

MODEL BILL

**AN ACT TO CONSERVE
ONTARIO WATERS**

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Prepared by

Joseph F. Castrilli
Barrister & Solicitor
Toronto, Ontario

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ONTARIO WATER CONSERVATION ACT

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ONTARIO WATER CONSERVATION ACT

PREAMBLE

Whereas water is a precious and limited resource that is vital to the long-term environmental, social, economic, and cultural well-being of Ontario;

Whereas the Province has a responsibility to ensure a secure supply of water for Ontario through protection, conservation, restoration, and enhancement measures;

Whereas water supplies may be insufficient to meet all current or expected future demand during certain times of the year in certain locations of the province;

Whereas a number of factors, including growing industrial, commercial, and residential development and other water use pressures, are placing increased demands on existing water supplies;

Whereas there is a present and increasing risk to water supplies from climate change;

Whereas ensuring the efficient use of limited water resources is a key component in the overall management of provincial water resources;

Whereas efficient water use benefits provincial natural resources by keeping as much water as possible in the natural environment and the watersheds where it originates;

Whereas efficient water use benefits water utilities and municipal governments by lowering water demands that may otherwise require costly new capital resources;

Whereas properly planned and implemented, water conservation programs can defer, reduce, or eliminate the need for not only water supply facilities but waste water facilities resulting in significant capital, operating, and energy cost savings and corresponding reductions in greenhouse gas emissions;

Whereas reducing water diversions and removals improves water quality, maintains ecosystems, and protects water resources;

And whereas water is a public trust and the public has a right to a significant role in the decision-making process;

Now, therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation - s. 1

1. In this Act,

"aquifer" means a layer of rock or soil beneath the earth's surface sufficiently porous and permeable to store water;

"biological diversity" means the variety of life in all forms, levels, and combinations including ecosystem, landscape, species, and genetic diversity;

"Class I project" means a project to divert, extract, or transfer a peak instantaneous flow of water exceeding the amount prescribed by regulation within one watershed or from one watershed to another watershed;

"Class II project" means a project to divert, extract, or transfer a peak instantaneous flow of water less than the amount prescribed by regulation within one watershed or from one watershed to another watershed;

"climate change" means variations in meteorological conditions such as temperature, precipitation, and atmospheric pressure from season to season and year to year that are induced directly or indirectly by human activities through increases in atmospheric concentrations of greenhouse gas emissions, where such variations are in addition to natural climate variability observed over comparable time periods;

"consumptive use" means that portion of water removed from a watershed and assumed to be lost or otherwise not returned to the watershed due to evaporation during use, leakage, incorporation into products, or other processes as a result of activities identified in Schedule 1 to this Act;

"conservation" means decisions and measures including water conservation planning taken under the authority of this Act to manage water so as to preserve the resource, allow use, and maintain continuity of supply for present and future generations, and *"conserve"* has the same meaning;

"Director" means a Director appointed under section 29;

"drought" means a temporary feature of the climatology of a region, occurring when precipitation falls below normal or when near normal rainfall is made less effective by other weather conditions such as high temperature, low humidity, and strong winds and which may be exacerbated directly or indirectly through depletion of surface or groundwater supplies or global warming arising from human activities;

"*ecosystem*" means systems of plants, animals, and micro-organisms, together with the non-living components of their environment, related ecological processes, and humans;

"*enhancement*" means decisions and measures taken under the authority of this Act to raise, heighten, or improve the quality, quantity, and attributes of water, aquifers, head-waters, riparian areas, surface and groundwater recharge areas, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, wetland functions, and special areas, and "enhance" has the same meaning;

"*First Nation*" means a band as defined in the *Indian Act* (Canada);

"*fish*" includes (a) shellfish, crustaceans, marine animals, and the parts thereof, and (b) the eggs, sperm, spawn, larvae, spat, and juvenile stages of fish, shellfish, crustaceans, and marine animals;

"*fish habitat*" means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes;

"*global warming*" means a rise in global mean temperatures due to human induced increases in greenhouse gas emissions;

"*Great Lakes Charter*" means the Great Lakes Charter signed by the premiers of Ontario and Quebec and the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin on February 11, 1985;

"*greenhouse effect*" means the gradual rise in temperature of the atmosphere caused by the trapping of heat and radiation generated by the earth's surface that are absorbed by greenhouse gas emissions in the atmosphere;

"*greenhouse gas emissions*" means the emission into the atmosphere of certain gases that contribute to the greenhouse effect, such as carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, and ozone as a result of human activities;

"*groundwater*" means sub-surface water, or water stored in the pores, cracks, and crevices in the ground below the water table;

"*head-waters*" means the source area of a stream, watercourse, or river;

"*hydric soils*" means soils that are characterized by an abundance of moisture, to the extent that the soils are either inundated or dominated by water-tolerant vegetation;

"*hydrologic system*" means the short and long term circulation, movement and storage of surface and groundwater through various processes including evaporation, transpiration, precipitation, and runoff;

"*hydrophytic plants*" means vegetation commonly growing in water or in water-logged soil, and are water-tolerant;

"*interest (having or expressing)*" means any person or body who provides comments on an application for a permit or approval, a draft or final assessment, water conservation plan, or remedial action plan, or who has an interest in the adequacy of an easement, a water use audit, water use reduction plan or update, decision, order, policy, or regulation in terms of whether such instruments or documents meet the purposes of this Act;

"*intervenor*" means a person or group of persons that has been granted status as an intervenor in a proceeding before a Review Tribunal or joint board;

"*joint board*" means a joint board established under the *Consolidated Hearings Act* to consider a matter arising under the *Environmental Assessment Act*, the *Environmental Protection Act*, the *Ontario Water Resources Act*, the *Planning Act*, or this Act;

"*land*" means all or any part of the land vested in the owner of the land and includes any water upon, adjacent to, or under the surface of such land;

"*Minister*" means the Minister of the Environment;

"*monitoring*" means a scientifically designed system of standardized measurements and observations and the evaluation thereof;

"*Municipal Board*" means the Ontario Municipal Board established under the *Ontario Municipal Board Act*;

"*municipality*" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district or the County of Oxford and includes a local board thereof and a board, commission, a public utility including its agents statutory or contractual, or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory, or any private or public entity providing services on behalf of the foregoing;

and "*municipalities*" has the same meaning;

"*natural environment*" means the air, land and water, or any combination or part thereof, of the Province of Ontario;

"*negative impacts*" means the impairment, loss or destruction of productive capacity, features, or functions;

"*net water use*" means the balancing of water loss with water replacement through protection, conservation, restoration, and enhancement measures to achieve an overall reduction in water use;

"*non-consumptive use*" means that portion of water removed from a watershed and assumed to be returned to a watershed during the course of activities identified in Schedule 1 to this Act;

"*permeable*" means a measure of the ability of rock or soil to allow the transmission of water or other fluids;

"*person*" includes a natural person, a corporation, or an unincorporated organization;

"*precautionary principle*" means the principle that directs that appropriate preventive measures be taken where there is reason to believe that harm may be caused, even when there is no conclusive evidence to prove a causal relationship;

"*project*" means a Class I or Class II project;

"*proponent*" means a party whose proposed project, water removal, development, infrastructure, provincial activity, water conservation plan, remedial action plan, in the opinion of a funding panel, is the subject matter of the hearing or another party or individual or corporation, who, in the opinion of a funding panel, is potentially a major financial beneficiary of the decision of a Board;

"*protection*" means decisions and measures identified in this Act designed to protect water, aquifers, head-waters, riparian areas, surface and groundwater recharge areas, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, wetland functions, and special areas from the adverse effects or negative impacts of projects, water removals, development, or infrastructure, and "protect" has the same meaning;

"*provincial activity*" means works, undertakings, lands, buildings, or any other facilities owned, operated, or managed by the province and provincial Crown corporations or as may be further designated by regulation;

"*public body*" means a municipality, a local board as defined under the *Planning Act*, a public utility including its agents statutory or contractual, a ministry, department, board, commission, agency, or official of a provincial or federal government or a First Nation or any private or public entity providing services on behalf of the foregoing;

"*public trust*" means a trust in which the government is the trustee, the public is the beneficiary, and under this Act water resources are the subject matter, pursuant to which the government is obligated to protect, conserve, restore, and enhance such resources for the benefit of present and future generations of the public;

"*public utility*" means a public utility as defined under the *Municipal Affairs Act*;

"*quality and quantity of water*" includes indicators such as minimum base or stream flow, oxygen levels, chemical and biological characteristics, and hydrologic system;

"*recharge area*" means the geographic area of an aquifer in which surface or groundwater are replenished through precipitation;

"*registry*" means the registry continued under section 21;

"*restoration*" means decisions and measures including a remedial action plan taken under the authority of this Act to remediate harm to, or loss of, water, aquifers, head-waters, riparian areas, surface and groundwater recharge areas, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, wetland functions, and special areas arising from adverse effects or negative impacts of past or existing projects, water removals, development, or infrastructure and notwithstanding the generality of the foregoing includes returning these resources to the condition they were in prior to the harm or loss that is the subject matter of the decisions, measures, or remedial action plan; and

"*restore*" has the same meaning;

"*Review Tribunal*" means the Environmental Review Tribunal under the *Environmental Review Tribunal Act*;

"*riparian area*" means the land area bordering a lake, river, or stream;

"*river and stream systems*" means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event;

"*runoff*" means water that flows across the land surface into rivers, lakes, streams, and watercourses when precipitation exceeds evaporation and transpiration, and soil moisture storage is full;

"*sewage and water works*" means piped sewage and water services that are connected to a centralized water and waste water treatment facility and provided by a municipality or other public authority;

"*storm water*" means that portion of precipitation affected by human induced alterations to natural drainage patterns including impervious surfaces, culverts, drains, downspouts, and detention ponds;

"*surveillance*" means specific observations and measurements relative to control or management;

"*sustainable development*" means development that meets the needs of the present, without compromising the ability of future generations to meet their own needs;

"*water*" means surface water and groundwater and without limiting the generality of the foregoing includes a well, lake, river, pond, spring, stream, reservoir, artificial watercourse, intermittent watercourse, groundwater or other water or watercourse and the hydrologic collection, delivery, and treatment system within the province of Ontario;

"*water removal*" means the withdrawal or taking of water from surface or groundwater through the pumping or drawing of water from a well, lake, stream, or other surface or groundwater source, or the storage of water in a pond or other surface or underground structure by means of works such as dams for specific consumptive or non-consumptive uses or other purposes;

"*watershed*" means all lands drained by a river and its tributaries and, without limiting the generality of the foregoing, any river designated as a watershed and identified in Schedule 2 to this Act;

"*water table*" means the upper surface of groundwater or the level below which the material is permanently saturated with water;

"*wetland functions*" means the biological, physical, and socio-economic interactions that occur in an environment because of the properties of the wetlands that are present including, but not limited to groundwater recharge and discharge, flood damage reduction, shoreline stabilization, sediment trapping, nutrient retention and removal, food chain support, habitat for fish and wildlife, and attendant social and economic benefits;

"*wetlands*" means swamps, marshes, bogs, and fens and without limiting the generality of the foregoing includes lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface and in either case the presence of water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants;

"*wildlife*" means a species, subspecies or biologically distinct population of animal, plant or other organism, or an individual thereof, including embryo, egg, sperm, seed, pollen, or spore, other than a bacteria or virus, that is wild by nature and is native to Ontario or has extended its range into Ontario;

"*wildlife habitat*" means areas of the natural environment where wildlife naturally occur or formerly occurred and have the potential to be reintroduced, reproduce, and survive in self-sustaining populations, and from which they derive cover, protection, or food.

Purposes - s. 2

2. The purposes of the Act are to,

- (a) ensure that only alterations to the hydrologic system are permitted that protect, conserve, restore, and enhance the water in the watershed in which they are proposed;
- (b) encourage net water use and, without limiting the generality of the foregoing, encourage a continuous reduction in water use on a watershed-by-watershed basis;
- (c) identify, protect, conserve, restore, and enhance, as well as prevent negative impacts on, areas critical to hydrologic system functioning including aquifers, head-waters, riparian areas, surface water and groundwater recharge areas, wetlands and wetland functions;
- (d) reduce and appropriately locate impervious surfaces that are unable to absorb water so as to protect, conserve, restore, and enhance the hydrologic system in the watershed in which development is proposed;
- (e) reduce storm water impacts so as to make the release of such waters less disruptive of the normal functioning of the hydrologic system;
- (f) ensure that where development in municipalities is planned, it shall provide for protection, conservation, restoration, and enhancement of water through such means as siting, design, landscaping, infrastructure, and building design;
- (g) ensure that municipalities shall limit development where there are insufficient water supplies to meet the purposes set out in subsections (a), (b), (c), (d), (e), (f), (h), (i), (j), or (k);
- (h) ensure that the principles of sustainable development are applied to the use of water;
- (i) ensure that the precautionary principle is applied to the protection, conservation, restoration and enhancement of water;
- (j) protect the natural functions of the ecosystem;
- (k) protect biological diversity, fish and wildlife habitat.

Duties - s. 3

3. The duties of the Government of Ontario and each minister of the Crown in Right of Ontario are to,

- (a) ensure that the purposes and requirements of the Act are met by persons, facilities, municipalities, water planning boards, public bodies, and ministries;
- (b) apply the precautionary principle in decisions respecting the protection, conservation, restoration, and enhancement of water;
- (c) undertake and implement water conservation plans where the Minister shall designate one or more public bodies of the province as water planning boards to undertake water conservation planning;
- (d) undertake and implement remedial plans that are outside the jurisdiction or financial ability of water planning boards or municipalities to restore and enhance,
 - (i) quality and quantity of water including, without limiting the generality of the foregoing, minimum stream and base flows to protect fish, and fish and wildlife habitat from negative impacts from existing projects, water removals, consumptive or non-consumptive uses, development, or infrastructure;
 - (ii) aquifers, head-waters, riparian areas, surface and groundwater recharge areas, biological diversity, the ecosystem, wetlands, or wetland functions from negative impacts from existing projects, water removals, consumptive or non-consumptive uses, development, or infrastructure;
 - (iii) special areas from negative impacts from existing projects, water removals, consumptive or non-consumptive uses, development, or infrastructure;
- (e) ensure that Ontario's obligations under the Great Lakes Charter with respect to applications under sections 5 and 6 are complied with, including notifying and consulting with governmental authorities in other jurisdictions regarding such applications even if notification and consultation are not required by the Great Lakes Charter;
- (f) review and revise existing laws, regulations, policies, and practices to ensure that the purposes and duties of this Act are met;
- (g) undertake scientific, technical, economic and other research, investigations, and studies necessary to ensure that an adequate information base is available for water planning boards to rely upon for the purposes of developing and implementing water conservation planning and water conservation measures required under this Act and the regulations;
- (h) provide fiscal resources to carry out the provisions, monitoring, and enforcement of this Act;

- (i) protect the public trust in water for the benefit of present and future generations.

The Crown - s. 4

4. This Act binds the Crown.

PART I - WATER PLANNING BOARDS

Interpretation - s. 4.1

4.1 The definitions in this subsection apply in this Act.

"*upper-tier municipality*" means a city, county, regional, metropolitan, or district municipality;

"*water planning and management area*" means a geographic or territorial area coextensive with a watershed where water conservation planning and implementation of water conservation measures are undertaken by a water planning board;

"*water planning board*" means an entity responsible for water conservation planning and implementation of water conservation measures in a watershed under this Act including an upper-tier municipality, conservation authority under the *Conservation Authorities Act*, First Nation or, where Crown land or unorganized territory is involved, the Ministry of Natural Resources.

Water planning boards established - s. 4.2

4.2 Upon the coming into force of this Act, the Minister shall establish water planning boards whose water planning and management area boundaries shall be coextensive with the watersheds of each conservation authority designated under the *Conservation Authorities Act*.

Appointments to water planning boards - s. 4.3

4.3 The Minister shall specify the number of members to be appointed to a water planning board from the council or governing body of each upper tier municipality, First Nation, or conservation authority within the watershed.

Idem - s. 4.4

4.4 The council or governing body of each upper-tier municipality, First Nation, or conservation authority shall appoint to the water planning board the number of members specified by the Minister under subsection 4.3 and, after the initial appointments, the appointments shall be made by each successive council or

governing body as soon as practicable after the council or governing body is organized.

Additional water planning and management areas and boards defined and established by Minister - s. 4.5

4.5 Notwithstanding subsection 4.2, upon the coming into force of this Act, the Minister in conjunction with the Minister of Natural Resources shall establish, define and name additional water planning and management areas and water planning boards and appoint the members to the water planning boards for each watershed in the province currently without a conservation authority under the *Conservation Authorities Act*.

Term of office - s. 4.6

4.6 The members,

(a) appointed by the council or governing body of each upper-tier municipality, First Nation, or conservation authority shall hold office for the term of the council or governing body that appointed them; and

(b) appointed by the Minister and the Minister of Natural Resources shall hold office for the term specified by the Ministers in their appointment, and until their successors are appointed.

Duties of water planning boards - s. 4.7

4.7 A water planning board shall undertake such tasks, perform such duties and responsibilities, and meet such requirements as are specified under this Act and the regulations.

PART I.I - PROTECTION OF ONTARIO WATERS

Prohibition on class I diversions from one watershed to another - s. 5

5. (1) No person shall construct or operate a Class I project capable of diverting, extracting, or transferring water at a peak instantaneous flow exceeding the amount prescribed by regulation from one watershed to another watershed.

Prohibition on modifications etc., from one watershed to another

(2) No person shall modify a Class I project capable of diverting or extracting water if the modification results in, or if completed would result in, the project having the capability of transferring water at a peak instantaneous exceeding the amount prescribed by regulation from one watershed to another watershed.

Prohibition on class I diversions within a watershed

(3) No person shall construct, operate, or modify a Class I project capable of diverting, extracting, or transferring water at a peak instantaneous flow exceeding the amount prescribed by regulation from one point to another within a watershed.

Prohibition on class II diversions from one watershed to another

(4) No person shall construct, operate, or modify a Class II project capable of diverting, extracting, or transferring water at a peak instantaneous flow less than the amount prescribed by regulation from one watershed to another watershed.

Prohibition on class II diversions within a watershed without a permit

(5) No person shall construct, operate, or modify a Class II project capable of diverting, extracting, or transferring water at a peak instantaneous flow less than the amount prescribed by regulation from one point to another within a watershed without a permit issued by the Director.

Exceptions

(6) Subsections (1) to (5) do not apply to a project approved or operating before the coming into force of this Act unless a modification of an existing project is proposed under subsections (2), (3), (4), or (5).

Alteration or removal of existing structures

(7) Notwithstanding subsection (6), a water planning board may determine in a water conservation plan under sections 11-12 or a remedial plan under section 16-17 that an existing structure such as a dam or channel but not limited thereto, should be altered or removed for the purpose of protecting, conserving, restoring or enhancing water.

Permit for water removals for consumptive uses, etc. - s. 6

6. (1) Notwithstanding any general or special Act or any regulation or order made thereunder and subject to subsection (4), no person shall engage in water removal for a consumptive or non-consumptive use, or any other purpose by means of a well, inlet from a surface source of supply, structure, works or combination thereof, in an amount greater than the amount prescribed by regulation in litres of water a day without a permit issued by the Director.

Where water removal interferes with other person's interest in water

(2) Notwithstanding any general or special Act or any regulation or order made thereunder and subject to subsection (4), where a person engages in, or proposes to engage in, water removal for a consumptive or non-consumptive use, or any other purpose at less than the amount prescribed by regulation in litres of water a day, that person shall not interfere with fulfillment of the purposes of this Act, or any other public or private interest in water and, where in the opinion of the Director such interference may occur, such water removal is prohibited without a permit issued by the Director.

Flowing or leaking of water from well, etc. regulated

(3) No person shall allow the flowing or leaking of water from a well, diversion, hole, or excavation made in the ground for any purpose that in the opinion of the Director may interfere with fulfillment of the purposes of this Act, or any other public or private interest in water, without a permit issued by the Director.

Exceptions

(4) The permit requirements of subsections (1) and (2) do not apply to water removal by any person for,

- (a) individual ordinary household purposes;
- (b) firefighting; or
- (c) watering of livestock or poultry unless water is taken into storage for subsequent use in watering livestock or poultry.

Permit information requirements - s. 7

7. (1) A Director who is considering an application under sections 5(5), 6(1)-(3) or 8 (6) for a permit shall require the applicant to submit the following information for the consideration of the Director prior to the issuance of any permit,

- (a) the purpose of the project or water removal;
- (b) the need for the project or water removal;
- (c) the effects, including cumulative effects likely to result from the project or water removal in combination with other projects or water removals on protection, conservation, restoration, and enhancement of water, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, and wetland functions;
- (d) the significance of the effects referred to in paragraph (c);
- (e) comments from the public and governmental authorities received in accordance with section 7(2) of this Act and the regulations;
- (f) measures that would mitigate any significant adverse effects and negative impacts of the project or water removal on water, biological

diversity, the ecosystem, fish and wildlife habitat, wetlands, and wetland functions;

(g) the capacity of water resources that are likely to be significantly affected by the project or water removal to meet the needs of present and future generations;

(h) the need for, and the requirements of, any follow-up program verifying the accuracy of the assessment of the project or water removal, and determining the effectiveness of any measures taken to mitigate the adverse effects on water, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, and wetland functions of the project or water removal;

(i) the protection of the natural functions of the ecosystem including biological diversity, fish and wildlife habitat, wetlands, and wetland functions;

(j) groundwater that may affect or be affected by the proposed project or surface water removal, if the application is for a permit relating to surface water;

(k) surface water that may affect or be affected by the proposed project or groundwater removal, if the application is for a permit relating to groundwater;

(l) consistency of the project or water removal with a proposed or approved water conservation plan for the water planning and management area or watershed where the activity that is the subject matter of the permit will be carried out;

(m) the adequacy of the water use reduction plan filed by the applicant for a permit, or the effect of the failure by the applicant to file such a plan on the purposes of this Act;

(n) consistency of the project or water removal with a proposed or approved remedial plan for the water planning and management area or watershed where the activity that is the subject matter of the permit will be carried out;

(o) such other information as the Director may specify.

Consultation

(2) An applicant for a permit under sections 5(5), 6(1)-(3), or 8(6) shall consult with, and solicit comments from, persons who have or express an interest in the project or water removal, including governmental authorities specified by the Director.

Decision - s. 8

8. (1) A Director may make the following decisions on a permit, subject to subsections (2)(3),

(a) Issue a permit;

- (b) Refuse to issue or cancel a permit;
- (c) Impose terms and conditions in issuing a permit;
- (d) Alter the terms and conditions of a permit after it is issued.

Referral to Review Tribunal

(2) Where a request for a hearing regarding an application for the issuance of a permit has been made by any person having or expressing an interest in the project or water removal under section 23, the Director shall refer the request to the Review Tribunal.

Powers of Review Tribunal

(3) Where a Director has referred a request for a hearing to the Review Tribunal, the Review Tribunal shall hold a hearing and make the decision that the Director is permitted to make under subsection (1).

Basis for decision

(4) The Director or the Review Tribunal shall consider the following matters when deciding an application for a permit,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The information provided to the Director under section 7(1);
- (d) The comments made pursuant to section 7(2);
- (e) The protection of the natural functions of the ecosystem including biological diversity, fish and wildlife habitat, wetlands, and wetland functions;
- (f) Groundwater that may affect or be affected by the proposed project or surface water removal, if the application is for a permit relating to surface water;
- (g) Surface water that may affect or be affected by the proposed project or groundwater removal, if the application is for a permit relating to groundwater;
- (h) The impact on a proposed or approved water conservation plan for the management area or watershed where the activity that is the subject matter of the permit will be carried out;
- (i) The adequacy of the water use reduction plan filed by the applicant for a permit, or the effect of the failure by the applicant to file such a plan on the purposes of this Act;
- (j) The impact on a proposed or approved remedial plan for the management area or watershed where the activity that is the subject matter of the permit will be carried out;
- (k) The public interest as reflected in the purposes and duties set out under this Act.

Decision to be consistent with purposes and duties

(5) A decision of the Director or the Review Tribunal shall be consistent with,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The approved water conservation plan for the water planning and management area or watershed where the activity that is the subject matter of the permit will be carried out;
- (d) The approved remedial plan for the water planning and management area or watershed where the activity that is the subject matter of the permit will be carried out.

Permit expiry

(6) Notwithstanding subsection (1), a permit issued under this Act expires five years after its issuance unless the permit holder applies to the Director and obtains a new permit before expiry.

Permit not transferable

(7) A permit issued under this Act is not transferable except with the permission of the Director.

Notification of Director prior to change in ownership, etc. of permit holder

(8) The Director shall be notified in writing thirty (30) days prior to any of the following proposed changes concerning the holder of a permit under this Act,

- (i) change of company ownership;
- (ii) change of company address;
- (iii) change of name of the company or any change of business name or style;
- (iv) change in Directors or Officers.

Renewal requirements

(9) An applicant for a renewed permit under subsection (6) is subject to the same provisions of this Act as an applicant applying for a permit of first instance.

Renewal contingent on water use audit and water use reduction plan

(10) Notwithstanding subsections (6) and (9), no permit may be renewed where, pursuant to section 15, a water use audit has not been undertaken and a water use reduction plan or update has not been submitted to the Director.

Interpretation - s. 9

9. The definitions in this subsection apply in this Act.

"*development*" means the creation of a new lot, a change in land use including without limiting the generality of the foregoing an official plan designation, re-designation, or amendment, or the construction of buildings, structures, or golf courses under the *Planning Act* or any other Act identified in Schedule 3 and, without limiting the generality of the foregoing, includes

- (a) a new lot and/or an increase in the number of permitted units on an existing lot;
- (b) the construction, erection or placing of a building or structure; activities such as site grading, excavation, removal of top soil, peat, trees, or vegetation, the placing and/or dumping of fill; drainage works;
- (c) the construction, erection or placing of a building or structure of any kind; or the making of an additional or alteration to a building or structure that has the effect of increasing the size or usability thereof; and includes such related activities as site grading and the placing and/or dumping of fill;

"*infrastructure*" means the physical structures that form the foundation for development and without limiting the generality of the foregoing includes sewage and water works;

"Niagara Escarpment" means the land area of Ontario identified as belonging to the Niagara Escarpment Planning Area and designated as such by the Minister of Natural Resources under the *Niagara Escarpment Planning and Development Act*;

"Oak Ridges Moraine" means

- (a) the land identified as belonging to the Oak Ridges Moraine in "Oak Ridges Moraine Strategy for the Greater Toronto Area: An Ecosystem Approach for Long Term Protection and Management", prepared for the Minister of Natural Resources by the Oak Ridges Moraine Technical Working Committee in November, 1994, and
- (b) any additional land designated under section 9.1(7).

Development Controls - s. 9.1

9.1 (1) Notwithstanding the *Planning Act* and any other general or special Act or any regulation or order made thereunder, a decision of the council of a municipality, the Minister of Municipal Affairs and Housing, and the Municipal Board regarding development or infrastructure under the *Planning Act* and any

other planning related Act as may be prescribed in Schedule 3, shall be consistent with,

- (a) The purposes of this Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The approved water conservation plan for the water planning and management area or watershed where the development or infrastructure will be carried out;
- (d) The approved remedial plan for the water planning and management area or watershed where the development or infrastructure will be carried out;
- (e) The water impact permit issued by a water planning board.

Areas to be protected from negative impacts of development

(2) Without limiting the generality of subsection (1), a water planning board under this Act, a council of a municipality, the Minister of Municipal Affairs and Housing, and the Municipal Board shall not permit development under the *Planning Act* and any other planning related Act as may be prescribed in Schedule 3, that may have negative impacts on,

- (a) surface water and groundwater quality or quantity;
- (b) aquifers, head-waters, riparian areas, surface and groundwater recharge areas, natural functions of the ecosystem including biological diversity, fish and wildlife habitat, wetlands, and wetland functions;
- (c) special areas as identified pursuant to subsection (4).

Water impact permits

(2.1) Notwithstanding the *Planning Act* and any other general or special Act or any regulation or order made thereunder, no person shall proceed with development or infrastructure without first obtaining a water impact permit from a water planning board.

Water impact permit information requirements

(3) Applications for water impact permits for development or infrastructure under this subsection, shall include the following information,

- (a) the purpose of the development or infrastructure;
- (b) the need for the development or infrastructure;
- (c) the effects, including cumulative effects likely to result from the development or infrastructure in combination with other development or infrastructure on protection, conservation, restoration, and enhancement of water, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, and wetland functions;

- (d) the significance of the effects referred to in paragraph (c);
- (e) measures that would mitigate any negative impacts of the development or infrastructure on water, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, and wetland functions;
- (f) the capacity of water resources that are likely to be significantly affected by the development or infrastructure to meet the needs of present and future generations;
- (g) the need for, and the requirements of, any follow-up program verifying the accuracy of the assessment of the development or infrastructure, and determining the effectiveness of any measures taken to mitigate the adverse effects on water, biological diversity, the ecosystem, fish and wildlife habitat, wetlands, and wetland functions of the development or infrastructure;
- (h) the protection of the natural functions of the ecosystem including biological diversity, fish and wildlife habitat, wetlands, and wetland functions;
- (i) surface and groundwater that may affect or be affected by the proposed development or infrastructure;
- (j) consistency with a proposed or approved water conservation plan for the water planning and management area or watershed where the activity that is the subject matter of the development or infrastructure will be carried out;
- (k) the adequacy of the water use reduction plan filed by the applicant for approval of the development or infrastructure, or the effect of the failure by the applicant to file such a plan on the purposes of this Act;
- (l) consistency with a proposed or approved remedial plan for the water planning and management area or watershed where the activity that is the subject matter of the development or infrastructure will be carried out;
- (m) such other information as the Minister may specify.

Consultation

(3.1) An applicant for a water impact permit under subsection (3) shall consult with, and solicit comments from, persons who have or express an interest in the development or infrastructure, including governmental authorities specified by the water planning board. Decision

(3.2) A water planning board may make the following decisions on a water impact permit, subject to subsections (3.3)(3.4),

- (a) Issue a water impact permit;
- (b) Refuse to issue or cancel a water impact permit;
- (c) Impose terms and conditions in issuing a water impact permit;
- (d) Alter the terms and conditions of a water impact permit after it is issued.

Referral to Joint Board

(3.3) Where a request for a hearing regarding an application for the issuance of a permit has been made by any person having or expressing an interest in the development or infrastructure under section 23, the water planning board shall refer the request to the Joint Board.

Powers of Joint Board

(3.4) Where a water planning board has referred a request for a hearing to the Joint Board, the Joint Board shall hold a hearing and make the decision that the water planning board is permitted to make under subsection (3.2).

Basis for decision

(3.5) The water planning board or the Joint Board shall consider the following matters when deciding an application for a water impact permit,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The information provided to the water planning board under subsection (3);
- (d) The comments made pursuant to subsection (3.1);
- (e) The protection of the natural functions of the ecosystem including biological diversity, fish and wildlife habitat, wetlands, and wetland functions;
- (f) Groundwater that may affect or be affected by the proposed development or infrastructure, if the application is for a water impact permit relating to surface water;
- (g) Surface water that may affect or be affected by the proposed development or infrastructure, if the application is for a water impact permit relating to groundwater;
- (h) Consistency with a proposed or approved water conservation plan for the water planning and management area or watershed where the activity that is the subject matter of the water impact permit will be carried out;
- (i) The adequacy of the water use reduction plan filed by the applicant for a water impact permit, or the effect of the failure by the applicant to file such a plan on the purposes of this Act;
- (j) Consistency with a proposed or approved remedial plan for the water planning and management area or watershed where the activity that is the subject matter of the water impact permit will be carried out;
- (k) The public interest as reflected in the purposes and duties set out under this Act.

Decision to be consistent with purposes and duties

(3.6) A decision of the water planning board or the Joint Board shall be consistent with,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The approved water conservation plan for the water planning and management area or watershed where the activity that is the subject matter of the water impact permit will be carried out;
- (d) The approved remedial plan for the water planning and management area or watershed where the activity that is the subject matter of the water impact permit will be carried out.

Water impact permit not transferable

(3.7) A water impact permit issued under this Act is not transferable except with the permission of the water planning board.

Notification of water planning board prior to change in ownership, etc. of permit holder

(3.8) The water planning board shall be notified in writing thirty (30) days prior to any of the following proposed changes concerning the holder of a water impact permit under this Act,

- (i) change of company ownership;
- (ii) change of company address;
- (iii) change of name of the company or any change of business name or style;
- (iv) change in Directors or Officers.

Special areas designation

(4) The Minister shall by order identify, establish, and designate in Schedule 4 to this Act areas of the province that shall be treated as special areas to be maintained substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment in order to protect the quality and quantity of water in the special areas from the negative impacts of development.

Special areas plans

(5) The Minister shall prepare a plan for each special area designated in Schedule 4 and in preparing such plan the objectives to be sought shall be,

- (a) to protect, conserve, restore, and enhance unique ecosystem areas including areas of biological diversity, fish and wildlife habitat, wetlands, and wetland functions;
- (b) to maintain and enhance the quality, character, and hydrologic function of natural streams and water supplies;
- (c) to ensure that all new development and infrastructure is consistent with the purposes of this Act; and
- (d) to support municipalities within a special area plan in exercising their planning functions under the *Planning Act* so as to meet the purposes of this Act.

Prohibitions in special areas

(6) Notwithstanding any other general or special Act, when a special area plan is in effect,

- (a) no municipality having jurisdiction in the special area plan area, or in any part thereof, no person, and no public body shall undertake to establish or expand infrastructure within the area; and
- (b) no municipality having jurisdiction in such area shall enact, nor the Minister of Municipal Affairs and Housing, nor the Municipal Board, approve any by-law for any purpose including establishment or expansion of development or infrastructure; and
- (c) no development permit shall be issued under subsection (8),

that is in conflict with the special area plan, the purposes, or duties of this Act.

Plan process to be followed for special areas

(7) The process to be employed in the establishment and amendment of special area plans shall be the process established under sections 6.1 to 10 of the *Niagara Escarpment Planning and Development Act*, which are by this section incorporated into this Act mutatis mutandis, except where they are inconsistent with this Act.

Development permit process to be followed for special areas

(8) The process to be employed in the issuance or amendment of development permits for special areas shall be the process established under sections 24 to 26 of the *Niagara Escarpment Planning and Development Act*, which are by this section incorporated into this Act mutatis mutandis, except where they are inconsistent with this Act.

Information requirements for special areas

(9) Applications for approval of development or infrastructure under this Act, the *Planning Act* and any other planning related Act as may be prescribed in Schedule 3 for areas designated as special areas under this Act, shall include the information set out in subsection (3).

Emergency designation of Oak Ridges Moraine as special area

(10) The area known as the Oak Ridges Moraine is hereby granted an emergency designation as a special area and shall be identified as such in Schedule 4 of this Act.

Emergency powers of Ministers in respect of special areas

(11) Where an area is designated a special area by emergency under this subsection or subsection (10), the Minister and the Minister of Municipal Affairs and Housing shall forthwith, in respect of any land in Ontario that is so designated, exercise any of the powers conferred upon councils under the *Planning Act* regarding,

- (a) official plans;
- (b) zoning control;
- (c) interim control; and
- (d) subdivision control,

so as to meet the purposes and duties of this Act.

Designation of Niagara Escarpment as special area

(12) The area known as the Niagara Escarpment is hereby designated as a special area and shall be identified as such in Schedule 4 of this Act.

Powers of Niagara Escarpment Commission and Minister of Natural Resources

(13) The Niagara Escarpment Commission and the Minister of Natural Resources shall forthwith, in respect of the Niagara Escarpment, exercise the powers conferred on them under the *Niagara Escarpment Planning and Development Act* regarding,

- (a) plan amendments; and
- (b) development permits,

so as to meet the purposes and duties of this Act.

Easements to protect, conserve, etc. water - s. 10

10. (1) Any combination of two or more of the entities identified in subsections (4) and (5) may enter into an agreement to grant or hold an easement to protect, conserve, restore, or enhance water.

Nature of easement

(2) An easement is a voluntary agreement entered into between the grantor of the easement and the holder of the easement that,

- (a) grants rights and privileges to the holder of the easement respecting land that relate to the purposes for which the easement is granted;
- (b) may impose obligations on the holder of the easement, the grantor of the easement, or any subsequent owner of the land respecting that land that relate to the purposes for which the easement is granted; and
- (c) may exist for a fixed term or for perpetuity.

Purpose of easement

(3) An easement shall be granted only for one or more of the following purposes,

- (a) to meet the purposes of this Act;
- (b) to meet any other purposes prescribed by regulation that are consistent with the purposes of this Act.

Who may grant easement

(4) The following entities may grant an easement,

- (a) any owner of land in fee simple may grant an easement;
- (b) an owner of land may grant more than one easement respecting land if there is no conflict between the rights and privileges granted and the obligations imposed by the easements;
- (c) the Crown in right of the Province, the Crown in right of Canada, or a municipality may grant an easement to itself or to anyone eligible to be a holder of an easement.

Who may hold an easement

(5) Any of the following may hold an easement,

- (a) the Crown in right of the Province, or any agency of the Crown in right of the Province;
- (b) the Crown in right of Canada or any agency of the Crown in right of Canada;

- (c) a municipality or any agency of a municipality;
- (d) a water planning board;
- (e) a non-profit corporation that has as one of its primary purposes a purpose mentioned in section 2; and
- (f) any person, body, or group or class of persons, bodies, or groups eligible to hold an interest in land.

Registration, priority, amendment, assignment, termination, etc.

(6) The registration, priority of other interests, amendment, assignment, termination, and any other matters relating to easements shall be established by regulation.

Enforcement

(7) The obligations in an easement on the holder of the easement, the grantor of the easement, or a subsequent owner of the land may be enforced by an action in the Superior Court of Justice for Ontario by the holder of the easement, the grantor of the easement, or a subsequent owner of the land.

(8) In an action under subsection (1), the Court may do any one or more of the following,

- (a) grant any relief or remedy available at common law to any of the parties referred to in subsection (1);
- (b) order the defendant to take any action the Court considers appropriate to restore or remedy any harm to the land to which the easement relates; and
- (c) prohibit any activity on the land to which the easement relates that the Court considers contrary to the purposes of the easement.

PART II - CONSERVATION OF ONTARIO WATERS

Water planning boards to undertake water conservation planning - s. 11

11. (1) Each water planning board established under Part I shall undertake water conservation planning according to the requirements of this Act and the regulations.

Assessment of water use in water planning and management area

(2) Within six months after the coming into force of this Act, each water planning board shall commence an evaluation of the adequacy of water quantity in its water planning and management area by undertaking a water use data collection and demand forecasting assessment of existing and prospective water supply, use, and demand in the watershed for which it has responsibility.

Assessment contents

(3) The assessment referred to in subsection (2) shall include,

- (a) an estimate of the surface and groundwater present in the water planning and management area;
- (b) an estimate of the surface and groundwater available in the water planning and management area, taking into account seasonal and other variations;
- (c) an estimate of the water in the water planning and management area committed to various permittees under this Act and other consumptive and non-consumptive uses under any other general or special Act;
- (d) an estimate of the surface and groundwater actually being used in the water planning and management area;
- (e) an estimate of the water needed in the future for use in the water planning and management area;
- (f) an identification of the location of areas where aquifers are known to recharge surface bodies of water and areas known to provide for the recharge of aquifers from the surface;
- (g) an estimate of the surface and groundwater available in the water planning and management area for future use in the water planning and management area, taking into account minimum stream flows, including the data necessary to evaluate necessary flows to protect fish and fish habitat;
- (h) an estimate of high, medium, and low population forecasts;
- (i) an identification of existing water rate schedules;
- (j) an estimate of projected demand that incorporates both water saved through conservation and demand without conservation;
- (k) an assessment of the water use efficiency of permit holders;
- (l) an evaluation of the water use audits and water use reduction plans required to be prepared and implemented by facilities and provincial activities in the water planning and management area under section 15;
- (m) an evaluation of the remedial plans required to be prepared and implemented for the water planning and management area under sections 16, 16.1 or 17, if available;
- (n) an evaluation of the condition of both the quality and quantity of water in the water planning and management area and the need for its improvement;
- (o) comments from the public and governmental authorities received in accordance with subsection (4);
- (p) an identification of any gaps in knowledge pertaining to matters set out in subsections (a) to (n) and proposals for obtaining the requisite information;
- (q) such other matters as the Minister may designate by regulation regarding water use data collection and demand forecasting requirements.

Reliance on provincial data

(3.1) A water planning board responsible for conducting the assessment set out in subsections (2) and (3) shall, to the maximum extent feasible, rely upon data developed by the province under section 33 of this Act.

Public consultation on draft and final versions of assessment

(4) A draft, and not earlier than 120 days thereafter a final, version of the assessment shall be made public by the water planning board who shall consult with, and solicit comments from, persons who have or express an interest in the assessment, including governmental authorities specified by the Minister.

Water conservation plan

(5) Not later than eighteen months after the coming into force of this Act, each water planning board shall, based on the assessment, submit a plan for the conservation of water within its water planning and management area for the approval of the Director.

Public consultation on plan

(6) Not later than fifteen months after the coming into force of this Act, a draft of the plan referred to in subsection (5) shall be made public by the water planning board who shall consult with, and solicit comments from, persons who have or express an interest in the plan, including governmental authorities specified by the Minister.

Goals and objectives of plan

(7) The goals and objectives of the plan referred to in subsection (5) shall include,

- (a) efficient water use;
- (b) protection of water as a valuable resource;
- (c) reduction in per capita consumption;
- (d) financial savings through deferral of capital investments;
- (e) attainment of maximum utilization of current water supplies;
- (f) reduction in peak daily consumption;
- (g) reduction in peak monthly consumption;
- (h) reduction in total annual consumption compared to 1999 consumption of 25 per cent by the year 2010;
- (i) reduction in water usage from industrial, commercial, institutional, and residential customer classes compared to 1999 levels of 25 per cent by the year 2010;

- (j) development of public education and awareness;
- (k) achievement of the purposes of this Act;
- (l) such other matters as the Minister may designate by regulation consistent with the purposes of this Act.

Agreement to prepare master water planning and management area conservation plan

(8) Two or more water planning boards may agree to fulfill their obligations under this Act by preparing a master water planning and management area conservation plan for the watersheds under their collective responsibility in which case the requirements of this Act relating to water conservation planning shall apply to the master water planning and management area conservation plan produced by them.

Interpretation - s.12

12. The definitions in this subsection apply in this Act.

"costing and pricing" means the implementation of cost-of-service accounting, user charges or rate structures, metered rates, cost analysis, non-promotional rates, advanced pricing methods, and increasing block rates consistent with the principle that "the more you use, the more you pay";

"full cost recovery" means recovery of all direct and indirect costs associated with the capital construction of facilities for, and the operation and delivery of, water;

"increasing block rates" means a water rate scheme that charges a higher per unit price as the amount of water consumed increases;

"information and education" includes provision of an understandable and informative water bill that identifies volume of usage, rates, and charges; materials and pamphlets promoting sound water conservation practices and describing the actions of the responsible authority in this regard; and establishment of a water conservation advisory committee to involve the public in implementation of the plan approved by the Minister under section 13 of this Act;

"landscape efficiency" means the promotion of water conserving principles in the planning, development, and management of new, and the renovation of existing, landscapes including public parks, building grounds, and golf courses; and irrigation management including sub-metering, pricing, timing, and water/rain-sensing measures;

"nonaccount water" means water that is metered but not billed and all unmetered water;

"*pressure management*" includes a management area wide program of purchase and installation of pressure-reducing valves in street mains, buildings, and utility services in order to decrease leakage, amount of flow through open faucets, and stresses on pipes and joints in order to save water;

"*retrofits*" means improving an existing fixture or appliance in order to increase water-use efficiency in plumbing fixtures including low-flow kitchen and bathroom faucets, showerheads, and toilets, and a program for their distribution to targeted customer classes such as residential, commercial, industrial, and institutional users;

"*reuse and recycling*" means industrial, irrigation, and selective residential use of graywater, treated wastewater, process, or cooling water;

"*universal metering*" means source-water metering, service-connection metering, public-use water metering, fixed-interval water reading, meter accuracy, and meter testing, calibration, repair and replacement;

"*unmetered water*" means water that may be authorized for utility purposes such as operation and maintenance, and certain public uses such as fire hydrant maintenance, as well as unauthorized uses, including losses from accounting errors, malfunctioning distribution control systems, thefts, inaccurate meters, or leaks;

"*water accounting and loss control*" means accounting for water, repair of known leaks, analysis of nonaccount water, system audit, leak detection and repair strategy, and loss-prevention program;

"*water-use audits*" means audits of large-volume users, large-landscape audits, and selective end-use audits for the purposes of identifying how water is used and how usage might be reduced through specific conservation measures and strategies;

"*water-use regulations*" means,

(a) water-use standards to manage water use during conditions of drought, other water supply emergencies, and to promote conservation during non-emergency situations and include,

- (i) development of a hierarchy of uses,
- (ii) restrictions on non-essential uses, such as lawn watering, car washing, filling swimming pools, washing sidewalks, and irrigating golf courses,
- (iii) restrictions on commercial car washes, nurseries, hotels, and restaurants,

- (iv) standards for water-using fixtures and appliances in addition to federal and provincial efficiency standards,
- (v) bans or restrictions on once-through cooling,
- (vi) bans on non-recirculating car washes, laundries, and decorative fountains,
- (vii) bans on other types of water use or practice, and

(b) requirements for new development to conserve water in landscaping, drainage, and irrigation practices, and

"water-use by-law" has the same meaning;

Water conservation measures - s. 12.1

12.1 (1) The plan referred to in section 11 shall contain the following water conservation measures and a schedule for their implementation,

- (a) universal metering;
- (b) water accounting and loss control;
- (c) costing and pricing;
- (d) full cost recovery;
- (e) water-use audits;
- (f) retrofits;
- (g) pressure management;
- (h) landscape efficiency;
- (i) reuse and recycling;
- (j) water use regulation;
- (k) information and education;
- (l) such other conservation measures as the Minister may designate by order or regulation under this Act.

(2) Notwithstanding subsection (1), a water planning board may exclude from its plan one or more of the measures identified in subsection (1) where the water planning board can demonstrate to the satisfaction of the Director that the purposes of this Act will still be met by the measures contained in the proposed plan.

Decision - s. 13

13. (1) The Director may make the following decisions on a plan, subject to subsections (2)(3),

- (a) Issue an approval for the plan;
- (b) Refuse to issue or cancel an approval for a plan;
- (c) Impose terms and conditions in issuing an approval for a plan;

- (d) Alter the terms and conditions of an approval for a plan after it is issued.

Referral to Review Tribunal

(2) Where a request for a hearing regarding an application for the approval of a plan has been made by any person having or expressing an interest in a plan under section 23, the Minister shall refer the request to the Review Tribunal.

Powers of Review Tribunal

(3) Where the Minister has referred a request for a hearing to the Review Tribunal, the Review Tribunal shall hold a hearing and make the decision that the Director is permitted to make under subsection (1).

Basis for decision

(4) The Director or the Review Tribunal shall consider the following matters when deciding an application for approval of a plan,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The information provided under sections 11(3)(7), and 12.1(1);
- (d) The comments made pursuant to sections 11(4)(6);

Decision to be consistent with purposes and duties

(5) A decision of the Director or the Review Tribunal shall be consistent with,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act.

Plan expiry

(6) Notwithstanding subsection (1), a plan approved under this Act expires ten years after its issuance unless the water planning board applies to the Director and obtains approval for a new plan before expiry.

Renewal requirements

(7) An applicant for a renewed plan under subsection (6) is subject to the same provisions of this Act as an applicant applying for approval of a plan of first instance.

Adoption and implementation of water conservation plan - s. 14

14. (1) Once a plan is approved by the Director or the Review Tribunal under section 13, the water planning board shall adopt and implement the plan forthwith under this Act.

(2) The requirements of subsection (1) apply with respect to a renewal of a plan under section 13(6)(7).

Water use audits and water use reduction plans - s. 15

15. (1) Not later than eighteen months after the coming into force of this Act,

(a) each facility within the industrial, commercial, institutional, and irrigation categories of consumptive and non-consumptive uses identified in Schedule 1; and

(b) each Minister of the Crown responsible for a provincial activity,

shall undertake, complete, and submit to the Director,

(i) a water use audit; and

(ii) a water use reduction plan.

Water use audit contents

(2) A water use audit referred to in subsection (1) shall address,

(a) the amount of, and sources for, water used at the facility or provincial activity on an annual basis;

(b) the manner in which water is used at the facility or provincial activity on an annual basis;

(c) the projected demand for water use by the facility or provincial activity in the future;

(d) such other matters respecting the use of water as may be prescribed by regulation.

Water use reduction plan contents

(3) A water use reduction plan referred to in subsection (1) shall address,

(a) the methods by which the facility or provincial activity intends to reduce, reuse, and recycle water;

(b) who will be responsible for implementing each part of the plan;

(c) when each part of the plan will be implemented;

(d) what are the expected results of the plan;

- (e) how the facility's or provincial activity's plan is consistent with the purposes of the water conservation and remedial plans proposed or being implemented by the water planning board for the water planning and management area(s) within which the facility or provincial activity is located;
- (f) how the facility's plan is consistent with the purposes of this Act;
- (g) how the provincial activity's plan is consistent with the purposes and duties of this Act;
- (h) such other matters respecting water use reduction as may be prescribed by regulation.

Update of water use audit and water use reduction plans

(4) Each facility and provincial activity shall undertake, complete, and submit to the Director every three years an update of its water use audit and water use reduction plan.

PART III - RESTORATION AND ENHANCEMENT OF ONTARIO WATERS

Interpretation - s. 16

16. The definitions in this subsection apply in this Act.

"remedial plan" means a plan for a water planning and management area referred to in sections 16.1-20 that is supplemental to a water conservation plan prepared under section 11, and that is designed to restore and enhance the quality and quantity of water, aquifers, head-waters, riparian areas, surface and groundwater recharge areas, fish and wildlife habitat, wetlands, wetland functions, and special areas from the negative impacts of past or existing projects, water removals, consumptive uses, development, or infrastructure.

Remedial plans of water planning boards - s. 16.1

16.1 (1) In addition to the plan required to be prepared under section 11, each water planning board shall within twenty-four months of the coming into force of this Act, prepare and submit a remedial plan for its water planning and management area for the approval of the Director.

Goals and objectives of plans

(2) The goals and objectives of the plan referred to in subsection (1) shall include restoring and enhancing,

- (a) quality and quantity of water including, without limiting the generality of the foregoing, minimum stream and base flows to protect fish and fish

habitat from negative impacts from existing projects, water removals, consumptive and non-consumptive uses, development, or infrastructure;
 (b) aquifers, head-waters, riparian areas, surface and groundwater recharge areas, or wetlands from negative impacts from existing projects, water removals, consumptive and non-consumptive uses, development, or infrastructure;
 (c) special areas from negative impacts from existing projects, water removals, consumptive and non-consumptive uses, development, or infrastructure.

Contents of plans

(3) The content of the plan referred to in subsection (1) shall include the following,

- (i) a definition and detailed description of water quantity problems in the water planning and management area, including a definition of the water productive capacity, features, and functions that are impaired, the degree of impairment, and the geographic extent of such impairment;
- (ii) a definition of the causes of the impairment, including a description of all known or possible sources of the problem;
- (iii) an evaluation of remedial measures in place;
- (iv) an evaluation of alternative additional measures to restore and enhance water productive capacity, features, and functions;
- (v) a selection of additional remedial measures to restore and enhance water productive capacity, features, and functions and a schedule for their implementation;
- (vi) an identification of the persons or public bodies responsible for implementation of remedial measures;
- (vii) a process for evaluating remedial measures implementation and effectiveness; and
- (viii) a description of surveillance and monitoring processes to track the effectiveness of remedial measures and the eventual confirmation of restored and enhanced water productive capacity, features, and functions;
- (ix) such other matters as may be designated by regulation.

Comments on plans

(4) Not later than eighteen months after the coming into force of this Act, a draft of the plan referred to in subsection (1) shall be made public by the water planning board who shall consult with, and solicit comments from, persons who have or express an interest in the plan, including governmental authorities specified by the Minister.

Agreement to prepare master water planning and management area remedial plan

(5) Two or more water planning boards may agree to fulfill their obligations under this Act by preparing a master water planning and management area remedial plan for the watersheds under their collective responsibility in which case the requirements of this Act relating to remedial planning shall apply to the master water planning and management area remedial plan produced by them.

Remedial plans of province - s. 17

17. (1) The Minister shall designate the public body to develop and implement a remedial plan in any water planning and management area to address the matters set out in sections 16, and 16.1 where there is currently no conservation authority, and

(a) the matters are beyond the jurisdiction or financial ability of a water planning board; or

(b) the water planning board has not otherwise applied under section 20 to develop and implement, or section 16.1 for approval of, a remedial plan for the water planning and management area.

Designation by Lieutenant Governor-in-Council

(2) Where designation of a public body to develop and implement a remedial plan that is referred to in subsection (1) is beyond the jurisdiction of the Minister, the Lieutenant Governor-in-Council shall designate the minister or ministers of the Crown who shall be responsible for meeting the requirements of this section.

Idem

(3) The requirements of section 16, and 16.1 apply with respect to the preparation of a plan under this section.

Interim nature of obligations

(4) The obligations to develop and implement a remedial plan imposed under subsections (1)-(3) are interim in nature until such time as a water planning board has been established under this Act.

Decision - s. 18

18. (1) The Director may make the following decisions on a plan, subject to subsections (2)(3),

(a) Issue an approval for the plan;

- (b) Refuse to issue or cancel an approval for a plan;
- (c) Impose terms and conditions in issuing an approval for a plan;
- (d) Alter the terms and conditions of an approval for a plan after it is issued.

Referral to Review Tribunal

(2) Where a request for a hearing regarding an application for the approval of a plan has been made by any person having or expressing an interest in a plan under section 23, the Minister shall refer the request to the Review Tribunal.

Powers of Review Tribunal

(3) Where the Minister has referred a request for a hearing to the Review Tribunal, the Review Tribunal shall hold a hearing and make the decision that the Director is permitted to make under subsection (1).

Basis for decision

(4) The Director or the Review Tribunal shall consider the following matters when deciding an application for approval of a plan,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The information provided under the plan pursuant to sections 16.1 and 17;
- (d) The comments made pursuant to sections 16.1 and 17.

Decision to be consistent with purposes and duties

(5) A decision of the Director or the Review Tribunal shall be consistent with,

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The approved water conservation plan for the water planning and management area or watershed.

Plan expiry and renewal

(6) Notwithstanding subsection (1), a plan approved under this Act expires ten years after its issuance unless the water planning board applies to the Director and obtains approval for a new plan before expiry.

Renewal requirements

(7) An applicant for a renewed plan under subsection (6) is subject to the same provisions of this Act as an applicant applying for approval of a plan of first instance.

Adoption and implementation of remedial plan - s. 19

19. (1) Once a plan is approved by the Director or the Review Tribunal under section 16.1 or 17, the water planning board, public body, or a minister shall adopt and implement the plan forthwith under this Act.

(2) The requirements of subsection (1) apply with respect to a renewal of a plan under section 18(6)(7).

PART IV - FUND FOR CONSERVATION, RESTORATION, AND ENHANCEMENT OF ONTARIO WATERS

Fund establishment and administration - s. 20

20. [RESERVED]

[NOTE: THE FOLLOWING DOES NOT CONSTITUTE THE TEXT OF THE PROPOSED PART IV BUT RATHER THE PRINCIPLES THAT THE FUND SHOULD MEET. TEXT FOR PART IV MAY BE PROVIDED AT A LATER DATE]:

- ❖ The Fund should be primarily a user-based system;
- ❖ The Fund should provide rebate or other financial assistance to disadvantaged persons - i.e. those experiencing genuine hardship in paying water bills;
- ❖ The Fund should be derived from the following sources:
 - fees from first time applicants for water removal and diversion permits;
 - annual fees from holders of water removal and diversion permits;
 - annual fees per unit of water use from holders of water removal and diversion permits;
 - water impact permit fees or charges for land use changes, development, or infrastructure activities; and
 - fees for related industrial or commercial activities that are subject to the requirement to file a water use reduction plan or update under this Act.
- ❖ Purposes of the Fund would include:
 - enabling water planning boards, established under the Act, to plan and implement water conservation measures, remedial plans, and

to control development so as to protect water within their respective watersheds;
 - filling scientific data gaps in groundwater and surface water information;
 - etc.

- ❖ Statutory provisions establishing the Fund to the extent not addressed above should include such matters as:
 - Fund establishment and administration;
 - Fund purpose;
 - Duties surrounding administration of the Fund;
 - Criteria for dispersal of monies from the Fund;
 - Transfers to the Fund;
 - Expenditures from the Fund;
 - Fund minimum and maximum;
 - Use of Consolidated Revenue;
 - etc.

I. PART V - PUBLIC PARTICIPATION

Registry - s. 21

21. (1) The Minister shall use the registry established pursuant to the *Environmental Bill of Rights, 1993* for the purpose of facilitating convenient public access to information and documents relating to matters under this Act.

Contents of registry

(2) The registry shall contain the following information and documents,

- (a) notices issued pursuant to section 22;
- (b) information regarding applications for permits under sections 5(5), 6(1)-(3), and renewals under section 8(6);
- (c) information regarding applications for water impact permits under section 9.1;
- (d) information regarding easement agreements entered into under section 10;
- (e) draft and final versions of assessments and water conservation plans required to be prepared under section 11, and renewals under section 13(6)(7);
- (f) information on water use audits and water use reduction plans and updates required to be prepared under section 15;
- (g) draft and final versions of remedial plans required to be prepared under sections 16.1-17, and renewals under section 18(6)(7);
- (h) decisions and orders issued under this Act;
- (i) proposed and final policies and regulations made under this Act;
- (j) such further and other information as may be prescribed by regulation.

Permanence of registry contents

(3) The information identified in subsection (2) shall be maintained on a permanent basis as part of the registry.

Notice and Comment - s. 22

22. (1) Notice and opportunity for comment shall be given in respect of the following matters,

- (a) applications for permits under sections 5(5), 6(1)-(3), and 8(6)(7);
- (c) applications for water impact permits under section 9.1;
- (c) draft and final versions of assessments and water conservation plans required to be prepared under section 11, and section 13(6)(7);
- (d) draft and final versions of remedial plans required to be prepared under sections 16.1-17, and section 18(6)(7);
- (e) proposed policies and regulations made under this Act;
- (f) such further and other matters as may be prescribed by regulation.

Manner of notice

(2) Notice under this section shall be given in the manner set out in the regulations.

Content of notice

(3) A notice required to be given under this section shall contain the information set out in the regulations.

Notice comment period

(4) Except where stated to the contrary in this Act, the Minister shall provide a comment period under this section of at least 60 days before a decision is made on the matter that is the subject of the notice.

Right to object and request a hearing - s. 23

23. (1) Any person having or expressing an interest in a matter has a right to object to, and request a hearing regarding, the following,

- (a) an application for a permit under sections 5(5), 6(1)-(3), or 8(6);
- (b) an application for a water impact permit under section 9.1;
- (c) a water conservation plan required to be prepared under section 11, 13(6)(7);
- (d) a remedial plan required to be prepared under section 16.1, 17, or 18(6)(7).

Referral to Review Tribunal

(2) Where a request for a hearing is made regarding any of the matters set out in subsection (1)(a)(c)(d), the provisions of sections 8(2)(3), 13(2)(3), and 18(2)(3) shall apply to the request and the matter shall be referred to the Review Tribunal for hearing.

Referral to Joint Board

(3) Where a request for a hearing is made regarding any matter set out in subsection (1)(b), and notwithstanding the *Planning Act* or any other general or special Act, the matter shall be referred to the Joint Board for hearing.

Right to apply for funding - s. 24

24. (1) Persons entitled to request a hearing under section 23 of this Act and intervenors may, in a proceeding before the Review Tribunal or the Joint Board, apply to the Review Tribunal or the Joint Board as the case may be, as provided under this part, for funding from the proponent of an activity, the Fund established under section 20, or both.

[RESERVED]

[NOTE: THE FOLLOWING DOES NOT CONSTITUTE THE TEXT OF THE REMAINDER OF THE PROPOSED SECTION 24 BUT RATHER THE PRINCIPLES THAT SHOULD BE MET. TEXT FOR THE REMAINDER OF SECTION 24 MAY BE PROVIDED AT A LATER DATE]:

- ❖ Funding should be provided to persons who could not otherwise afford to be involved in administrative proceedings before the Review Tribunal or the Joint Board;
- ❖ The Act should set out criteria regarding such matters as:
 - procedural matters such as notice, adjournments, establishment of panels to hear funding applications;
 - eligibility for funding and factors to be considered before making funding awards;
 - matters for which funding are available such as legal and technical expert fees and disbursements;
 - when supplementary funding should be provided;
 - etc.

Appeals to the review tribunal of orders, policies, and regulations - s. 25

25. (1) Any person resident in Ontario may appeal to the Review Tribunal from,

- (a) an order under sections 34, 34.1;
- (b) a decision whether or not to implement a policy under sections 32, 34.1 ; or
- (c) a decision whether or not to promulgate or implement a regulation under section 34.1.

Grounds of appeal

(2) The grounds for an appeal pursuant to subsection (1) shall include failure to comply with a purpose, duty, or requirement of the Act.

Powers of review tribunal on orders, policies, and regulations

(3) A hearing by the Review Tribunal shall be a new hearing and the Review Tribunal may confirm, alter or revoke the action of the body appealed from that is the subject matter of the hearing and may by order direct the body appealed from to take such action as the Review Tribunal considers the body should take in accordance with this Act and the regulations, and, for such purposes, the Review Tribunal may substitute its opinion for that of the body appealed from.

Appeal to Divisional Court

(4) Any party to a hearing before the Review Tribunal under this section may appeal from its decision or order on a question of law to the Divisional Court in accordance with the rules of court.

Appeal to Minister or Lieutenant Governor in Council

(5) A party to a hearing before the Review Tribunal may, within thirty days after the receipt of the decision of the Review Tribunal or within thirty days after final disposition of an appeal, if any, under subsection (4), appeal in writing to the Minister or the Lieutenant Governor in Council, if the matter is one originating with the Minister, on any matter other than a question of law and the Minister, or the Lieutenant Governor in Council, shall confirm, alter, or revoke the decision of the Review Tribunal as to the matter in appeal as the Minister or the Lieutenant Governor in Council considers in the public interest.

Court appeals - s. 26

26. (1) Any party to a proceeding before the review tribunal or a joint board on matters other than those relating to orders, policies, and regulations under section 25, may appeal from a decision or order of these bodies to the Divisional Court in accordance with the rules of court.

Powers of court

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision of the review tribunal or the joint board or direct these bodies to make any decision or order that these bodies are authorized to make under this Act, or any Act named in Schedule 3, and the court may substitute its opinion for that of these bodies.

Exception

[NOTE: THIS PROVISION WILL REQUIRE APPROPRIATE MODIFICATION ONCE A FUNDING MECHANISM IS DEVELOPED UNDER ONTARIO LAW. THE FOLLOWING MAY BE TREATED AS AN EXAMPLE OF WHAT AN APPROPRIATE APPEAL PROVISION MIGHT LOOK LIKE IN THE CIRCUMSTANCES].

(3) With respect to matters arising under section 24,

- (a) an appeal lies only on a matter of law to the Divisional Court regarding a decision on funding and shall be heard by a single judge; and
- (b) if the judge finds an error of law, the judge may,

- (i) make any order or decision that the [DESIGNATED DECISION-MAKER] ought to have or could have made;
- (ii) order a rehearing by the [DESIGNATED DECISION-MAKER], as the case may be;
- (iii) dismiss the appeal.

Rights of Action - s. 27

27. (1) Any person resident in Ontario may bring an action in the Superior Court of Justice for Ontario to,

- (a) compel compliance with the requirement to adopt and implement a water conservation plan under section 14;
- (b) compel compliance with the requirement to undertake a water use audit and the requirement to adopt and implement a water use reduction plan under section 15;
- (c) compel compliance with the requirement to adopt and implement a remedial plan under section 19;
- (d) compel compliance with any prohibition that is being or has been violated under this Act;
- (e) compel compliance with any decision or order issued under this Act;
- (f) compel the giving of notice under section 22;
- (g) compel compliance with any other duty under this Act.

Remedies

(2) If the court finds that the plaintiff is entitled to judgment in an action under subsection (1), the court may,

- (a) grant an injunction against the person required to comply;
- (b) grant declaratory relief;
- (c) make any other order that the court considers appropriate; and
- (d) make any order as to costs that the court considers appropriate.

Costs where plaintiff not entitled to judgment

(3) If the court finds that the plaintiff is not entitled to judgment in an action under subsection (1), the court, notwithstanding section 131(1) of the *Courts of Justice Act*,

(a) shall not award costs against, and may award costs to, the plaintiff if the court finds three of the following circumstances to apply,

- (i) the action is a test case or raises a novel point of law;
- (ii) the plaintiff contributed substantially to the court's understanding of the matters at issue;
- (iii) the plaintiff participated in a responsible and informed matter;
- (iv) the plaintiff complied with the Rules of Civil Procedure and any directions of the court; but

(b) may award costs against the plaintiff if the court finds any of the following circumstances to apply,

- (i) the plaintiff disputed a fact, issue, or opinion when it was unreasonable to have done so;
- (ii) the plaintiff delayed or lengthened the matter unreasonably by its conduct;
- (iii) the plaintiff failed to comply with the Rules of Civil Procedure or any directions of the court;
- (iv) the plaintiff contributed to duplication of testimony, documentary evidence, or submissions; and

(c) where the court finds any of the circumstances set out in subsection (3)(b), then subsection (3)(a) shall not apply.

Damages

(4) No award of damages shall be made under subsection (2).

Judicial Review - s. 28

28. (1) Any person resident in Ontario may make an application for judicial review under the *Judicial Review Procedure Act* on the grounds that a minister or his or her delegate, a responsible authority, or a municipality has failed to comply with a purpose, duty, or requirement of this Act.

Standard of review

(2) In an application under subsection (1), the standard of review to be employed by the court shall be correctness.

PART VI - ADMINISTRATION AND ENFORCEMENT

Appointments - s. 29

29. The Minister shall appoint in writing such employees of the Ministry or, subject to the approval of the Lieutenant Governor in Council, such other persons as the Minister considers necessary as Directors in respect of sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

Rules - s. 30

30. Rules regulating the practice and procedure for matters to be determined under this Act in relation to hearings before a Review Tribunal or joint board may be made in the same manner as rules regulating the practice and procedure of these bodies.

Fees - s. 31

31. (1) A person applying for a permit or a permit holder applying for an amendment to a permit under this Act shall pay an application fee in the amount to be prescribed by regulation at the time the person or permit holder submits the application.

Idem

(2) A permit holder under this Act shall pay annually a fee in the amount to be prescribed by regulation for each permit held by the permittee.

Idem

(3) A permit holder shall pay a fee in the amount to be prescribed by regulation for every litre of water that is used annually pursuant to a permit issued under this Act.

Idem

(4) An applicant for a development or infrastructure approval under the *Planning Act*, or water impact permit under this Act, shall pay under this Act a fee, in the amount to be prescribed by regulation, set as a percentage of the estimated capital cost of the development or infrastructure.

Idem

(5) An applicant for an approval under the *Planning Act*, or water impact permit under this Act, for development or infrastructure that is located within a special area designated under this Act shall pay under this Act a fee, in the amount to be prescribed by regulation, set as a percentage of the estimated capital cost of the development or infrastructure.

Idem

(6) Every person filing a water use reduction plan or update shall pay at the time of filing a fee in the amount to be prescribed by regulation.

Idem

(7) Failure to pay the fees set out in subsections (1)-(6) shall constitute a violation of this Act.

Policies - s. 32

32. (1) The Minister may propose policies relating to the protection, conservation, restoration, and enhancement of water.

Drought or emergency water shortage policy

(2) Notwithstanding subsection (1), within one year of the coming into force of this Act, the Minister shall issue a draft and, within eighteen months of the coming into force of this Act, a final policy on how the province will prevent, manage for, and implement measures, including priority of uses regarding, protection, conservation, restoration, and enhancement of water during conditions of drought or emergency water shortage.

Policies to meet purposes and duties of Act

(3) The policies referred to under subsections (1) and (2) shall be consistent with the purposes and duties of this Act.

Policies to comply with notice and comment requirements

(4) The Minister shall comply with the notice and comment requirements of section 22 with respect to policies proposed under this section.

Research - s. 33

33.(1) The Minister, in coordination with the Minister of Natural Resources and other ministers of the Crown as necessary, shall within six months of the coming into force of this Act initiate a comprehensive and continuing program of research related to the protection, conservation, restoration, and enhancement of water in order to meet the purposes and duties of this Act and, without limiting the generality of the foregoing, shall,

- (a) undertake scientific, technical, economic, social and other research, investigations, and studies necessary to ensure that an adequate information base is available for water planning boards to rely upon for the purposes of developing and implementing water conservation planning, water conservation measures, and remedial plans required under this Act and the regulations;
- (b) review and revise existing laws, regulations, policies, and practices to ensure that the purposes and duties of this Act are met;
- (c) monitor, conduct studies, gather and publish data, reports, inventories, guidelines, objectives, and codes of practice in relation to,
 - (i) assessments for water conservation planning under section 11(3);
 - (ii) water conservation plan goals and objectives under section 11(7);
 - (iii) water conservation measures under section 12.1;
 - (iv) water use audits and water use reduction plans under section 15;
 - (v) remedial plans under sections 16-17;
 - (vi) public collection and exchange of data;
 - (vii) groundwater quality and quantity mapping;
 - (viii) surface water quality and quantity mapping;
 - (ix) river and stream systems base flows;
 - (x) surface and groundwater quantity estimates compiled at a provincial level;
 - (xi) integration of climate change information with watershed and groundwater mapping data;
 - (xii) such other matters as may be designated by regulation.

Information public

(2) Notwithstanding any other general or special Act, the information produced pursuant to subsection (1) shall be made publicly available through electronic or other means.

Agreements

(3) For the purposes of subsection (1), the Minister may enter into agreements with any person or government to meet the requirements of this Act.

Research sums authorized

(4) The sums authorized for the purposes of subsection (1) shall be not less than \$20,000,000 in any fiscal year and shall not exceed \$50,000,000 in any fiscal year.

Research sums may be appropriated from fund

(5) For the purposes of this section, the sums authorized under subsection (4) may be appropriated from the Fund established under section 20.

Annual report

(6) In March of the first year after the coming into force of this Act and each year thereafter, the Minister, the Minister of Natural Resources, and other ministers of the Crown as necessary shall report to the Legislative Assembly on their activities under this section, and such report shall address each of the matters set out in subsection (1).

Orders - s. 34

34. (1) The Director may issue an order under the following circumstances,

- (a) where any person violates a prohibition under this Act;
- (b) where any person fails to comply with the requirements of a permit issued under sections 5(5), 6(1)-(3), or 8(6)(7);
- (c) where any person fails to comply with the requirements of a water impact permit issued under section 9.1;
- (d) where any person fails to comply with the requirements of an easement agreement entered into under section 10;
- (e) where any water planning board fails to comply with the requirements for developing, adopting, or implementing a water conservation plan under sections 11-14;

- (f) where any person or ministry fails to comply with the requirements for undertaking, completing, submitting, or implementing a water use audit or water use reduction plan under section 15;
- (g) where any water planning board or ministry fails to comply with the requirements for developing, adopting, or implementing a remedial plan under sections 16-19;
- (h) where any person fails to pay the fees prescribed by regulation pursuant to section 31;
- (i) such further and other matters as may be designated by regulation.

Idem

(2) An order issued pursuant to subsection (1) may compel the entity that is the subject matter of the order to do, refrain from doing, or take such other steps as the Director deems necessary, including imposing terms and conditions, to ensure compliance with the purposes, duties, and requirements of this Act, the regulations, or any permit, approval, easement, or plan issued or filed under this Act.

Decision - making process for orders, policies, and regulations - s. 34.1

34.1 (1) The Minister or Director, as the case may be, may make the following decisions on an order, policy, or regulation, subject to section 25,

- (a) Issue the order, policy, or regulation;
- (b) Refuse to issue or cancel the order, policy, or regulation;
- (c) Impose terms, conditions, or limitations in issuing the order, policy, or regulation;
- (d) Alter the terms, conditions, or limitations of an order, policy, or regulation after it is issued.

Basis for decision

(2) Subject to section 25, the Minister or Director shall consider the following matters when making any of the decisions set out under subsection (1),

- (a) The purposes of the Act;
- (b) The duties of the Government of Ontario under this Act;
- (c) The comments made pursuant to section 22.

Decision to be consistent with purposes and duties

(3) Subject to section 25, a decision of the Minister or Director shall be consistent with,

- (a) The purposes of the Act;

(b) The duties of the Government of Ontario under this Act.

False Information - s. 35

35. No person shall knowingly give false information in any application, document, plan, or statement to the Minister, the Director, or any designate thereof in respect of any matter under this Act or the regulations.

Offences - s. 36

36. (1) Every person or water planning board who violates this Act or the regulations is guilty of an offence.

Offences re orders

(2) Every person or water planning board that fails to comply with an order under this Act is guilty of an offence.

Offences re permits, approvals, etc.

(3) Every person or water planning board who fails to comply with a term or condition of a permit, approval, or plan under this Act is guilty of an offence.

Offences by directors or officers

(4) Every director or officer of a corporation that engages in an activity in relation to water has a duty to take all reasonable care to prevent the corporation from violating this Act and where such director or officer fails to carry out that duty is guilty of an offence whether or not the corporation has been prosecuted or convicted.

Penalties - s. 37

37. (1) Every individual convicted of an offence under section 36 is liable,

(a) on a first conviction, for each day or part of a day on which the offence occurs or continues to a fine of not more than \$50,000; and

(b) on each subsequent conviction,

(i) for each day or part of a day on which the offence occurs or continues to a fine of not more than \$100,000,

(ii) to imprisonment for a term of not more than one year, or

(iii) to both such fine and imprisonment.

Penalties for corporations

- (2) Every corporation convicted of an offence under section 36 is liable,
- (a) on a first conviction, for each day or part of a day on which the offence occurs or continues to a fine of not more than \$250,000; and
 - (b) on each subsequent conviction, for each day or part of a day on which the offence occurs or continues, to a fine of not more than \$500,000.

Limitation

- (3) Proceedings for an offence under this Act or the regulations shall not be commenced later than two years after the later of,
- (a) the day on which the offence was committed; and
 - (b) the day on which evidence of the offence first came to the attention of a person appointed under section 29.

Administrative penalties

- (4) Where the Director is of the opinion that a person,
- (a) has violated a provision of this Act or the regulations;
 - (b) has failed to comply with an order under this Act;
 - (c) has failed to comply with a term or condition of a permit, approval, or plan under this Act; or
 - (d) who, being a director or officer of a corporation that engages in an activity that may violate the Act, regulations, order, or term or condition of a permit, approval, or plan under this Act, has failed to take all reasonable care to prevent the corporation from engaging in such conduct,

the Director may, subject to the regulations, issue a notice in writing requiring the person to pay an administrative penalty in the amount set out in the notice for each day or part of a day on which the violation occurred or continues.

Limitation

- (5) The requirements of subsection (3) apply to subsection (4).

Amount of administrative penalty limited

- (6) An administrative penalty in respect of a violation or failure shall not exceed \$5,000 for each day or part of a day on which the violation occurs or continues.

Regulations

(7) The Lieutenant Governor in Council may make regulations respecting administrative penalties.

PART VII - REGULATIONS

Regulations - s. 38

38. Subject to sections 25 and 34.1, the Lieutenant Governor in Council may make regulations,

- (a) naming expenditures that shall be considered eligible disbursements in the provision of funding;
- (b) designating any thing as a provincial activity;
- (c) setting out additional requirements for the contents of remedial plans;
- (d) specifying additional matters to be contained in, and administrative requirements with respect to, special area plans and emergencies under section 9.1;
- (e) establishing additional purposes, requirements for registration, priority of other interests, amendment, assignment, termination, as well as identifying additional holders of rights and any other matters relating to easements pursuant to section 10;
- (f) specifying additional water use data collection and demand forecasting requirements pursuant to section 11;
- (g) setting out additional goals and objectives of water conservation plans pursuant to section 11;
- (h) setting out further water conservation measures pursuant to section 12 and 12.1;
- (i) establishing further requirements for the content of water use audits and water use reduction plans under section 15;
- (j) setting out additional types or classes of activities that are eligible for grants under the Fund to be established under section 20;
- (k) setting out the particulars pursuant to section 20 for providing rebates to farmers, low income, and disabled customers experiencing genuine hardship in paying water bills;
- (l) setting out criteria for dispersal of funds under section 20;
- (m) setting out additional contents of the registry required to be established under section 21;
- (n) setting out matters in respect of which notice and opportunity for comment shall be given pursuant to section 22;
- (o) setting out the content for the notice required to be given pursuant to section 22;
- (p) identifying other matters that may be subject to the right to object and to request a hearing pursuant to section 23;
- (q) respecting funding under section 24;

- (r) respecting appointments under section 29;
- (s) respecting fees under section 31;
- (t) respecting research under section 33;
- (u) respecting orders under section 34;
- (v) respecting matters relating to false information under section 35;
- (w) respecting matters pertaining to administrative penalties under section 37 including without limiting the generality of the foregoing, the content of notices, rights to appeals, powers of the Appeal Board on appeals, the types of, and criteria for, violations in respect of which such penalties shall apply, and respecting any other matter necessary for the administration of a system of administrative penalties under this Act;
- (x) respecting establishment of a system of class approvals and procedural requirements for permits under this Act;
- (y) amending the Schedules to this Act;
- (z) respecting such other matters in furtherance of the purposes, duties, or requirements of this Act.

PART VIII - MISCELLANEOUS MATTERS

Short Title - s. 39

39. This Act may be cited as the *Ontario Water Conservation Act*.

Extra-provincial effect of decision under this Act - s. 40

40. No decision taken under this Act is invalid by reason only that the decision may have an incidental effect on the protection, conservation, restoration, or enhancement of water outside Ontario's borders.

Reserved

41. [RESERVED]

PART IX - CONSEQUENTIAL AMENDMENTS

[NOTE: THIS SECTION IDENTIFIES SOME OF THE PROVINCIAL STATUTES THAT COULD BE AFFECTED BY THIS ACT, BUT DOES NOT ATTEMPT TO IDENTIFY SPECIFIC PROVISIONS OF THESE OTHER LAWS THAT COULD BE SO AFFECTED].

Statutes of no force or effect to extent of inconsistency with this Act - s. 42

42. The following statutes, and the regulations promulgated thereunder, are of no force or effect to the extent they are inconsistent with any provision of this Act or regulations promulgated hereunder,

- (a) *Aggregate Resources Act*;
- (b) *Building Code Act, 1992*;
- (c) *Capital Investment Plan Act*, subsections 48-57 regarding the Ontario Clean Water Agency;
- (d) *Conservation Authorities Act*;
- (e) *Crown Forest Sustainability Act*;
- (f) *Development Charges Act*;
- (g) *Environmental Assessment Act*;
- (h) *Environmental Bill of Rights, 1993*;
- (i) *Environmental Protection Act*;
- (j) *Lakes and Rivers Improvement Act*;
- (k) *Mining Act*;
- (l) *Municipal Affairs Act*;
- (m) *Municipal Act*;
- (n) *Municipal Water and Sewage Transfer Act, 1997*;
- (o) *Niagara Escarpment Planning and Development Act*;
- (p) *Ontario Municipal Board Act*;
- (q) *Ontario Planning and Development Act*;
- (r) *Ontario Water Resources Act*;
- (s) *Planning Act*;
- (t) *Public Lands Act*;
- (u) *Public Utilities Act*;
- (v) *Red Tape Reduction Act, 1998*;
- (w) *Water Transfer Control Act*;
- (x) [RESERVED]

SCHEDULE 1 - CONSUMPTIVE AND NON-CONSUMPTIVE USES

[NOTE: THE FOLLOWING LIST OF WATER USES IS TAKEN FROM THE ONTARIO MINISTRY OF THE ENVIRONMENT PERMIT TO TAKE WATER PROGRAM: GUIDELINES AND PROCEDURES MANUAL - APRIL 1999. WITH THE EXCEPTION OF THE ADDITION OF ITEM B.11, NO ATTEMPT HAS BEEN MADE TO ADD TO, SUBTRACT FROM, OR RE-CATEGORIZE USES, OR ACTIVITIES].

Categories/Classes	Activities
A. Industrial -	<ol style="list-style-type: none"> 1. Thermal/hydro-electric power generation; 2. Cheese factories; 3. Milk or food processing plants; 4. Factories; 5. Industrial cooling; 6. Industrial air conditioning; 7. Steam boilers; 8. Mining and ore milling operations; 9. Gravel and crushed stone washing; 10. De-watering of gravel pits, mines, quarries; 11. Construction excavation; 12. Road cutting activities; 13. Sewer and water main excavations; 14. Water storage for subsequent use in: watering poultry or livestock.
B. Commercial -	<ol style="list-style-type: none"> 1. Service stations; 2. Motels; 3. Snow making; 4. Car washes; 5. Arenas; 6. Shopping plazas; 7. Laundromats; 8. Restaurants; 9. Cold storage sheds; 10. Fish hatcheries; 11. Water-bottling activities.
C. Municipal -	<ol style="list-style-type: none"> 1. Pumping and distribution of water to: industrial, commercial, and residential areas.
D. Institutional -	<ol style="list-style-type: none"> 1. Schools; 2. Hospitals;

3. Churches;
4. Public washrooms;
5. Campgrounds;
6. Picnic grounds;
7. Conservation areas;
8. Defense installations.

E. Irrigational -

1. Watering of crops grown for sale, including but not limited to: tobacco, market garden vegetables, nursery stock, orchards, and sod;
2. Golf courses;
3. Pasture;
4. Greenhouses;
5. Public parks.

F. Recreational -

1. Pond construction for:
recreational uses, swimming, stocking fish,
aesthetic purposes, or water storage.

SCHEDULE 2 - WATERSHEDS

[NOTE: THE FOLLOWING LISTS TWO ALTERNATIVE MEANS OF IDENTIFYING WATERSHEDS FOR THE PURPOSES OF WATER PLANNING AND MANAGEMENT UNDER THIS ACT. AS THERE MAY BE STILL OTHER WAYS OF IDENTIFYING WATERSHEDS FOR THE PURPOSES OF THIS STATUTE, NO PREFERRED APPROACH IS RECOMMENDED OVER ANOTHER AT THIS TIME].

ALTERNATIVE NO. 1

1. The bodies of water including the major and minor rivers, lakes, creeks, streams, watercourses, and tributaries and their corresponding drainage areas that are identified in regulations under the *Conservation Authorities Act* for the following conservation authorities are prescribed as watersheds for the purposes of this Act,

- (1) Ausable-Bayfield;
- (2) Cataraqui Region;
- (3) Catfish Creek;
- (4) Central Lake Ontario;
- (5) Credit Valley;
- (6) Crowe Valley;
- (7) Essex Region;
- (8) Ganaraska Region;
- (9) Grand River;
- (10) Grey Sauble;
- (11) Halton Region;
- (12) Hamilton Region;
- (13) Kawartha Region;
- (14) Kettle Creek;
- (15) Lake Simcoe Region;
- (16) Lakehead Region;
- (17) Long Point Region;
- (18) Lower Thames Valley;
- (19) Lower Trent Region;
- (20) Maitland Valley;
- (21) Mattagami Region;
- (22) Toronto and Region;
- (23) Mississippi Valley;
- (24) Moira River;
- (25) Napanee Region;
- (26) Niagara Peninsula;
- (27) Nickel District;

- (28) North Bay-Mattawa;
- (29) North Grey Region;
- (30) Nottawasaga Valley;
- (31) Otonabee Region;
- (32) Prince Edward Region;
- (33) Rideau Valley;
- (34) St. Clair Region;
- (35) Sauble Valley;
- (36) Saugeen Valley;
- (37) Sault Ste. Marie Region;
- (38) South Nation River;
- (39) Upper Thames River;
- (40) Grand Valley;
- (41) Spencer Creek.

2. The bodies of water including the major and minor rivers, lakes, creeks, streams, watercourses, and tributaries and their corresponding drainage areas in northern Ontario that comprise the rest of Ontario not encompassed by areas covered under subsection (1) and that consequently are not identified in regulations under the *Conservation Authorities Act* are prescribed as watersheds for the purposes of this Act and identified as,

[RESERVED].

ALTERNATIVE NO. 2

1. The following rivers of Ontario and the lands drained by them and their tributaries are designated as watersheds under this Act.

Abimatinu	Awagakama	Black (Oxford)
Abitibi	Aylen (Nipissing)	Black (Prince Edward)
Adams	Aylen (Cochrane)	Black (York County)
Again	Bad	Black (Hastings Co.)
Agassiz	Badesdawa	Black (Ontario County)
Agawa	Baldhead	Black (Thunder Bay Dist.)
Agimac	Band	Black (Cochrane)
Agnes	Bannockburn	Black (Kenora)
Agnes-East Channel	Bar	Blackbear
Agnes-West Channel	Barrett	Black Birch
Aguasabon	Barron	Blackcurrent
Agutua	Batchawana	Black Duck
Agwasuk	Batteaux	Blackstone
Albany	Baudet	Black Sturgeon (T. Bay)
Amik	Bayfield	Black Sturgeon (Kenora)
Anenimus	Bayly	Blackwater
Anjigami	Bear	Blanche

Anjigaming	Beaton	Blende
Arrow	Beatty Saugeen	Blind
Ash	Beaver (Grey County)	Bloodvein
Asheweig	Beaver (Kenora)	Bobcaygeon
Atick	Beaverstone (Manitoulin)	Boiling Sand
Atikameg	Beaver Stone (Kenora)	Boland
Atikasibi	Bell (Cochrane)	Bolton
Atikokan	Belle (Essex)	Bonnechere
Atikwa	Berens	Borden
Atim	Berg	Border
Attawapiskat	Bertrand	Boshkung
Attwood	Big	Bottle
Aubinadong	Big Carp	Boyne (Simcoe)
Auguston	Bighead	Boyne (Grey)
Ausable	Big Willow	Boyne (Parry Sound Dist)
Avon	Birch	Boyne (Muskoka Dist.)

Bradburn	Clendenning	d'Orsonnens
Bridgland	Cloud	Dowling
Brightsand	Clyde	Drag
Brunswick	Coat	Driftwood
Buck	Cobden	Drowning
Buffalostein	Cobham	Dusey
Burnt	Cochrane	Dutch
Burntwood	Coldwater (Simcoe Co.)	Eabamet
Burrows	Coldwater (Algoma Dist.)	Eagle (Nipissing Dist.)
Buskegau	Conestoga	Eagle (Kenora Dist.)
Cache (Nipissing Dist.)	Coucheemoskog	Eaglehead
Cache (Rainy River Dist.)	Cow	East
Camp	Cranberry	East Bremner
Canard	Crane	East Carp
Canyon	Credit	East Castor
Caribou (Rainy River)	Crooked	East Dog
Caribou (T. Bay Dist.)	Crookedmouth	East Dunrankin
Carp (Carleton County)	Crow	East Goulais
Carp (Algoma Dist.)	Crowe (Northumberland)	East Humber
Carpenter	Crowe (Nipissing Dist.)	East Jackpine
Cascade	Crystal (Kenora Dist.)	East Kettle
Castor	Crystal (Rainy River Dist)	East Mattawishkwia
Cat	Cypress	East Mikwam
Cat Tail	Dark	East Muskego
Cedar	Darky	East Nighthawk
Cedartree	Dawson	East Pukaskwa
Challener	Dee	East Redstone
Chapleau	Delisle	East Rigaud
Chaplin	Desbarats	Eastsand
Chard	Detour	Eastside
Cheepash	Detroit	East Spanish
Chemahagan	Dill	East Sydenham
Chikanishing	Distress	East Wanapitei
Chin	Dobie	East Whitefish
Chiniguchi	Dog (Algoma Dist.)	Echo
Chipai	Dog (T. Bay Dist.)	Ekwan
Chipie	Doghole	Ellard
Chippewa	Dokis	Embarass
Chukuni	Don	Englehart
Circle	Donnegana	English
Clare (Hastings)	Donnelly	Eramosa
Clare (Lennox & Addington County)	Dore	Esnagami

Etowamami	Galipo	Greenwood
Eye	Gammon	Grew
Fall	Gananoque	Gripp
Falls	Ganaraska	Groundhog
Fat	Gander	Gull (Vic-Haliburton)
Fenelon	Garden	Gulliver
Fernow	Garneau	Gurr
Ferrie	Garry	Hagarty
Fire	Gartersnake	Haggart
Firesand (Algoma Dist.)	Ghost	Hall
Firesand (T. Bay Dist.)	Gibson	Hanover
Fishbasket	Giroux (Parry Sound)	Hanson
Fivemile	Giroux (Timiskaming)	Harmony
Flanagan	Gitche	Harricanaw
Flanders	Go Home	Harris
Flindt	Goldie	Hawk
Flint	Goose	Hawkrock
Flood	Gorman	Hay (Algoma Dist.)
Floodwood	Goulais	Hay (T. Bay Dist.)
Florence	Grand	Hayhurst
Foch	Granite	Head
Forks	Grassy (Cochrane Dist.)	Henley
Fournier	Grassy (Rainy River)	Heron
Fraser	Grassy (Kenora Dist.)	Holland
Frederick House	Gravel	Hollow
French (Parry Sound)	Grays	Humber
French (Rainy River)	Grayson	Isles, Riviere des
French - Eastern Outlet	Grazing	Imogen
French - Main Outlet	Greenhill	Indian (Peterborough)
Frog	Greenmantle	Indian (Muskoka Dist.)

Indian (Lanark County)	Kasasway	La Vallee
Indian (Renfrew County)	Kashabowie	La Vase
Indian (Algoma Dist.)	Kashishibog	Lawabiskau
Inglis	Kattawagami	Lawashi
Irondale	Kawakanika	Layton
Ivanhoe	Kawashegamuk	Legarde
Jackfish	Kawashkagama	Lightning
Jackpine	Kawinogans	Lily
Jarvis	Kawpakwakog	Little
Jervis Bay	Kebskwasheshi	Little Abitibi
Jessie	Keeper	Little Agassiz
Jimmy Kash	Kennisis	Little Agawa
Jock	Kenogami	Little Aguasabon
Jocko	Kenogagnosis	Little Ash
Jordan	Kesagami	Little Aubinadong
Joseph	Key	Little Ausable
Joyce	Kiasko	Little Batchewana
Julia	Kimikong	Little Beaver
Kabika	Kincaid	Little Black (Timiskaming Dist.)
Kabikotitwia	Kindiogami	Little Black (T. Bay Dist.)
Kabinakogami	Xxxxx	Xxxxx
Kabinakagamisis	Kingfisher	Little Blackwater
Kabitotikwia	Kinniwbabi	Little Cache
Kagiano	Kinsgania	Little Carp
Kahshe	Kinoje	Little Castor
Kaiashk	Kinushseo	Little Cat
Kaibuskong	Kirkwall	Little Coat
Kakashabike	Kishikas	Little Credit
Kakiwi	Kishakoesis	Little Current
Kaminisingkwa	Kitigan	Little Detour
Kaminiskag	Komushikoba	Little Don
Kaministikwia	Kopka	Little Drag
Kamiskotia	Kwataboahegan	Little Driftwood
Kamuck	Kwinkwaga	Little Drowning
Kamungish	Laberge	Little East (Muskoka)
Kanuchuan	Laclu	Little East (Nipissing)
Kapikik	Lady Evelyn	Little Ekwana
Kapikotongwa	Lakitusaki	Little Fournier
Kapiskau	Larder	Little Fraser
Kapiskaubakau	La Reine	Little Garden
Kapuskasing	Lauzon	Little Goat

Little Grassy	Little Shabumeni	Makoap
Little Hay	Little Shagamu	Makwa
Little Jackfish (Algoma)	Little Shawmere	Maligne
Little Jackfish (T. Bay)	Little Shebeshekong	Mamiegowish
Little Jackpine	Little Skootamatta	Maminiska
Little Jocko	Little Skunk	Manitou (Manitoulin Dist.)
Little Kaminisinakwa	Little Steele	Manitou (Sudbury Dist)
Little Kamiskotia	Little Sturgeon	Manitou (Rainy River)
Little Kennisis	Little Swanson	Manitouwabing
Little Kesagami	Little Tomiko	Manomin
Little Key	Little Turncotte	Marceau
Little Kindiogami	Little Turtle	Marchington
Littlelake	Little Valentine	Marten
Little Low Bush	Little Wakami	Marten Drinking
Little Madawaska	Little Wenebegon	Maskara
Little Maitland	Little White	Maskinonge
Little Makwa	Little Whitefish	Maskinonge (Jersey)
Little Mattawishkwia	Little White Otter	Matabitchuan
Little Missinaibi	Lomond	Matateto
Little Mississippi	Lookout	Matawin
Little Nebotik	Loon	Matchdash
Little North	Lost	Matson
Little North Magnetawan	Louis	Mattagami
Little Ottertail	Lowakamistik	Mattawan
Little Oxtongue	Low Bush	Mattawasaga
Little Pic	Lucknow	Mattawishkwia
Little Pickerel(P. Sound)	Lurch	Mattawitchewan
Little Pickerel (Rainy R.)	Lynn	Mazhabong
Little Pike	MacDowell	McAlpine
Little Pine	MacFarlane	McCauley
Little Pipe	MacKenzie	McCoy
Little Pitopiko	Mad	McInnes
Little Rapid	Madawaska	McIntyre
Little Red Sucker	Magpie (Algoma Dist.)	McKellarMedway
Little Rush	Magpie (Algoma Dist.)	Meen
Little Saganosh	Mahgenazing	Megikons
Little Sauble	Maitland	Memesagamesing
Little Savanne	Makami	Mennin
Little Sequin	Making Ground	Mercutio
Little Serpent	Makonie	Michaud

Michikenis	Muskaka	North (Peterborough)
Michipicoten	Muskrat (Renfrew Co.)	North (Simcoe)
Middle Castor	Muskrat (T. Bay Dist.)	North (Nipissing Dist)
Middle Maitland	Muswabit	North (T. Bay Dist)
Midway	Nabakwasi	North (Kenora Dist)
Mikwam	Nabimina	North Abinette
Mile	Nagagamisis	North Bonnechere
Mindemoya	Naiscoot	North Burntbush
Minisinakwa	Namakan	North Cariboo
Mink	Nameigos	North Caster
Mintiagan	Nomewaminikan	North Current
Misehkow	Nango	North Driftwood
Misema	Naomikan	North Floodwood
Mishamattawa	Napanee	North French
Mishwamakan	Nat	North Lady Evelyn
Missinaibi	Nebotik	North Madawaska
Mission	Nebskwashi	North Magnetawan
Missisicabi	Neebing	N. Muskego (Cochrane)
Mississagi	Neighick	North Muskoka
Mississagua	Nekikamog	North Onaman
Mississippi	Nelson	North Pagwachuan
Mistake	Nemegosenda	North Penetangore
Mistango	Nemo	North Pipestone
Mistus	Nepewassi	North Porcupine
Mistuskwia	Nest	North Raisin
Moir	Net	North Saugeen
Mollie	Nettichi	North Spey
Montcrief	Nettogami	North Sydenham
Montreal(Timiskaming)	Ney	North Thames
Montreal(Algoma)	Niagara	North Tweed
Moon	Nikitowa	North Veuve
Moose	Nipigon	North Wabassie
Mooseland	Nipissing	North Washagami
Morris	Niskibi	North Wind
Morrison	Nith	North York
Mountjoy	Noble	Nosbonsing
Muketei	Noisy (Simcoe County)	Nottawa
Mundino	Noisy (Algoma Dist.)	Nottawasaga
Murdock	Noluskatsi	Nungesser
Muriel	Nomunheka	Nushatogaini
Muskeg	Nonquon	Nym
Muskego (Timiskaming)	Nowatin	Oba
Muskego (Sudbury Dist.)	North Channel	Obabika

Obadinaw	Pashkokogan	Ponask
Obakamiga	Pasquatchai	Poplar (Cochrane)
Obaskaka	Patchepawapoka	Poplar (Kenora)
Obijou	Patten	Poplar Rapids
Ogoki	Payne	Porcupine
Oiseau	Paypeeshek	Postagoni
Okanse	Pays Plat	Pottawatomi
Old Woman (Bruce Co.)	Pearl	Potter
Old Woman (Algoma)	Pebble	Pout
Ombabika	Pemache	Powitik
Onakawana	Pembina	Prairie
Onakwahegan	Penetangore	Prairie Bee
Onaman	Petawawa (Renfrew)	Pretty
Onaping	Petawawa (Nipissing)	Puces
Opapimiskan	Petry	Pukaskwa
Opazatika	Pic	Quetico
Opeepeesway	Pichogen	Quinn
Opeongo	Pickerel (Parry Sound)	Rainy
Opichuan	Pickerel (Rainy River)	Raisin
Opikinimika	Pigeon (Victoria Co.)	Rankin
Opinnagau	Pigeon (Can-U.S.Border)	Rapid (Sudbury Dist.)
Osaquan	Pike (Nipissing)	Rapid (Algoma Dist.)
Osawin	Pike (Cochrane)	Rat
Oskondaga	Pike (Cochrane)	Redhouse
Otadaonanis	Pikitigushi	Red Rock
Otakwahegan	Pillow	Redstone (Haliburton)
Otapingshewee	Pine (Simcoe County)	Redstone (Sudbury)
Otasawian	Pine (Sudbury Dist.)	Redsucker
Otonabee	Pine (T. Bay Dist.)	Regan
Otaskwin	Pine (T. Bay Dist.)	Remi
Ottawa	Pineimuta	Resinosa
Otter	Pinewood	Restoule
Ottertall	Pipe	Revell
Ouse	Pipestone (Rainy River)	Rideau
Oxtongue	Pipestone (Kenora)	Ridge
Pagashi	Pipowitan	Ridout
Pagwachuan	Piscapecassy	Rigaud
Pakeshkag	Pisikaniwi	Roadhouse
Palisade	Pitopiko	Roaring
Palsen	Pitticow	Roberts
Papaonga	Pitukupi	Robinson
Partridge	Pivabiska	Rock
Paseminon	Pogamasing	Rocksand

Rocky	Sesikinaga	South Pipestone
Rocky Saugeen	Severn (Simcoe Co)	South Porcupine
Root (Algoma Dist.)	Severn (Kenora)	South Raisin
Root (Kenora Dist.)	Shabumeni	South Saugeen
Roseberry	Shabuskwia	South Tetapaga
Rosedale	Shadow	Soweska
Roslyn	Shagamu	Spanish
Rosseau	Shakashi	Speed
Rottenfish	Shakwa	Spey
Rouge	Shallow	Splitrock
Route	Shamattawa	Split Rock
Ruscom	Sharpsand	Spruce (T. Bay Dist.)
Rush	Shawanaga	Spruce (Kenora Dist.)
Rushing	Shawmere	Squaw
Sabaskong	Shebandowan	Squirrel
Sables	Shebeshekong	Stain
Sachigo	Shekak	Standingstone
Saganash	Sherman	Staples
Sagawitchewan	Sherwood	Steel
Sagesigan	Shikwamkwa	Stefansson
St. Clair	Singing	Still
St. Lawrence	Sister	Stokes
St. Mary's	Skeleton	Stone
Salmon	Skootamatta	Stooping
Sand	Skunk	Streatfeild
Sauble	Slate	Sturgeon (Simcoe)
Saugeen	Sleet	Sturgeon (Nipissing)
Savanne	Smoke	Sturgeon (T. Bay Dist.)
Savant	Snake (Renfrew Co.)	Sturgeon (Rainy River)
Savoff	Snake (Sudbury Dist.)	Sturgeon (Kenora)
Schade	Somme	Styx
Schomberg	South	Sucker
Scot	South Clyde	Sutton
Scotch (Prescott Co.)	South Floodwood	Suzanne
Scotch (Kenora Dist.)	South Greenhill	Swallow
Scugog	South Kahshe	Swamp
Seeber	South Lady Evelyn	Swan
Seguin (Parry Sound)	South Madawaska	Swanson
Seguin (Cochrane)	South Maitland	Swayze
Seine	South Muskoka	Sydenham (Kent Co.)
Selim	South Nation	Sydenham (Grey Co.)
Selwyn	South Old Woman	Tabasokwia
Serpent (Algoma)	South Pagwachuan	Takwata
Serpent (Kenora)	South Pine	Talbot

Talon	Uchi	Weikwabinonaw
Tamuna	University	Welcome
Tatachikupita	Valentine	Welland
Tatasiti	Vaughan	Wenasaga
Tatnall	Vermillion (Sudbury)	Wenebegan
Tay	Vermillion (Kenora)	Wesley
Tchakashupug	Veuve	West (Sudbury Dist.)
Teeswater	Wababimiga	West (Nipissing Dist.)
Tehoama	Wabassi	West Abinette
Tetapaga	Wabigoon	West Aubinadong
Thames	Wabinosh	West Beaton
Thessalon	Waboose	West Black
Thorne	Wabuck	West Buskegau
Thorning	Wakami	West Credit
Throat	Wakashi	West Humber
Thunder	Wakimika	West Little White
Tide	Wakonassin	West Low Bush
Tikamaganda	Wakusimi	West Mahzenazing
Tim	Wakwayowkastic	West Mistango
Timagami	Wanapitei	West Montreal
Tomiko	Wanipigow	West Nighthawk
Trading	Wapesi	West Ouse
Trent	Wapikopa	West River aux Sables
Troutlake	Wapitotem	West Root
Tuck	Wapus	West Whitewater
Tuktegweik	Warcheska	White
Turcotte	Watabeag	White Caribou
Turtle	Wataiabei	Whiteclay
Tutu	Watistiguam	Whitedog
Tweed	Wawiag	Whitefish (Sudbury)
Tyrol	Weaver	Whitefish (T. Bay Dist.)

Whitefish (Cochrane)		
Whitefish (Kenora)		
White Gravel		
Whitemud		
White Otter		
Whitesand		
White Spruce		
Whitestone		
Whitewater		
Whitson		
Wicklow		
Wiegand		
Wigwam		
Williams		
Willow		
Windermere		
Windigo		
Winding		
Wingerekisinaw		
Winisk		
Winnipeg		
Wistiwasing		
Witchwood		
Witegoo		
Wolf (Parry Sound)		
Wolf (Sudbury Dist.)		
Wolseley		
Woman		
Wowan		
Wye		
Yesterday		
York		
Yorkston		

SCHEDULE 3 – ACTS

1. *Building Code Act, 1992.*
2. *Development Charges Act.*
3. *Municipal Act.*
4. *Niagara Escarpment Planning and Development Act.*
5. *Ontario Planning and Development Act.*
6. *Planning Act.*
7. [RESERVED]

SCHEDULE 4 - SPECIAL AREAS

1. Niagara Escarpment;
2. Oak Ridges Moraine.