c 361 Ontario Water Resources Act

Ontario
CHAPTER 361

Ontario Water Resources Act

1. In this Act,

(a) "Board" means the Ontario Municipal Board;

(b) "borrowings of the Commission" includes all loans raised by the Commission by the issue of debentures or otherwise and all advances from the Province to the Commission;

(c) "Commission" means the Ontario Water Resources Commission;

(d) "Crown" means Her Majesty the Queen in right of Ontario;

(e) "construction" includes reconstruction, improvement, extension, alteration, replacement and repairs, and "construct" has a corresponding meaning;

(f) "cost" means,

(i) in relation to a project under an agreement entered into before the 1st day of April, 1974, the cost thereof as determined by the Minister and includes interest during construction and such engineering fees and other charges and expenses in connection with construction as the Minister may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Crown as the Minister in his discretion may allocate to the project, or

(ii) in relation to a project under an agreement entered into on or after the 1st day of April, 1974, the cost thereof as determined by the Minister and includes such engineering fees and other charges and expenses in connection with construction as the Minister may determine and such financing costs applicable to the project as the
Treasurer may determine and the Minister in his discretion may allocate to the project;

(g) "date of completion" of a project means the date that is certified by the Minister as being the date on which the project is completed to the extent necessary to enable the Minister to supply water or to receive, treat and dispose of sewage, as the case may be;

(h) "debentures" includes bonds, notes and other securities;

(i) "Director" means a Director appointed under section 4;

(j) "Environmental Assessment Board" means the Environmental Assessment Board under the Environmental Assessment Act;

(k) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;

(l) "Minister" means the Minister of the Environment;

(m) "Ministry" means the Ministry of the Environment;

(n) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

(o) "owner" means a municipality or person having authority to construct, maintain, operate, repair, improve or extend water works or sewage works;

(p) "project" means water works or sewage works provided for in an agreement under section 34;

(q) "Province" means the Province of Ontario;

(r) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other
matter or substance as is specified by regulations made under clause 44 (1) (i);

(s) "sewage works" means any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which regulations made under clause 44 (2) (a) apply;

(t) "Treasurer" means the Treasurer of Ontario and Minister of Economics;

(u) "water works" means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing or other works to which regulations made under clause 44 (2) (a) apply. R.S.O. 1970, c. 332, s. 1; 1972, c. 1, s. 70 (2, 3, 7-11); 1972, c. 1, s. 104 (1); 1973, c. 90, s. 1; 1974, c. 19, s. 1; 1975, c. 71, s. 1.

ADMINISTRATION

2. — (1) The Minister of the Environment is responsible for the administration of this Act except sections 45, 46, 47 and 48.

(2) The Minister of Consumer and Commercial Relations is responsible for the administration of sections 45, 46, 47 and 48. 1972, c. 1, s. 70 (12), part, revised.

3. Every power, right, privilege and discretion with respect to rates under agreements made under subsection 7 (2) and subsection 34 (3) may be exercised by a Director. 1972, c. 1, s. 70 (12), part; 1974, c. 19, s. 2 (c).

4. — (1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

(2) The Minister, in an appointment pursuant to subsection (1), may limit the authority of a Director in such manner as the Minister considers necessary or advisable. 1974, c. 19, s. 5.

5. Where under this Act any power, duty or authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power,
duty or authority to the Deputy Minister or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation. 1972, c. 1, s. 70 (13), part.

6.—(1) Where a Director is required or permitted to hold a hearing or considers a hearing necessary or advisable under this Act, he may by a notice in writing and on such terms and conditions as he may direct, require the Environmental Assessment Board to hold the hearing. 1972, c. 1, s. 70(13), part; 1974, c. 19, s. 2 (d); 1975, c. 71, s. 2.

(2) Upon receipt of notice from a Director referred to in subsection (1), the Environmental Assessment Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Director. 1974, c. 19, s. 6; 1975, c. 71, s. 2.

(3) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of the Environmental Assessment Act apply where a hearing is required to be held under this Act by the Environmental Assessment Board. 1975, c. 71, s. 3 (2).

(4) Subsections 18 (12) and (14) to (20) and sections 20 and 23 of the Environmental Assessment Act do not apply where a hearing is required to be held under this Act by the Environmental Assessment Board.

(5) Where a hearing is required to be held under this Act by the Environmental Assessment Board,

(a) the Board shall determine its own practice and procedure in relation to hearings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable;

(b) the member or members conducting a hearing shall prepare and submit to the Board a draft report of the Board referred to in clause (e) and, after notice of the purpose of the meeting has been given to all members of the Board, the Board shall consider the draft report at a meeting of the Board called for the purpose of preparing the report and the Board in preparing the report may,

(i) adopt the draft report,
(ii) adopt the draft report with such changes as the Board considers advisable, or

(iii) reject the draft report and take such other action for the purpose of preparing the report, including the holding of additional hearings, as the Board considers advisable;

(c) a hearing by the Board is for the purpose of making a report containing information and advice and the report is not in any way legally binding in any decision or determination that may be made;

(d) for the purposes of the exercise of any power or authority or the discharge of any duty by the Board or any member or members thereof conducting a hearing, the Board, or such member or members, has or have the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the exercise of such power or authority and the discharge of such duty as if it were an inquiry under that Act; and

(e) the report of the Board shall contain a summary of the information presented and the views expressed at the hearing and its recommendations in respect of the subject-matter of the hearing, together with its reasons therefor. 1975, c. 71, s. 3 (3).

7.—(1) Notwithstanding any other Act, it is the function of the Minister and he has power,

(a) to construct, acquire, provide, operate and maintain water works and to develop and make available supplies of water to municipalities and persons;

(b) to construct, acquire, provide, operate and maintain sewage works and to receive, treat and dispose of sewage delivered by municipalities and persons;

(c) to conduct research programs and to prepare statistics for his purpose;

(d) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage; and

(e) to perform such functions or discharge such duties as may be assigned to him from time to time by
the Lieutenant Governor in Council. R.S.O. 1970, c. 332, s. 17 (1); 1972, c. 1, s. 70 (2, 15); 1974, c. 19, s. 8.

(2) Notwithstanding any other Act, the Crown, represented by the Minister, may make agreements with any one or more municipalities or persons with respect to a supply of water or the reception, treatment and disposal of sewage. 1972, c. 1, s. 70 (16), part.

(3) Notwithstanding any other Act, it is the function of a Director and he has power to control and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes and to make orders with respect thereto. 1972, c. 1, s. 70 (16), part; 1974, c. 19, s. 2 (a).

(4) Every person who contravenes any order made under subsection (3) is guilty of an offence and on conviction is liable to a fine of not more than $100 for every day or part thereof during which such contravention continues. R.S.O. 1970, c. 332, s. 17 (2); 1972, c. 1, s. 70 (17).

8. Any municipality may enter into agreements with the Crown under subsection 7 (2), and subsections 34 (4) to (8), section 36 and subsection 38 (5) apply with necessary modifications to such agreements. R.S.O. 1970, c. 332, s. 18; 1972, c. 1, s. 70 (3, 18).

9. The Minister may for his purposes exercise any or all of the powers that are conferred by any general Act upon a municipality respecting the establishment, construction, maintenance or operation of water works or sewage works. R.S.O. 1970, c. 332, s. 19; 1972, c. 1, s. 70 (2).

10.—(1) The Minister and his employees and agents may at any time for his purposes, without consent and without compensation, enter into the lands or buildings of the Province or of any municipality or of any person, or into any highway or road under the jurisdiction and control of any public authority, or into any boat or ship to which the regulations under clause 44 (1) (k) apply, and may make such surveys, examinations, investigations, inspections or other arrangements as he considers necessary. R.S.O. 1970, c. 332, s. 20 (1); 1972, c. 1, s. 70 (2); 1974, c. 19, s. 9.

(2) The Minister and his employees and agents may for his purposes, without consent and without compensation, lay, maintain, repair, alter or replace such pipes and
appurtenances thereto as he considers necessary in, upon, through, over and under any highway or road under the jurisdiction and control of any public authority. R.S.O. 1970, c. 332, s. 20 (2); 1972, c. 1, s. 70 (2).

(3) Lands, buildings, highways or roads disturbed by the exercise of any of the powers mentioned in subsection (1) or (2) shall be restored to their original condition without unnecessary delay. R.S.O. 1970, c. 332, s. 20 (3).

(4) Every person who hinders or obstructs any employee or agent of the Minister in the exercise of his powers or the performance of his duties under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $200 for every day upon which the offence is committed or continues. R.S.O. 1970, c. 332, s. 20 (4); 1972, c. 1, s. 70 (2).

11. The Minister, for and on behalf of the Crown, may for the purposes of this Act acquire by purchase, lease or otherwise or, without the consent of the owner, enter upon, take possession of, expropriate and use land and may use the waters of any lake, river, pond, spring or stream as may be considered necessary for his purposes, and, upon such terms as he considers proper, may sell, lease or dispose of any land that in his opinion is not necessary for his purposes. R.S.O. 1970, c. 332, s. 21 (1); 1972, c. 1, s. 70 (2, 19).

12. The Ministry of Government Services Act does not apply to real or personal property of the Crown acquired for the purpose of a project or for the provision of water or sewage service by the Minister as defined in section 43. R.S.O. 1970, c. 332, s. 22; 1972, c. 1, ss. 70 (2, 3), 74 (1); 1973, c. 2, s. 2.

13.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto, in respect of water or sewage works, in favour of the Crown or any municipality having a contract with the Crown in respect of water or sewage works is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown or the municipality. R.S.O. 1970, c. 332, s. 23 (1); 1972, c. 1, s. 70 (3).

(2) On and after the registration of an instrument to which subsection (1) applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created...
by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

(3) A party to an instrument to which subsection (1) applies or a person to whom subsection (2) applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

(4) Where the land mentioned in an instrument to which subsection (1) applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

(5) This section applies to rights, interests, covenants and conditions granted or created by or contained in any instrument of the type mentioned in subsection (1), executed after the 28th day of March, 1956. R.S.O. 1970, c. 332, s. 23 (2-5).

WATER

14. Under sections 15, 16, 18 and 19, the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water. R.S.O. 1970, c. 332, s. 30.

15.—(1) For the purposes of this Act, the Minister has the supervision of all surface waters and ground waters in Ontario. R.S.O. 1970, c. 332, s. 31 (1); 1972, c. 1, s. 70 (2).

(2) The Minister may examine any surface waters or ground waters in Ontario from time to time to determine what, if any, pollution exists and the causes thereof. R.S.O. 1970, c. 332, s. 31 (2); 1972, c. 1, s. 70 (2).

(3) Where any person is discharging or depositing or causing or permitting the discharge or deposit of any material of any kind into or in or near any well, lake,
river, pond, spring, stream, reservoir or other body of water or watercourse that, in the opinion of the Minister, may impair the quality of the water in such well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse, the Minister may apply: *ex parte* to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited for an order prohibiting such discharge or deposit for such period not exceeding twenty-one days and on such terms and conditions as the judge considers proper, and such order may, on application to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited, be continued for such period and on such terms and conditions as the judge considers proper. R.S.O. 1970, c. 332, s. 31 (3); 1972, c. 1, s. 70 (2).

16.—(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

(2) Each day that a municipality or person contravenes subsection (1) constitutes a separate offence. R.S.O. 1970, c. 332, s. 32 (1, 2).

(3) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Minister of the discharge, deposit or escape, as the case may be. R.S.O. 1970, c. 332, s. 32 (3); 1972, c. 1, s. 70 (2).

(4) Every municipality or person that fails to notify the Minister as provided in subsection (3) is guilty of an offence and on conviction is liable to a fine of not more than $5,000. R.S.O. 1970, c. 332, s. 32 (4); 1972, c. 1, s. 70 (2).
(5) The discharge into any lake, river, stream or other water or watercourse of sewage from sewage works that have been constructed and are operated in accordance with the approval of the former Department of Health, the Commission or the Executive Director, Water Supply and Pollution Control, of the Ministry or a Director or in conformity with any order of the Board is not a contravention of subsection (1). R.S.O. 1970, c. 332, s. 32 (5); 1972, c. 1, s. 70 (22); 1974, c. 19, s. 13.

Repeal

(6) Subsections (3) and (4) are repealed on a day to be named by proclamation of the Lieutenant Governor. 1979, c. 91, ss. 5, 6.

17.—(1) A director may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may be amended, varied or revoked by the Director as he considers desirable. R.S.O. 1970, c. 332, s. 33 (1); 1972, c. 1, s. 70 (23); 1974, c. 19, s. 2 (a).

Offence

(2) Every municipality or person that contravenes an order made under subsection (1) is guilty of an offence and on conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000.

(3) Each day that a municipality or person contravenes an order made under subsection (1) constitutes a separate offence. R.S.O. 1970, c. 332, s. 33 (2, 3).

18.—(1) Where, in the opinion of a Director it is in the public interest to do so, the Director may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise. R.S.O. 1970, c. 332, s. 34 (1); 1974, c. 19, s. 2 (a).

Offence

(2) Every municipality or industrial or commercial enterprise that contravenes an order of a Director made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $500 for every day the contravention continues. R.S.O. 1970, c. 332, s. 34 (2); 1974, c. 19, s. 2 (a).

19.—(1) An area may be defined by a Director that includes a source of public water supply,
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(a) wherein no person shall swim or bathe; or

(b) wherein no material of any kind that may impair the quality of water therein shall be placed, deposited, discharged or allowed to remain; or

(c) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Director considers necessary for the protection of the source of public water supply.  1974, c. 19, s. 14.

(2) Every person,

(a) who swims or bathes within an area defined under clause (1) (a); or

(b) who places, deposits, discharges or allows to remain within an area defined under clause (1) (b) any material of any kind that may impair the quality of the water therein; or

(c) who does any act or takes water within an area defined under clause (1) (c) so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both.

(3) Subsection (2) does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection (1) was commenced before the notice of the area is given as required under subsection (1).  R.S.O. 1970, c. 332, s. 36 (2, 3).

20.—(1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of livestock, poultry, home gardens or lawns, but does not include the watering or irrigation of crops grown for sale.
(2) In subsection (4), the reference to the taking of water for the watering of livestock or poultry does not include the taking of surface water into storage for the watering of livestock or poultry. R.S.O. 1970, c. 332, s. 37 (1, 2).

(3) Notwithstanding any general or special Act or any regulation or order made thereunder and subject to subsection (3), no person shall take more than a total of 50,000 litres of water in a day,

(a) by means of a well or wells that are constructed or deepened after the 29th day of March, 1961; or

(b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after the 29th day of March, 1961; or

(c) by means of a structure or works constructed after the 29th day of March, 1961 for the diversion or storage of water; or

(d) by any combination of the means referred to in clauses (a), (b) and (c), without a permit issued by a Director. R.S.O. 1970, c. 332, s. 37 (3); 1974, c. 19, s. 2 (b); 1978, s. 87, s. 18 (1).

(4) Notwithstanding any general or special Act or any regulation or order made thereunder, where the taking of water for any purpose, other than the taking of water by any person except a municipality or company public utility for use for ordinary household purposes or for the watering of livestock or poultry and other than the taking of water by any person for fire fighting, interferes, in the opinion of a Director, with any public or private interest in any water, the Director may, by notice served on or sent by registered mail to the person who is taking or is responsible for the taking of water that so interferes, prohibit the person from so taking water without a permit issued by the Director. R.S.O. 1970, c. 332, s. 37 (4); 1974, c. 19, s. 2 (b).

(5) Subsection (3) does not apply to the taking of water by any person for use for domestic or farm purposes or for fire fighting. R.S.O. 1970, c. 332, s. 37 (5).

(6) A Director may in his discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as he considers proper and may alter the terms and conditions of a permit after it is issued. R.S.O. 1970, c. 332, s. 37 (6); 1974, c. 19, s. 2 (b).
Flowing or leaking water from a well, etc., regulated by law or regulations

(7) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of a Director, with any public or private interest in any water, the Director may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Director may direct, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice may require. R.S.O. 1970, c. 332, s. 37 (7); 1974, c. 19, s. 2 (b).

(8) Every person who contravenes,

(a) subsection (3) or (4); or

(b) a notice served on him or received by him or on his behalf under subsection (4) or (7); or

(c) any of the terms and conditions of a permit issued by a Director,

is guilty of an offence and on conviction is liable to a fine of not more than $200 for every day the contravention continues. R.S.O. 1970, c. 332, s. 37 (8); 1974, c. 19, s. 2 (b); 1974, c. 19, s. 15.

21.—(1) No person shall make a well or hole in the ground for the purpose of obtaining water, except by digging, in any area designated by the regulations made under this Act, without a permit issued by a Director. R.S.O. 1970, c. 332, s. 39 (1); 1974, c. 19, s. 2 (b).

(2) A Director may in his discretion issue, refuse to issue, or cancel a permit, may impose such terms and conditions in issuing a permit as he considers proper and may alter the terms and conditions of a permit after it is issued. R.S.O. 1970, c. 332, s. 39 (2); 1974, c. 19, s. 2 (b).

(3) Every person who contravenes subsection (1) or any of the terms and conditions of a permit issued by a Director is guilty of an offence and on conviction is liable to a fine of not more than $50. R.S.O. 1970, c. 332, s. 39 (3); 1974, c. 19, s. 2 (b).

WATER WELL DRILLERS

22.—(1) No person shall carry on the business of boring or drilling wells for water unless he is the holder of a
licence therefor from a Director. R.S.O. 1970, c. 332, s. 40 (1); 1974, c. 19, s. 2 (b).

(2) Upon application therefor in the prescribed form and upon payment of the prescribed fee, a Director may issue or renew, as the case may be, a licence to any person to carry on the business of boring or drilling wells for water. R.S.O. 1970, c. 332, s. 40 (2); 1974, c. 19, s. 2 (b).

(3) Every such licence and renewal thereof expires on the 31st day of December following the date of issue or renewal. R.S.O. 1970, c. 332, s. 40 (3).

(4) A Director may suspend or cancel a licence at any time. R.S.O. 1970, c. 332, s. 40 (4); 1974, c. 19, s. 2 (b).

(5) Every licensee shall, within one month after the completion of the boring or drilling of a well for water, make a return to a Director in the prescribed form. R.S.O. 1970, c. 332, s. 40 (5); 1974, c. 19, s. 2 (b).

(6) Every person who contravenes a provision of this section is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $100. R.S.O. 1970, c. 332, s. 40 (6).

WATER WORKS

23.—(1) When any municipality or any person contemplates the establishment of any water works, or the extension of or any change in any existing water works, the plans, specifications and an engineer’s report of the water supply and the works to be undertaken, together with such other information as a Director may require, shall be submitted to the Director, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the source of water supply and the proposed works have been approved by the Director. R.S.O. 1970, c. 332, s. 41 (1); 1974, c. 19, s. 2 (a).

(2) Every municipality that or person who contravenes any provision of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $2,000. R.S.O. 1970, c. 332, s. 41 (2).

(3) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of a Director, a Director may
order the person or his successor or assignee to afford at his own expense such facilities as the Director considers necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Director considers necessary, and any changes directed by the Director to be made in the works shall be carried out by the person or his successor or assignee at his own expense. 1974, c. 19, s. 16.

(4) Where in the opinion of a Director it is in the public interest to do so, the Director may refuse to grant his approval or grant his approval on such terms and conditions as he considers necessary. R.S.O. 1970, c. 332, s. 41 (4); 1974, c. 19, s. 2 (a).

(5) Every person, except a municipality, who,

(a) fails to comply with any direction or order given or made by a Director under subsection (3); or

(b) contravenes any of the terms and conditions of the approval granted by a Director under subsection (4),

is guilty of an offence and on conviction is liable to a fine of $500 for every day upon which such default or contravention continues. R.S.O. 1970, c. 332, s. 41 (5); 1974, c. 19, s. 2 (a).

(6) The owner of water works shall whenever required by a Director make returns to the Director, of such matters as may be required by the Director, and any such owner who, for the space of thirty days after being so required, fails or neglects to make the returns required is guilty of an offence and on conviction is liable to a fine of not more than $100. R.S.O. 1970, c. 332, s. 41 (6); 1974, c. 19, s. 2 (a).

(7) Water works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by a Director. R.S.O. 1970, c. 332, s. 41 (7); 1974, c. 19, s. 2 (a).

(8) Every person, except a municipality, who fails to comply with any direction given by a Director under subsection (7) is guilty of an offence and on conviction is liable to a fine of $500 for every day upon which such default continues. R.S.O. 1970, c. 332, s. 41 (8); 1974, c. 19, s. 2 (a).

(9) Subsections (1) and (3) do not apply,
(a) to a water works to be used only for supplying water, for agricultural, commercial or industrial purposes, that is not required under any Act or regulation to be fit for human consumption;

(b) to a water works not capable of supplying water at a rate greater than 50,000 litres per day;

(c) to a privately-owned water works to be used to supply water only for five or fewer private residences; and

(d) to such water works as may be exempted therefrom by regulations made under this Act. R.S.O. 1970, c. 332, s. 41 (9); 1978, c. 87, s. 18 (2).

SEWAGE WORKS

24.—(1) When any municipality or any person contemplates the establishment of any sewage works, or the extension of or any change in any existing sewage works, the plans, specifications and an engineer’s report of the works to be undertaken, and the location of the discharge of effluent, together with such information as a Director may require, shall be submitted to the Director, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the proposed works have been approved by the Director. R.S.O. 1970, c. 332, s. 42 (1); 1974, c. 19, s. 2 (a).

(2) Every municipality that or person who contravenes any provision of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $2,000. R.S.O. 1970, c. 332, s. 42 (2).

(3) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of a Director, a Director may order the person or his successor or assignee to afford at his own expense such facilities as the Director considers necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Director considers necessary, and any changes directed by the Director to be made in the works shall be carried out by the person or his successor or assignee at his own expense. 1974, c. 19, s. 17.
(4) Where in the opinion of a Director it is in the public interest to do so, the Director may refuse to grant his approval or grant his approval on such terms and conditions as he considers necessary. R.S.O. 1970, c. 332, s. 42 (4); 1974, c. 19, s. 2 (a).

(5) Every person, except a municipality, who,

(a) fails to comply with any direction or order given or made by a Director under subsection (3); or

(b) contravenes any of the terms and conditions of the approval granted by a Director under subsection (4),

is guilty of an offence and on conviction is liable to a fine of $500 for every day upon which such default or contravention continues. R.S.O. 1970, c. 332, s. 42 (5); 1974, c. 19, s. 2 (a).

(6) This section does not apply,

(a) to a sewage works from which sewage is not to drain or be discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse;

(b) to a privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer;

(c) to a privately-owned sewage works serving only five or fewer private residences;

(d) to a sewage works the main purpose of which is to drain agricultural lands;

(e) to a drainage works under the Drainage Act; the Cemeteries Act, the Public Transportation and Highway Improvement Act or The Railways Act;

(f) to such sewage works as may be exempted therefrom by regulations made under this Act,

but this section does apply to a sewage works for the distribution of sewage on the surface of the ground for the purpose of disposing of the sewage. R.S.O. 1970, c. 332, s. 42 (6); 1971, c. 61, s. 1.
25.—(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, a Director shall, before giving his approval under section 24, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Director may direct. R.S.O. 1970, c. 332, s. 43 (1); 1974, c. 19, s. 2 (a).

(2) Where a Director has given his approval under section 24 to an establishment or extension under subsection (1), the municipality undertaking the establishment or extension may enter upon, take and use such lands in such other municipality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 93 of section 210 of the Municipal Act does not apply. R.S.O. 1970, c. 332, s. 43 (3); 1974, c. 19, s. 2 (a).

(3) A Director may amend or vary any approval given under section 24 to an establishment or extension under subsection (1), but before so acting the Director shall comply with the requirements of subsection (1) with respect to the holding of a public hearing and the giving of notice thereof. R.S.O. 1970, c. 332, s. 43 (4); 1974, c. 19, s. 2 (a).

(4) Where a Director has given his approval under section 24 to an establishment or extension under subsection (1), the municipality undertaking the establishment or extension, before proceeding therewith, may apply to the Board for an order,

(a) stopping up and closing any highway, road or road allowance, temporarily or permanently, for the purpose of allowing the establishment or extension to be carried on and vesting it in the municipality undertaking the establishment or extension, and providing for the opening of another highway, road or road allowance in lieu of the highway, road or road allowance so stopped up and closed, and subsection 82 (2) of the Registry Act does not apply;

(b) ordering that any building restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person in any
lands upon or through which it is proposed that the establishment or extension may be constructed shall be terminated and shall be no longer operative or binding upon or against any person, and directing that any such order be registered under the Registry Act; and

(c) fixing the compensation for lands taken or injuriously affected in the construction, maintenance or operation of the establishment or extension,

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct. R.S.O. 1970, c. 332, s. 43 (5); 1974, c. 19, s. 2 (a).

(5) The registration of an order under clause (4) (b) is a bar to any action or proceeding taken by any person claiming any right or benefit under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order.

(6) Where sewage works of a municipality are established or extended in or into another municipality, the municipality in or into which the sewage works are established or extended may make an agreement with the owner of the sewage works for the connecting with and the use of the sewage works.

(7) Where a municipality in or into which sewage works are established or extended is unable to make an agreement under subsection (6), the Board, upon an application authorized by by-law of its council, may confer the right to make use of the sewage works upon the applicant municipality and the inhabitants thereof whose properties may be conveniently served by the sewage works, and prescribe the terms and conditions of such use.

(8) Where an agreement is made under subsection (6) or an order is made under subsection (7), the municipality in or into which the sewage works are established or extended may assess, levy and collect as taxes the amounts to be paid under the agreement or order in the same manner and to the same extent as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.
(9) Subsections (1) and (3) apply with necessary modifications to a person who contemplates extending his sewage works from one municipality into another municipality or into territory without municipal organization. R.S.O. 1970, c. 332, s. 43 (6-10).

(10) Where a Director has given his approval under section 24 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 129 of section 210 of the Municipal Act or any by-law passed under section 39 of the Planning Act or any official plan to permit the use of the land for extension. R.S.O. 1970, c. 332, s. 43 (11); 1974, c. 19, s. 2 (a).

(11) The Board, as a condition of making an order under subsection (10), may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of a Director given under section 24, as to the Board may appear necessary or expedient. R.S.O. 1970, c. 332, s. 43 (12); 1974, c. 19, s. 2 (a).

26.—(1) Where, in any municipality, the municipality or a person contemplates establishing or extending a sewage treatment works within the municipality, a Director may, before giving his approval under section 24, hold a public hearing, in which case the Director shall give at least ten days notice of the hearing to the clerk of the municipality and to such other persons and in such manner as the Director may direct. R.S.O. 1970, c. 332, s. 44 (1); 1974, c. 19, s. 2 (a).

(2) A Director may amend or vary any approval given under section 24 to an establishment or extension under subsection (1) and, before so acting, the Director may hold a public hearing, in which case he shall give notice thereof in accordance with subsection (1). R.S.O. 1970, c. 332, s. 44 (3); 1974, c. 19, s. 2 (a).

(3) Where a Director has given his approval under section 24 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law pas-
(4) The Board, as a condition of making an order under subsection (3), may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of a Director given under section 24, as to the Board may appear necessary or expedient. R.S.O. 1970, c. 332, s. 44 (4); 1974, c. 19, s. 2 (a).

27. Subsections 25 (10) and (11) and subsections 26 (3) and (4) apply with necessary modifications to a municipality that has obtained the approval of a Director to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works. R.S.O. 1970, c. 332, s. 45; 1974, c. 19, s. 2 (a).

28. The Board may inquire into, hear and determine any application by or on behalf of any municipality or person complaining that any municipality constructing, maintaining or operating sewage works or having the control thereof,

(a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into with the municipality; or

(b) has done or is doing any such act, matter or thing improperly,

and that the same is causing deterioration, loss, injury or damage to property, and the Board may make any order, award or finding in respect of any such complaint as it considers just. R.S.O. 1970, c. 332, s. 46.

29. Where land is expropriated by a municipality for sewage works or is injuriously affected by the construction, maintenance or operation of sewage works by a municipality, the Expropriations Act applies. R.S.O. 1970, c. 332, R.S.O. 1980, c. 148 s. 47.
30. Sewage works that are being or have been constructed, maintained or operated with the approval of the former Department of Health, the Commission, the Executive Director, Water Supply and Pollution Control of the Ministry or of a Director and in accordance with the terms and conditions imposed in any order, direction, report or regulation of the former Department of Health, the Commission, the Minister of Health, the Executive Director, Water Supply and Pollution Control of the Ministry, a Director or the Board under the authority of this Act or any predecessor of any provision of this Act, so long as the sewage works are being so constructed or are so constructed, maintained or operated, shall be deemed to be under construction, constructed, maintained or operated by statutory authority. 1974, c. 19, s. 18.

31. The owner of sewage works shall whenever required by a Director make returns to the Director of such matters as may be required by the Director, and any such owner who for the space of thirty days after being so required fails or neglects to make the returns required is guilty of an offence and on conviction is liable to a fine of not more than $100. R.S.O. 1970, c. 332, s. 49; 1974, c. 19, s. 2 (a).

32.—(1) Sewage works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by a Director. R.S.O. 1970, c. 332, s. 50 (1); 1974, c. 19, s. 2 (a).

(2) Every person, except a municipality, who fails to comply with any direction given by a Director under subsection (1) is guilty of an offence and on conviction is liable to a fine of $500 for every day upon which such default continues. R.S.O. 1970, c. 332, s. 50 (2); 1974, c. 19, s. 2 (a).

33.—(1) Where a Director reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that water works or sewage works or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose and the municipality shall forthwith do every act and thing in its power to implement the report of the Director. R.S.O. 1970, c. 332, s. 51 (1); 1974, c. 19, s. 2 (a).

(2) Every municipality that fails to do every act and thing in its power to implement a report made to it under
subsection (1) forthwith after receipt of the report is guilty of an offence and on conviction is liable to a fine of $500 for every day upon which such default continues after receipt of the report. R.S.O. 1970, c. 332, s. 51 (2).

(3) Where the municipality fails to do every act and thing in its power to implement a report made to it under subsection (1) forthwith after receipt of the report, and the time for taking an appeal has passed or there has been final disposition of an appeal by which the report is confirmed or altered, the Director, with the approval of the Board, may direct that whatever is necessary to implement the report or the report as confirmed or altered be done at the expense of the municipality, and the Minister may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction, as a debt due to the Crown by such municipality. 1974, c. 19, s. 19.

PROJECTS

34.—(1) Any one or more municipalities may apply to the Minister for the provision of and operation by the Minister of water works or sewage works for the municipality or municipalities. R.S.O. 1970, c. 332, s. 52 (1); 1972, c. 1, s. 70 (2).

(2) The Minister may thereupon furnish to such municipality or municipalities,

(a) an estimate of the cost of the project and such other information as the Minister considers advisable;

(b) a statement of the terms and conditions including the method of financing as determined by the Minister upon which the Minister will complete and operate the project; and

(c) a form of agreement to be entered into between the municipality or municipalities and the Crown. R.S.O. 1970, c. 332, s. 52 (2); 1972, c. 1, s. 70 (2, 3); 1974, c. 19, s. 20.

(3) The council of any municipality may by by-law authorize the municipality to enter into such an agreement with the Crown and, subject to the approval of the Lieutenant Governor in Council, the Crown may enter into any such agreement with any municipality or municipalities.
and, when such an agreement has been entered into, the
parties thereto have all such powers as may be necessary
to carry out the provisions thereof or of any undertaking
given pursuant thereto. R.S.O. 1970, c. 332, s. 52 (3); 1972, c. 1, s. 70 (3).

(4) Notwithstanding the Municipal Act or any other
Act, it is not necessary for the council of any municipality
to obtain the assent of the electors to the passing of any
such by-law or the entering into of any such agreement with
the Crown. R.S.O. 1970, c. 332, s. 52 (4); 1972, c. 1, s. 70 (3).

(5) Where a municipality that proposes to enter into an
agreement with the Crown is required to obtain the approval
of the Board with respect to any aspect of the proposed
project, the application for such approval shall be made by
the Minister on behalf of the municipality. R.S.O. 1970,
c. 332, s. 52 (5); 1972, c. 1, s. 70 (2, 3).

(6) Notwithstanding any other Act, every such agreement
remains in force for such period as it may prescribe and in
any event until all obligations to the Crown of the munici-
pality or municipalities party or parties to the agreement
have been discharged to the satisfaction of the Minister.
R.S.O. 1970 c. 332, s. 52 (6); 1972, c. 1, s. 70 (2, 3).

(7) Where a municipality has entered into an agreement
with the Crown under this section, the agreement is binding
on any commission or local board having the control and
management of water works or sewage works, as the case
may be, in the municipality. R.S.O. 1970, c. 332, s. 52 (7); 1972, c. 1, s. 70 (3).

(8) Any agreement under this section may be evidenced
by one or more documents. R.S.O. 1970, c. 332, s. 52 (8).

35.—(1) Every municipality that has entered into an
agreement with the Crown under section 34 before the 1st
day of April, 1974 shall pay to the Treasurer the following
sums or, where such agreement is with more than one
municipality, or where the project requires more than one
agreement at least one of which is with a municipality, its
share as adjusted by the Minister, of the following sums:

1. In each calendar year during the currency of such
agreement, commencing with the calendar year in
which occurs the date of completion of such project,

(a) the proportion payable by the municipality
or municipalities party or parties to the
project, as adjusted by the Minister, of the total amount of interest and expenses of debt service that would be payable by the Commission in each such year if the Commission were not dissolved in respect of all borrowings of the Commission from time to time outstanding and made by the Commission at any time before or after the making of such agreement for the purpose of meeting,

(i) the cost or estimated cost of all projects, except projects under agreements referred to in subsection (2), or

(ii) the cost or estimated cost of all projects referred to in subsection (2),

at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects, including the refunding or repayment in whole or in part of any such borrowings;

(b) the total cost to the Crown in each such year of the operation, supervision, maintenance, repair, administration and insurance of such project; and

(c) the total amount in each such year placed by the Minister to the credit of the reserve account referred to in subsection 39 (1) in respect of such project or an amount equal to 1½ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation to form at the
(2) In respect of agreements under section 34 entered into after the 31st day of December, 1965 and before the 1st day of April, 1974, the interest and expenses of debt service that would be payable by the Commission referred to in clause (a) of paragraph 1 of subsection (1) shall, in each year during the currency of the agreement, be the amount calculated by applying the average rate of such interest and expenses as would have been payable to the Treasurer in respect of the project.

(3) The Minister shall annually adjust and apportion among the respective municipalities the sums payable to the Treasurer by such municipalities under subsection (1). 1974, c. 19, s. 21 (2).

(4) In the event of any dispute arising as to the adjustment or apportionment of any sums payable to the Treasurer by the respective municipalities under subsection (1), such dispute shall be referred to a sole arbitrator to be appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Crown and the Treasurer and the municipality or municipalities concerned. R.S.O. 1970, c. 332, s. 53 (4); 1972, c. 1, s. 70 (2, 33); 1974, c. 19, s. 2 (e).

(5) Such arbitrator shall be paid for his services such amount as may be directed by the Lieutenant Governor in Council and the whole costs of such arbitration shall be paid as directed by the arbitrator in his award.

(6) Except as otherwise provided in this section, the Municipal Arbitrations Act applies to any arbitration under subsection (4). R.S.O. 1970, c. 332, s. 53 (5, 6).

36.—(1) The council of a municipality that has entered into or proposes to enter into an agreement with the Crown under section 34 may by by-law, subject to the approval of the Board, provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the project a sewer rate or water works rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Treasurer required to be made,
(a) where the agreement is or has been entered into before the 1st day of April, 1974, under clause (a) of paragraph 1 and paragraph 2 of subsection 35 (1); or

(b) where the agreement is entered into on or after the 1st day of April, 1974, under the agreement for the cost of the project,

and, with the like approval, such by-law may from time to time be amended or repealed. 1974, c. 19, s. 22, part.

(2) Where a by-law under subsection (1) imposes a sewer rate or water works rate upon owners or occupants of land, the council of the municipality may provide for commutation for a payment in cash of the whole or any part of the rate imposed and may prescribe the terms and conditions thereof. R.S.O. 1970, c. 332, s. 54 (2).

(3) The council of a municipality that has entered into or proposes to enter into an agreement with the Crown under section 34 may by by-law provide for imposing upon owners or occupants of land from which sewage is received, treated or disposed of or to which water is supplied through or by the project a sewage service rate or water service rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Treasurer required to be made,

(a) where the agreement is or has been entered into before the 1st day of April, 1974, under clauses (b) and (c) of paragraph 1 of subsection 35 (1); or

(b) where the agreement is entered into on or after the 1st day of April, 1974, under the agreement for,

(i) the total cost to the Crown in each year of the operation, supervision, maintenance, repair, administration and insurance of the project, and

(ii) the total amount in each year placed by the Minister to the credit of any reserve account established under the agreement for the project. 1974, c. 19, s. 22, part.

(4) Subject to this section, section 218 of the Municipal Application of Act applies with necessary modifications to sewer rates and sewage service rates imposed under this section.
(5) Every water works rate or water service rate imposed under this section shall, in so far as is practicable and subject to this section, be imposed in the same manner and with and subject to the same provisions as apply to a water works rate or sewage service rate, respectively, under section 218 of the Municipal Act, and that section applies with necessary modifications to the imposition of such rates. R.S.O. 1970, c. 332, s. 54 (4, 5).

37. Where an agreement is made with a municipality for the provision of sewers under subsection 7 (2) or under section 34, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. R.S.O. 1970, c. 332, s. 55; 1972, c. 1, s. 70 (34).

38.—(1) As soon as practicable in each calendar year, and in any event not later than the 15th day of February, the Minister shall estimate the respective amounts payable to the Treasurer in such calendar year by each of the municipalities having agreements with the Crown under section 34 entered into before the 1st day of April, 1974 and shall by his precept directed to each municipality require such municipality to pay to the Treasurer on the dates specified in the agreement the sums so payable by each municipality and the municipality shall make payment to the Treasurer accordingly, but in the calendar year in which occurs the date of completion of the project the estimate by the Minister may be made and the precept of the Minister may be delivered at any time in such year as the Minister may determine and the payment or payments by the municipality shall be made at such time or times as the Minister may require.

(2) At the end of each calendar year, the actual sums payable by each municipality to the Treasurer for such year for the purposes aforesaid shall be ascertained by the Minister and the Minister shall inform the municipality of the amount owing to or by it and such amount shall be deducted from or added to the first payment to be made by the municipality in the next calendar year. 1974, c. 19, s. 23 (1).

(3) The mailing by the Minister of the precepts by registered mail in envelopes addressed to the clerks of the respective municipalities constitutes delivery of the precepts to them. R.S.O. 1970, c. 332, s. 56 (3); 1972, c. 1, s. 70 (2).
(4) A municipality may pay and the Treasurer may accept,

(a) in advance of the time that it would otherwise be payable, any sum in respect of any sum mentioned in section 35; and

(b) any sum to reduce the cost of a project. R.S.O. 1970, c. 332, s. 56 (4); 1974, c. 19, s. 2 (e).

(5) For the purpose of meeting the periodic payments to the Treasurer under an agreement entered into under section 34, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works. R.S.O. 1970, c. 332, s. 56 (5); 1974, c. 19, s. 23 (2).

39.—(1) The Minister may establish and maintain a reserve account in respect of each project under section 34,

(a) to provide for renewals and replacements in respect of the project;

(b) to provide for contingencies in respect of such project; and

(c) to provide for capital expenditures for the improvement of the project in relation to its operation and appearance,

and for such purposes may place to the credit of or charge to such reserve accounts such amounts as may in the opinion of the Minister be sufficient therefor.

(2) Notwithstanding subsection (1), where a reserve account has been established in respect of a project, the Minister may, in respect of any other project for the same municipality, charge to such reserve account such amounts as in the opinion of the Minister may be sufficient therefor for any of the purposes mentioned in clauses (1) (a), (b) and (c). 1974, c. 19, s. 24 (1).

40.—(1) All amounts heretofore placed and remaining or hereafter placed to the credit of all reserve accounts under any agreements under this Act shall be deposited with the Treasurer to the credit of a special consolidated account in the Consolidated Revenue Fund to be called
"Ministry of the Environment Reserve Account" and the interest applicable in each year to the consolidated account as determined by the Treasurer shall be allocated and credited by the Minister at the end of each year to each reserve account proportionately having regard to the respective balances from time to time remaining to the credit of the respective reserve accounts.

(2) The accounts of the Minister with respect to the reserve accounts referred to in subsection (1) shall be kept so as to exhibit at all times the amounts placed to the credit of each reserve account, the interest credited thereon and the payments made in respect thereof. 1974, c. 19, s. 25.

(1) All amounts heretofore placed and remaining or hereafter placed to the credit of all municipalities with respect to all moneys received from the municipalities under paragraph 2 of subsection 35 (1) shall be deposited with the Treasurer to the credit of a special consolidated account in the Consolidated Revenue Fund to be called "Ministry of the Environment Debt Retirement Account" and that part of the amounts so credited as is attributable to each project shall remain as a credit in the Ministry of the Environment Debt Retirement Account until the expiration of the period of years during which payments are required to be made in respect of such project under paragraph 2 of subsection 35 (1).

(2) The interest applicable in each year to the consolidated account as determined by the Treasurer shall be allocated and credited by the Minister at the end of each year to the respective projects proportionately having regard to the respective balances in the consolidated account from time to time attributable to such projects and the accounts of the Minister with respect to such projects shall be kept so as to exhibit at all times the amounts placed to the credit of each project, the interest credited thereon and the payments made in respect thereof.

(3) If at any time the amount in the consolidated account attributable to any project is, in the opinion of the Minister, sufficient with the further estimated interest thereon to form at the expiration of the period of years referred to in paragraph 2 of subsection 35 (1) an amount equal to the cost of the project, the Minister, subject to subsection (4) of this section and with the consent of the Treasurer, may authorize the municipality or municipalities with whom the Crown has an agreement in respect of such project to discontinue any further payments under paragraph 2 of subsection 35 (1).
(4) If at the expiration of such period of years the amount in the consolidated account attributable to any project,

(a) is in excess of the cost of the project, the Treasurer shall within one year thereafter repay to such municipality or municipalities the amount of such excess; or

(b) is less than the cost of the project, the municipality or municipalities shall, within one year thereafter, pay to the Treasurer the amount of such deficiency.

(5) Notwithstanding any other provision of this Act, the Treasurer may at any time, upon the request of the Minister, pay to the Province out of the Ministry of the Environment Debt Retirement Account any sum attributable to any project in payment or part payment of the amount owing to the Crown for the cost of the project.

1974, c. 19, s. 26.

42. For the purposes of section 26 of the Assessment Act, the Crown, with respect to any project in a city, town, village or township, shall be deemed a commission under clause (1) (a) of that section and the project shall be deemed a public utility under clause (1) (b) of that section. R.S.O. 1970, c. 332, s. 60; 1972, c. 1, s. 70 (3).

PUBLIC WATER OR SEWAGE SERVICE AREA

43.—(1) In this section,

(a) "sewage service" means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any one or more of them;

(b) "water service" means the taking, collection, production, treatment, storage, supply, transmission, distribution, sale, purchase and use of water, or any one or more of them. R.S.O. 1970, c. 332, s. 61 (1).

(2) Notwithstanding any general or special Act or any regulation or order made thereunder, where, in the opinion of a Director, it is in the public interest to do so, the Director may make an order defining and designating an area as an area of public water service or an area of public sewage service, and, by order from time to time, for the
purpose of controlling, regulating, prohibiting, requiring or providing water service or sewage service in the area, may,

(a) impose such terms and conditions in the area as the Director considers necessary;

(b) require that any contract with respect to water service or sewage service in the area be terminated or amended in accordance with the order; and

(c) fix and impose rates or charges upon any municipality or person in the area for the provision by the Minister of water service or sewage service to the municipality or person. R.S.O. 1970, c. 332, s. 61 (2); 1972, c. 1, s. 70 (2, 40); 1974, c. 19, s. 2 (c).

Termination or amendment of contracts

(3) Where an order is made by a Director requiring that any contract be terminated or amended, such contract shall be deemed to be terminated and no longer operative or binding upon or against any municipality or person or shall be deemed to be amended, as the case may be, in accordance with the order. R.S.O. 1970, c. 332, s. 61 (3); 1974, c. 19, s. 2 (c).

Hearing

(4) A Director shall, before making an order under subsection (2), hold a public hearing and give at least twenty-one days notice of the hearing to the clerk of such municipality or municipalities and to such person or persons and in such manner as the Director may direct. R.S.O. 1970, c. 332, s. 61 (4); 1974, c. 19, s. 2 (c).

Amending order

(5) A Director may amend the terms and conditions in any order, and may amend the definition or designation of an area in any order, but, before amending the definition or designation of an area, the Director shall comply with the requirements of subsection (4) with respect to the holding of a hearing and the giving of notice thereof. R.S.O. 1970, c. 332, s. 61 (5); 1972, c. 1, s. 70 (41); 1974, c. 19, s. 2 (c).

Copies of order

(6) A copy of an order of a Director made under this section shall be sent by the Director by registered mail to the clerk of every municipality and to every person named in the order, and to such other persons as the Director may direct. R.S.O. 1970, c. 332, s. 61 (7); 1972, c. 1, s. 70 (43); 1974, c. 19, s. 2 (c).

Petition re definition of area

(7) Upon the petition of,

(a) any municipality affected by an order under this section;
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(b) any person who is a party to a contract terminated or amended by an order under this section; or

(c) any owner or occupant of land in an area of public water service or an area of public sewage service who is affected by an order under this section in a different manner and to a different extent than all other owners or occupants of land in the area

filed with the Clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection (6), the Lieutenant Governor in Council may confirm, vary or rescind the definition or designation of the area in the order, and such confirmation, variation or rescission is binding upon a Director and such municipality, person, owner or occupant. R.S.O. 1970, c. 332, s. 61 (8); 1974, c. 19, s. 2 (c).

(8) Where a contract is terminated or amended by an order under this section, the Crown shall make due compensation to any municipality or person named in the contract as a party thereto for any damage necessarily resulting from the termination or amendment of the contract, as the case may be, beyond any advantage that it or he may derive from water service or sewage service provided under the order. R.S.O. 1970, c. 332, s. 61 (9); 1972, c. 1, s. 70 (3).

(9) Subject to this section, a claim for compensation, if not agreed upon by a Director and the municipality or person making the claim, shall be determined by the Board and not otherwise, and the Ontario Municipal Board Act, except section 94, applies as far as is practicable to every such claim. R.S.O. 1970, c. 332, s. 61 (10); 1974, c. 19, s. 2 (c).

(10) For the purpose of meeting periodic payments to the Treasurer under an order made under this section, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed water works or sewage works or were operating and maintaining water works or sewage works. R.S.O. 1970, c. 332, s. 61 (11); 1974, c. 19, s. 2 (e).

(11) For the purpose of meeting periodic payments to the Treasurer under an order made under this section, a municipality may, with the approval of the Board, by
law define an area that in the opinion of the council of the municipality will derive a benefit from the water service or sewage service provided under the order and may impose a rate or charge upon the owners or occupants of all land in such defined area. R.S.O. 1970, c. 332, s. 61 (12); 1974, c. 19, s. 2 (c).

(12) Every municipality or person who contravenes any order made under this section is guilty of an offence and on conviction is liable to a fine of $500 for every day upon which such contravention continues. R.S.O. 1970, c. 332, s. 61 (13).

(13) Upon the petition of any municipality or person required to pay a rate or charge imposed by an order under this section, filed with the Clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection (6), the Lieutenant Governor in Council may confirm, vary or rescind such rate or charge or may refer the petition to the Board or to such person or persons as the Lieutenant Governor in Council may designate, and the Board or such person or persons may confirm, vary or rescind such rate or charge, and any order made by the Lieutenant Governor in Council or the Board or such person or persons with respect thereto is binding upon the Treasurer and a Director and the municipality and person required to pay such rate or charge. R.S.O. 1970, c. 332, s. 61 (14); 1972, c. 1, s. 70 (44); 1974, c. 19, s. 2 (c, e).

REGULATIONS

44.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) regulating and controlling the location, construction, repair, removal or alteration of mains, service pipes, valves, hydrants and all other works in or upon public property that form part of or are connected with water works;

(b) regulating and controlling the manner in which the service pipes of users of water shall be connected with the mains of the water works supplying the water;

(c) regulating and controlling the location, construction, repair, removal or alteration of sewers, drain pipes, manholes, gully traps and all other works in or
upon public property that form part of or are connected with sewage works;

(d) regulating and controlling the manner in which building sewers shall be connected with sewage works;

(e) prescribing the rate of interest for the purpose of paragraph 2 of subsection 35 (1);

(f) regulating and controlling the content of sewage entering sewage works;

(g) classifying persons who operate water works, and sewage works and requiring and providing for the licensing of water work and sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

(h) prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents, receiving streams and water courses;

(i) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder;

(j) prescribing operating standards for water works or sewage works;

(k) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of a Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;

(l) regulating and controlling, for the purpose of preventing or reducing the pollution of any body of water or watercourse, places or any class or classes thereof located on or adjacent to any body of water or watercourse where moorings are provided for boats or ships or where any services are
provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;

(m) defining sewage for the purposes of regulations made under clauses (k) and (l);

(n) designating areas within which wells or holes may not be made for the purpose of obtaining water, except by digging, without a permit issued by a Director;

(o) regulating and controlling the location, spacing, boring and drilling of water wells, the construction and materials used in the construction, alteration or repair of water wells, the pumps and other equipment used in connection with water wells, the use of water wells, the abandonment of water wells, the cleansing and disinfecting of water wells, prescribing the records and the form of the records with respect to water wells that shall be kept by the owners thereof and defining "owner" for the purpose of this clause;

(p) requiring and providing for the licensing of persons who operate equipment for the boring or drilling of wells for water and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

(q) prescribing the forms required for the purposes of section 22 and the fees for licences authorized thereby and for the renewal of such licences, and prescribing the terms and conditions upon which such licences may be issued;

(r) regulating and controlling the use of water from any source of supply;

(s) exempting any sewage works or any class or type thereof from section 24 and any water works or any class or type thereof from subsections 23 (1) and (3);

(t) providing for a grievance board and prescribing its jurisdiction, powers and duties, including any powers of a commission under Part II of the Public
Inquiries Act designating the classes of its employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances;

(u) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 332, s. 62 (1); 1971, c. 49, s. 18; 1972, c. 1, s. 70 (2, 5); 1973, c. 90, s. 4; 1974, c. 19, s. 2 (a, b); 1974, c. 19, s. 28; O. Reg. 54/76.

(2) Subject to the approval of the Lieutenant Governor in Council, the Minister of Consumer and Commercial Relations may make regulations,

(a) regulating and controlling the location, construction, repair, renewal or alteration of plumbing and the material to be used in the construction thereof, and requiring municipalities to carry out such inspections with respect to plumbing as may be prescribed;

(b) adopting by reference, in whole or in part, with such changes as the Minister of Consumer and Commercial Relations considers necessary, the standards made or adopted by the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and providing for the testing and marking of such pipes, fittings, fixtures and materials or any class or classes thereof by the Canadian Standards Association and prohibiting the use in plumbing of such pipes, fittings, fixtures and materials that are not marked as approved by the Canadian Standards Association; and

(c) defining plumbing for the purposes of the regulations.

(3) The application of any regulation made under this section may be general or may be limited territorially or as to time or otherwise.

(4) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than $25 and not more than $1,000. R.S.O. 1970, c. 332, s. 62 (2, 3).

45.—(1) Where a local municipality undertakes to carry out inspections with respect to plumbing as prescribed by regulations made under section 44, the local municipality and the local board of health of the municipality or, where a local board of a health unit has jurisdiction in the munici-
pality, the local board of the health unit may enter into agreements providing that the local board shall carry out such inspections upon such terms and conditions as may be agreed upon.

(2) Where a county council by a two-thirds vote provides that such inspections shall be carried out by the county, such inspections shall be carried out in the municipalities that form part of the county for municipal purposes only by the county, provided that, where there is a health unit in the county, the county and the local board of the health unit may enter into agreements providing that the board shall carry out such inspections upon such terms and conditions as may be agreed upon.

(3) Where a county and a local board of a health unit have entered into an agreement under subsection (2) and the local board does not have jurisdiction in all of the municipalities that form part of the county for municipal purposes, the county shall carry out such inspections in the municipalities that do not form part of the health unit. R.S.O. 1970, c. 332, s. 63; O. Reg. 54/76.

46.—(1) Where a local municipality, a county or a local board of health or the local board of a health unit undertakes under section 45 or the regulations made under section 44 or under an agreement to inspect plumbing, the municipality or local board, as the case may be, may pass by-laws,

(a) providing for such inspections and for appointing one or more inspectors for such purpose;

(b) for charging fees for such inspections and fixing the amounts thereof;

(c) for requiring the production of plans of plumbing that is to be constructed, repaired, renewed or altered and of the location of drains, pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered;

(d) for prohibiting the use of such plumbing until it has been inspected and found to conform to the regulations made under clause 44 (2) (a).
(2) Subject to section 54, Part XIX of the Municipal Act applies with necessary modifications to by-laws passed under this section.

(3) An inspector may at all reasonable hours enter any premises to inspect plumbing to which the regulations made under section 44 are applicable, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on conviction is liable to a fine of not more than $25. R.S.O. 1970, c. 332, s. 64; O. Reg. 54/76.

47.—(1) In this section, "owner" includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

(2) Where a person has been convicted of constructing, repairing, renewing or altering plumbing in a manner that does not conform to the regulations made under section 44 and the time for appealing such conviction has elapsed and no appeal from such conviction is pending, the municipality or local board responsible for inspecting such plumbing may, by notice sent by registered mail to the owner of the land and premises in which the plumbing is located, require him to make the plumbing conform to such regulations within such period as may be stated in the notice.

(3) The notice shall specify wherein the plumbing does not conform to the regulations and that, if it is not made to conform within the period stated in the notice, the work may be done by the municipality or local board in accordance with subsection (4).

(4) If the owner of the land and premises does not comply with the notice, the municipality or local board that sent the notice may, at the expense of the owner, make the plumbing conform to the regulations, and for that purpose its servants and agents may from time to time enter upon the land and premises.

(5) The municipality or local board that caused the work to be done to make the plumbing conform has a lien for the amount expended by it or on its behalf together with interest at the rate of 6 per cent per annum upon the land and premises in which the plumbing is located, and the municipality or local board may direct that such
amount with interest be added to the collector's roll of the local municipality in which the land and premises are situated and collected in like manner as municipal real property taxes and paid over to the municipality or local board, as the case may be. R.S.O. 1970, c. 332, s. 65; O. Reg. 54/76.

48. Notwithstanding any general or special Act, no provision of a by-law of a municipality, heretofore or hereafter passed, with respect to any matter that may be dealt with by regulation under subsection 44 (2) has any force or effect. R.S.O. 1970, c. 332, s. 66; O. Reg. 54/76.

MISCELLANEOUS

49. An information or certificate of offence in respect of any contravention of this Act may be for one or more offences and no information, certificate of offence, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. R.S.O. 1970, c. 332, s. 67.

50. In any prosecution under this Act or the regulations or in any proceeding in the Supreme Court under this Act, the production of a certificate or report of an analyst of the Ministry as to the analysis, ingredients or quality of any water or of any material, whether liquid, gaseous or solid or of any combination thereof, is prima facie evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. R.S.O. 1970, c. 332, s. 68; 1972, c. 1, s. 70 (46).

51.—(1) If an industrial or commercial enterprise makes arrangements for the collection, transmission, treatment or disposal of sewage that are considered unsatisfactory by a Director, the Director may require such industrial or commercial enterprise,

(a) to make investigations and submit reports to the Director in respect of the collection, transmission, treatment or disposal of sewage;

(b) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(c) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Director.
(2) If an industrial or commercial enterprise makes no arrangements for the collection, transmission, treatment or disposal of sewage, a Director may require such industrial or commercial enterprise,

(a) to make investigations and submit reports to the Director in respect of the collection, transmission, treatment or disposal of sewage;

(b) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(c) to maintain, keep in repair and operate such facilities, as may be directed from time to time by the Director. 1974, c. 19, s. 29.

(3) Every industrial or commercial enterprise that contravenes a direction or requirement of a Director under subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $200 for every day the contravention continues.  R.S.O. 1970, c. 332, s. 69 (2); 1974, c. 19, s. 2 (a).

52.—(1) Where a discharge or deposit of sewage into a sewage works, in the opinion of a Director, may interfere with the proper operation of a sewage works, the Director may, by notice served on or sent to the municipality that or the person who discharges or deposits or causes or permits the discharge or deposit of sewage, require the municipality or person to stop or regulate such discharge or deposit or to take such measures in relation thereto in such manner and within such time as the notice may require.  R.S.O. 1970, c. 332, s. 70 (1); 1974, c. 19, s. 2 (a).

(2) Every municipality that or person who contravenes a notice under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $200 for every day upon which the contravention continues.  R.S.O. 1970, c. 332, s. 70 (2).

53.—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against any member of the Environmental Appeal Board or the Environmental Assessment Board or against any employee of the Ministry or any Crown employee within the meaning of the Public Service Act.
acting under the direction of such member or employee of the Ministry for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority. 1974, c. 19, s. 30, *part*; 1975, c. 71, s. 2.

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 1974, c. 19, s. 30, *part*.

**54.** Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause 46 (1) (c) or (d) may be instituted within one year after the time when the subject-matter of the proceedings arose. R.S.O. 1970, c. 332, s. 72.

**55.** Where the Minister or a Director or an officer to whom power has been delegated by the Minister under section 5 has authority to direct or require that any matter or thing be done, the Minister or such Director or officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Minister may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such municipality or person. R.S.O. 1970, c. 332, s. 73; 1972, c. 1, s. 70 (2, 3).

**56.** Where any provision of this Act or any regulation made thereunder or any direction, order, approval, notice or permit, made, granted, given, served or issued by a Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister. R.S.O. 1970, c. 332, s. 74; 1972, c. 1, s. 70 (2); 1974, c. 19, s. 2 (d).

**57.** Upon the issuance or alteration of a permit or the giving of approval under this Act, there shall be paid to the Treasurer such fees as the Minister may determine, in each case having regard amongst other things to the time occupied by the Ministry in respect of such issuance, alteration or approval, and the terms and conditions in respect thereof. 1974, c. 19, s. 31.

**58.** The Minister may charge and collect for payment to the Treasurer such fees as the Minister considers proper,
(a) for copies of documents, maps, plans or drawings; or

(b) for information or advice in respect of the collection, production, transmission, treatment, storage, supply or distribution of water or sewage, supplied by the Ministry. 1974, c. 19, s. 32.

59. Every person who knowingly gives false information in any application, return or statement made to the Minister or an employee of the Ministry in respect of any matter under this Act or the regulations made under this Act is guilty of an offence and on conviction is liable to a fine of not more than $500. R.S.O. 1970, c. 332, s. 77; 1972, c. 1, s. 70 (2); 1974, c. 19, s. 33.

60. Any amount due and payable by a municipality or a person to the Treasurer in respect of any matter under this Act, together with such interest and expenses of debt service as may be determined by the Treasurer with respect to such amount, may be recovered by the Minister with costs in a court of competent jurisdiction as a debt due to the Crown by the municipality or person. 1974, c. 19, s. 34.

61.—(1) Where a Director intends to make, give or issue a direction, order, report or notice, other than an emergency order, he shall serve notice of his intention together with written reasons therefor upon the person or municipality to whom he intends to make, give or issue the direction, order, report or notice and shall not make, give or issue the direction, order, report or notice until fifteen days after the service thereof and such person or municipality may make submissions to him at any time before the making, giving or issuing of the direction, order, report or notice. 1972, c. 1, s. 70 (50), part; 1974, c. 19, s. 2 (d).

(2) When a Director,

(a) refuses to issue or renew, or cancels or suspends a licence or permit or refuses to grant an approval;

(b) imposes terms and conditions in issuing a licence or permit or in granting an approval;

(c) alters the terms and conditions of a permit after it is issued; or

(d) gives or makes any notice, direction, report or order, except an order under section 43,
he shall serve written notice of the refusal, cancel/lation or suspension referred to in clause (a), the terms and conditions imposed or altered as referred to in clause (b) or (c), or a written copy of the notice, direction, report or order referred to in clause (d), together with written reasons therefor, in each case upon the applicant or the person or municipality to whom the licence, permit, approval, direction, order, report or notice is issued, as the case may be, and the applicant, person or municipality may, by written notice served upon the Director and the Environmental Appeal Board within fifteen days after the service of the notice, terms and conditions or written copy together with written reasons therefor in each case require a hearing by the Environmental Appeal Board. 1974, c. 19, s. 35 (1).

(3) The provisions of section 123 of the Environmental Protection Act apply with necessary modifications to a hearing by the Environmental Appeal Board under this section. 1972, c. 1, s. 70 (50), part.

(4) The applicant, person or municipality requiring the hearing, the Director referred to in subsection (2) and any other persons specified by the Environmental Appeal Board are parties to the hearing. 1974, c. 19, s. 35 (2).

62.—(1) In this section and in section 61, "emergency order" means an order, direction, report or notice issued, made or given under this Act in an emergency by reason of,

(a) danger to the health or safety of any person;

(b) impairment or immediate risk of impairment of any waters or the use thereof; or

(c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

(2) No order, direction, report or notice, except an emergency order, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed.

(3) A person or municipality to whom an emergency order is issued, made or given shall comply with the emergency order forthwith after service of the order or a written copy thereof.

(4) When an emergency order is appealed and is altered or rescinded on final appeal, the alteration or rescission of the order comes into force on the date the final decision on appeal is given. 1972, c. 1, s. 70 (50), part.