the following documents constitutes a declaration about a spouse for the purposes of a withdrawal or transfer under section 22.3, 22.4 or 22.5 from a locked-in retirement account:

1. A statement signed by the spouse, if any, of the owner of the account that the spouse consents to the withdrawal or transfer.
2. A statement signed by the owner of the account attesting to the fact that the owner does not have a spouse.
3. A statement signed by the owner of the account attesting to the fact that the owner is living separate and apart from his or her spouse on the date the owner signs the application to make the withdrawal or transfer.

(3) Subsection 22.1 (3) of the Regulation is amended by striking out “If the owner of a locked-in retirement account is required to give a document to a financial institution under section 22.3 or 22.4” at the beginning and substituting “If the owner of a locked-in retirement account is required by section 22.3, 22.4 or 22.5 to give a document to a financial institution”.

(4) Subsection 22.1 (4) of the Regulation is amended by striking out “required under section 22.3 or 22.4” and substituting “required by section 22.3, 22.4 or 22.5”.

4. (1) Paragraph 2 of subsection 22.2 (8) of the Regulation is amended by striking out “to pay money to the owner” and substituting “to make the payment”.

(2) Paragraph 3 of subsection 22.2 (8) of the Regulation is amended by striking out “the payments” and substituting “the payment”.

5. (1) Subsections 22.3 (1) and (2) of the Regulation are revoked and the following substituted:

(1) The owner of a locked-in retirement account may, upon application in accordance with this section, withdraw all the money in the account or transfer the assets to an RRSP or RRIF if, when the owner signs the application,

- (a) he or she is at least 55 years of age; and
- (b) the value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by him or her is less than 40 per cent of the Year’s Maximum Pensionable Earnings for that calendar year.

(2) An application for the withdrawal or transfer from the account must be given to the financial institution that administers the account.

(2) Subsection 22.3 (5) of the Regulation is revoked and the following substituted:

(5) If assets in the account consist of identifiable and transferable securities, the financial institution may transfer the securities with the consent of the owner.

(6) The contract governing the account must include the following terms and, if it does not, the contract is deemed to include them:

1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment or transfer from the account in accordance with this section.
3. The value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by the owner when he or she signs the application under this section is to be determined using the most recent statement about each fund or account given to the owner. Each such statement must be dated within one year before the owner signs the application.
4. The financial institution is required to make the payment or transfer to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.

6. (1) Paragraph 2 of subsection 22.4 (5) of the Regulation is amended by striking out “to pay money to the owner from the account” and substituting “to make the payment from the account”.

(2) Paragraph 3 of subsection 22.4 (5) of the Regulation is amended by striking out “the payments” and substituting “the payment”.

7. The Regulation is amended by adding the following section:

22.5 (1) The owner of a locked-in retirement account may, upon application in accordance with this section, withdraw all the money in the account,

- (a) if, when the owner signs the application, he or she is a non-resident of Canada as determined by the Canada Revenue Agency for the purposes of the *Income Tax Act* (Canada); and
- (b) if the application is made at least 24 months after his or her date of departure from Canada.

(2) An application to withdraw the money from the account must be given to the financial institution that administers the account.

- (3) The application must be made on a form approved by the Superintendent.
- (4) The application form must be signed by the owner and accompanied by the following documents:
1. A written determination from the Canada Revenue Agency that the person is a non-resident for the purposes of the *Income Tax Act* (Canada).
 2. Either a declaration described in subsection 22.1 (2) about a spouse or a statement signed by the owner attesting to the fact that none of the money in the account is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner.
- (5) The contract governing the account must include the following terms and, if it does not, the contract is deemed to include them:
1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
 2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment from the account in accordance with this section.
 3. The financial institution is required to make the payment to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.

8. Subsection 89 (3) of the Regulation is amended by adding the following clause:

- (d.1) the payment of an Ontario child benefit under section 8.6.2 of the *Income Tax Act* or under section 104 of the *Taxation Act, 2007*;

9. (1) The title to Schedule 1 to the Regulation is revoked and the following substituted:

SCHEDULE 1
LIFE INCOME FUNDS GOVERNED BY THIS SCHEDULE

(2) Subsection 1 (1) of Schedule 1 to the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

- (1) The following persons may purchase, in accordance with this section, a life income fund that is governed by this Schedule:

.

(3) Section 1 of Schedule 1 to the Regulation, as amended by subsection (2), is revoked and the following substituted:

1. (1) A life income fund that is governed by this Schedule cannot be purchased after December 31, 2008.
- (2) After December 31, 2008, money cannot be transferred into a life income fund that is governed by this Schedule from a pension fund, another life income fund, a locked-in retirement account, a locked-in retirement income fund or a life annuity that meets the requirements of section 22 of this Regulation.

(4) Subsection 2 (1) of Schedule 1 to the Regulation is amended by striking out “a life income fund” and substituting “a life income fund that is governed by this Schedule”.

(5) The French version of subsection 2 (3) of Schedule 1 to the Regulation is amended by striking out “les placements de l'actif du fonds” at the end and substituting “le placement de l'actif du fonds”.

(6) Subsection 2 (4) of Schedule 1 to the Regulation is amended by striking out “a life income fund” and substituting “the fund”.

(7) Subsection 3 (1) of Schedule 1 to the Regulation is amended by striking out “a life income fund” and substituting “a life income fund that is governed by this Schedule”.

(8) Subsection 3 (2) of Schedule 1 to the Regulation is amended by striking out “a life income fund” and substituting “a life income fund that is governed by this Schedule”.

(9) Section 4 of Schedule 1 to the Regulation is amended by striking out “a life income fund” and substituting “a life income fund that is governed by this Schedule”.

(10) Subsection 5 (1) of Schedule 1 to the Regulation is amended by striking out “the life income fund” and substituting “a life income fund that is governed by this Schedule”.

(11) Subsection 6 (1) of Schedule 1 to the Regulation is amended by striking out “paid out of the life income fund during a fiscal year” in the portion before the formula and substituting “paid during a fiscal year out of a life income fund that is governed by this Schedule”.

(12) Paragraph 1 of subsection 6 (2) of Schedule 1 to the Regulation is revoked.

(13) Paragraph 2 of subsection 6 (2) of Schedule 1 to the Regulation is amended by striking out “If the fiscal year begins on or after January 1, 2001” at the beginning.

(14) Subsection 6 (3) of Schedule 1 to the Regulation is amended by striking out “another life income fund” and substituting “another life income fund that is governed by this Schedule”.

(15) Subsection 6 (7) of Schedule 1 to the Regulation is amended by striking out “section 3, 9 or 10” and substituting “section 3, 9, 9.1 or 10”.

(16) Subsection 7 (1) of Schedule 1 to the Regulation is amended by striking out “a life income fund” in the portion before clause (a) and substituting “a life income fund that is governed by this Schedule”.

(17) Clauses 7 (1) (a) and (b) of Schedule 1 to the Regulation are revoked and the following substituted:

(a) to a life income fund that is governed by Schedule 1.1;

(18) Clause 7 (1) (d) of Schedule 1 to the Regulation is amended by striking out “69 years of age” and substituting “71 years of age”.

(19) Subsection 7 (1) of Schedule 1 to the Regulation is amended by striking out “or” at the end of clause (c) and by adding the following clauses:

(e) before January 1, 2009 to a locked-in retirement income fund; or

(f) before January 1, 2009 to another life income fund that is governed by this Schedule.

(20) Section 7 of Schedule 1 to the Regulation is amended by adding the following subsections:

(1.1) For the purposes of the life annuity referred to in clause (1) (c), a determination as to whether the owner has a spouse is to be made on the date the annuity is purchased.

(1.2) Payments under a life annuity referred to in clause (1) (c) are subject to division in accordance with the terms of an order under the *Family Law Act* or a domestic contract as defined in Part IV of that Act.

(21) Section 8 of Schedule 1 to the Regulation is revoked.

(22) Subsections 9 (1) and (2) of Schedule 1 to the Regulation are revoked and the following substituted:

(1) The owner of a life income fund that is governed by this Schedule may, upon application in accordance with this section, withdraw all the money in the fund or transfer the assets to an RRSP or RRIF if, when the owner signs the application,

(a) he or she is at least 55 years of age; and

(b) the value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by him or her is less than 40 per cent of the Year's Maximum Pensionable Earnings for that calendar year.

(2) An application for the withdrawal or transfer from the fund must be given to the financial institution that administers the fund.

(23) Subsection 9 (5) of Schedule 1 to the Regulation is revoked and the following substituted:

(5) If assets in the fund consist of identifiable and transferable securities, the financial institution may transfer the securities with the consent of the owner.

(6) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:

1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.

2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment or transfer from the fund in accordance with this section.

3. The value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by the owner when he or she signs the application under this section is to be determined using the most recent statement about each fund or account given to the owner. Each such statement must be dated within one year before the owner signs the application.

4. The financial institution is required to make the payment or transfer to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.

(24) Schedule 1 to the Regulation is amended by adding the following section:

9.1 (1) The owner of a life income fund that is governed by this Schedule may, upon application in accordance with this section, withdraw all the money in the fund,

- (a) if, when the owner signs the application, he or she is a non-resident of Canada as determined by the Canada Revenue Agency for the purposes of the *Income Tax Act* (Canada); and
 - (b) if the application is made at least 24 months after his or her date of departure from Canada.
- (2) An application to withdraw the money from the fund must be given to the financial institution that administers the fund.
- (3) The application must be made on a form approved by the Superintendent.
- (4) The application form must be signed by the owner and accompanied by the following documents:
1. A written determination from the Canada Revenue Agency that the person is a non-resident for the purposes of the *Income Tax Act* (Canada).
 2. Either a declaration described in section 11 about a spouse or a statement signed by the owner attesting to the fact that none of the money in the fund is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner.
- (5) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:
1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
 2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment from the fund in accordance with this section.
 3. The financial institution is required to make the payment to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.

(25) Subsection 10 (1) of Schedule 1 to the Regulation is revoked and the following substituted:

(1) The owner of a life income fund that is governed by this Schedule may, upon application in accordance with this section, withdraw all or part of the money in the fund if, when the owner signs the application, he or she has an illness or physical disability that is likely to shorten his or her life expectancy to less than two years.

(26) Paragraph 2 of subsection 10 (5) of Schedule 1 to the Regulation is amended by striking out “to pay money to the owner from the fund” and substituting “to make the payment from the fund”.

(27) Paragraph 3 of subsection 10 (5) of Schedule 1 to the Regulation is amended by striking out “the payments” and substituting “the payment”.

(28) Section 11 of Schedule 1 to the Regulation is revoked and the following substituted:

11. Any of the following documents constitutes a declaration about a spouse for the purposes of a withdrawal or transfer under section 9, 9.1 or 10 from a life income fund that is governed by this Schedule:

1. A statement signed by the owner’s spouse, if any, that the spouse consents to the withdrawal or transfer from the fund.
2. A statement signed by the owner attesting to the fact that he or she does not have a spouse.
3. A statement signed by the owner attesting to the fact that he or she is living separate and apart from his or her spouse on the date the owner signs the application to make the withdrawal or transfer from the fund.

(29) Subsection 12 (1) of Schedule 1 to the Regulation is amended by striking out “If the owner of a life income fund is required to give a document to a financial institution under section 9 or 10” at the beginning and substituting “If the owner of a life income fund that is governed by this Schedule is required by section 9, 9.1 or 10 to give a document to a financial institution”.

(30) Subsection 12 (2) of Schedule 1 to the Regulation is amended by striking out “required under section 9 or 10” and substituting “required by section 9, 9.1 or 10”.

(31) Subsection 13 (1) of Schedule 1 to the Regulation is revoked and the following substituted:

(1) Upon the death of the owner of a life income fund that is governed by this Schedule, the owner’s spouse or, if there is none or if the spouse is otherwise disentitled, the owner’s named beneficiary or, if there is none, the owner’s estate is entitled to receive a benefit equal to the value of the assets in the fund.

(1.1) The benefit described in subsection (1) may be transferred to an RRSP or an RRIF in accordance with the *Income Tax Act* (Canada).

(32) Section 13 of Schedule 1 to the Regulation is amended by adding the following subsection:

(5) For the purposes of subsection (1), the value of the assets in the fund includes all accumulated investment earnings, including any unrealized capital gains and losses, of the fund from the date of death until the date of payment.

(33) Schedule 1 to the Regulation is amended by adding the following section:

13.1 (1) A spouse of the owner of a life income fund that is governed by this Schedule may waive his or her entitlement to receive the survivor's benefit described in section 13 from the fund by delivering to the financial institution a written waiver in a form approved by the Superintendent.

(2) A spouse who has delivered a waiver under subsection (1) may cancel it by delivering a written and signed notice of cancellation to the financial institution before the date of the death of the owner of the fund.

(34) Subsection 14 (1) of Schedule 1 to the Regulation is amended by striking out "a life income fund" and substituting "a life income fund that is governed by this Schedule".

(35) Subsection 15 (1) of Schedule 1 to the Regulation is amended by striking out "a life income fund" and substituting "a life income fund that is governed by this Schedule".

(36) Paragraph 1 of subsection 15 (2) of Schedule 1 to the Regulation is revoked and the following substituted:

1. With respect to the previous fiscal year: the sums deposited, any accumulated investment earnings including any unrealized capital gains or losses, the payments made out of the fund and the fees charged against the fund.

10. The Regulation is amended by adding the following Schedule:

SCHEDULE 1.1
LIFE INCOME FUNDS GOVERNED BY THIS SCHEDULE

ESTABLISHING THE FUND

1. (1) The following persons may purchase, in accordance with this section, a life income fund that is governed by this Schedule:

1. A former member who is entitled to make a transfer under clause 42 (1) (b) of the Act.
2. A spouse or former spouse of a person who was a member who is entitled to make a transfer under clause 42 (1) (b) of the Act.
3. A person who has previously transferred an amount under clause 42 (1) (b) of the Act into a life income fund, a locked-in retirement account or a locked-in retirement income fund.

(2) The fund must be purchased using all or part of the amount transferred under clause 42 (1) (b) of the Act, or using all or part of the assets in a life income fund, a locked-in retirement account or a locked-in retirement income fund.

(3) The purchaser must have the written consent of his or her spouse in order to make the purchase but,

- (a) the consent of a spouse who is living separate and apart from the purchaser on the date of purchase is not required; and
- (b) the consent of a spouse is not required if none of the money to be transferred into the fund is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the purchaser.

2. (1) A contract establishing a life income fund that is governed by this Schedule must provide for the matters described in this section.

(2) It must indicate the name and address of the financial institution providing the fund.

(3) It must describe the owner's powers, if any, respecting investment of the assets in the fund.

(4) It must state that the owner agrees not to assign, charge, anticipate or give as security money payable under the fund except as required by an order under the *Family Law Act* or by a domestic contract as defined in Part IV of that Act.

(5) It must describe the method for determining the value of the assets in the fund.

3. (1) Money in a life income fund that is governed by this Schedule cannot be commuted, withdrawn or surrendered in whole or in part, except as permitted by section 49 or 67 of the Act, section 22.2 of this Regulation or this Schedule.

(2) Every contract establishing a life income fund that is governed by this Schedule is deemed to include a provision setting out the restriction described in subsection (1).

4. The fiscal year of a life income fund that is governed by this Schedule must end on December 31 and must not exceed 12 months.

PERIODIC PAYMENTS OUT OF THE FUND

5. (1) Payments out of a life income fund that is governed by this Schedule must begin no earlier than the earliest date on which the former member is entitled to receive a pension under any pension plan from which money was transferred into the fund directly or indirectly.

(2) Payments out of the fund must begin no later than the end of the second fiscal year of the fund.

(3) The owner must notify the financial institution of the amount to be paid out of the fund each year. If the owner does not do so, the minimum amount determined under section 6 must be paid out of the fund that year.

(4) The notice respecting the amount to be paid out of the fund must be given either at the beginning of the fiscal year of the fund or at another time agreed to by the financial institution.

(5) The notice expires at the end of the fiscal year to which it relates.

(6) The value of the assets in the fund and payments out of the fund are subject to division in accordance with the terms of an order under the *Family Law Act* or a domestic contract as defined in Part IV of that Act.

6. (1) The amount of income paid during a fiscal year out of a life income fund that is governed by this Schedule must not exceed the greatest of the following amounts:

1. The investment earnings, including any unrealized capital gains or losses, of the fund in the previous fiscal year.
2. If the money in the fund (the "receiving fund") is derived from money transferred directly from another life income fund or a locked-in retirement income fund (the "transferring fund"), and if the income is being paid out of the receiving fund in the fiscal year following the fiscal year in which the receiving fund is established, the sum of,
 - i. the investment earnings, including any unrealized capital gains or losses, of the transferring fund in the previous fiscal year, and
 - ii. the investment earnings, including any unrealized capital gains or losses, of the receiving fund in the previous fiscal year.
3. The amount calculated using the formula,

$$C/F_{.}$$

in which,

"C" is the value of the assets in the fund at the beginning of the fiscal year, and

"F" is the present value, at the beginning of the fiscal year, of an annuity of \$1 payable annually in advance over the period commencing at the beginning of the fiscal year and ending on December 31 of the year in which the owner reaches 90 years of age.

(2) The following interest rate assumptions are to be used to determine the amount "F" in subsection (1):

1. The interest rate for each of the first 15 fiscal years of the period referred to in the definition of "F" is the greater of 6 per cent and the nominal rate of interest on long-term bonds issued by the Government of Canada for November of the year before the beginning of the fiscal year, as determined from the Canadian Socio-Economic Information Management System (CANSIM) series V122487 compiled by Statistics Canada and available on the website maintained by the Bank of Canada.
2. For the sixteenth and each subsequent fiscal year of the period referred to in the definition of "F", the interest rate is 6 per cent.

(3) Despite subsection (1), if any money in the fund is derived from money transferred directly or indirectly from another life income fund or a locked-in retirement income fund, the maximum amount that may be paid out of the fund in the fiscal year in which the money is transferred into the fund is zero.

(4) If the initial fiscal year of the fund is not 12 months long, the maximum amount determined under subsection (1) shall be adjusted in proportion to the number of months in that fiscal year divided by 12, with any part of an incomplete month counting as one month.

(5) The amount of income paid out of the fund during a fiscal year must not be less than the minimum amount prescribed for an RRIF under the *Income Tax Act* (Canada).

(6) If the minimum amount specified by subsection (5) is greater than the maximum amount determined under subsection (1), (3) or (4), the minimum amount must be paid out of the fund during the fiscal year.

(7) This section shall not be construed to prevent or limit a payment from the fund that is permitted under section 3, 8, 9, 10 or 11 of this Schedule or under section 22.2 of this Regulation.

TRANSFERRING ASSETS FROM THE FUND

7. (1) The owner of a life income fund that is governed by this Schedule may transfer any or all of the assets in it either to another life income fund that is governed by this Schedule or to purchase an immediate life annuity that meets the requirements of section 22 of this Regulation.

(2) In the contract governing the fund, the financial institution must agree to make such a transfer within 30 days after the owner requests it. This does not apply with respect to the transfer of assets held as securities whose term of investment extends beyond the 30-day period.

(3) If assets in the fund consist of identifiable and transferable securities, the financial institution may transfer the securities with the consent of the owner.

(4) For the purposes of the purchase of an immediate life annuity referred to in subsection (1), a determination as to whether the owner has a spouse is to be made on the date the annuity is purchased.

(5) Payments under a life annuity are subject to division in accordance with the terms of an order under the *Family Law Act* or a domestic contract as defined in Part IV of that Act.

WITHDRAWALS FROM THE FUND

8. (1) This section applies if assets are transferred into a life income fund that is governed by this Schedule (the "receiving fund") from a pension fund, a locked-in retirement account, a locked-in retirement income fund or another life income fund.

(2) The owner of the receiving fund may, upon application in accordance with this section, either withdraw from the fund or transfer from it to an RRSP or RRIF an amount representing up to 25 per cent of the total market value of the assets transferred into the fund.

(3) Despite subsection (2), if the assets are transferred into the receiving fund from another life income fund that is governed by this Schedule, the owner cannot make a withdrawal or transfer described in subsection (2) unless the transfer into the receiving fund was made in accordance with the terms of an order under the *Family Law Act* or a domestic contract as defined in Part IV of that Act.

(4) An application for a withdrawal or transfer described in subsection (2) must be given to the financial institution that administers the receiving fund within 60 days after the assets are transferred into the fund.

(5) The application must be made on a form approved by the Superintendent.

(6) The application form must be signed by the owner and accompanied by one of the following documents:

1. A declaration described in section 12 about a spouse.
2. A statement signed by the owner attesting to the fact that none of the money in the fund is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner.

(7) If assets in the receiving fund consist of identifiable and transferable securities, the financial institution may transfer the securities with the consent of the owner.

(8) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:

1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment or transfer from the fund in accordance with this section.
3. The financial institution is required to make the payment or transfer to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.

9. (1) The owner of a life income fund that is governed by this Schedule may, upon application in accordance with this section, withdraw all the money in the fund or transfer the assets to an RRSP or RRIF if, when the owner signs the application,

- (a) he or she is at least 55 years of age; and
- (b) the value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by him or her is less than 40 per cent of the Year's Maximum Pensionable Earnings for that calendar year.

(2) An application for the withdrawal or transfer from the fund must be given to the financial institution that administers the fund.

(3) The application must be made on a form approved by the Superintendent.

(4) The application form must be signed by the owner and accompanied by one of the following documents:

1. A declaration described in section 12 about a spouse.
 2. A statement signed by the owner attesting to the fact that none of the money in the fund is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner.
- (5) If assets in the fund consist of identifiable and transferable securities, the financial institution may transfer the securities with the consent of the owner.
- (6) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:
1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
 2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment or transfer from the fund in accordance with this section.
 3. The value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by the owner when he or she signs the application under this section is to be determined using the most recent statement about each fund or account given to the owner. Each such statement must be dated within one year before the owner signs the application.
 4. The financial institution is required to make the payment or transfer to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying document.
10. (1) The owner of a life income fund that is governed by this Schedule may, upon application in accordance with this section, withdraw all the money in the fund,
- (a) if, when the owner signs the application, he or she is a non-resident of Canada as determined by the Canada Revenue Agency for the purposes of the *Income Tax Act* (Canada); and
 - (b) if the application is made at least 24 months after his or her date of departure from Canada.
- (2) An application to withdraw the money from the fund must be given to the financial institution that administers the fund.
- (3) The application must be made on a form approved by the Superintendent.
 - (4) The application form must be signed by the owner and accompanied by the following documents:
 1. A written determination from the Canada Revenue Agency that the person is a non-resident for the purposes of the *Income Tax Act* (Canada).
 2. Either a declaration described in section 12 about a spouse or a statement signed by the owner attesting to the fact that none of the money in the fund is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner.
- (5) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:
1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
 2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment from the fund in accordance with this section.
 3. The financial institution is required to make the payment to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.
11. (1) The owner of a life income fund that is governed by this Schedule may, upon application in accordance with this section, withdraw all or part of the money in the fund if, when the owner signs the application, he or she has an illness or physical disability that is likely to shorten his or her life expectancy to less than two years.
- (2) An application to withdraw money from the fund must be given to the financial institution that administers the fund.
 - (3) The application must be made on a form approved by the Superintendent.
 - (4) The application form must be signed by the owner and be accompanied by the following documents:
 1. A statement signed by a physician who is licensed to practise medicine in a jurisdiction in Canada that, in the opinion of the physician, the owner has an illness or physical disability that is likely to shorten his or her life expectancy to less than two years.
 2. Either a declaration described in section 12 about a spouse or a statement signed by the owner attesting to the fact that none of the money in the fund is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner.

(5) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:

1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment from the fund in accordance with this section.
3. The financial institution is required to make the payment to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.
12. Any of the following documents constitutes a declaration about a spouse for the purposes of a withdrawal or transfer under section 8, 9, 10 or 11 from a life income fund that is governed by this Schedule:
 1. A statement signed by the owner's spouse, if any, that the spouse consents to the withdrawal or transfer from the fund.
 2. A statement signed by the owner attesting to the fact that he or she does not have a spouse.
 3. A statement signed by the owner attesting to the fact that he or she is living separate and apart from his or her spouse on the date the owner signs the application to make the withdrawal or transfer from the fund.
13. (1) If the owner of a life income fund that is governed by this Schedule is required by section 8, 9, 10 or 11 to give a document to a financial institution and if the document is one that must be signed by the owner or by his or her spouse, the document is a nullity if it is signed by the owner or the spouse more than 60 days before the financial institution receives it.

(2) When the financial institution receives a document required by section 8, 9, 10 or 11, the financial institution shall give the owner of the life income fund a receipt for the document stating the date on which it was received.

SURVIVOR'S BENEFITS

14. (1) Upon the death of the owner of a life income fund that is governed by this Schedule, the owner's spouse or, if there is none or if the spouse is otherwise disentitled, the owner's named beneficiary or, if there is none, the owner's estate is entitled to receive a benefit equal to the value of the assets in the fund.

(2) The benefit described in subsection (1) may be transferred to an RRSP or an RRIF in accordance with the *Income Tax Act* (Canada).

(3) A spouse of the owner is not entitled to receive the value of the assets in the fund unless the owner was a member or former member of a pension plan from which assets were transferred directly or indirectly to purchase the fund.

(4) A spouse who is living separate and apart from the owner on the date of the owner's death is not entitled to receive the value of the assets in the fund.

(5) For the purposes of subsection (1), a determination as to whether the owner has a spouse is to be made on the date of the owner's death.

(6) For the purposes of subsection (1), the value of the assets in the fund includes all accumulated investment earnings, including any unrealized capital gains and losses, of the fund from the date of death until the date of payment.
15. (1) A spouse of the owner of a life income fund that is governed by this Schedule may waive his or her entitlement to receive the survivor's benefit described in section 14 from the fund by delivering to the financial institution a written waiver in a form approved by the Superintendent.

(2) A spouse who has delivered a waiver under subsection (1) may cancel it by delivering a written and signed notice of cancellation to the financial institution before the date of the death of the owner of the fund.

AMENDING THE FUND

16. (1) In the contract governing a life income fund that is governed by this Schedule, the financial institution providing the fund must agree not to amend the contract except as provided in this section.

(2) The financial institution must give the owner of the fund at least 90 days notice of a proposed amendment, other than an amendment described in subsection (3).

(3) The financial institution must not amend the contract governing the fund if the amendment would result in a reduction in the owner's rights under the contract unless,

 - (a) the financial institution is required by law to make the amendment; and
 - (b) the owner is entitled to transfer the assets in the fund under the terms of the contract that exist before the amendment is made.

(4) When making an amendment described in subsection (3), the financial institution must notify the owner of the fund of the nature of the amendment and allow the owner at least 90 days after the notice is given to transfer all or part of the assets in the fund.

(5) Notices under this section must be sent by registered mail to the owner's address as set out in the records of the financial institution.

INFORMATION TO BE PROVIDED BY THE FINANCIAL INSTITUTION

17. (1) In the contract governing a life income fund that is governed by this Schedule, the financial institution must agree to provide the information described in this section to the person indicated.

(2) At the beginning of each fiscal year, the following information must be provided to the owner:

1. With respect to the previous fiscal year: the sums deposited, any accumulated investment earnings including any unrealized capital gains or losses, the payments made out of the fund and the fees charged against the fund.
2. The value of the assets in the fund as of the beginning of the fiscal year.
3. The minimum amount that must be paid out of the fund to the owner during the current fiscal year.
4. The maximum amount that may be paid out of the fund to the owner during the current fiscal year.

(3) If the assets in the fund are transferred as described in subsection 7 (1), the owner must be given the information described in subsection (2) determined as of the date of the transfer.

(4) Upon the death of the owner, the person entitled to receive the assets in the fund must be given the information described in subsection (2) determined as of the date of the owner's death.

11. (1) Section 1 of Schedule 2 to the Regulation is revoked and the following substituted:

1. (1) A locked-in retirement income fund cannot be purchased after December 31, 2008.

(2) After December 31, 2008, money cannot be transferred into a locked-in retirement income fund from a pension fund, another locked-in retirement income fund, a life income fund, a locked-in retirement account or a life annuity that meets the requirements of section 22 of this Regulation.

(2) The French version of subsection 2 (3) of Schedule 2 to the Regulation is amended by striking out "les placements de l'actif du fonds" at the end and substituting "le placement de l'actif du fonds".

(3) Subsection 2 (4) of Schedule 2 to the Regulation is amended by striking out "a locked-in retirement income fund" and substituting "the fund".

(4) Subsection 6 (8) of Schedule 2 to the Regulation is amended by striking out "section 3, 8 or 9" and substituting "section 3, 8, 8.1 or 9".

(5) Clauses 7 (1) (a) and (b) of Schedule 2 to the Regulation are revoked and the following substituted:

(a) to a life income fund that is governed by Schedule 1.1;

(6) Clause 7 (1) (d) of Schedule 2 to the Regulation is amended by striking out "69 years of age" and substituting "71 years of age".

(7) Subsection 7 (1) of Schedule 2 to the Regulation is amended by striking out "or" at the end of clause (c) and by adding the following clauses:

(e) before January 1, 2009 to a life income fund that is governed by Schedule 1; or

(f) before January 1, 2009 to another locked-in retirement income fund.

(8) Section 7 of Schedule 2 to the Regulation is amended by adding the following subsections:

(1.1) For the purposes of the life annuity referred to in clause (1) (c), a determination as to whether the owner has a spouse is to be made on the date the annuity is purchased.

(1.2) Payments under a life annuity referred to in clause (1) (c) are subject to division in accordance with the terms of an order under the *Family Law Act* or a domestic contract as defined in Part IV of that Act.

(9) Subsections 8 (1) and (2) of Schedule 2 to the Regulation are revoked and the following substituted:

(1) The owner of a locked-in retirement income fund may, upon application in accordance with this section, withdraw all the money in the fund or transfer the assets to an RRSP or RRIF if, when the owner signs the application,

(a) he or she is at least 55 years of age; and

(b) the value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by him or her is less than 40 per cent of the Year's Maximum Pensionable Earnings for that calendar year.

(2) An application for the withdrawal or transfer from the fund must be given to the financial institution that administers the fund.

(10) Subsection 8 (5) of Schedule 2 to the Regulation is revoked and the following substituted:

(5) If assets in the fund consist of identifiable and transferable securities, the financial institution may transfer the securities with the consent of the owner.

(6) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:

1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment or transfer from the fund in accordance with this section.
3. The value of all assets in all life income funds, locked-in retirement income funds and locked-in retirement accounts owned by the owner when he or she signs the application under this section is to be determined using the most recent statement about each fund or account given to the owner. Each such statement must be dated within one year before the owner signs the application.
4. The financial institution is required to make the payment or transfer to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying document.

(11) Schedule 2 to the Regulation is amended by adding the following section:

8.1 (1) The owner of a locked-in retirement income fund may, upon application in accordance with this section, withdraw all the money in the fund,

- (a) if, when the owner signs the application, he or she is a non-resident of Canada as determined by the Canada Revenue Agency for the purposes of the *Income Tax Act* (Canada); and
- (b) if the application is made at least 24 months after his or her date of departure from Canada.

(2) An application to withdraw the money from the fund must be given to the financial institution that administers the fund.

(3) The application must be made on a form approved by the Superintendent.

(4) The application form must be signed by the owner and accompanied by the following documents:

1. A written determination from the Canada Revenue Agency that the person is a non-resident for the purposes of the *Income Tax Act* (Canada).
2. Either a declaration described in section 10 about a spouse or a statement signed by the owner attesting to the fact that none of the money in the fund is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner.

(5) The contract governing the fund must include the following terms and, if it does not, the contract is deemed to include them:

1. The financial institution is entitled to rely upon the information provided by the owner in an application made under this section.
2. An application that meets the requirements of this section constitutes authorization to the financial institution to make the payment from the fund in accordance with this section.
3. The financial institution is required to make the payment to which the owner is entitled under this section within 30 days after the financial institution receives the completed application form and accompanying documents.

(12) Paragraph 2 of subsection 9 (5) of Schedule 2 to the Regulation is amended by striking out “to pay money to the owner from the fund” and substituting “to make the payment from the fund”.

(13) Paragraph 3 of subsection 9 (5) of Schedule 2 to the Regulation is amended by striking out “the payments” and substituting “the payment”.

(14) Section 10 of Schedule 2 to the Regulation is revoked and the following substituted:

10. Any of the following documents constitutes a declaration about a spouse for the purposes of a withdrawal or transfer under section 8, 8.1 or 9 from a locked-in retirement income fund:

1. A statement signed by the owner's spouse, if any, that the spouse consents to the withdrawal or transfer from the fund.
2. A statement signed by the owner attesting to the fact that he or she does not have a spouse.
3. A statement signed by the owner attesting to the fact that he or she is living separate and apart from his or her spouse on the date the owner signs the application to make the withdrawal or transfer from the fund.

(15) Subsection 11 (1) of Schedule 2 to the Regulation is amended by striking out “If the owner of a locked-in retirement income fund is required to give a document to a financial institution under section 8 or 9” at the beginning and substituting “If the owner of a locked-in retirement income fund is required by section 8, 8.1 or 9 to give a document to a financial institution”.

(16) Subsection 11 (2) of Schedule 2 to the Regulation is amended by striking out “required under section 8 or 9” and substituting “required by section 8, 8.1 or 9”.

(17) Subsection 12 (1) of Schedule 2 to the Regulation is amended by striking out “the owner’s spouse or, if there is none” and substituting “the owner’s spouse or, if there is none or if the spouse is otherwise disentitled”.

(18) Section 12 of Schedule 2 to the Regulation is amended by adding the following subsections:

(1.1) The benefit described in subsection (1) may be transferred to an RRSP or an RRIF in accordance with the *Income Tax Act* (Canada).

(5) For the purposes of subsection (1), the value of the assets in the fund includes all accumulated investment earnings, including any unrealized capital gains and losses, of the fund from the date of death until the date of payment.

(19) Schedule 2 to the Regulation is amended by adding the following section:

12.1 (1) A spouse of the owner of a locked-in retirement income fund may waive his or her entitlement to receive the survivor’s benefit described in section 12 from the fund by delivering to the financial institution a written waiver in a form approved by the Superintendent.

(2) A spouse who has delivered a waiver under subsection (1) may cancel it by delivering a written and signed notice of cancellation to the financial institution before the date of the death of the owner of the fund.

(20) Paragraph 1 of subsection 14 (2) of Schedule 2 to the Regulation is revoked and the following substituted:

1. With respect to the previous fiscal year: the sums deposited, any accumulated investment earnings including any unrealized capital gains or losses, the payments made out of the fund and the fees charged against the fund.

12. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) The following provisions come into force on January 1, 2008:

1. Section 1.

2. Sections 2, 3, 5 and 7.

3. Subsections 9 (1), (2), (4), (6) to (17), (19), (22) to (25) and (28) to (36).

4. Section 10.

5. Subsections 11 (3) to (5), (7), (9) to (11) and (14) to (20).

(3) Subsections 9 (3) and 11 (1) come into force on January 1, 2009.

RÈGLEMENT DE L'ONTARIO 416/07

pris en application de la

LOI SUR LES RÉGIMES DE RETRAITE

pris le 25 juillet 2007

déposé le 27 juillet 2007

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modifiant le Règl. 909 des R.R.O. de 1990

(Dispositions générales)

Remarque : Le Règlement 909 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. (1) La définition de «fonds de revenu viager» au paragraphe 1 (1) du Règlement 909 des Règlements refondus de l'Ontario de 1990 est abrogée et remplacée par ce qui suit :

«fonds de revenu viager» FERR qui satisfait aux exigences de l'annexe 1 ou de l'annexe 1.1. («life income fund»)

(2) Le paragraphe 1 (1) du Règlement est modifié par adjonction de la définition suivante :

«fonds de revenu viager régi par la présente annexe» FERR qui satisfait aux exigences de l'annexe 1 ou de l'annexe 1.1, selon le cas. («life income fund that is governed by this Schedule»)

2. (1) Le sous-alinéa 21 (2) a) (v) du Règlement est modifié par substitution de «aux articles 22.2 à 22.5» à «aux articles 22.2 à 22.4» à la fin du sous-alinéa.

(2) L'alinéa 21 (2) d) du Règlement est modifié par substitution de «les articles 22.2 à 22.5» à «les articles 22.2 à 22.4».

(3) L'alinéa 21 (2) h) du Règlement est abrogé et remplacé par ce qui suit :

h) au décès du titulaire du compte, son conjoint ou, s'il n'en a pas ou si le conjoint est inadmissible par ailleurs, son bénéficiaire désigné ou, s'il n'en a pas désigné, sa succession a droit à une prestation égale à la valeur de l'actif du compte.

(4) L'article 21 du Règlement est modifié par adjonction des paragraphes suivants :

(2.2) La prestation visée à l'alinéa (2) h) peut être transférée dans un REÉR ou un FERR conformément à la *Loi de l'impôt sur le revenu* (Canada).

(2.3) Le conjoint du titulaire d'un compte de retraite avec immobilisation des fonds n'a droit, aux termes de l'alinéa (2) h), à la valeur de l'actif du compte que si le titulaire était un participant ou un ancien participant à un régime duquel des éléments d'actif ont été transférés, directement ou indirectement, afin de constituer le compte.

(2.4) Le conjoint qui vit séparé de corps du titulaire d'un compte de retraite avec immobilisation des fonds à la date du décès de celui-ci n'a pas droit, aux termes de l'alinéa (2) h), à la valeur de l'actif du compte.

(2.5) Le conjoint du titulaire d'un compte de retraite avec immobilisation des fonds peut renoncer à son droit de toucher la prestation de survivant visée à l'alinéa (2) h) qui est prélevée sur le compte en remettant à l'institution financière une renonciation écrite sous la forme approuvée par le surintendant.

(2.6) Le conjoint qui a remis la renonciation visée au paragraphe (2.5) peut l'annuler en remettant un avis d'annulation écrit et signé à l'institution financière avant la date du décès du titulaire du compte.

(2.7) Pour l'application de l'alinéa (2) h), la question de savoir si le titulaire du compte a un conjoint est tranchée à la date de décès du titulaire.

(2.8) Pour l'application de l'alinéa (2) h), la valeur de l'actif du compte comprend tous les revenus de placement accumulés du compte, y compris les gains et pertes en capital non réalisés, de la date du décès à la date du paiement.

3. (1) Le paragraphe 22.1 (1) du Règlement est modifié par substitution de «des articles 22.2 à 22.5» à «des articles 22.2 à 22.4».

(2) Le paragraphe 22.1 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) L'un ou l'autre des documents suivants constitue une déclaration relative au conjoint aux fins d'un retrait ou d'un transfert effectué aux termes de l'article 22.3, 22.4 ou 22.5 à partir d'un compte de retraite avec immobilisation des fonds :

1. Une déclaration signée par le conjoint du titulaire du compte, s'il en a un, selon laquelle il consent au retrait ou au transfert.
2. Une déclaration signée par le titulaire du compte dans laquelle il atteste qu'il n'a pas de conjoint.
3. Une déclaration signée par le titulaire du compte dans laquelle il atteste qu'il vit séparé de corps de son conjoint à la date où il signe la demande de retrait ou de transfert.

(3) Le paragraphe 22.1 (3) du Règlement est modifié par substitution de «Le document que le titulaire d'un compte de retraite avec immobilisation des fonds est tenu par l'article 22.3, 22.4 ou 22.5 de présenter à une institution financière» à «Le document que le titulaire d'un compte de retraite avec immobilisation des fonds est tenu de présenter à une institution financière aux termes de l'article 22.3 ou 22.4» au début du paragraphe.

(4) Le paragraphe 22.1 (4) du Règlement est modifié par substitution de «exigé par l'article 22.3, 22.4 ou 22.5» à «exigé par l'article 22.3 ou 22.4».

4. (1) La disposition 2 du paragraphe 22.2 (8) du Règlement est modifiée par substitution de «à faire le paiement à partir du fonds ou du compte, selon le cas,» à «à payer une somme sur le fonds ou le compte, selon le cas, au titulaire».

(2) La disposition 3 du paragraphe 22.2 (8) du Règlement est modifiée par substitution de «le paiement auquel» à «les paiements auxquels».

5. (1) Les paragraphes 22.3 (1) et (2) du Règlement sont abrogés et remplacés par ce qui suit :

(1) Le titulaire d'un compte de retraite avec immobilisation des fonds peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le compte ou transférer l'actif dans un REÉR ou un FERR si les conditions suivantes sont réunies lorsqu'il signe la demande :

- a) il a au moins 55 ans;
- b) la valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds dont il est le titulaire représente moins de 40 pour cent du maximum des gains annuels ouvrant droit à pension pour l'année civile.

(2) La demande de retrait ou de transfert à partir du compte est présentée à l'institution financière qui administre le compte.

(2) Le paragraphe 22.3 (5) du Règlement est abrogé et remplacé par ce qui suit :

(5) Si des éléments d'actif du compte sont des valeurs mobilières identifiables et transférables, l'institution financière peut transférer celles-ci avec le consentement du titulaire.

(6) Le contrat qui régit le compte comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :

1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.
2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement ou le transfert à partir du compte conformément au présent article.
3. La valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds que détient le titulaire lorsqu'il signe la demande visée au présent article doit être calculée à l'aide du plus récent relevé relatif à chaque fonds ou compte qu'il a reçu, la date de chacun de ces relevés devant tomber dans l'année qui précède la signature de la demande par le titulaire.
4. L'institution financière est tenue de faire le paiement ou le transfert auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.

6. (1) La disposition 2 du paragraphe 22.4 (5) du Règlement est modifiée par substitution de «à faire le paiement à partir du compte» à «à payer une somme sur le compte au titulaire».

(2) La disposition 3 du paragraphe 22.4 (5) du Règlement est modifiée par substitution de «le paiement auquel» à «les paiements auxquels».

7. Le Règlement est modifié par adjonction de l'article suivant :

22.5 (1) Le titulaire d'un compte de retraite avec immobilisation des fonds peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le compte si les conditions suivantes sont réunies :

- a) lorsqu'il signe la demande, il ne réside pas au Canada, selon ce que détermine l'Agence du revenu du Canada pour l'application de la *Loi de l'impôt sur le revenu* (Canada);
- b) il présente sa demande au moins 24 mois après sa date de départ du Canada.

(2) La demande de retrait de l'argent qui se trouve dans le compte est présentée à l'institution financière qui administre le compte.

(3) La demande est rédigée selon la formule approuvée par le surintendant.

(4) La formule de demande porte la signature du titulaire et est accompagnée des documents suivants :

1. Une détermination écrite de l'Agence du revenu du Canada selon laquelle la personne est un non-résident pour l'application de la *Loi de l'impôt sur le revenu* (Canada).
2. Soit la déclaration relative au conjoint visée au paragraphe 22.1 (2), soit une déclaration signée par le titulaire dans laquelle il atteste que l'argent qui se trouve dans le compte ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque de ses emplois.

(5) Le contrat qui régit le compte comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :

1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.
2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement à partir du compte conformément au présent article.
3. L'institution financière est tenue de faire le paiement auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.

8. Le paragraphe 89 (3) du Règlement est modifié par adjonction de l'alinéa suivant :

- d.1) le versement d'une prestation ontarienne pour enfants aux termes de l'article 8.6.2 de la *Loi de l'impôt sur le revenu* ou de l'article 104 de la *Loi de 2007 sur les impôts*;

9. (1) Le titre de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :

ANNEXE 1
FONDS DE REVENU VIAGER RÉGIS PAR LA PRÉSENTE ANNEXE

(2) Le paragraphe 1 (1) de l'annexe 1 du Règlement est modifié par substitution de ce qui suit au passage qui précède la disposition 1 :

- (1) Les personnes suivantes peuvent constituer, conformément au présent article, un fonds de revenu viager régi par la présente annexe.

(3) L'article 1 de l'annexe 1 du Règlement, tel qu'il est modifié par le paragraphe (2), est abrogé et remplacé par ce qui suit :

1. (1) Un fonds de revenu viager régi par la présente annexe ne peut pas être constitué après le 31 décembre 2008.

(2) Après le 31 décembre 2008, des sommes d'argent ne peuvent pas être transférées dans un fonds de revenu viager régi par la présente annexe à partir d'une caisse de retraite, d'un autre fonds de revenu viager, d'un compte de retraite avec immobilisation des fonds, d'un fonds de revenu de retraite immobilisé ou d'une rente viagère qui satisfait aux exigences de l'article 22 du présent règlement.

(4) Le paragraphe 2 (1) de l'annexe 1 du Règlement est modifié par substitution de «un fonds de revenu viager régi par la présente annexe» à «un fonds de revenu viager».**(5) La version française du paragraphe 2 (3) de l'annexe 1 du Règlement est modifiée par substitution de «le placement de l'actif du fonds» à «les placements de l'actif du fonds» à la fin du paragraphe.****(6) Le paragraphe 2 (4) de l'annexe 1 du Règlement est modifié par substitution de «du fonds» à «du fonds de revenu viager».****(7) Le paragraphe 3 (1) de l'annexe 1 du Règlement est modifié par substitution de «un fonds de revenu viager régi par la présente annexe» à «un fonds de revenu viager».****(8) Le paragraphe 3 (2) de l'annexe 1 du Règlement est modifié par substitution de «un fonds de revenu viager régi par la présente annexe» à «un fonds de revenu viager».****(9) L'article 4 de l'annexe 1 du Règlement est modifié par substitution de «d'un fonds de revenu viager régi par la présente annexe» à «du fonds de revenu viager».****(10) Le paragraphe 5 (1) de l'annexe 1 du Règlement est modifié par substitution de «un fonds de revenu viager régi par la présente annexe» à «le fonds de revenu viager».****(11) Le paragraphe 6 (1) de l'annexe 1 du Règlement est modifié par substitution de «prélevé, au cours d'un exercice, sur un fonds de revenu viager régi par la présente annexe» à «prélevé sur le fonds de revenu viager au cours d'un exercice» dans le passage qui précède la formule.****(12) La disposition 1 du paragraphe 6 (2) de l'annexe 1 du Règlement est abrogée.****(13) La disposition 2 du paragraphe 6 (2) de l'annexe 1 du Règlement est modifiée par suppression de «Si l'exercice commence le 1^{er} janvier 2001 ou après cette date,» au début de la disposition.****(14) Le paragraphe 6 (3) de l'annexe 1 du Règlement est modifié par substitution de «d'un autre fonds de revenu viager régi par la présente annexe» à «d'un autre fonds de revenu viager».****(15) Le paragraphe 6 (7) de l'annexe 1 du Règlement est modifié par substitution de «l'article 3, 9, 9.1 ou 10» à «l'article 3, 9 ou 10».****(16) Le paragraphe 7 (1) de l'annexe 1 du Règlement est modifié par substitution de «d'un fonds de revenu viager régi par la présente annexe» à «d'un fonds de revenu viager» dans le passage qui précède l'alinéa a).****(17) Les alinéas 7 (1) a) et b) de l'annexe 1 du Règlement sont abrogés et remplacés par ce qui suit :**

- a) dans un fonds de revenu viager régi par l'annexe 1.1;

(18) L'alinéa 7 (1) d) de l'annexe 1 du Règlement est modifié par substitution de «l'âge de 71 ans» à «l'âge de 69 ans».

(19) Le paragraphe 7 (1) de l'annexe 1 du Règlement est modifié par adjonction des alinéas suivants :

- e) avant le 1^{er} janvier 2009, dans un fonds de revenu de retraite immobilisé;
- f) avant le 1^{er} janvier 2009, dans un autre fonds de revenu viager régi par la présente annexe.

(20) L'article 7 de l'annexe 1 du Règlement est modifié par adjonction des paragraphes suivants :

(1.1) Aux fins de la rente viagère visée à l'alinéa (1) c), la question de savoir si le titulaire a un conjoint est tranchée à la date de constitution de la rente.

(1.2) Les paiements effectués aux termes d'une rente viagère visée à l'alinéa (1) c) peuvent être partagés conformément aux conditions d'une ordonnance prévue par la *Loi sur le droit de la famille* ou d'un contrat familial au sens de la partie IV de cette loi.

(21) L'article 8 de l'annexe 1 du Règlement est abrogé.**(22) Les paragraphes 9 (1) et (2) de l'annexe 1 du Règlement sont abrogés et remplacés par ce qui suit :**

(1) Le titulaire d'un fonds de revenu viager régi par la présente annexe peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le fonds ou transférer l'actif dans un REÉR ou un FERR si les conditions suivantes sont réunies lorsqu'il signe la demande :

- a) il a au moins 55 ans;
- b) la valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds dont il est le titulaire représente moins de 40 pour cent du maximum des gains annuels ouvrant droit à pension pour l'année civile.

(2) La demande de retrait ou de transfert à partir du fonds est présentée à l'institution financière qui administre le fonds.

(23) Le paragraphe 9 (5) de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :

(5) Si des éléments d'actif du fonds sont des valeurs mobilières identifiables et transférables, l'institution financière peut transférer celles-ci avec le consentement du titulaire.

(6) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :

1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.
2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement ou le transfert à partir du compte conformément au présent article.
3. La valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds que détient le titulaire lorsqu'il signe la demande visée au présent article doit être calculée à l'aide du plus récent relevé relatif à chaque fonds ou compte qu'il a reçu, la date de chacun de ces relevés devant tomber dans l'année qui précède la signature de la demande par le titulaire.
4. L'institution financière est tenue de faire le paiement ou le transfert auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.

(24) L'annexe 1 du Règlement est modifiée par adjonction de l'article suivant :

9.1 (1) Le titulaire d'un fonds de revenu viager régi par la présente annexe peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le fonds si les conditions suivantes sont réunies :

- a) lorsqu'il signe la demande, il ne réside pas au Canada, selon ce que détermine l'Agence du revenu du Canada pour l'application de la *Loi de l'impôt sur le revenu* (Canada);
- b) il présente sa demande au moins 24 mois après sa date de départ du Canada.

(2) La demande de retrait de l'argent qui se trouve dans le fonds est présentée à l'institution financière qui administre le fonds.

(3) La demande est rédigée selon la formule approuvée par le surintendant.

(4) La formule de demande porte la signature du titulaire et est accompagnée des documents suivants :

1. Une détermination écrite de l'Agence du revenu du Canada selon laquelle la personne est un non-résident pour l'application de la *Loi de l'impôt sur le revenu* (Canada).
2. Soit la déclaration relative au conjoint visée à l'article 11, soit une déclaration signée par le titulaire dans laquelle il atteste que l'argent qui se trouve dans le fonds ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque de ses emplois.

- (5) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :
1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.
 2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement à partir du fonds conformément au présent article.
 3. L'institution financière est tenue de faire le paiement auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.

(25) Le paragraphe 10 (1) de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :

(1) Le titulaire d'un fonds de revenu viager régi par la présente annexe peut, sur présentation d'une demande conformément au présent article, retirer tout ou partie de l'argent qui se trouve dans le fonds si, lorsqu'il signe la demande, il souffre d'une maladie ou d'une incapacité physique qui ramènera vraisemblablement son espérance de vie à moins de deux ans.

(26) La disposition 2 du paragraphe 10 (5) de l'annexe 1 du Règlement est modifiée par substitution de «à faire le paiement à partir du fonds» à «à payer une somme sur le fonds au titulaire».

(27) La disposition 3 du paragraphe 10 (5) de l'annexe 1 du Règlement est modifiée par substitution de «le paiement auquel» à «les paiements auxquels».

(28) L'article 11 de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :

11. L'un ou l'autre des documents suivants constitue une déclaration relative au conjoint aux fins d'un retrait ou d'un transfert effectué aux termes de l'article 9, 9.1 ou 10 à partir d'un fonds de revenu viager régi par la présente annexe :

1. Une déclaration signée par le conjoint du titulaire, s'il en a un, selon laquelle il consent au retrait ou au transfert.
2. Une déclaration signée par le titulaire dans laquelle il atteste qu'il n'a pas de conjoint.
3. Une déclaration signée par le titulaire dans laquelle il atteste qu'il vit séparé de corps de son conjoint à la date où il signe la demande de retrait ou de transfert.

(29) Le paragraphe 12 (1) de l'annexe 1 du Règlement est modifié par substitution de «Le document que le titulaire d'un fonds de revenu viager régi par la présente annexe est tenu par l'article 9, 9.1 ou 10 de présenter à une institution financière» à «Le document que le titulaire d'un fonds de revenu viager est tenu de présenter à une institution financière aux termes de l'article 9 ou 10» au début du paragraphe.

(30) Le paragraphe 12 (2) de l'annexe 1 du Règlement est modifié par substitution de «exigé par l'article 9, 9.1 ou 10» à «exigé par l'article 9 ou 10».

(31) Le paragraphe 13 (1) de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :

(1) Au décès du titulaire d'un fonds de revenu viager régi par la présente annexe, son conjoint ou, s'il n'en a pas ou si le conjoint est inadmissible par ailleurs, son bénéficiaire désigné ou, s'il n'en a pas désigné, sa succession a droit à une prestation égale à la valeur de l'actif du fonds.

(1.1) La prestation visée au paragraphe (1) peut être transférée dans un REÉR ou un FERR conformément à la *Loi de l'impôt sur le revenu* (Canada).

(32) L'article 13 de l'annexe 1 du Règlement est modifié par adjonction du paragraphe suivant :

(5) Pour l'application du paragraphe (1), la valeur de l'actif du fonds comprend tous les revenus de placement accumulés du fonds, y compris les gains et pertes en capital non réalisés, de la date du décès à la date du paiement.

(33) L'annexe 1 du Règlement est modifiée par adjonction de l'article suivant :

13.1 (1) Le conjoint du titulaire d'un fonds de revenu viager régi par la présente annexe peut renoncer à son droit de toucher la prestation de survivant visée à l'article 13 qui est prélevée sur le fonds en remettant à l'institution financière une renonciation écrite sous la forme approuvée par le surintendant.

(2) Le conjoint qui a remis la renonciation visée au paragraphe (1) peut l'annuler en remettant un avis d'annulation écrit et signé à l'institution financière avant la date du décès du titulaire du fonds.

(34) Le paragraphe 14 (1) de l'annexe 1 du Règlement est modifié par substitution de «un fonds de revenu viager régi par la présente annexe» à «un fonds de revenu viager».

(35) Le paragraphe 15 (1) de l'annexe 1 du Règlement est modifié par substitution de «un fonds de revenu viager régi par la présente annexe» à «un fonds de revenu viager».

(36) La disposition 1 du paragraphe 15 (2) de l'annexe 1 du Règlement est abrogée et remplacée par ce qui suit :

1. Relativement à l'exercice précédent : les sommes déposées, tout revenu de placement accumulé, y compris tout gain en capital ou toute perte en capital non réalisé, les sommes prélevées sur le fonds et les frais débités.

10. Le Règlement est modifié par adjonction de l'annexe suivante :

ANNEXE 1.1
FONDS DE REVENU VIAGER RÉGIS PAR LA PRÉSENTE ANNEXE

ÉTABLISSEMENT DU FONDS

1. (1) Les personnes suivantes peuvent constituer, conformément au présent article, un fonds de revenu viager régi par la présente annexe :

1. L'ancien participant qui a le droit d'effectuer le transfert visé à l'alinéa 42 (1) b) de la Loi.
2. Le conjoint ou l'ancien conjoint d'une personne qui était un participant, s'il a le droit d'effectuer le transfert visé à l'alinéa 42 (1) b) de la Loi.
3. Toute personne qui a déjà transféré un montant dans un fonds de revenu viager, un compte de retraite avec immobilisation des fonds ou un fonds de revenu de retraite immobilisé aux termes de l'alinéa 42 (1) b) de la Loi.

(2) Le fonds est constitué à l'aide de la totalité ou d'une partie du montant transféré aux termes de l'alinéa 42 (1) b) de la Loi ou de la totalité ou d'une partie de l'actif d'un fonds de revenu viager, d'un compte de retraite avec immobilisation des fonds ou d'un fonds de revenu de retraite immobilisé.

(3) Le constituant ne peut constituer le fonds sans le consentement écrit de son conjoint, sous réserve de ce qui suit :

- a) le consentement d'un conjoint qui vit séparé de corps du constituant à la date de constitution du fonds n'est pas exigé;
- b) le consentement d'un conjoint n'est pas exigé si l'argent à transférer dans le fonds ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque des emplois du constituant.

2. (1) Le contrat qui établit un fonds de revenu viager régi par la présente annexe prévoit les questions visées au présent article.

(2) Il indique le nom et l'adresse de l'institution financière qui offre le fonds.

(3) Il précise les pouvoirs du titulaire, le cas échéant, concernant le placement de l'actif du fonds.

(4) Il déclare que le titulaire accepte de ne pas céder, grever, escompter ni donner en garantie une somme payable aux termes du fonds, sauf prescription d'une ordonnance prévue par la *Loi sur le droit de la famille* ou d'un contrat familial au sens de la partie IV de cette loi.

(5) Il précise la méthode utilisée pour déterminer la valeur de l'actif du fonds.

3. (1) Les sommes qui se trouvent dans un fonds de revenu viager régi par la présente annexe ne peuvent être rachetées, retirées ni cédées, en totalité ou en partie, sauf de la façon permise par l'article 49 ou 67 de la Loi, l'article 22.2 du présent règlement ou la présente annexe.

(2) Les contrats qui établissent un fonds de revenu viager régi par la présente annexe sont réputés comprendre une disposition qui énonce la restriction exposée au paragraphe (1).

4. L'exercice d'un fonds de revenu viager régi par la présente annexe se termine le 31 décembre et ne doit pas compter plus de 12 mois.

PAIEMENTS PÉRIODIQUES SUR LE FONDS

5. (1) Les paiements sur un fonds de revenu viager régi par la présente annexe commencent au plus tôt à la première date à laquelle l'ancien participant a le droit de recevoir une pension aux termes de tout régime duquel des sommes ont été transférées dans le fonds, directement ou indirectement.

(2) Les paiements sur le fonds commencent au plus tard à la fin du deuxième exercice du fonds.

(3) Chaque année, le titulaire avise l'institution financière du montant à prélever sur le fonds, à défaut de quoi le montant minimal déterminé aux termes de l'article 6 sera prélevé pour l'année en question.

(4) L'avis du montant à prélever sur le fonds est donné soit au début de l'exercice du fonds, soit à un autre moment convenu avec l'institution financière.

(5) L'avis expire à la fin de l'exercice auquel il se rapporte.

(6) La valeur de l'actif du fonds et les paiements sur celui-ci peuvent être partagés conformément aux conditions d'une ordonnance prévue par la *Loi sur le droit de la famille* ou d'un contrat familial au sens de la partie IV de cette loi.

6. (1) Le montant du revenu prélevé, au cours d'un exercice, sur un fonds de revenu viager régi par la présente annexe ne doit pas dépasser la plus élevée des sommes suivantes :

1. Le revenu de placement du fonds, y compris tout gain en capital ou toute perte en capital non réalisé, au cours de l'exercice précédent.
2. Si les sommes qui se trouvent dans le fonds («fonds d'arrivée») proviennent de sommes qui sont transférées directement d'un autre fonds de revenu viager ou d'un fonds de revenu de retraite immobilisé («fonds de départ») et que le revenu est payé sur le fonds d'arrivée pendant l'exercice qui suit celui de son établissement, le total de ce qui suit :
 - i. le revenu de placement du fonds de départ, y compris tout gain en capital ou toute perte en capital non réalisé, au cours de l'exercice précédent,
 - ii. le revenu de placement du fonds d'arrivée, y compris tout gain en capital ou toute perte en capital non réalisé, au cours de l'exercice précédent.
3. Le montant calculé selon la formule suivante :

$$C/F$$

où :

«C» représente la valeur de l'actif du fonds au début de l'exercice;

«F» représente la valeur actualisée, au début de l'exercice, d'une rente de 1 \$ payable annuellement par anticipation sur une période qui commence au début de l'exercice et qui se termine le 31 décembre de l'année au cours de laquelle le titulaire atteint l'âge de 90 ans.

(2) Les hypothèses suivantes concernant les taux d'intérêt sont utilisées pour déterminer l'élément «F» au paragraphe (1) :

1. Le taux d'intérêt pour chacun des 15 premiers exercices de la période mentionnée dans la définition de «F» est égal, selon le taux le plus élevé, à 6 pour cent ou au taux d'intérêt nominal des obligations à long terme émises par le gouvernement du Canada pour le mois de novembre de l'année précédant le début de l'exercice, lequel taux est tiré de la série V122487 du Système canadien d'information socio-économique (CANSIM), qui est établie par Statistique Canada et que l'on peut se procurer sur le site Web de la Banque du Canada.
2. Pour le seizième exercice et chacun des exercices suivants de la période mentionnée dans la définition de «F», le taux d'intérêt est de 6 pour cent.

(3) Malgré le paragraphe (1), si des sommes qui se trouvent dans le fonds proviennent de sommes transférées directement ou indirectement d'un autre fonds de revenu viager ou d'un fonds de revenu de retraite immobilisé, le montant maximal qui peut être prélevé sur le fonds est nul pour l'exercice au cours duquel les sommes y sont transférées.

(4) Si l'exercice initial du fonds compte moins de 12 mois, le montant maximal déterminé aux termes du paragraphe (1) est rajusté proportionnellement au nombre de mois compris dans cet exercice divisé par 12, toute partie d'un mois incomplet comptant pour un mois.

(5) Le montant du revenu prélevé sur le fonds au cours d'un exercice ne doit pas être inférieur au minimum prescrit pour les FERR aux termes de la *Loi de l'impôt sur le revenu* (Canada).

(6) Le minimum précisé au paragraphe (5) est prélevé sur le fonds pendant l'exercice s'il est supérieur au montant maximal déterminé aux termes du paragraphe (1), (3) ou (4).

(7) Le présent article n'a pas pour effet d'empêcher ou de restreindre le paiement d'une somme sur le fonds que permet l'article 3, 8, 9, 10 ou 11 de la présente annexe ou l'article 22.2 du présent règlement.

TRANSFERT D'ÉLÉMENTS D'ACTIF DU FONDS

7. (1) Le titulaire d'un fonds de revenu viager régi par la présente annexe peut transférer en totalité ou en partie l'actif de celui-ci soit dans un autre fonds de revenu viager régi par la présente annexe, soit afin de constituer une rente viagère immédiate qui satisfait aux exigences de l'article 22 du présent règlement.

(2) Dans le contrat qui régit le fonds, l'institution financière accepte d'effectuer le transfert dans les 30 jours qui suivent la demande du titulaire. Cette obligation ne s'applique pas au transfert d'éléments d'actif qui sont des valeurs mobilières dont la durée dépasse la période de 30 jours.

(3) Si des éléments d'actif du fonds sont des valeurs mobilières identifiables et transférables, l'institution financière peut transférer celles-ci avec le consentement du titulaire.

(4) Aux fins de la constitution de la rente viagère immédiate visée au paragraphe (1), la question de savoir si le titulaire a un conjoint est tranchée à la date de constitution de la rente.

(5) Les paiements effectués aux termes d'une rente viagère peuvent être partagés conformément aux conditions d'une ordonnance prévue par la *Loi sur le droit de la famille* ou d'un contrat familial au sens de la partie IV de cette loi.

RETRAITS DE SOMMES D'ARGENT DU FONDS

8. (1) Le présent article s'applique si des éléments d'actif sont transférés dans un fonds de revenu viager régi par la présente annexe («fonds d'arrivée») à partir d'une caisse de retraite, d'un compte de retraite avec immobilisation des fonds, d'un fonds de revenu de retraite immobilisé ou d'un autre fonds de revenu viager.

(2) Le titulaire du fonds d'arrivée peut, sur présentation d'une demande conformément au présent article, soit retirer du fonds, soit transférer de celui-ci dans un REÉR ou un FERR une somme représentant jusqu'à 25 pour cent de la valeur marchande totale des éléments d'actif transférés dans le fonds.

(3) Malgré le paragraphe (2), si les éléments d'actif sont transférés dans le fonds d'arrivée à partir d'un autre fonds de revenu viager régi par la présente annexe, le titulaire ne peut faire le retrait ou le transfert visé au paragraphe (2) que si le transfert dans le fonds d'arrivée a été effectué conformément aux conditions d'une ordonnance prévue par la *Loi sur le droit de la famille* ou d'un contrat familial au sens de la partie IV de cette loi.

(4) La demande de retrait ou de transfert visée au paragraphe (2) est présentée à l'institution financière qui administre le fonds d'arrivée, dans les 60 jours qui suivent le transfert des éléments d'actif dans le fonds.

(5) La demande est rédigée selon la formule approuvée par le surintendant.

(6) La formule de demande porte la signature du titulaire et est accompagnée de l'un ou l'autre des documents suivants :

1. La déclaration relative au conjoint visée à l'article 12.

2. Une déclaration signée par le titulaire dans laquelle il atteste que l'argent qui se trouve dans le fonds ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque de ses emplois.

(7) Si des éléments d'actif du fonds d'arrivée sont des valeurs mobilières identifiables et transférables, l'institution financière peut transférer celles-ci avec le consentement du titulaire.

(8) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :

1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.

2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement ou le transfert à partir du compte conformément au présent article.

3. L'institution financière est tenue de faire le paiement ou le transfert auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.

9. (1) Le titulaire d'un fonds de revenu viager régi par la présente annexe peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le fonds ou transférer l'actif dans un REÉR ou un FERR si les conditions suivantes sont réunies lorsqu'il signe la demande :

a) il a au moins 55 ans;

b) la valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds dont il est le titulaire représente moins de 40 pour cent du maximum des gains annuels ouvrant droit à pension pour l'année civile.

(2) La demande de retrait ou de transfert à partir du fonds est présentée à l'institution financière qui administre le fonds.

(3) La demande est rédigée selon la formule approuvée par le surintendant.

(4) La formule de demande porte la signature du titulaire et est accompagnée de l'un ou l'autre des documents suivants :

1. La déclaration relative au conjoint visée à l'article 12.

2. Une déclaration signée par le titulaire dans laquelle il atteste que l'argent qui se trouve dans le fonds ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque de ses emplois.

(5) Si des éléments d'actif du fonds sont des valeurs mobilières identifiables et transférables, l'institution financière peut transférer celles-ci avec le consentement du titulaire.

(6) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :

1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.

2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement ou le transfert à partir du compte conformément au présent article.

3. La valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds que détient le titulaire lorsqu'il signe la demande visée au présent article doit être calculée à l'aide du plus récent relevé relatif à chaque fonds ou compte qu'il a reçu, la date de chacun de ces relevés devant tomber dans l'année qui précède la signature de la demande par le titulaire.
4. L'institution financière est tenue de faire le paiement ou le transfert auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et le document qui l'accompagne.
10. (1) Le titulaire d'un fonds de revenu viager régi par la présente annexe peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le fonds si les conditions suivantes sont réunies :
 - a) lorsqu'il signe la demande, il ne réside pas au Canada, selon ce que détermine l'Agence du revenu du Canada pour l'application de la *Loi de l'impôt sur le revenu* (Canada);
 - b) il présente sa demande au moins 24 mois après sa date de départ du Canada.
- (2) La demande de retrait de l'argent qui se trouve dans le fonds est présentée à l'institution financière qui administre le fonds.
- (3) La demande est rédigée selon la formule approuvée par le surintendant.
- (4) La formule de demande porte la signature du titulaire et est accompagnée des documents suivants :
 1. Une détermination écrite de l'Agence du revenu du Canada selon laquelle la personne est un non-résident pour l'application de la *Loi de l'impôt sur le revenu* (Canada).
 2. Soit la déclaration relative au conjoint visée à l'article 12, soit une déclaration signée par le titulaire dans laquelle il atteste que l'argent qui se trouve dans le fonds ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque de ses emplois.
- (5) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :
 1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.
 2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement à partir du fonds conformément au présent article.
 3. L'institution financière est tenue de faire le paiement auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.
11. (1) Le titulaire d'un fonds de revenu viager régi par la présente annexe peut, sur présentation d'une demande conformément au présent article, retirer tout ou partie de l'argent qui se trouve dans le fonds si, lorsqu'il signe la demande, il souffre d'une maladie ou d'une incapacité physique qui ramènera vraisemblablement son espérance de vie à moins de deux ans.
- (2) La demande de retrait d'une somme d'argent du fonds est présentée à l'institution financière qui administre le fonds.
- (3) La demande est rédigée selon la formule approuvée par le surintendant.
- (4) La formule de demande porte la signature du titulaire et est accompagnée des documents suivants :
 1. Une déclaration signée par un médecin titulaire d'un permis l'autorisant à exercer la médecine dans une compétence législative du Canada selon laquelle, à son avis, le titulaire souffre d'une maladie ou d'une incapacité physique qui ramènera vraisemblablement son espérance de vie à moins de deux ans.
 2. Soit la déclaration relative au conjoint visée à l'article 12, soit une déclaration signée par le titulaire dans laquelle il atteste que l'argent qui se trouve dans le fonds ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque de ses emplois.
- (5) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :
 1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.
 2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement à partir du fonds conformément au présent article.
 3. L'institution financière est tenue de faire le paiement auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.
12. L'un ou l'autre des documents suivants constitue une déclaration relative au conjoint aux fins d'un retrait ou d'un transfert effectué aux termes de l'article 8, 9, 10 ou 11 à partir d'un fonds de revenu viager régi par la présente annexe :

1. Une déclaration signée par le conjoint du titulaire, s'il en a un, selon laquelle il consent au retrait ou au transfert.
 2. Une déclaration signée par le titulaire dans laquelle il atteste qu'il n'a pas de conjoint.
 3. Une déclaration signée par le titulaire dans laquelle il atteste qu'il vit séparé de corps de son conjoint à la date où il signe la demande de retrait ou de transfert.
13. (1) Le document que le titulaire d'un fonds de revenu viager régi par la présente annexe est tenu par l'article 8, 9, 10 ou 11 de présenter à une institution financière et qui doit porter la signature du titulaire ou de son conjoint est nul si l'un ou l'autre le signe plus de 60 jours avant le jour de sa réception par l'institution financière.
- (2) Lorsqu'elle reçoit un document exigé par l'article 8, 9, 10 ou 11, l'institution financière remet au titulaire du fonds de revenu viager un récépissé qui en indique la date de réception.

PRESTATIONS DE SURVIVANT

14. (1) Au décès du titulaire d'un fonds de revenu viager régi par la présente annexe, son conjoint ou, s'il n'en a pas ou si le conjoint est inadmissible par ailleurs, son bénéficiaire désigné ou, s'il n'en a pas désigné, sa succession a droit à une prestation égale à la valeur de l'actif du fonds.
- (2) La prestation visée au paragraphe (1) peut être transférée dans un REÉR ou un FERR conformément à la *Loi de l'impôt sur le revenu* (Canada).
- (3) Le conjoint du titulaire n'a droit à la valeur de l'actif du fonds que si le titulaire était un participant ou un ancien participant à un régime duquel des éléments d'actif ont été transférés, directement ou indirectement, afin de constituer le fonds.
- (4) Le conjoint qui vit séparé de corps du titulaire à la date du décès de celui-ci n'a pas droit à la valeur de l'actif du fonds.
- (5) Pour l'application du paragraphe (1), la question de savoir si le titulaire a un conjoint est tranchée à la date de décès du titulaire.
- (6) Pour l'application du paragraphe (1), la valeur de l'actif du fonds comprend tous les revenus de placement accumulés du fonds, y compris les gains et pertes en capital non réalisés, de la date du décès à la date du paiement.
15. (1) Le conjoint du titulaire d'un fonds de revenu viager régi par la présente annexe peut renoncer à son droit de toucher la prestation de survivant visée à l'article 14 qui est prélevée sur le fonds en remettant à l'institution financière une renonciation écrite sous la forme approuvée par le surintendant.
- (2) Le conjoint qui a remis la renonciation visée au paragraphe (1) peut l'annuler en remettant un avis d'annulation écrit et signé à l'institution financière avant la date du décès du titulaire du fonds.

MODIFICATION DU FONDS

16. (1) Dans le contrat qui régit un fonds de revenu viager régi par la présente annexe, l'institution financière qui offre le fonds accepte de ne pas modifier le contrat si ce n'est conformément au présent article.
- (2) L'institution financière donne au titulaire du fonds un préavis d'au moins 90 jours d'une modification projetée, à l'exception d'une modification visée au paragraphe (3).
- (3) L'institution financière ne doit pas modifier le contrat qui régit le fonds de façon à réduire les droits du titulaire qui y sont prévus, sauf si :
- a) d'une part, la loi exige qu'elle apporte la modification;
 - b) d'autre part, le titulaire a le droit de transférer l'actif du fonds aux termes du contrat tel qu'il existait avant la modification.
- (4) Lorsqu'elle apporte une modification visée au paragraphe (3), l'institution financière avise le titulaire du fonds de la nature de la modification et lui alloue un délai d'au moins 90 jours après la remise de l'avis pour transférer en totalité ou en partie l'actif du fonds.
- (5) Les avis prévus au présent article sont envoyés par courrier recommandé à l'adresse du titulaire qui figure dans les dossiers de l'institution financière.

RENSEIGNEMENTS À FOURNIR PAR L'INSTITUTION FINANCIÈRE

17. (1) Dans le contrat qui régit un fonds de revenu viager régi par la présente annexe, l'institution financière accepte de fournir les renseignements visés au présent article à la personne indiquée.
- (2) Au début de chaque exercice, les renseignements suivants sont fournis au titulaire :
1. Relativement à l'exercice précédent : les sommes déposées, tout revenu de placement accumulé, y compris tout gain en capital ou toute perte en capital non réalisé, les sommes prélevées sur le fonds et les frais débités.

2. La valeur de l'actif du fonds au début de l'exercice.
3. Le montant minimal qui doit être payé au titulaire sur le fonds au cours de l'exercice courant.
4. Le montant maximal qui peut être payé au titulaire sur le fonds au cours de l'exercice courant.

(3) Si l'actif du fonds est transféré de la façon prévue au paragraphe 7 (1), le titulaire reçoit les renseignements visés au paragraphe (2), lesquels sont établis à la date du transfert.

(4) Au décès du titulaire, la personne qui a droit à l'actif du fonds reçoit les renseignements visés au paragraphe (2), lesquels sont établis à la date de ce décès.

11. (1) L'article 1 de l'annexe 2 du Règlement est abrogé et remplacé par ce qui suit :

1. (1) Un fonds de revenu de retraite immobilisé ne peut pas être constitué après le 31 décembre 2008.

(2) Après le 31 décembre 2008, des sommes d'argent ne peuvent pas être transférées dans un fonds de revenu de retraite immobilisé à partir d'une caisse de retraite, d'un autre fonds de revenu de retraite immobilisé, d'un fonds de revenu viager, d'un compte de retraite avec immobilisation des fonds ou d'une rente viagère qui satisfait aux exigences de l'article 22 du présent règlement.

(2) La version française du paragraphe 2 (3) de l'annexe 2 du Règlement est modifiée par substitution de «le placement de l'actif du fonds» à «les placements de l'actif du fonds» à la fin du paragraphe.

(3) Le paragraphe 2 (4) de l'annexe 2 du Règlement est modifié par substitution de «du fonds» à «du fonds de revenu de retraite immobilisé».

(4) Le paragraphe 6 (8) de l'annexe 2 du Règlement est modifié par substitution de «l'article 3, 8, 8.1 ou 9» à «l'article 3, 8 ou 9».

(5) Les alinéas 7 (1) a) et b) de l'annexe 2 du Règlement sont abrogés et remplacés par ce qui suit :

a) dans un fonds de revenu viager régi par l'annexe 1.1;

(6) L'alinéa 7 (1) d) de l'annexe 2 du Règlement est modifié par substitution de «l'âge de 71 ans» à «l'âge de 69 ans».

(7) Le paragraphe 7 (1) de l'annexe 2 du Règlement est modifié par adjonction des alinéas suivants :

e) avant le 1^{er} janvier 2009, dans un fonds de revenu viager régi par l'annexe 1;

f) avant le 1^{er} janvier 2009, dans un autre fonds de revenu de retraite immobilisé.

(8) L'article 7 de l'annexe 2 du Règlement est modifié par adjonction des paragraphes suivants :

(1.1) Aux fins de la rente viagère visée à l'alinéa (1) c), la question de savoir si le titulaire a un conjoint est tranchée à la date de constitution de la rente.

(1.2) Les paiements effectués aux termes d'une rente viagère visée à l'alinéa (1) c) peuvent être partagés conformément aux conditions d'une ordonnance prévue par la *Loi sur le droit de la famille* ou d'un contrat familial au sens de la partie IV de cette loi.

(9) Les paragraphes 8 (1) et (2) de l'annexe 2 du Règlement sont abrogés et remplacés par ce qui suit :

(1) Le titulaire d'un fonds de revenu de retraite immobilisé peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le fonds ou transférer l'actif dans un REÉR ou un FERR si les conditions suivantes sont réunies lorsqu'il signe la demande :

a) il a au moins 55 ans;

b) la valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds dont il est le titulaire représente moins de 40 pour cent du maximum des gains annuels ouvrant droit à pension pour l'année civile.

(2) La demande de retrait ou de transfert à partir du fonds est présentée à l'institution financière qui administre le fonds.

(10) Le paragraphe 8 (5) de l'annexe 2 du Règlement est abrogé et remplacé par ce qui suit :

(5) Si des éléments d'actif du fonds sont des valeurs mobilières identifiables et transférables, l'institution financière peut transférer celles-ci avec le consentement du titulaire.

(6) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :

1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.

2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement ou le transfert à partir du compte conformément au présent article.
3. La valeur de l'actif total de tous les fonds de revenu viager, fonds de revenu de retraite immobilisés et comptes de retraite avec immobilisation des fonds que détient le titulaire lorsqu'il signe la demande visée au présent article doit être calculée à l'aide du plus récent relevé relatif à chaque fonds ou compte qu'il a reçu, la date de chacun de ces relevés devant tomber dans l'année qui précède la signature de la demande par le titulaire.
4. L'institution financière est tenue de faire le paiement ou le transfert auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et le document qui l'accompagne.

(11) L'annexe 2 du Règlement est modifiée par adjonction de l'article suivant :

8.1 (1) Le titulaire d'un fonds de revenu de retraite immobilisé peut, sur présentation d'une demande conformément au présent article, retirer tout l'argent qui se trouve dans le fonds si les conditions suivantes sont réunies :

- a) lorsqu'il signe la demande, il ne réside pas au Canada, selon ce que détermine l'Agence du revenu du Canada pour l'application de la *Loi de l'impôt sur le revenu* (Canada);
- b) il présente sa demande au moins 24 mois après sa date de départ du Canada.

(2) La demande de retrait de l'argent qui se trouve dans le fonds est présentée à l'institution financière qui administre le fonds.

(3) La demande est rédigée selon la formule approuvée par le surintendant.

(4) La formule de demande porte la signature du titulaire et est accompagnée des documents suivants :

1. Une détermination écrite de l'Agence du revenu du Canada selon laquelle la personne est un non-résident pour l'application de la *Loi de l'impôt sur le revenu* (Canada).
2. Soit la déclaration relative au conjoint visée à l'article 10, soit une déclaration signée par le titulaire dans laquelle il atteste que l'argent qui se trouve dans le fonds ne provient en aucun cas, directement ou indirectement, d'une prestation de retraite se rapportant à l'un quelconque de ses emplois.

(5) Le contrat qui régit le fonds comprend les conditions suivantes et, dans le cas contraire, est réputé les comprendre :

1. L'institution financière a le droit de se fier aux renseignements que lui fournit le titulaire dans la demande présentée en vertu du présent article.
2. La demande qui satisfait aux exigences du présent article autorise l'institution financière à faire le paiement à partir du fonds conformément au présent article.
3. L'institution financière est tenue de faire le paiement auquel le titulaire a droit aux termes du présent article dans les 30 jours qui suivent celui où elle reçoit la formule de demande dûment remplie et les documents qui l'accompagnent.

(12) La disposition 2 du paragraphe 9 (5) de l'annexe 2 du Règlement est modifiée par substitution de «à faire le paiement à partir du fonds» à «à payer une somme sur le fonds au titulaire».

(13) La disposition 3 du paragraphe 9 (5) de l'annexe 2 du Règlement est modifiée par substitution de «le paiement auquel» à «les paiements auxquels».

(14) L'article 10 de l'annexe 2 du Règlement est abrogé et remplacé par ce qui suit :

10. L'un ou l'autre des documents suivants constitue une déclaration relative au conjoint aux fins d'un retrait ou d'un transfert effectué aux termes de l'article 8, 8.1 ou 9 à partir d'un fonds de revenu de retraite immobilisé :

1. Une déclaration signée par le conjoint du titulaire, s'il en a un, selon laquelle il consent au retrait ou au transfert.
2. Une déclaration signée par le titulaire dans laquelle il atteste qu'il n'a pas de conjoint.
3. Une déclaration signée par le titulaire dans laquelle il atteste qu'il vit séparé de corps de son conjoint à la date où il signe la demande de retrait ou de transfert.

(15) Le paragraphe 11 (1) de l'annexe 2 du Règlement est modifié par substitution de «Le document que le titulaire d'un fonds de revenu de retraite immobilisé est tenu par l'article 8, 8.1 ou 9 de présenter à une institution financière» à «Le document que le titulaire d'un fonds de revenu de retraite immobilisé est tenu de présenter à une institution financière aux termes de l'article 8 ou 9» au début du paragraphe.

(16) Le paragraphe 11 (2) de l'annexe 2 du Règlement est modifié par substitution de «exigé par l'article 8, 8.1 ou 9» à «exigé par l'article 8 ou 9».

(17) Le paragraphe 12 (1) de l'annexe 2 du Règlement est modifié par substitution de «son conjoint ou, s'il n'en a pas ou si le conjoint est inadmissible par ailleurs,» à «son conjoint ou, s'il n'en a pas,».

(18) L'article 12 de l'annexe 2 du Règlement est modifié par adjonction des paragraphes suivants :

(1.1) La prestation visée au paragraphe (1) peut être transférée dans un REÉR ou un FERR conformément à la *Loi de l'impôt sur le revenu* (Canada).

(5) Pour l'application du paragraphe (1), la valeur de l'actif du fonds comprend tous les revenus de placement accumulés du fonds, y compris les gains et pertes en capital non réalisés, de la date du décès à la date du paiement.

(19) L'annexe 2 du Règlement est modifiée par adjonction de l'article suivant :

12.1 (1) Le conjoint du titulaire d'un fonds de revenu de retraite immobilisé peut renoncer à son droit de toucher la prestation de survivant visée à l'article 12 qui est prélevée sur le fonds en remettant à l'institution financière une renonciation écrite sous la forme approuvée par le surintendant.

(2) Le conjoint qui a remis la renonciation visée au paragraphe (1) peut l'annuler en remettant un avis d'annulation écrit et signé à l'institution financière avant la date du décès du titulaire du fonds.

(20) La disposition 1 du paragraphe 14 (2) de l'annexe 2 du Règlement est abrogée et remplacée par ce qui suit :

1. Relativement à l'exercice précédent : les sommes déposées, tout revenu de placement accumulé, y compris tout gain en capital ou toute perte en capital non réalisé, les sommes prélevées sur le fonds et les frais débités.

12. (1) Sous réserve des paragraphes (2) et (3), le présent règlement entre en vigueur le jour de son dépôt.

(2) Les dispositions suivantes entrent en vigueur le 1^{er} janvier 2008 :

1. L'article 1.
2. Les articles 2, 3, 5 et 7.
3. Les paragraphes 9 (1), (2), (4), (6) à (17), (19), (22) à (25) et (28) à (36).
4. L'article 10.
5. Les paragraphes 11 (3) à (5), (7), (9) à (11) et (14) à (20).

(3) Les paragraphes 9 (3) et 11 (1) entrent en vigueur le 1^{er} janvier 2009.

32/07

ONTARIO REGULATION 417/07

made under the

PUBLIC LANDS ACT

Made: July 25, 2007

Filed: July 27, 2007

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Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 973 of R.R.O. 1990
(Land Use Permits)

Note: Regulation 973 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 1 of Regulation 973 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

1. Subject to any terms and conditions that are consistent with the Act and the regulations,
 - (a) a district manager or his or her delegate may issue, in respect of public lands in the administrative district administered by the manager, a land use permit permitting the holder to occupy the public lands described in the permit for the purposes stated in it;
 - (b) the Manager, Land Management Section, may issue, in respect of public lands situated in two or more administrative districts, a land use permit permitting the holder to occupy the public lands described in the permit for the purposes stated in it.

2. This Regulation comes into force on the day it is filed.

RÈGLEMENT DE L'ONTARIO 417/07

pris en application de la

LOI SUR LES TERRES PUBLIQUES

pris le 25 juillet 2007
 déposé le 27 juillet 2007
 publié sur le site Lois-en-ligne le 31 juillet 2007
 imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 973 des R.R.O. de 1990
 (Permis d'utilisation des terres)

Remarque : Le Règlement 973 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. L'article 1 du Règlement 973 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

1. Sous réserve des conditions qui sont compatibles avec la Loi et les règlements :

- a) un chef de district ou son délégué peut délivrer, relativement aux terres publiques de la région administrative que gère le chef de district, un permis d'utilisation des terres autorisant le titulaire à occuper, aux fins qui y sont indiquées, les terres publiques qui y sont décrites;
- b) le chef de la Section de la gestion des terres peut délivrer, relativement aux terres publiques situées dans deux régions administratives ou plus, un permis d'utilisation des terres autorisant le titulaire à occuper, aux fins qui y sont indiquées, les terres publiques qui y sont décrites.

2. Le présent règlement entre en vigueur le jour de son dépôt.

32/07

ONTARIO REGULATION 418/07

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: July 25, 2007
 Filed: July 27, 2007
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 Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 664/98
 (Fish Licensing)

Note: Ontario Regulation 664/98 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 1 of Ontario Regulation 664/98 is amended by adding the following definition:

“fisheries management zone” or “zone” means a subdivision of the waters of Ontario as shown on Regulation Plans of Fisheries Management Zones 1- 20 filed on May 30, 2006 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources,

2. Section 6 of the Regulation is revoked.

3. Section 9 of the Regulation is revoked and the following substituted:

9. A holder of a non-resident sport fishing licence shall not take fish in excess of the conservation catch and possession limits set out under the Ontario Fishery Regulations if the licence holder is camping on Crown land located in,

- (a) fisheries management zone 2, 4 or 6; or

- (b) fisheries management zone 5, except in the area designated as Part 1 on a plan known as Regulation Plan of the Border Waters Area in Fisheries Management Zone 5 filed on June 7, 2007 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources;

4. Subsections 31.3 (1), (1.1) and (2) of the Regulation are revoked and the following substituted:

(1) Except under the authority of a commercial bait licence that authorizes the holder to take, buy or sell leeches or bait-fish, a person shall not,

- (a) take bait-fish for commercial purposes; or
 (b) buy or sell leeches or bait-fish for commercial purposes.

(1.1) Except under the authority of a commercial bait licence that authorizes the holder to take, buy or sell leeches, a person shall not take in one day or possess at any time more than 120 leeches.

(1.2) The holder of a commercial bait licence shall not buy leeches or bait-fish for commercial purposes except from a person who is authorized to sell them.

- (2) A person shall not buy or sell frogs for the purpose of bait for fishing.

5. Schedule A to the Regulation is revoked.

6. Schedule B to the Regulation is revoked and the following substituted:

SCHEDULE B
SPECIES ELIGIBLE FOR CULTURE IN ONTARIO

Lake sturgeon	<i>Acipenser fulvescens</i>
Atlantic salmon	<i>Salmo salar</i>
Brown trout	<i>Salmo trutta</i>
Brook trout	<i>Salvelinus fontinalis</i>
Lake trout	<i>Salvelinus namaycush</i>
Arctic char	<i>Salvelinus alpinus</i>
Splake	<i>The hybrid of Salvelinus fontinalis and Salvelinus namaycush</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Coho salmon	<i>Oncorhynchus kisutch</i>
Pink salmon	<i>Oncorhynchus gorbuscha</i>
Rainbow trout	<i>Oncorhynchus mykiss</i>
Lake whitefish	<i>Coregonus clupeaformis</i>
Lake herring (cisco)	<i>Coregonus artedii</i>
Muskellunge	<i>Esox masquinongy</i>
Northern Pike	<i>Esox lucius</i>
Creek chub	<i>Semotilus atromaculatus</i>
White sucker	<i>Catostomus commersoni</i>
Bluntnose minnow	<i>Pimephales notatus</i>
Fathead minnow	<i>Pimephales promelas</i>
Northern redbelly dace	<i>Phoxinus eos</i>
Finescale dace	<i>Phoxinus neogaeus</i>
Common shiner	<i>Luxilus cornutus</i>
Golden shiner	<i>Notemigonus crysoleucas</i>
Emerald shiner	<i>Notropis atherinoides</i>
Common carp	<i>Cyprinus carpio</i>
Goldfish	<i>Carassius auratus</i>
Brown bullhead	<i>Ameiurus nebulosus</i>
Channel catfish	<i>Ictalurus punctatus</i>
American eel	<i>Anguilla rostrata</i>
Largemouth bass	<i>Micropterus salmoides</i>
Smallmouth bass	<i>Micropterus dolomieu</i>
Bluegill	<i>Lepomis macrochirus</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Black crappie	<i>Pomoxis nigromaculatus</i>
Walleye	<i>Sander vitreus</i>
Sauger	<i>Sander canadensis</i>
Yellow perch	<i>Perca flavescens</i>
Tilapia of the genera	<i>Oreochromis, Sarotherodon, Tilapia</i>
Calico Crayfish	<i>Orconectes immunis</i>

Virile Crayfish	<i>O. virilis</i>
Northern clearwater crayfish	<i>O. propinquus</i>
Robust Crayfish	<i>Cambarus robustus</i>
Appalachian Brook Crayfish	<i>C. bartonii</i>
Marsh Pondsail or Melantho Snail	<i>Stagnicola elodes</i>

7. This Regulation comes into force on January 1, 2008.

32/07

ONTARIO REGULATION 419/07

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: July 25, 2007

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Amending O. Reg. 665/98
(Hunting)

Note: Ontario Regulation 665/98 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Subsections 36 (2) and (3) of Ontario Regulation 665/98 are revoked and the following substituted:

(2) Despite section 2, a person who is licensed to sport fish under Ontario Regulation 664/98 (Fish Licensing) may hunt for bullfrogs, northern leopard frogs or snapping turtles.

(3) A person referred to in subsection (1) shall not catch in one day or possess at any time more than 12 northern leopard frogs for the purpose of using them as bait for fishing.

(4) No person shall capture, kill or possess at any time, specimens of any species of frog other than northern leopard frogs for the purpose of using them as bait for fishing.

2. This Regulation comes into force on January 1, 2008.

32/07

ONTARIO REGULATION 420/07

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: August 1, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 557 of R.R.O. 1990
(Communicable Diseases — General)

Note: Regulation 557 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Subsection 2 (1) of Regulation 557 of the Revised Regulations of Ontario, 1990 is amended by striking out “physician, veterinarian” and substituting “physician, registered nurse in the extended class, veterinarian”.

2. **Clause 3 (7) (b) of the Regulation is amended by adding “or registered nurse in the extended class” at the end.**
3. **This Regulation comes into force on the later of the day section 1 of Schedule F to the *Health System Improvements Act, 2007* comes into force and the day it is filed.**

RÈGLEMENT DE L'ONTARIO 420/07

pris en application de la

LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ

pris le 25 juillet 2007
 déposé le 27 juillet 2007
 publié sur le site Lois-en-ligne le 1^{er} août 2007
 imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 557 des R.R.O. de 1990
 (Maladies transmissibles — dispositions générales)

Remarque : Le Règlement 557 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 2 (1) du Règlement 557 des Règlements refondus de l'Ontario de 1990 est modifié par substitution de «Le médecin, l'infirmière autorisée ou l'infirmier autorisé de la catégorie supérieure, le vétérinaire ou l'agent de police» à «Le médecin, vétérinaire ou agent de police».
2. L'alinéa 3 (7) b) du Règlement est modifié par substitution de «le médecin ou encore l'infirmière autorisée ou l'infirmier autorisé de la catégorie supérieure qui traite» à «le médecin traitant de».
3. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du jour où l'article 1 de l'annexe F de la *Loi de 2007 sur l'amélioration du système de santé* entre en vigueur.

32/07

ONTARIO REGULATION 421/07

made under the

HEALTH PROTECTION AND PROMOTION ACT

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Amending O. Reg. 338/96
 (Exemption — Subsection 39 (1) of the Act)

Note: Ontario Regulation 338/96 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. **Section 1 of Ontario Regulation 338/96 is amended by adding “or registered nurse in the extended class” after “physician” in the portion before clause (a).**
2. **This Regulation comes into force on the later of the day section 1 of Schedule F to the *Health System Improvements Act, 2007* comes into force and the day it is filed.**

32/07

ONTARIO REGULATION 422/07

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: August 1, 2007

Printed in *The Ontario Gazette*: August 11, 2007Amending O. Reg. 199/03
(Control of West Nile Virus)

Note: Ontario Regulation 199/03 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Section 1 of Ontario Regulation 199/03 is amended by striking out “the document entitled *West Nile Virus Preparedness and Prevention Plan 2006*, published by and available from the Ministry of Health and Long-Term Care, dated June 26, 2006” and substituting “the document entitled *West Nile Virus Preparedness and Prevention Plan 2007*, published by and available from the Ministry of Health and Long-Term Care, dated June 25, 2007”.

2. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 423/07

made under the

PUBLIC HOSPITALS ACT

Made: July 20, 2007

Approved: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: August 1, 2007

Printed in *The Ontario Gazette*: August 11, 2007Amending Reg. 965 of R.R.O. 1990
(Hospital Management)

Note: Regulation 965 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Subsection 1 (1) of Regulation 965 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

“critical incident” means any unintended event that occurs when a patient receives treatment in the hospital,

- (a) that results in death, or serious disability, injury or harm to the patient, and
- (b) does not result primarily from the patient’s underlying medical condition or from a known risk inherent in providing the treatment; (“incident critique”)

2. Section 2 of the Regulation is amended by adding the following subsections:

(4) The board shall ensure that the administrator establishes a system for ensuring the disclosure of every critical incident, as soon as is practicable after the critical incident occurs,

- (a) to the affected patient;
- (b) if the affected patient is incapable, to a person lawfully authorized to make treatment decisions on behalf of the patient; or
- (c) if the affected patient has died,
 - (i) to the patient’s estate trustee, or to the person who has assumed responsibility for the administration of the patient’s estate, if the estate does not have an estate trustee, or

(ii) to a person who was lawfully authorized to make treatment decisions on behalf of the patient immediately prior to the patient's death, or who would have been so authorized if the patient had been incapable.

(5) The disclosure referred to in subsection (4) shall include,

- (a) the material facts of what occurred with respect to the critical incident;
- (b) the consequences for the patient of the critical incident, as they become known; and
- (c) the actions taken and recommended to be taken to address the consequences to the patient of the critical incident, including any health care or treatment that is advisable.

(6) Subject to the *Quality of Care Information Protection Act, 2004*, the board shall ensure that the administrator establishes a system for ensuring that at an appropriate time following a disclosure of a critical incident under subsection (4), there be a disclosure to the person referred to in clauses (a) to (c) of subsection (4) of the systemic steps, if any, that the hospital is taking or has taken in order to avoid or reduce the risk of further similar critical incidents, and that the content and date of this further disclosure be recorded.

3. (1) Subsection 19 (4) of the Regulation is amended by adding the following clause:

- (e) reports of any critical incidents with respect to the patient, including the information required to be disclosed under subsection 2 (5), and a record of when any disclosure was made under subsection 2 (4);

(2) Subsection 19 (5) of the Regulation is amended by adding the following clause:

- (e) reports of any critical incidents with respect to the patient, including the information required to be disclosed under subsection 2 (5), and a record of when any disclosure was made under subsection 2 (4);

(3) Subsection 19 (6) of the Regulation is revoked and the following substituted:

- (6) The medical record of an out-patient who visits the hospital solely for diagnostic procedures need only include,
 - (a) the orders for the procedures;
 - (b) any consent to the procedures obtained in writing;
 - (c) a record of the procedures; and
 - (d) reports of any critical incidents with respect to the patient, including the information required to be disclosed under subsection 2 (5), and a record of when any disclosure was made under subsection 2 (4).

4. This Regulation comes into force on July 1, 2008.

RÈGLEMENT DE L'ONTARIO 423/07

pris en application de la

LOI SUR LES HÔPITAUX PUBLICS

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 imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 965 des R.R.O. de 1990
 (Gestion hospitalière)

Remarque : Le Règlement 965 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 1 (1) du Règlement 965 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction de la définition suivante :

«incident critique» Tout événement involontaire qui se produit alors qu'un malade suit un traitement à l'hôpital et qui :

- a) d'une part, entraîne le décès du malade ou une invalidité, une blessure ou un préjudice grave chez celui-ci;
- b) d'autre part, ne découle pas principalement de l'état de santé sous-jacent du malade ou d'un risque connu inhérent à l'administration du traitement. («critical incident»)

2. L'article 2 du Règlement est modifié par adjonction des paragraphes suivants :

(4) Le conseil s'assure que le directeur général mette sur pied un système qui permette que chaque incident critique, dès que possible après qu'il s'est produit, soit divulgué selon le cas :

- a) au malade concerné;
- b) si le malade concerné est incapable, à une personne légalement autorisée à prendre des décisions en matière de traitement en son nom;
- c) si le malade concerné est décédé :
 - (i) soit au fiduciaire de sa succession ou, en l'absence d'un tel fiduciaire, à la personne qui a assumé la responsabilité de l'administration de sa succession,
 - (ii) soit à une personne qui était légalement autorisée à prendre des décisions en matière de traitement au nom du malade immédiatement avant son décès, ou qui aurait été autorisée à les prendre si le malade avait été incapable.

(5) La divulgation visée au paragraphe (4) comprend les renseignements suivants :

- a) les faits importants ayant trait à ce qui s'est produit relativement à l'incident critique;
- b) les conséquences de l'incident critique pour le malade, dès qu'elles sont connues;
- c) les mesures prises et celles qu'il est recommandé de prendre en vue de remédier aux conséquences de l'incident critique pour le malade, y compris les soins de santé ou le traitement indiqués.

(6) Sous réserve de la *Loi de 2004 sur la protection des renseignements sur la qualité des soins*, le conseil s'assure que le directeur général mette sur pied un système qui permette que, au moment opportun après la divulgation d'un incident critique en application du paragraphe (4), les mesures systémiques, le cas échéant, que prend l'hôpital ou qu'il a prises afin de prévenir ou de réduire le risque que des incidents critiques semblables ne se reproduisent soient divulguées aux personnes mentionnées aux alinéas a) à c) du paragraphe (4) et que le contenu et la date de cette nouvelle divulgation soient consignés.

3. (1) Le paragraphe 19 (4) du Règlement est modifié par adjonction de l'alinéa suivant :

- e) les rapports concernant les incidents critiques survenus à l'égard du malade, y compris les renseignements qui doivent être divulgués en application du paragraphe 2 (5), ainsi que la date de toute divulgation faite en application du paragraphe 2 (4);

(2) Le paragraphe 19 (5) du Règlement est modifié par adjonction de l'alinéa suivant :

- e) les rapports concernant les incidents critiques survenus à l'égard du malade, y compris les renseignements qui doivent être divulgués en application du paragraphe 2 (5), ainsi que la date de toute divulgation faite en application du paragraphe 2 (4);

(3) Le paragraphe 19 (6) du Règlement est abrogé et remplacé par ce qui suit :

(6) Il n'est nécessaire de verser au dossier médical d'un malade externe qui ne visite l'hôpital que pour subir des procédés de diagnostic que les renseignements suivants :

- a) les ordres de pratiquer les procédés;
- b) les consentements aux procédés obtenus par écrit;
- c) les renseignements sur les procédés;
- d) les rapports concernant les incidents critiques survenus à l'égard du malade, y compris les renseignements qui doivent être divulgués en application du paragraphe 2 (5), ainsi que la date de toute divulgation faite en application du paragraphe 2 (4).

4. Le présent règlement entre en vigueur le 1^{er} juillet 2008.

Made by:
Pris par :

Le ministre de la Santé et des Soins de longue durée,

GEORGE SMITHERMAN
Minister of Health and Long-Term Care

Date made: July 20, 2007.
Pris le : 20 juillet 2007.

ONTARIO REGULATION 424/07

made under the

HEALTH INSURANCE ACT

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: August 1, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Regulation 552 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Schedule 22 to Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following items:

45.1	L022	Newborn Screening Test for: Amino acidopathies - Fatty acid oxidation defects - Organic acidemias - Endocrinopathies - Hemoglobinopathies - Biotinidase - Galactosemia
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73.1	L607	T-3, free
73.2	L339	T4, free - absolute (includes T-4 total)

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91.1	L451	Sedimentation rate
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2. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 425/07

made under the

LABORATORY AND SPECIMEN COLLECTION CENTRE LICENSING ACT

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 682 of R.R.O. 1990
(Laboratories)

Note: Regulation 682 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Appendix C to Regulation 682 of the Revised Regulations of Ontario, 1990 is amended by adding the following items:

- 106. Sedimentation rate.
- 107. Newborn Screening Test for: Amino acidopathies - Fatty acid oxidation defects - Organic acidemias - Endocrinopathies - Hemoglobinopathies - Biotinidase - Galactosemia.

108. T-3, free.
 109. T4, free - absolute (includes T-4 total).

2. This Regulation comes into force on the day it is filed.

RÈGLEMENT DE L'ONTARIO 425/07

pris en application de la

LOI AUTORISANT DES LABORATOIRES MÉDICAUX ET DES CENTRES DE PRÉLÈVEMENT

pris le 25 juillet 2007
 déposé le 27 juillet 2007
 publié sur le site Lois-en-ligne le 31 juillet 2007
 imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 682 des R.R.O. de 1990
 (Laboratoires)

Remarque : Le Règlement 682 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. L'annexe C du Règlement 682 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction des points suivants :

106. Vitesse de sédimentation.
 107. Test de dépistage chez le nouveau-né des maladies, déficiences et troubles suivants: acides aminés - oxydation des acides gras - acides organiques - endocrinopathies -hémoglobinopathies - biotidine - galactosémie.
 108. T₃, libre.
 109. T₄, libre - absolue (y compris T₄ totale).

2. Le présent règlement entre en vigueur le jour de son dépôt.

32/07

ONTARIO REGULATION 426/07

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: July 25, 2007
 Filed: July 27, 2007
 Published on e-Laws: July 31, 2007
 Printed in *The Ontario Gazette*: August 11, 2007

Amending Reg. 569 of R.R.O. 1990
 (Reports)

Note: Regulation 569 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Paragraph 5 of section 3 of Regulation 569 of the Revised Regulations of Ontario, 1990 is amended by striking out “physician, or” and substituting “physician, registered nurse in the extended class, or”.

2. The Regulation is amended by adding the following section:

3.1 (1) The operator of a laboratory shall report every finding that indicates the presumptive presence of a reportable disease to the medical officer of health in the area in which the person who gives rise to the case resides.

(2) A report made under subsection (1) shall, with respect to the person to whom the finding was made, be made within twenty-four hours of the making of the finding and shall contain the following information:

1. Name and address in full.
2. Date of birth in full.
3. Sex.
4. Date when the specimen was taken that yielded the presumptive finding.
5. Name and address in full of the physician, registered nurse in the extended class or dentist attending the person.

3. Paragraph 4 of section 4 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

4. (1) Subparagraph 1 ii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(2) Subparagraph 1 vi of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(3) Subparagraph 1 viii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(4) Subparagraph 2 ii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(5) Subparagraph 2 xv of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(6) Subparagraph 2 xvii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(7) Subparagraph 3 ii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(8) Subsubparagraph 3 viii C of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(9) Subparagraph 4 ii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(10) Subparagraph 5 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(11) Subparagraph 6 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(12) Subparagraph 7 ii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(13) Subparagraph 8 ii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(14) Subparagraph 9 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(15) Subparagraph 10 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(16) Subparagraph 11 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(17) Subparagraph 12 vii of section 5 of the Regulation is amended by striking out “physicians” and substituting “physicians, registered nurses in the extended class”.

(18) Subparagraph 13 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(19) Subparagraph 14 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(20) Subparagraph 15 ii of section 5 of the Regulation is amended by striking out “physicians” and substituting “physician or registered nurse in the extended class”.

(21) Subparagraph 16 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(22) Subparagraph 17 iii of section 5 of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

5. Subsection 5.1 (2) of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

6. (1) Paragraph 5 of subsection 7 (1) of the Regulation is amended by adding “or registered nurse in the extended class” after “physician”.

(2) Paragraph 9 of subsection 7 (1) of the Regulation is amended by striking out “physicians” and substituting “physician or registered nurse in the extended class”.

7. This Regulation comes into force on the later of the day section 1 of Schedule F to the *Health System Improvements Act, 2007* comes into force and the day it is filed.

RÈGLEMENT DE L'ONTARIO 426/07

pris en application de la

LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ

pris le 25 juillet 2007

déposé le 27 juillet 2007

publié sur le site Lois-en-ligne le 31 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007

modifiant le Règl. 569 des R.R.O. de 1990

(Rapports)

Remarque : Le Règlement 569 a été modifié antérieurement. Ces modifications sont indiquées dans le Sommaire de l'historique législatif des règlements qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. La disposition 5 de l'article 3 du Règlement 569 des Règlements refondus de l'Ontario de 1990 est modifiée par substitution de «du médecin, de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure ou» à «du médecin ou».

2. Le Règlement est modifié par adjonction de l'article suivant :

3.1 (1) L'exploitant d'un laboratoire signale chaque résultat qui indique la présence présomptive d'une maladie à déclaration obligatoire au médecin-hygiéniste de la région où réside la personne qui donne lieu au cas.

(2) Un rapport dressé en vertu du paragraphe (1) doit être présenté dans les 24 heures qui suivent l'obtention des résultats et contenir les renseignements suivants sur la personne à laquelle se rapportent ces résultats :

1. Le nom en toutes lettres et l'adresse complète.
2. La date de naissance complète.
3. Le sexe.
4. La date à laquelle a été fait le prélèvement qui a donné les résultats présomptifs.
5. Le nom en toutes lettres et l'adresse complète soit du médecin, soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure, soit du dentiste qui traite la personne.

3. La disposition 4 de l'article 4 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui a traité» à «du médecin traitant de».

4. (1) La sous-disposition 1 ii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(2) La sous-disposition 1 vi de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure» à «du médecin».

(3) La sous-disposition 1 viii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure» à «du médecin».

(4) La sous-disposition 2 ii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(5) La sous-disposition 2 xv de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure» à «du médecin».

(6) La sous-disposition 2 xvii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure» à «du médecin».

(7) La sous-disposition 3 ii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(8) La sous-sous-disposition 3 viii C de l'article 5 du Règlement est modifiée par substitution de «soit par un médecin soit par une infirmière autorisée ou un infirmier autorisé de la catégorie supérieure» à «par un médecin».

(9) La sous-disposition 4 ii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(10) La sous-disposition 5 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(11) La sous-disposition 6 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(12) La sous-disposition 7 ii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(13) La sous-disposition 8 ii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(14) La sous-disposition 9 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(15) La sous-disposition 10 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(16) La sous-disposition 11 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(17) La sous-disposition 12 vii de l'article 5 du Règlement est modifiée par substitution de «les médecins, les infirmières autorisées ou infirmiers autorisés de la catégorie supérieure» à «les médecins».

(18) La sous-disposition 13 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(19) La sous-disposition 14 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(20) La sous-disposition 15 ii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «des médecins qui traitent».

(21) La sous-disposition 16 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

(22) La sous-disposition 17 iii de l'article 5 du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «du médecin traitant de».

5. Le paragraphe 5.1 (2) du Règlement est modifié par substitution de «Le médecin ou l'infirmière autorisée ou l'infirmier autorisé de la catégorie supérieure» à «Le médecin».

6. (1) La disposition 5 du paragraphe 7 (1) du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui traite» à «des médecins qui traitent».

(2) La disposition 9 du paragraphe 7 (1) du Règlement est modifiée par substitution de «soit du médecin soit de l'infirmière autorisée ou de l'infirmier autorisé de la catégorie supérieure qui a traité» à «des médecins qui ont traité».

7. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du jour où l'article 1 de l'annexe F de la *Loi de 2007 sur l'amélioration du système de santé* entre en vigueur.

ONTARIO REGULATION 427/07

made under the

PLANNING ACT

Made: July 27, 2007

Filed: July 27, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 154/03

(Zoning Area — Regional Municipality of Durham, Part of the City of Pickering)

Note: Ontario Regulation 154/03 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. Ontario Regulation 154/03 is amended by adding the following section:**Lot 19, Plan 538**

18. (1) Despite sections 11 and 12, the single dwelling or accessory building or structure located on the lands described in subsection (2) may be extended or enlarged if the following requirements are met:

Lot frontage	Minimum 18 metres
Lot area	Minimum 550 square metres
Front yard	Minimum 7.5 metres
Rear yard	Minimum 7.5 metres
East side yard	Minimum 1.8 metres
West side yard	Minimum 1.8 metres
Floor area	Minimum 110 square metres
Lot coverage	Maximum 33 per cent
Ground floor area	Minimum 74 square metres

(2) Subsection (1) applies to that parcel of land situated in the City of Pickering in The Regional Municipality of Durham, being Lot 19, Plan 538, further described as Property Identifier Number 26370-0051 (LT).

2. This Regulation comes into force on the day it is filed.

Made by:

VICTOR DOYLE
Manager
 Municipal Services Office – Central
 Ministry of Municipal Affairs and Housing

Date made: July 27, 2007.

32/07

ONTARIO REGULATION 428/07

made under the

HIGHWAY TRAFFIC ACT

Made: July 17, 2007

Filed: July 27, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007Amending Reg. 619 of R.R.O. 1990
(Speed Limits)

Note: Regulation 619 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) Paragraph 34 of Part 2 of Schedule 13 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

District of Thunder Bay — Twps. of Errington and Leduc

34. That part of the King's Highway known as No. 11 in the Territorial District of Thunder Bay lying between a point situate 910 metres measured westerly from its intersection with the King's Highway known as No. 584 in the Township of Errington and a point situate 1300 metres measured easterly from its intersection with the roadway known as Noble Avenue in the hamlet of Jellicoe in the Township of Leduc.

(2) Paragraph 12 of Part 4 of Schedule 13 to the Regulation is revoked and the following substituted:

District of Thunder Bay — Twp. of Errington

12. That part of the King's Highway known as No. 11 in the Township of Errington in the Territorial District of Thunder Bay beginning at a point situate 610 metres measured easterly from its intersection with the King's Highway known as No. 584 and extending westerly for a distance of 1520 metres.

2. This Regulation comes into force on the day it is filed.

Made by:

DONNA H. CANSFIELD
Minister of Transportation

Date made: July 17, 2007.

32/07

ONTARIO REGULATION 429/07

made under the

ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007**ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE****CONTENTS**

1. Purpose and application
2. Effective dates
3. Establishment of policies, practices and procedures
4. Use of service animals and support persons

5.	Notice of temporary disruptions
6.	Training for staff, etc.
7.	Feedback process for providers of goods or services
8.	Notice of availability of documents
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10.	Commencement
Schedule 1	Boards, Commissions, Authorities and Agencies
Schedule 2	Broader Public Sector

Purpose and application

1. (1) This Regulation establishes accessibility standards for customer service and it applies to every designated public sector organization and to every other person or organization that provides goods or services to members of the public or other third parties and that has at least one employee in Ontario.

(2) In this Regulation,

“designated public sector organization” means the Legislative Assembly and the offices of persons appointed on the address of the Assembly, every ministry of the Government of Ontario, every municipality and every person or organization listed in Schedule 1 or described in Schedule 2 to this Regulation;

“provider of goods or services” means a person or organization to whom this Regulation applies.

Effective dates

2. The accessibility standards for customer service apply to the designated public sector organizations on and after January 1, 2010 and to other providers of goods or services on and after January 1, 2012.

Establishment of policies, practices and procedures

3. (1) Every provider of goods or services shall establish policies, practices and procedures governing the provision of its goods or services to persons with disabilities.

(2) The provider shall use reasonable efforts to ensure that its policies, practices and procedures are consistent with the following principles:

1. The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities.
2. The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.
3. Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods or services.

(3) Without limiting subsections (1) and (2), the policies must deal with the use of assistive devices by persons with disabilities to obtain, use or benefit from the provider’s goods or services or the availability, if any, of other measures which enable them to do so.

(4) When communicating with a person with a disability, a provider shall do so in a manner that takes into account the person’s disability.

(5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare one or more documents describing its policies, practices and procedures and, upon request, shall give a copy of a document to any person.

Use of service animals and support persons

4. (1) This section applies if goods or services are provided to members of the public or other third parties at premises owned or operated by the provider of the goods or services and if the public or third parties have access to the premises.

(2) If a person with a disability is accompanied by a guide dog or other service animal, the provider of goods or services shall ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her unless the animal is otherwise excluded by law from the premises.

(3) If a service animal is excluded by law from the premises, the provider of goods or services shall ensure that other measures are available to enable the person with a disability to obtain, use or benefit from the provider’s goods or services.

(4) If a person with a disability is accompanied by a support person, the provider of goods or services shall ensure that both persons are permitted to enter the premises together and that the person with a disability is not prevented from having access to the support person while on the premises.

(5) The provider of goods or services may require a person with a disability to be accompanied by a support person when on the premises, but only if a support person is necessary to protect the health or safety of the person with a disability or the health or safety of others on the premises.

(6) If an amount is payable by a person for admission to the premises or in connection with a person's presence at the premises, the provider of goods or services shall ensure that notice is given in advance about the amount, if any, payable in respect of the support person.

(7) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare one or more documents describing its policies, practices and procedures with respect to the matters governed by this section and, upon request, shall give a copy of a document to any person.

(8) In this section,

“guide dog” means a guide dog as defined in section 1 of the *Blind Persons Rights' Act*;

“service animal” means an animal described in subsection (9);

“support person” means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

(9) For the purposes of this section, an animal is a service animal for a person with a disability,

(a) if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or

(b) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

Notice of temporary disruptions

5. (1) If, in order to obtain, use or benefit from a provider's goods or services, persons with disabilities usually use particular facilities or services of the provider and if there is a temporary disruption in those facilities or services in whole or in part, the provider shall give notice of the disruption to the public.

(2) Notice of the disruption must include information about the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available.

(3) Notice may be given by posting the information at a conspicuous place on premises owned or operated by the provider of goods or services, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances.

(4) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document that sets out the steps to be taken in connection with a temporary disruption and, upon request, shall give a copy of the document to any person.

Training for staff, etc.

6. (1) Every provider of goods or services shall ensure that the following persons receive training about the provision of its goods or services to persons with disabilities:

1. Every person who deals with members of the public or other third parties on behalf of the provider, whether the person does so as an employee, agent, volunteer or otherwise.
2. Every person who participates in developing the provider's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties.

(2) The training must include a review of the purposes of the Act and the requirements of this Regulation and instruction about the following matters:

1. How to interact and communicate with persons with various types of disability.
2. How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.
3. How to use equipment or devices available on the provider's premises or otherwise provided by the provider that may help with the provision of goods or services to a person with a disability.
4. What to do if a person with a particular type of disability is having difficulty accessing the provider's goods or services.

(3) The training must be provided to each person as soon as practicable after he or she is assigned the applicable duties.

(4) Training must also be provided on an ongoing basis in connection with changes to the policies, practices and procedures governing the provision of goods or services to persons with disabilities.

(5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its training policy, and the document must include a summary of the contents of the training and details of when the training is to be provided.

(6) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall keep records of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided.

Feedback process for providers of goods or services

7. (1) Every provider of goods or services shall establish a process for receiving and responding to feedback about the manner in which it provides goods or services to persons with disabilities and shall make information about the process readily available to the public.

(2) The feedback process must permit persons to provide their feedback in person, by telephone, in writing, or by delivering an electronic text by email or on diskette or otherwise.

(3) The feedback process must specify the actions that the provider of goods or services is required to take if a complaint is received.

(4) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its feedback process and, upon request, shall give a copy of the document to any person.

Notice of availability of documents

8. (1) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall notify persons to whom it provides goods or services that the documents required by this Regulation are available upon request.

(2) The notice may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances.

Format of documents

9. (1) If a provider of goods or services is required by this Regulation to give a copy of a document to a person with a disability, the provider shall give the person the document, or the information contained in the document, in a format that takes into account the person's disability.

(2) The provider of goods or services and the person with a disability may agree upon the format to be used for the document or information.

Commencement

10. This Regulation comes into force on January 1, 2008.

SCHEDULE 1
BOARDS, COMMISSIONS, AUTHORITIES AND AGENCIES

1. Agriculture, Food and Rural Affairs Appeal Tribunal.
2. Agricorp.
3. Alcohol and Gaming Commission of Ontario.
4. Algonquin Forestry Authority.
5. Assessment Review Board.
6. Board of negotiation continued under subsection 27 (1) of the *Expropriations Act*.
7. Cancer Care Ontario.
8. The Centennial Centre of Science and Technology.
9. Child and Family Services Review Board.
10. College Compensation and Appointments Council.
11. Each community care access corporation as defined in section 1 of the *Community Care Access Corporations Act, 2001*.
12. Consent and Capacity Board.
13. Conservation Review Board.
14. Criminal Injuries Compensation Board.
15. Crown Employees Grievance Settlement Board.
16. Custody Review Board.
17. Deposit Insurance Corporation of Ontario.
18. Echo: Improving Women's Health in Ontario.
19. Education Quality and Accountability Office.
20. Environmental Review Tribunal.

21. Financial Services Commission of Ontario.
22. Financial Services Tribunal.
23. Fire Marshal's Public Fire Safety Council.
24. Fire Safety Commission.
25. Greater Toronto Transit Authority.
26. Greater Toronto Transportation Authority.
27. Health Professions Appeal and Review Board.
28. Health Professions Regulatory Advisory Council.
29. Health Services Appeal and Review Board.
30. Human Rights Tribunal of Ontario.
31. Landlord and Tenant Board.
32. Legal Aid Ontario.
33. Licence Appeal Tribunal.
34. Liquor Control Board of Ontario.
35. Each local health integration network as defined under section 2 of the *Local Health System Integration Act, 2006*.
36. McMichael Canadian Art Collection.
37. Metropolitan Toronto Convention Centre Corporation.
38. Niagara Escarpment Commission.
39. Niagara Parks Commission.
40. Normal Farm Practices Protection Board.
41. Office of the Employer Adviser.
42. Office of the Worker Adviser.
43. Ontario Civilian Commission on Police Services.
44. Ontario Clean Water Agency.
45. Ontario Educational Communications Authority.
46. Ontario Electricity Financial Corporation.
47. Ontario Energy Board.
48. Ontario Farm Products Marketing Commission.
49. Ontario Film Review Board.
50. Ontario Financing Authority.
51. Ontario Food Terminal Board.
52. Ontario French-language Educational Communications Authority.
53. Ontario Health Quality Council.
54. Ontario Heritage Trust.
55. Ontario Highway Transportation Board.
56. Ontario Human Rights Commission.
57. Ontario Infrastructure Project Corporation.
58. Ontario Labour Relations Board.
59. Ontario Lottery and Gaming Corporation.
60. Ontario Media Development Corporation.
61. Ontario Mental Health Foundation.
62. Ontario Municipal Board.
63. Ontario Northland Transportation Commission.
64. Ontario Parole and Earned Release Board.

65. Ontario Pension Board.
66. Ontario Place Corporation.
67. Ontario Police Arbitration Commission.
68. Ontario Racing Commission.
69. Ontario Realty Corporation.
70. Ontario Review Board.
71. Ontario Securities Commission.
72. Ontario Special Education Tribunal (English).
73. Ontario Special Education Tribunal (French).
74. Ontario Tourism Marketing Partnership Corporation.
75. Ontario Trillium Foundation.
76. Ottawa Congress Centre.
77. Owen Sound Transportation Company.
78. Pay Equity Hearings Tribunal.
79. Pay Equity Office.
80. Province of Ontario Council for the Arts.
81. Public Service Grievance Board.
82. Royal Ontario Museum.
83. St. Lawrence Parks Commission.
84. Science North.
85. Smart Systems for Health Agency.
86. Social Assistance Review Board.
87. Social Benefits Tribunal.
88. Soldiers' Aid Commission.
89. Trillium Gift of Life Network.
90. Walkerton Clean Water Centre.
91. Workplace Safety and Insurance Appeals Tribunal.
92. Workplace Safety and Insurance Board.

SCHEDULE 2
BROADER PUBLIC SECTOR

1. Every district school board as defined in section 1 of the *Education Act*.
2. Every hospital as defined in section 1 of the *Public Hospitals Act*.
3. Every college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
4. Every university in Ontario, including its affiliated and federated colleges, that receives operating grants from the Government of Ontario.
5. Every public transportation organization in Ontario, including any municipally operated transportation services for persons with disabilities, that provides services for which a fare is charged for transporting the public by vehicles that are operated,
 - i. by, for or on behalf of the Government of Ontario, a municipality, a local board of a municipality or a transit or transportation commission or authority,
 - ii. under an agreement between the Government of Ontario and a person, firm, corporation, or transit or transportation commission or authority, or
 - iii. under an agreement between a municipality and a person, firm, corporation or transit or transportation commission or authority.

RÈGLEMENT DE L'ONTARIO 429/07

pris en application de la

LOI DE 2005 SUR L'ACCESSIBILITÉ POUR LES PERSONNES HANDICAPÉES DE L'ONTARIO

pris le 25 juillet 2007

déposé le 27 juillet 2007

publié sur le site Lois-en-ligne le 31 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007**NORMES D'ACCESSIBILITÉ POUR LES SERVICES À LA CLIENTÈLE****SOMMAIRE**

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Objet et champ d'application

1. (1) Le présent règlement établit les normes d'accessibilité pour les services à la clientèle. Il s'applique à toute organisation désignée du secteur public et à toute autre personne ou organisation qui fournit des biens ou des services aux membres du public ou à d'autres tiers et qui compte au moins un employé en Ontario.

(2) Les définitions qui suivent s'appliquent au présent règlement.

«fournisseur de biens ou de services» Personne ou organisation à laquelle s'applique le présent règlement. («provider of goods or services»)

«organisation désignée du secteur public» L'Assemblée législative et les bureaux des personnes nommées sur adresse de l'Assemblée, chaque ministère du gouvernement de l'Ontario, chaque municipalité et chaque personne ou organisation figurant à l'annexe 1 ou visée à l'annexe 2 du présent règlement. («designated public sector organization»)

Dates d'effet

2. Les normes d'accessibilité pour les services à la clientèle s'appliquent aux organisations désignées du secteur public à compter du 1^{er} janvier 2010 et aux autres fournisseurs de biens ou de services à compter du 1^{er} janvier 2012.

Établissement de politiques, de pratiques et de procédures

3. (1) Tout fournisseur de biens ou de services établit des politiques, pratiques et procédures régissant la fourniture de ses biens ou services aux personnes handicapées.

(2) Le fournisseur fait des efforts raisonnables pour que ses politiques, pratiques et procédures soient compatibles avec les principes suivants :

1. Les biens ou les services doivent être fournis d'une manière respectueuse de la dignité et de l'autonomie des personnes handicapées.
2. La fourniture de biens ou de services aux personnes handicapées et aux autres doit être intégrée, à moins qu'une mesure de remplacement ne s'impose, soit temporairement ou en permanence, pour permettre à une personne handicapée d'obtenir les biens ou les services, de les utiliser ou d'en tirer profit.
3. Les personnes handicapées doivent avoir les mêmes possibilités que les autres d'obtenir les biens ou les services, de les utiliser et d'en tirer profit.

(3) Sans préjudice de la portée générale des paragraphes (1) et (2), les politiques doivent traiter de l'utilisation d'appareils ou accessoires fonctionnels par les personnes handicapées pour obtenir les biens ou les services du fournisseur, pour les utiliser ou pour en tirer profit, ou de l'existence, le cas échéant, d'autres mesures qui leur permettent de le faire.

(4) Dans ses communications avec une personne handicapée, le fournisseur tient compte du handicap de la personne.

(5) Toute organisation désignée du secteur public et tout autre fournisseur de biens ou de services comptant au moins 20 employés en Ontario prépare un ou plusieurs documents décrivant ses politiques, pratiques et procédures et en remet une copie à quiconque sur demande.

Animaux d'assistance et personnes de soutien

4. (1) Le présent article s'applique si des biens ou des services sont fournis aux membres du public ou à d'autres tiers dans des lieux auxquels ils ont accès et dont le fournisseur des biens ou des services est le propriétaire ou l'exploitant.

(2) Si une personne handicapée est accompagnée d'un chien-guide ou d'un autre animal d'assistance, le fournisseur de biens ou de services veille à ce qu'il lui soit permis d'entrer dans les lieux avec l'animal et de le garder avec elle, à moins que la loi exclut par ailleurs l'animal des lieux.

(3) Si la loi exclut un animal d'assistance des lieux, le fournisseur de biens ou de services veille à ce que d'autres mesures soient prévues pour permettre à la personne handicapée d'obtenir les biens ou services du fournisseur, de les utiliser ou d'en tirer profit.

(4) Si une personne handicapée est accompagnée d'une personne de soutien, le fournisseur de biens ou de services veille à ce que les deux puissent entrer ensemble dans les lieux et à ce que la personne handicapée ne soit pas empêchée d'avoir accès à la personne de soutien pendant qu'elle se trouve dans ceux-ci.

(5) Le fournisseur de biens ou de services peut exiger qu'une personne handicapée soit accompagnée d'une personne de soutien pendant qu'elle se trouve dans les lieux, mais uniquement si la présence d'une telle personne dans ceux-ci est nécessaire pour protéger la santé ou la sécurité de la personne handicapée elle-même ou d'autres personnes qui s'y trouvent.

(6) Si un prix est demandé à une personne pour l'entrée dans les lieux ou relativement à sa présence dans ceux-ci, le fournisseur de biens ou de services veille à ce qu'un avis du prix payable, le cas échéant, à l'égard de la personne de soutien soit donné à l'avance.

(7) Toute organisation désignée du secteur public et tout autre fournisseur de biens ou de services comptant au moins 20 employés en Ontario prépare un ou plusieurs documents décrivant ses politiques, pratiques et procédures au sujet des questions régies par le présent article et en remet une copie à quiconque sur demande.

(8) Les définitions qui suivent s'appliquent au présent article.

«animal d'assistance» Animal visé au paragraphe (9). («service animal»)

«chien-guide» S'entend au sens de «chien d'aveugle» à l'article 1 de la *Loi sur les droits des aveugles*. («guide dog»)

«personne de soutien» Relativement à une personne handicapée, personne qui l'accompagne pour l'aider sur les plans de la communication, de la mobilité, des soins personnels, des besoins médicaux ou pour faciliter son accès à des biens ou services. («support person»)

(9) Pour l'application du présent article, un animal est un animal d'assistance pour une personne handicapée dans l'un ou l'autre des cas suivants :

- a) la personne utilise l'animal de toute évidence pour des raisons liées à son handicap;
- b) la personne fournit une lettre d'un médecin ou d'une infirmière ou d'un infirmier confirmant qu'elle a besoin de l'animal pour des raisons liées à son handicap.

Avis de perturbation temporaire

5. (1) Le fournisseur de biens ou de services avise le public de toute perturbation temporaire de ses installations ou services particuliers dont les personnes handicapées se servent normalement pour obtenir ses biens ou services, les utiliser ou en tirer profit.

(2) L'avis de la perturbation indique les raisons de la perturbation, sa durée prévue et les installations ou services de remplacement qui sont disponibles, le cas échéant.

(3) L'avis peut être donné par affichage des renseignements dans un endroit bien en vue dans les lieux dont le fournisseur de biens ou de services est le propriétaire ou l'exploitant, par leur affichage sur le site Web du fournisseur, s'il en a un, ou par toute autre méthode qui est raisonnable dans les circonstances.

(4) Toute organisation désignée du secteur public et tout autre fournisseur de biens ou de services comptant au moins 20 employés en Ontario prépare un document décrivant les mesures à prendre en cas de perturbation temporaire et en remet une copie à quiconque sur demande.

Formation

6. (1) Tout fournisseur de biens ou de services veille à ce que les personnes suivantes reçoivent une formation au sujet de la fourniture de ses biens ou services aux personnes handicapées :

1. Toute personne qui traite avec les membres du public ou d'autres tiers pour le compte du fournisseur, notamment en qualité d'employé, de mandataire ou de bénévole.

2. Toute personne qui participe à l'élaboration des politiques, pratiques et procédures du fournisseur régissant la fourniture de biens ou de services aux membres du public ou à d'autres tiers.
- (2) La formation comporte un examen des objets de la Loi et des exigences du présent règlement ainsi que des instructions sur ce qui suit :
1. La façon d'interagir et de communiquer avec les personnes ayant divers types d'handicaps.
 2. La façon d'interagir avec les personnes handicapées qui utilisent un appareil ou accessoire fonctionnel ou qui ont besoin d'un chien-guide ou autre animal d'assistance ou d'une personne de soutien.
 3. La façon de se servir des appareils ou dispositifs qui se trouvent dans les lieux du fournisseur ou que ce dernier fournit autrement et qui pourraient faciliter la fourniture de biens ou de services à une personne handicapée.
 4. Ce qu'il faut faire si une personne ayant un type particulier d'handicap a de la difficulté à avoir accès aux biens ou services du fournisseur.
- (3) La formation est fournie à chaque personne dès que possible après que les fonctions concernées lui sont assignées.
- (4) Une formation est également fournie sur une base continue lorsque des modifications sont apportées aux politiques, pratiques et procédures régissant la fourniture de biens ou de services aux personnes handicapées.
- (5) Toute organisation désignée du secteur public et tout autre fournisseur de biens ou de services comptant au moins 20 employés en Ontario prépare un document décrivant sa politique en matière de formation. Ce document comprend un résumé du contenu de la formation et les moments où elle doit être fournie.
- (6) Toute organisation désignée du secteur public et tout autre fournisseur de biens ou de services comptant au moins 20 employés en Ontario tient des dossiers de la formation fournie en application du présent article, y compris les dates où elle l'est et le nombre de personnes qui l'ont reçue.

Processus de rétroaction

7. (1) Tout fournisseur de biens ou de services établit un processus de rétroaction lui permettant de recevoir les observations des intéressés au sujet de la façon dont il fournit ses biens ou ses services aux personnes handicapées et de répondre à ces observations. Il rend les renseignements sur ce processus facilement accessibles au public.
- (2) Le processus de rétroaction permet aux intéressés de communiquer leurs observations en personne, par téléphone ou par écrit ou encore par un texte électronique livré par courrier électronique, sur disquette ou par un autre moyen.
- (3) Le processus de rétroaction précise les mesures que le fournisseur de biens ou de services doit prendre si une plainte est reçue.
- (4) Toute organisation désignée du secteur public et tout autre fournisseur de biens ou de services comptant au moins 20 employés en Ontario prépare un document décrivant son processus de rétroaction et en remet une copie à quiconque sur demande.

Avis de disponibilité des documents

8. (1) Toute organisation désignée du secteur public et tout autre fournisseur de biens ou de services comptant au moins 20 employés en Ontario avise les personnes à qui il fournit des biens ou des services que les documents exigés par le présent règlement sont disponibles sur demande.
- (2) L'avis peut être donné par affichage des renseignements dans un endroit bien en vue dans les lieux dont le fournisseur est le propriétaire ou l'exploitant, par leur affichage sur le site Web du fournisseur, s'il en a un, ou par toute autre méthode qui est raisonnable dans les circonstances.

Forme des documents

9. (1) Le fournisseur de biens ou de services qui est tenu par le présent règlement de remettre une copie d'un document à une personne handicapée le lui remet, ou lui remet les renseignements qu'il renferme, dans une forme qui tient compte du handicap de la personne.
- (2) Le fournisseur de biens ou de services et la personne handicapée peuvent s'entendre sur la forme du document ou des renseignements.

Entrée en vigueur

- 10. Le présent règlement entre en vigueur le 1^{er} janvier 2008.**

ANNEXE 1 CONSEILS, COMMISSIONS, OFFICES ET ORGANISMES

1. Tribunal d'appel de l'agriculture, de l'alimentation et des affaires rurales.
2. AgriCorp.
3. Commission des alcools et des jeux de l'Ontario.

4. Agence de foresterie du parc Algonquin.
5. Commission de révision de l'évaluation foncière.
6. La commission de négociation maintenue en application du paragraphe 27 (1) de la *Loi sur l'expropriation*.
7. Action Cancer Ontario.
8. Centre Centennial des sciences et de la technologie.
9. Commission de révision des services à l'enfance et à la famille.
10. Conseil de la rémunération et des nominations dans les collèges.
11. Chaque société d'accès aux soins communautaires au sens de l'article 1 de la *Loi de 2001 sur les sociétés d'accès aux soins communautaires*.
12. Commission du consentement et de la capacité.
13. Commission des biens culturels.
14. Commission d'indemnisation des victimes d'actes criminels.
15. Commission de règlement des griefs des employés de la Couronne.
16. Commission de révision des placements sous garde.
17. Société ontarienne d'assurance-dépôts.
18. Écho : pour l'amélioration de la santé des Ontariennes.
19. Office de la qualité et de la responsabilité en éducation.
20. Tribunal de l'environnement.
21. Commission des services financiers de l'Ontario.
22. Tribunal des services financiers.
23. Conseil public du commissaire des incendies sur la sécurité-incendie.
24. Commission de la sécurité-incendie.
25. Régie des transports en commun du grand Toronto.
26. Régie des transports du grand Toronto.
27. Commission d'appel et de révision des professions de la santé.
28. Conseil consultatif de réglementation des professions de la santé.
29. Commission d'appel et de révision des services de santé.
30. Tribunal des droits de la personne de l'Ontario.
31. Commission de la location immobilière.
32. Aide juridique Ontario.
33. Tribunal d'appel en matière de permis.
34. Régie des alcools de l'Ontario.
35. Chaque réseau local d'intégration des services de santé au sens de l'article 2 de la *Loi de 2006 sur l'intégration du système de santé local*.
36. Collection McMichael d'art canadien.
37. Société du palais des congrès de la communauté urbaine de Toronto.
38. Commission de l'escarpement du Niagara.
39. Commission des parcs du Niagara.
40. Commission de protection des pratiques agricoles normales.
41. Bureau des conseillers des employeurs.
42. Bureau des conseillers des travailleurs.
43. Commission civile des services policiers de l'Ontario.
44. Agence ontarienne des eaux.
45. Office de la télécommunication éducative de l'Ontario.

46. Société financière de l'industrie de l'électricité de l'Ontario.
47. Commission de l'énergie de l'Ontario.
48. Commission de commercialisation des produits agricoles de l'Ontario.
49. Commission de contrôle cinématographique de l'Ontario.
50. Office ontarien de financement.
51. Commission du Marché des produits alimentaires de l'Ontario.
52. Office des télécommunications éducatives de langue française de l'Ontario.
53. Conseil ontarien de la qualité des services de santé.
54. Fiducie du patrimoine ontarien.
55. Commission des transports routiers de l'Ontario.
56. Commission ontarienne des droits de la personne.
57. Société ontarienne de travaux d'infrastructure.
58. Commission des relations de travail de l'Ontario.
59. Société des loteries et des jeux de l'Ontario.
60. Société de développement de l'industrie des médias de l'Ontario.
61. Fondation ontarienne de la santé mentale.
62. Commission des affaires municipales de l'Ontario.
63. Commission de transport Ontario Northland.
64. Commission ontarienne des libérations conditionnelles et des mises en liberté méritées.
65. Commission du régime de retraite de l'Ontario.
66. Société d'exploitation de la Place de l'Ontario.
67. Commission d'arbitrage de la police de l'Ontario.
68. Commission des courses de l'Ontario.
69. Société immobilière de l'Ontario.
70. Commission ontarienne d'examen.
71. Commission des valeurs mobilières de l'Ontario.
72. Tribunal de l'enfance en difficulté de l'Ontario (anglais).
73. Tribunal de l'enfance en difficulté de l'Ontario (français).
74. Société du Partenariat ontarien de marketing touristique.
75. Fondation Trillium de l'Ontario.
76. Centre des congrès d'Ottawa.
77. Owen Sound Transportation Company.
78. Tribunal de l'équité salariale.
79. Bureau de l'équité salariale.
80. Conseil des arts de la province de l'Ontario.
81. Commission des griefs de la fonction publique.
82. Musée royal de l'Ontario.
83. Commission des parcs du Saint-Laurent.
84. Science Nord.
85. Agence des systèmes intelligents pour la santé.
86. Commission de révision de l'aide sociale.
87. Tribunal de l'aide sociale.
88. Commission d'aide aux anciens combattants.

89. Réseau Trillium pour le don de vie.
90. Centre de Walkerton pour l'assainissement de l'eau.
91. Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail.
92. Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail.

ANNEXE 2
SECTEUR PARAPUBLIC

1. Les conseils scolaires de district au sens de l'article 1 de la *Loi sur l'éducation*.
2. Les hôpitaux au sens de l'article 1 de la *Loi sur les hôpitaux publics*.
3. Les collèges d'arts appliqués et de technologie ouverts en vertu de la *Loi de 2002 sur les collèges d'arts appliqués et de technologie de l'Ontario*.
4. Les universités ontariennes et leurs collèges affiliés et fédérés qui reçoivent des subventions de fonctionnement du gouvernement de l'Ontario.
5. Les organisations ontariennes de transport en commun, y compris les services de transport de personnes handicapées exploités par une municipalité, qui fournissent, moyennant paiement d'un tarif, des services de transport de passagers dans des véhicules exploités :
 - i. soit pour ou par le gouvernement de l'Ontario, une municipalité, un conseil local d'une municipalité ou une commission ou régie des transports ou des transports en commun, ou pour son compte,
 - ii. soit dans le cadre d'une entente conclue entre le gouvernement de l'Ontario et une personne, une entreprise, une personne morale ou une commission ou régie des transports ou des transports en commun,
 - iii. soit dans le cadre d'une entente conclue entre une municipalité et une personne, une entreprise, une personne morale ou une commission ou régie des transports ou des transports en commun.

32/07

ONTARIO REGULATION 430/07

made under the

ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005

Made: July 25, 2007
 Filed: July 27, 2007
 Published on e-Laws: July 31, 2007
 Printed in *The Ontario Gazette*: August 11, 2007

EXEMPTION FROM REPORTING REQUIREMENTS

Re accessibility standards for customer service

1. (1) Every provider of goods or services that has fewer than 20 employees, other than a designated public sector organization, is exempted from the requirement to file accessibility reports under section 14 of the Act with respect to the accessibility standards for customer service established by Ontario Regulation 429/07 (Accessibility Standards for Customer Service) made under the Act.

(2) The following are the reasons for this exemption:

1. It is consistent with a phased approach to implementing the Act.
2. It allows the exempted providers of goods or services to focus their efforts and resources on complying with those accessibility standards.

(3) In this section, "designated public sector organization" and "provider of goods or services" have the same meaning as in Ontario Regulation 429/07.

Commencement

2. **This Regulation comes into force on January 1, 2008.**

RÈGLEMENT DE L'ONTARIO 430/07

pris en application de la

LOI DE 2005 SUR L'ACCESSIBILITÉ POUR LES PERSONNES HANDICAPÉES DE L'ONTARIO

pris le 25 juillet 2007

déposé le 27 juillet 2007

publié sur le site Lois-en-ligne le 31 juillet 2007

imprimé dans la *Gazette de l'Ontario* le 11 août 2007**DISPENSE DE L'OBLIGATION DE DÉPOSER DES RAPPORTS****Normes d'accessibilité pour les services à la clientèle**

1. (1) Tout fournisseur de biens ou de services comptant moins de 20 employés qui n'est pas une organisation désignée du secteur public est dispensé de l'obligation de déposer des rapports sur l'accessibilité en application de l'article 14 de la Loi à l'égard des normes d'accessibilité pour les services à la clientèle établies par le Règlement de l'Ontario 429/07 (Normes d'accessibilité pour les services à la clientèle) pris en application de la Loi.

(2) Les motifs de cette dispense sont les suivants :

1. La dispense est compatible avec une mise en application progressive de la Loi.
2. La dispense permet aux fournisseurs de biens ou de services visés de concentrer leurs efforts et leurs ressources sur l'observation de ces normes d'accessibilité.

(3) Au présent article, les expressions «fournisseur de biens ou de services» et «organisation désignée du secteur public» s'entendent au sens du Règlement de l'Ontario 429/07.

Entrée en vigueur

2. Le présent règlement entre en vigueur le 1^{er} janvier 2008.

32/07

ONTARIO REGULATION 431/07

made under the

ELECTRICITY ACT, 1998

Made: July 25, 2007

Filed: July 27, 2007

Published on e-Laws: July 31, 2007

Printed in *The Ontario Gazette*: August 11, 2007**PROCUREMENT CONTRACTS****Amendment to procurement contract**

1. (1) The OPA may amend a contract into which it has entered that is deemed to be a procurement contract pursuant to subsection 25.32 (6) or (7) of the Act.

(2) A contract that is deemed to be a procurement contract pursuant to subsection 25.32 (6) or (7) of the Act and that is amended or amended and restated is deemed to continue to be a procurement contract, as amended or amended and restated, for the purposes of the Act.

Commencement

2. This Regulation comes into force on the day it is filed.

32/07

ONTARIO REGULATION 432/07
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: July 25, 2007
Filed: July 27, 2007
Published on e-Laws: July 31, 2007
Printed in *The Ontario Gazette*: August 11, 2007

Amending O. Reg. 578/05
(Prescribed Contracts Re Sections 78.3 and 78.4 of the Act)

Note: Ontario Regulation 578/05 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-Laws.gov.on.ca.

1. (1) Paragraph 1 of section 3.1 of Ontario Regulation 578/05 is amended by striking out “Table 1, 2 or 5” and substituting “Table 1, 2, 3 or 5”.

(2) Paragraph 2 of section 3.1 of the Regulation is amended by striking out “Table 1, 2 or 5” and substituting “Table 1, 2, 3 or 5”.

(3) Section 3.1 of the Regulation is amended by adding the following paragraph:

3. A contract that is listed in Table 4 that is amended or amended and restated.

2. Section 4 of the Regulation is amended by adding the following paragraph:

9. A contract that satisfies a rule in the preceding paragraphs that is amended or amended and restated.

3. This Regulation comes into force on the day it is filed.

32/07

NOTE: Consolidated regulations and various legislative tables pertaining to regulations can be found on the e-Laws website (www.e-Laws.gov.on.ca).

REMARQUE : Les règlements codifiés et diverses tables concernant les règlements se trouvent sur le site Lois-en-ligne (www.lois-en-ligne.gouv.on.ca).

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TEXTE D'INFORMATION POUR LA GAZETTE DE L'ONTARIO

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La Gazette de l'Ontario paraît chaque samedi, et les annonces à y insérer doivent parvenir à ses bureaux le jeudi à 15h au plus tard, soit au moins neuf jours avant la parution du numéro dans lequel elles figureront. Pour les semaines incluant le lundi de Pâques, le 11 novembre et les congés statutaires, accordez une journée de surplus. Pour connaître l'horaire entre Noël et le Jour de l'An s'il vous plaît communiquez avec le bureau de La Gazette de l'Ontario au (416) 326-5310 ou par courriel à mbs.GazettePubsOnt@ontario.ca

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