

1986

## c 10 Transboundary Pollution Reciprocal Access Act, 1986

Ontario

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## CHAPTER 10

**An Act respecting Actions arising from  
Transboundary Pollution between Ontario  
and Reciprocating Jurisdictions**

*Assented to February 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

“person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government in its private or public capacity, governmental subdivision or agency, or any other legal entity;

“reciprocating jurisdiction” means a state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States of America, or a province or territory of Canada, which has enacted this Act or provides substantially equivalent access to its courts and administrative agencies.

**2.** An action or other proceeding for injury or threatened injury to property or person in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Ontario may be brought in Ontario.

Forum

**3.** A person who suffers or is threatened with injury to his person or property in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Ontario has the same rights to relief with respect to the injury or threatened injury, and may enforce those rights in Ontario, as if the injury or threatened injury occurred in Ontario.

Right to relief

**4.** The law to be applied in an action or other proceeding brought pursuant to this Act, including what constitutes “pollution”, is the law of Ontario excluding choice of law rules.

Applicable law

**5.** This Act does not accord a person injured or threatened with injury in another jurisdiction any rights superior to those

Equality of rights

that the person would have if injured or threatened with injury in Ontario.

Right  
additional  
to those  
now existing  
Act binds  
Crown

**6.** The right provided in this Act is in addition to and not in derogation of any other rights.

**7.** This Act binds the Crown in right of Ontario only to the extent that the Crown would be bound if the person were injured or threatened with injury in Ontario.

Regulations

**8.** Notwithstanding the definition of “reciprocating jurisdiction”, the Lieutenant Governor in Council may by regulation declare a jurisdiction to be a reciprocating jurisdiction for the purposes of this Act.

Uniformity of  
application  
and  
construction

**9.** This Act shall be applied and construed to carry out its general purpose to make uniform the law with respect to the subject of this Act among jurisdictions enacting it.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** The short title of this Act is the *Transboundary Pollution Reciprocal Access Act, 1986*.