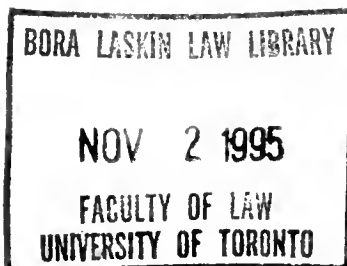




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# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—10—01

## ONTARIO REGULATION 576/94 made under the HIGHWAY TRAFFIC ACT

Made: August 17, 1994  
Filed: September 12, 1994

Amending Reg. 628 of R.R.O. 1990  
(Vehicle Permits)

Note: Regulation 628 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Paragraphs 2, 6, 7, 8, 9 and 10 of section 17 of Regulation 628 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

- 2. For a permit and number plates for a motor vehicle ..... \$ 20.00
- . . . . .
- 6. For a duplicate validated permit, number plates and evidence of validation for a motor vehicle or a duplicate permit and number plates for a trailer, in case of loss or destruction ..... 20.00
- 6.1 For a motor vehicle permit and number plates bearing a requested graphic ..... 50.00
- 6.2 For a duplicate validated motor vehicle permit, number plates bearing the same requested graphic and evidence of validation, in case of loss or destruction ..... 30.00
- 7. For a motor vehicle permit and number plates bearing a requested number ..... 125.00
- 7.1 For a motor vehicle permit and number plates bearing a requested number and graphic ..... 175.00
- 8. For a motor vehicle permit and number plates bearing an amateur radio call sign ..... 30.00
- 9. For the replacement of number plates bearing a requested number, with or without a requested graphic, with number plates bearing the same number and graphic, if any, in the case of loss or destruction ..... 30.00
- 9.1 For the replacement of number plates bearing a requested number with number plates bearing the same number and adding a requested graphic ..... 50.00

- 9.2 For the replacement of number plates bearing a requested number and graphic with number plates bearing the same number but a different graphic ..... \$ 50.00
- 9.3 For a sample number plate ..... 10.00
- 9.4 For a sample number plate bearing a requested graphic ..... 15.00
- 10. For the replacement of number plates bearing an amateur radio call sign with number plates bearing the same amateur radio call sign, in case of loss or destruction ..... 15.00

(2) Section 17 of the Regulation is amended by adding the following subsection:

(2) Despite paragraphs 9.3 and 9.4 of subsection (1), no fee is payable for a sample plate or a sample plate with a requested graphic issued to the Government of Ontario or for non-commercial use.

40/94

## ONTARIO REGULATION 577/94 made under the OFF-ROAD VEHICLES ACT

Made: August 17, 1994  
Filed: September 12, 1994

Amending Reg. 863 of R.R.O. 1990  
(General)

Note: Regulation 863 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Paragraphs 2, 4 and 5 of subsection 12 (1) of Regulation 863 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

- 2. For a permit and number plate for an off-road vehicle ..... \$35.00
- . . . . .
- 4. For the replacement of a permit and number plate, in case of loss or destruction ..... 20.00
- 5. For a Dealer and Service Permit and number plate ..... 55.00

40/94

**ONTARIO REGULATION 578/94**

made under the  
**PLANNING ACT**

Made: September 2, 1994  
Filed: September 13, 1994

Amending O. Reg. 834/81  
(Restricted Areas — Territorial District of Sudbury)

Note: Since January 1, 1994, Ontario Regulation 834/81 has been amended by Ontario Regulations 13/94, 14/94, 167/94, 289/94, 290/94, 311/94, 345/94 and 456/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Schedule 1 to Ontario Regulation 834/81 is amended by adding the following sections:**

138. (1) Despite subsections 22 (1) and (2) of this Order, every use of land and every erection, location or use of buildings or structures on the land described in subsection (2) is prohibited, except one seasonal dwelling for each lot and uses, buildings and structures accessory to a seasonal dwelling.

(2) Subsection (1) applies to that parcel of land in the Township of Delamere in the Territorial District of Sudbury designated as lots 1 to 14 inclusive, on Plan 53M-1253 registered in the Land Registry Office for the Land Titles Division of Sudbury (No. 53).

139. (1) Despite subsections 22 (1) and (2) of this Order, no dwelling unit shall be erected on the lands described in subsection (2).

(2) Subsection (1) applies to that parcel of land in the Township of Delamere in the Territorial District of Sudbury, being part of Lot 1 in Concession 1 more particularly described as Parcel 5588 S.E.S.

140. (1) Despite subsections 22 (1) and (2) of this Order, every use of land and every erection, location or use of buildings or structures on the land described in subsection (2) is prohibited, except a non-commercial docking, parking and boat storage facility.

(2) Subsection (1) applies to that parcel of land in the Township of Delamere in the Territorial District of Sudbury being Block 15 on Plan 53M-1253 registered in the Land Registry Office for the Land Titles Division of Sudbury (No. 53).

BRIAN RIDDELL  
*Assistant Deputy Minister  
Municipal Operations  
Ministry of Municipal Affairs*

Dated at Toronto on September 2, 1994.

40/94

**ONTARIO REGULATION 579/94**  
made under the  
**OFFICIAL NOTICES PUBLICATION ACT**

Made: July 20, 1994  
Filed: September 14, 1994

Amending Reg. 862 of R.R.O. 1990  
(Rates)

Note: There are no prior amendments to Regulation 862.

**1. Section 1 of Regulation 862 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

1. (1) The following rates are payable for publishing items in *The Ontario Gazette*:

1. For the first insertion of a single-column insertion,
  - i. \$21.40 for the first 25 millimetres or less of columnar space, and
  - ii. \$5.35 for each additional six millimetres or less of columnar space.
2. For the first insertion of a double-column insertion,
  - i. \$44.85 for the first 25 millimetres or less of columnar space, and
  - ii. \$11.20 for each additional six millimetres or less of columnar space.
3. For each additional insertion, one-half the rate payable under paragraph 1 or 2 as the case may be.

(2) The following amount must be paid when the copy is submitted for an item to be published:

1. \$21.40 for the first insertion of a single-column insertion.
2. \$44.85 for the first insertion of a double-column insertion.

(3) The balance owing for publishing an item must be paid on receipt of an account from the Queen's Printer.

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

(1) The amount payable for a copy of *The Ontario Gazette* is \$2.90 for a single issue and \$126.50 for a 52 week subscription.

**3. This Regulation comes into force on August 1, 1994.**

40/94

**ONTARIO REGULATION 580/94**  
made under the  
**MUNICIPAL ELECTIONS ACT**

Made: September 14, 1994  
Filed: September 15, 1994

Amending O. Reg. 473/91  
(Forms)

Note: Ontario Regulation 473/91 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Forms 9, 10, 11, 12, 19, 24 and 31 of Ontario Regulation 473/91 are revoked and the following substituted:

**RÈGLEMENT DE L'ONTARIO 580/94**  
pris en application de la  
**LOI SUR LES ÉLECTIONS MUNICIPALES**

pris le 14 septembre 1994  
déposé le 15 septembre 1994

modifiant le Règl. de l'Ont. 473/91  
(Formules)

Remarque : Le Règlement de l'Ontario 473/91 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. Les formules 9, 10, 11, 12, 19, 24 et 31 du Règlement de l'Ontario 473/91 sont abrogées et remplacées par ce qui suit :

# FORM 9

## APPLICATION FOR ADDITION OR CORRECTION OF ENTRY ON PRELIMINARY LIST OF ELECTORS

MUNICIPAL ELECTIONS ACT (SECTION 30(2), (6), (7))

Application for  addition or  correction

Ward No.	Polling Subdivision No.	
Municipality	Assessment Roll Number of Qualifying Property	
Surname of Applicant		Given Names
Full Address of Residence	Apt. No.	Postal Code
Mailing Address (if different)	Apt. No.	Postal Code

Indicate (X) in the appropriate boxes beside the facts applicable to the applicant:

- |  |  |
|--|--|
| <input type="checkbox"/> Resident in municipality                          | <input type="checkbox"/> English language separate school elector (must be Roman Catholic)   |
| <input type="checkbox"/> Owner of land in municipality                     | <input type="checkbox"/> English language public school elector  |
| <input type="checkbox"/> Tenant of land in municipality                    | <input type="checkbox"/> French language separate school elector (must be Roman Catholic and have the right to be a French language elector) |
| <input type="checkbox"/> Spouse of owner or tenant of land in municipality | <input type="checkbox"/> French language public school elector (must have the right to be a French language elector)                         |
| <input type="checkbox"/> Roman Catholic                                    | <input type="checkbox"/> English language Protestant separate school elector (only in Town of Penetanguishene)                               |
| <input type="checkbox"/> Have French language elector rights               |  |

If application is for corrections - state the necessary changes:

.....  
 .....

State location or description of property that qualifies the applicant as an elector in the municipality:

.....  
 .....

### DECLARATION OF APPLICANT

I, the undersigned, hereby declare that I am a Canadian citizen, that I have attained the age of eighteen years on or before polling day, and that during the qualification period for electors I was entitled to be an elector in accordance with the facts or information submitted above and that I understand the effect thereof. I hereby apply to have my name included or the corrections made on the preliminary list of electors in accordance with such facts or information.

..... (signature of applicant) ..... (date of application)

If this signed application is submitted by an agent of the applicant, the agent shall declare as follows:

I hereby declare that the applicant has appointed me as her/his agent and on her/his behalf I file this application signed by her/him.

..... (name of agent) ..... (signature of agent)

..... (address of agent) ..... (telephone no.)

THE FOLLOWING TO BE COMPLETED BY THE CLERK OR ASSISTANT REVISING OFFICER	
<b>CERTIFICATE OF APPROVAL</b> I hereby certify that the preliminary list of electors for the said polling subdivision in this municipality shall be amended in accordance with the above statement of facts or information.	
..... (signature of clerk)	OR <input type="checkbox"/> assistant revising officer
..... (date certified)	
Indicate (X) if application refused - state reasons <input type="checkbox"/> ..... ..... .....	Refused by initials  _____ Date



# FORMULE 9

## DEMANDE D'ADDITION OU DE CORRECTION À APPORTER À LA LISTE ÉLECTORALE PRÉLIMINAIRE

Loi sur les élections municipales (Paragraphe 30 (2), (6), (7))

Demande  d'addition à la liste  de correction sur la liste

Quartier n°	Section de vote n°	
Municipalité	Numéro du rôle d'évaluation	
Nom de l'auteur de la demande		Prénoms
Adresse complète (résidence)	App. n°	Code postal
Adresse postale (si elle diffère de l'adresse ci-dessus)	App. n°	Code postal

Cocher les cases appropriées en face des faits applicables à l'auteur de la demande :

- |   |   |
|---|---|
| <input type="checkbox"/> Résident de la municipalité  | <input type="checkbox"/> Électeur des écoles séparées de langue anglaise (doit être catholique)   |
| <input type="checkbox"/> Propriétaire d'un terrain dans la municipalité                             | <input type="checkbox"/> Électeur des écoles publiques de langue anglaise   |
| <input type="checkbox"/> Locataire d'un terrain dans la municipalité                                | <input type="checkbox"/> Électeur des écoles séparées de langue française (doit être catholique et avoir le droit de voter en tant qu'électeur francophone) |
| <input type="checkbox"/> Conjoint du propriétaire ou du locataire d'un terrain dans la municipalité | <input type="checkbox"/> Électeur des écoles publiques de langue française (doit avoir le droit de voter en tant qu'électeur francophone)                   |
| <input type="checkbox"/> Catholique   | <input type="checkbox"/> Électeur protestant des écoles séparées de langue anglaise (seulement dans la ville de Penetanguishene)                            |
| <input type="checkbox"/> Doit avoir le droit de voter en tant qu'électeur francophone.              |   |

S'il s'agit d'une correction, indiquer les corrections nécessaires :

.....  
 .....

Emplacement ou description de la propriété qui confère à l'auteur de la demande la qualité d'électeur dans la municipalité :

.....  
 .....

### DECLARATION DE L'AUTEUR DE LA DEMANDE

Je, soussigné(e), déclare par les présentes que je suis citoyen canadien, que j'ai dix-huit ans révolus à la date du scrutin et que j'avais le droit, pendant la période d'admissibilité des électeurs, d'être électeur conformément aux faits ou renseignements ci-dessus, dont je comprends les implications. Je demande donc par les présentes que mon nom soit inscrit ou que la correction soit faite sur la liste électorale préliminaire conformément auxdits faits ou renseignements.

.....  
 (Signature de l'auteur de la demande)

.....  
 (Date de la demande)

Si la demande signée est remise par un représentant de l'auteur de la demande, le représentant fait la déclaration suivante :

Je déclare par les présentes que l'auteur de la demande m'a nommé son représentant et je dépose en son nom la présente demande signée par lui.

.....  
 (Nom du représentant)

.....  
 (Signature du représentant)

.....  
 (Adresse du représentant)

.....  
 (N° de téléphone)

À REMPLIR PAR LE SECRÉTAIRE OU LE RÉVISEUR ADJOINT	
<b>CERTIFICAT D'APPROBATION</b> Je certifie par les présentes qu'il faut modifier la liste électorale préliminaire de la section de vote mentionnée ci-dessus dans cette municipalité conformément à la déclaration de faits aux renseignements ci-dessus.  ..... (Signature du secrétaire)	
OU <input type="checkbox"/> réviser adjoint	
..... (Date du certificat)	
Cocher la case ci-dessous si la demande est refusée et indiquer les motifs du refus <input type="checkbox"/> ..... ..... .....	Refusée par - Initiales  _____ Date

**FORM 10**

**APPLICATION FOR ENTRY OF NAME OF AN ELECTOR ON A DIFFERENT PRELIMINARY LIST OF ELECTORS MUNICIPAL ELECTIONS ACT (SECTION 30(2), (6), (7))**

Municipality	
Surname of Applicant	Given Names

APPLYING FOR NAME TO BE DELETED FROM LIST FOR

Ward No.	Polling Subdivision No.	Assessment Roll Number
Address of Applicant in Ward		Postal Code

AND FOR NAME TO BE ENTERED IN LIST FOR

Ward No.	Polling Subdivision No.	Assessment Roll Number
Address of Applicant in Ward		Postal Code
Mailing Address (if different)		Postal Code

Indicate (X) in the appropriate boxes beside the facts applicable to the applicant:

- |   |  |
|---|--|
| <input type="checkbox"/> Resident in municipality | <input type="checkbox"/> Owner of the following property                     |
|   | <input type="checkbox"/> Tenant of the following property                    |
|   | <input type="checkbox"/> Spouse of owner or tenant of the following property |

State location or description of property that qualifies the applicant as an elector in the municipality:

.....

.....

.....

**DECLARATION OF APPLICANT**

I, the undersigned, hereby apply to have my name deleted from the preliminary list of electors for the ward and polling subdivision where it now appears and entered in the list of another ward and polling subdivision as set out above and I state that the facts submitted above are true and correct.

..... (signature of applicant) ..... (date of application)

If this signed application is submitted by an agent of the applicant, the agent shall declare as follows:

I hereby declare that the applicant has appointed me as her/his agent and on her/his behalf I submit this application signed by her/him.

..... (name of agent) ..... (signature of agent)

..... (address of agent) ..... (telephone no.)

THE FOLLOWING TO BE COMPLETED BY THE CLERK OR ASSISTANT REVISING OFFICER	
<b>CERTIFICATE OF APPROVAL</b>	
I hereby certify that the preliminary list of electors for the said polling subdivision in this municipality shall be amended in accordance with the above statement of facts.	
..... (signature of clerk)	OR <input type="checkbox"/> assistant revising officer
..... (date certified)	
Indicate (X) if application refused - state reasons <input type="checkbox"/> ..... ..... .....	Refused by - initials  _____ Date

## FORMULE 10

**DEMANDE D'INSCRIPTION D'UN ÉLECTEUR SUR UNE  
AUTRE LISTE ÉLECTORALE PRÉLIMINAIRE**

Loi sur les élections municipales (Paragraphe 30 (2), (6), (7))

Municipalité
Nom de l'auteur de la demande <span style="float: right;">Prénoms</span>

## RADIATION DE LA LISTE DE

Quartier n°	Section de vote n°	Numéro de rôle d'évaluation
Adresse de l'auteur de la demande dans le quartier		Code postal

## INSCRIPTION À LA LISTE DE

Quartier n°	Section de vote n°	Numéro de rôle d'évaluation
Adresse de l'auteur de la demande dans le quartier		Code postal
Adresse postale (si elle diffère de l'adresse ci-dessus)		Code postal

Cocher la case appropriée en face des faits applicables à l'auteur de la demande :

- résident de la municipalité     le propriétaire de la propriété mentionnée ci-dessous  
 le locataire de la propriété mentionnée ci-dessous  
 le conjoint du propriétaire ou du locataire de la propriété mentionnée ci-dessous

Emplacement ou description de la propriété qui confère à l'auteur de la demande la qualité d'électeur dans la municipalité :

.....

.....

.....

**DÉCLARATION DE L'AUTEUR DE LA DEMANDE**

Je, soussigné(e), demande par les présentes que mon nom soit radié de la liste électorale préliminaire du quartier et de la section de vote où il figure actuellement et inscrit sur la liste du quartier et de la section de vote indiqués ci-dessus. Je déclare que les faits indiqués ci-dessus sont vrais.

(Signature de l'auteur de la demande) ..... (Date de la demande) .....

Si la demande signée est remise par un représentant de l'auteur de la demande, le représentant fait la déclaration suivante :

Je déclare par les présentes que l'auteur de la demande m'a nommé son représentant et je dépose en son nom la présente demande signée par lui.

(Nom du représentant) ..... (Signature du représentant) .....

(Adresse du représentant) ..... (N° de téléphone) .....

**À REMPLIR PAR LE SECRÉTAIRE OU LE RÉVISEUR ADJOINT**

<b>CERTIFICAT D'APPROBATION</b> Je certifie par les présentes que la liste électorale préliminaire de la section de vote mentionnée ci-dessus de la municipalité est modifiée conformément à la déclaration de l'auteur de la demande.	
(Signature du secrétaire) ..... (Date du certificat) .....	OU <input type="checkbox"/> réviser adjoint
Cocher la case ci-dessous si la demande est refusée et indiquer les motifs du refus <input type="checkbox"/> ..... ..... .....	Refusée par - Initiales  Date

**FORM 11**

**APPLICATION FOR DELETION OF NAME FROM  
PRELIMINARY LIST OF ELECTORS  
MUNICIPAL ELECTIONS ACT (SECTION 31(1))**

(Prepare in triplicate)

Municipality		
Surname of Applicant		Given Names
Full Address of Residence	Apt. No.	Postal Code

IN RESPECT OF

Name as Entered on Preliminary List of Electors		
Full Address of Residence	Apt. No.	Postal Code

ENTERED ON LIST FOR

Ward No.	Polling Subdivision No.	Assessment Roll Number
----------	-------------------------	------------------------

**STATEMENT BY APPLICANT**

I, the undersigned, hereby state:

That I have good reason to believe that the person named above as entered on the preliminary list of electors for the said polling subdivision in this municipality is not entitled as an elector to have her/his name entered thereon; and

That I will attend a hearing to be held by the clerk or assistant revising officer and there establish the validity of my application, the facts in support of which are as follows:

.....  
 .....  
 .....

(signature of applicant)

(date signed)

**NOTICE OF HEARING** to the person named above concerning whom the application is made.

TAKE NOTICE that the above application has been filed with me under the authority of section 31(1) of the Municipal Elections Act alleging that your name has been wrongfully included on the preliminary list of electors prepared for the said polling subdivision in this municipality and that your name may be removed from such list if you or your representative do not appear at the hearing, to be held as set out below, to oppose this application and to substantiate your right to have your name remain on the list.

Hearing to be held:

Date	Time
Place	
Address	

.....  
 (signature of clerk)

or  
 (assistant revising officer)

.....  
 (date of notice)

Note: A hearing is not required to delete the applicant's name or the name of a deceased person.

.....  
 (telephone no.)

Outcome of Hearing
.....
.....
.....

COPIES: Original to be retained by clerk or assistant revising officer.  
 Copy to be served on or sent by registered mail to the applicant.  
 Copy to be served on or sent by registered mail to the person concerning whom the application is made.

# FORMULE 11

## DEMANDE DE RADIATION DE LA LISTE ÉLECTORALE PRÉLIMINAIRE

Loi sur les élections municipales (Paragraphe 31 (1))

(Remplir en trois exemplaires)

Municipalité		
Nom de l'auteur de la demande		Prénoms
Adresse complète (résidence)	App. n°	Code postal

A L'ÉGARD DE

Nom inscrit sur la liste électorale préliminaire		
Adresse complète (résidence)	App. n°	Code postal

INSCRIT SUR LA LISTE DE

Quartier n°	Section de vote n°	Numéro de rôle d'évaluation
-------------	--------------------	-----------------------------

### DÉCLARATION DE L'AUTEUR DE LA DEMANDE

Je, soussigné(e), déclare par les présentes :

Que j'ai lieu de croire que la personne nommée ci-dessus, inscrite sur la liste électorale préliminaire de la section de vote mentionnée ci-dessus, n'est pas en droit de faire inscrire son nom à titre d'électeur sur cette liste; et

Que je serai présent à l'audience que tiendra le secrétaire ou le réviseur adjoint et que j'y établirai la validité de ma demande, qui se fonde sur les faits suivants :

.....

.....

.....

(Signature de l'auteur de la demande)

(Date)

### AVIS D'AUDIENCE à la personne mentionnée ci-dessus qui fait l'objet de la demande de radiation

AVIS VOUS EST DONNÉ que la demande de radiation ci-dessus a été déposée devant moi sous l'autorité du paragraphe (1) de l'article 31 de la Loi sur les élections municipales. Il y est affirmé que votre nom a été inscrit à tort sur la liste électorale préliminaire de la section de vote mentionnée ci-dessus de cette municipalité. Votre nom peut être radié de cette liste si vous ou votre représentant ne comparez pas à l'audience qui se tiendra aux date, heure et lieu indiqués ci-dessous, afin de vous opposer à cette demande et d'établir votre droit à être inscrit sur la liste.

L'audience aura lieu :

Date	Heure
Lieu	
Adresse	

.....  
(Signature du secrétaire)

ou  
(Signature du réviseur adjoint)

.....  
(Date de l'avis)

Remarque : une audience n'est pas requise pour permettre à l'auteur de la demande de radier son propre nom ou pour radier le nom d'une personne décédée.

.....  
(Numéro de téléphone)

Résultats de l'audience

.....

.....

.....

COPIES: Original conservé par le secrétaire ou le réviseur adjoint.  
Une copie signifiée ou envoyée par courrier recommandé à l'auteur de la demande.  
Une copie signifiée ou envoyée par courrier recommandé à la personne visée par la demande.

# FORM 12

## APPLICATION FOR CLERK'S CERTIFICATE

### MUNICIPAL ELECTIONS ACT (SECTION 36(1), (2))

(Prepare in duplicate)

Ward No.	Polling Subdivision No.	Assessment Roll No.
Municipality		
Surname of Applicant		Given Names
Mailing Address	Apt. No.	Postal Code

Indicate (X) in the appropriate boxes beside the facts applicable to the applicant:

- |  |  |
|--|--|
| <input type="checkbox"/> Resident in municipality                          | <input type="checkbox"/> English language separate school elector (must be Roman Catholic)   |
| <input type="checkbox"/> Owner of land in municipality                     | <input type="checkbox"/> English language public school elector  |
| <input type="checkbox"/> Tenant of land in municipality                    | <input type="checkbox"/> French language separate school elector (must be Roman Catholic and have the right to be a French language elector) |
| <input type="checkbox"/> Spouse of owner or tenant of land in municipality | <input type="checkbox"/> French language public school elector (must have the right to be a French language elector)                         |
| <input type="checkbox"/> Roman Catholic                                    | <input type="checkbox"/> English language Protestant separate school elector (only in Town of Penatanguishene)                               |
| <input type="checkbox"/> Have French language elector rights               |  |

State location or description of property that qualifies the applicant as an elector in the municipality:

.....

.....

The following oath to be taken by an applicant who was, during the qualification period for electors, fully entitled to be an elector but whose name was omitted from the preliminary list of electors.

**OATH OF APPLICANT**

I, the undersigned, swear or solemnly affirm:  
 That I am a Canadian citizen; that I have attained the age of eighteen years on or before polling day; that during the qualification period for electors, I was entitled to be an elector in accordance with the facts or information submitted above which I believe to be true; and, that to the best of my knowledge and belief my name is not included on any other polling list in this municipality

SWORN or affirmed before me

at the .....

of .....

in the ..... of .....

this ..... day of .....

19 .....

.....  
(signature of clerk)

.....  
(signature of applicant)

The following oath to be taken by an applicant who, except for the citizenship requirement, was otherwise entitled to have her/his name entered on the preliminary list of electors and who is now fully entitled.

**OATH OF APPLICANT**

I, the undersigned, swear or solemnly affirm:  
 That during the qualification period for electors, I was entitled to have my name entered on the preliminary list of electors in accordance with the facts or information submitted above as they applied at that time except that I was not a Canadian citizen. I have now met this requirement and have produced for inspection by the clerk of this municipality the conclusive evidence required by subsection 36(2) of the Municipal Elections Act.

SWORN or affirmed before me

at the .....

of .....

in the ..... of .....

this ..... day of .....

19 .....

.....  
(signature of clerk)

.....  
(signature of applicant)

**CERTIFICATE**

I hereby certify that the above applicant is entitled to have her/his name entered on the polling list and I hereby authorize the deputy returning officer for the said polling subdivision to enter the name of such person on the polling list and to permit such person to vote.

.....  
(signature of clerk)

.....  
(date certified)

COPIES: Original to be retained by applicant. (THIS ORIGINAL APPLICATION, CERTIFIED BY THE CLERK, MUST BE PRODUCED BY THE APPLICANT AND FILED WITH THE DEPUTY RETURNING OFFICER AT THE POLL. To be forwarded by the clerk to the assessment commissioner (Section 104(4).) Copy to be retained by clerk.

# FORMULE 12

## DEMANDE DE CERTIFICAT DU SECRÉTAIRE

Loi sur les élections municipales (Paragraphe 36 (1), (2))

(Remplir en deux exemplaires)

Quartier n°	Section de vote n°	N° du rôle d'évaluation
Municipalité		
Nom de l'auteur de la demande		Prénoms
Adresse postale	App. n°	Code postal

Cocher les cases appropriées en face des faits applicables à l'auteur de la demande :

- |   |   |
|---|---|
| <input type="checkbox"/> Résident de la municipalité  | <input type="checkbox"/> Électeur des écoles séparées de langue anglaise (doit être catholique)   |
| <input type="checkbox"/> Propriétaire d'un terrain dans la municipalité                             | <input type="checkbox"/> Électeur des écoles publiques de langue anglaise   |
| <input type="checkbox"/> Locataire d'un terrain dans la municipalité                                | <input type="checkbox"/> Électeur des écoles séparées de langue française (doit être catholique et avoir le droit de voter en tant qu'électeur francophone) |
| <input type="checkbox"/> Conjoint du propriétaire ou du locataire d'un terrain dans la municipalité | <input type="checkbox"/> Électeur des écoles publiques de langue française (doit avoir le droit de voter en tant qu'électeur francophone)                   |
| <input type="checkbox"/> Catholique   | <input type="checkbox"/> Électeur protestant des écoles séparées de langue anglaise (seulement dans la ville de Penetanguishene)                            |
| <input type="checkbox"/> Doit avoir le droit de voter en tant qu'électeur francophone.              |   |

Emplacement ou description de la propriété qui confère à l'auteur de la demande la qualité d'électeur dans la municipalité :

.....  
 .....

Le serment suivant doit être prêté par l'auteur d'une demande qui, pendant la période d'admissibilité des électeurs, était pleinement en droit d'être électeur, mais dont le nom a été omis de la liste électorale préliminaire

**SERMENT DE L'AUTEUR DE LA DEMANDE**

Je, soussigné(e), jure ou déclare solennellement :

Que je suis citoyen canadien; que j'ai dix-huit ans révolus ou que j'aurai dix-huit ans révolus à la date du scrutin; que j'étais le droit, pendant la période d'admissibilité des électeurs, d'être électeur conformément aux faits ou renseignements ci-dessus, que je crois vrais; et que mon nom n'est pas inscrit sur une autre liste électorale de la municipalité, à ma connaissance.

JURÉ ou déclaré solennellement devant moi

ou .....

de .....

dans la ..... de .....

le ..... (jour) ..... (mois) ..... (Signature de l'auteur de la demande)

19 .....

..... (Signature du secrétaire)

Le serment suivant doit être prêté par l'auteur d'une demande qui à l'exception de l'exigence relative à la citoyenneté, avait autrement le droit de faire inscrire son nom sur la liste électorale préliminaire et qui y a maintenant entièrement droit.

**SERMENT DE L'AUTEUR DE LA DEMANDE**

Je, soussigné(e), jure ou déclare solennellement :

Que, pendant la période d'admissibilité des électeurs, j'étais en droit de faire inscrire mon nom sur la liste électorale préliminaire conformément aux faits ou renseignements ci-dessus tels qu'ils s'appliquaient alors, si ce n'est que je n'étais pas citoyen canadien. Je réponds maintenant à cette exigence et j'ai soumis à l'examen du secrétaire de cette municipalité les preuves requises au paragraphe 36 (2) de la Loi sur les élections municipales.

JURÉ ou déclaré solennellement devant moi

ou .....

de .....

dans la ..... de .....

le ..... (jour) ..... (mois) ..... (Signature de l'auteur de la demande)

19 .....

..... (Signature du secrétaire)

**CERTIFICAT**

Je certifie par les présentes que l'auteur de la demande ci-dessus est en droit de faire inscrire son nom sur la liste électorale. J'autorise par les présentes le scrutateur de la section de vote mentionnée ci-dessus à inscrire le nom de cette personne sur la liste électorale et à l'autoriser à voter.

..... (Signature du secrétaire) ..... (Date de l'attestation)

L'ORIGINAL DE CETTE DEMANDE, CERTIFIÉ PAR LE SECRÉTAIRE, DOIT ÊTRE PRODUIT PAR L'AUTEUR DE LA DEMANDE ET DÉPOSÉ AUPRÈS DU SCRUTATEUR, AU BUREAU DE VOTE; DOIT ÊTRE ENVOYÉ PAR LE SECRÉTAIRE AU COMMISSAIRE À L'ÉVALUATION (PARAGRAPHE 104 (4))

Copies: Original à conserver par l'auteur de la demande  
 Copie à conserver par le secrétaire

# FORM 19 APPLICATION FOR ENTRY OF NAME ON POLLING LIST AT THE POLL

## MUNICIPAL ELECTIONS ACT (SECTION 61(1))

(Prepare in duplicate)

Ward No.	Polling Subdivision No.	Assessment Roll No.
Municipality		
Surname of Applicant		Given Names
Mailing Address	Apt. No.	Postal Code

State location or description of property that qualifies the applicant as an elector in the municipality:

Indicate (X) in the appropriate boxes beside the facts applicable to the applicant:

- |  |  |
|--|--|
| <input type="checkbox"/> Resident in municipality                          | <input type="checkbox"/> English language separate school elector (must be Roman Catholic)   |
| <input type="checkbox"/> Owner of land in municipality                     | <input type="checkbox"/> English language public school elector  |
| <input type="checkbox"/> Tenant of land in municipality                    | <input type="checkbox"/> French language separate school elector (must be Roman Catholic and have the right to be a French language elector) |
| <input type="checkbox"/> Spouse of owner or tenant of land in municipality | <input type="checkbox"/> French language public school elector   |
| <input type="checkbox"/> Roman Catholic                                    | <input type="checkbox"/> (must have the right to be a French language elector)   |
| <input type="checkbox"/> Have French language elector rights               | <input type="checkbox"/> English language Protestant separate school elector (only in Town of Penetanguishene)                               |

The following declaration to be taken by an applicant who was, during the qualification period for electors, fully entitled to be an elector but whose name was omitted from the polling list.

**DECLARATION BY APPLICANT**

I, ....., the undersigned, hereby solemnly declare that I am a Canadian citizen and that I have attained the age of eighteen years and that during the qualification period for electors I was entitled to be an elector in accordance with the facts or information submitted above which I believe to be true and correct;

I further solemnly declare that I have not previously voted at this election in this municipality and, having established my identity to the satisfaction of the deputy returning officer, declare that I am entitled to have my name entered on the polling list for the said polling subdivision;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me

at the .....

of .....

in the ..... of .....

this ..... day of .....

19 .....

..... (signature of applicant)

..... (signature of deputy returning officer)

OR

The following declaration to be taken by an applicant who, except for the citizenship requirement, was otherwise entitled to have her/his name entered on the preliminary list of electors and who is now fully entitled.

**DECLARATION OF APPLICANT**

I, ....., the undersigned, hereby solemnly declare:

That during the qualification period for electors, I was entitled to have my name entered on the preliminary list of electors in accordance with the facts or information submitted above as they applied at that time except that I was not a Canadian citizen. I have now met this requirement and have produced for inspection by the deputy returning officer of this polling place the conclusive evidence required by the Municipal Elections Act.

I further solemnly declare that I have not previously voted at this election in the municipality and having established my identity to the satisfaction of the deputy returning officer declare that I am entitled to have my name entered on the polling list for the said polling subdivision;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me

at the .....

of .....

in the ..... of .....

this ..... day of .....

19 .....

..... (signature of applicant)

..... (signature of deputy returning officer)

COPIES: Original to be placed in the ballot box by deputy returning officer at closing of poll.  
Copy to be retained by deputy returning officer, to be forwarded by the clerk to the assessment commissioner (Section 104(4))



# FORMULE 19

## DEMANDE RELATIVE À L'INSCRIPTION SUR LA LISTE ÉLECTORALE AU BUREAU DE VOTE

Loi sur les élections municipales (Paragraphe 61 (1))

(Remplir en deux exemplaires)

Quartier n°	Section de vote n°	N° du rôle d'évaluation
Municipalité		
Nom de l'auteur de la demande		Prénoms
Adresse postale	App. n°	Code postal

Emplacement ou description de la propriété qui confère à l'auteur de la demande la qualité d'électeur dans la municipalité :

Cocher les cases appropriées en face des faits applicables à l'auteur de la demande :

- |   |   |
|---|---|
| <input type="checkbox"/> Résident de la municipalité  | <input type="checkbox"/> Électeur des écoles séparées de langue anglaise (doit être catholique)   |
| <input type="checkbox"/> Propriétaire d'un terrain dans la municipalité                             | <input type="checkbox"/> Électeur des écoles publiques de langue anglaise   |
| <input type="checkbox"/> Locataire d'un terrain dans la municipalité                                | <input type="checkbox"/> Électeur des écoles séparées de langue française (doit être catholique et avoir le droit de voter en tant qu'électeur francophone) |
| <input type="checkbox"/> Conjoint du propriétaire ou du locataire d'un terrain dans la municipalité | <input type="checkbox"/> Électeur des écoles publiques de langue française (doit avoir le droit de voter en tant qu'électeur francophone)                   |
| <input type="checkbox"/> Catholique   | <input type="checkbox"/> Électeur protestant des écoles séparées de langue anglaise (seulement dans la ville de Penetanguishene)                            |
| <input type="checkbox"/> Doit avoir le droit de voter en tant qu'électeur francophone.              |   |

La déclaration suivante doit être faite par l'auteur d'une demande qui, pendant la période d'admissibilité des électeurs, était pleinement en droit d'être électeur, mais dont le nom a été omis de la liste électorale.

**DÉCLARATION DE L'AUTEUR DE LA DEMANDE**

Je, soussigné, ....., déclare solennellement par les présentes que je suis citoyen canadien, que j'ai dix-huit ans révolus et que pendant la période d'admissibilité des électeurs, j'avais le droit d'être électeur, conformément aux faits ou renseignements ci-dessus, que je crois vrais.

Je déclare de plus solennellement que je n'ai pas déjà voté au cours de cette élection dans la municipalité et qu'ayant fait la preuve de mon identité au scrutateur, je suis en droit de faire inscrire mon nom sur la liste électorale de la section de vote mentionnée ci-dessus.

Je fais la présente déclaration solennelle croyant en conscience qu'elle est véridique et sachant qu'elle a la même force et les mêmes effets qu'une déclaration sous serment.

Déclaré devant moi

au .....

de .....

dans la ..... de .....

le ..... (jour) ..... (mois) .....

19 .....

(Signature de l'auteur de la demande)

(Signature du scrutateur)

OU

La déclaration suivante doit être faite par l'auteur d'une demande qui, à l'exception de l'exigence relative à la citoyenneté, avait autrement le droit de faire inscrire son nom sur la liste électorale préliminaire et qui y a maintenant entièrement droit.

**DÉCLARATION DE L'AUTEUR DE LA DEMANDE**

Je, soussigné, ....., déclare solennellement par les présentes :

Que, pendant la période d'admissibilité des électeurs, j'étais en droit de faire inscrire mon nom sur la liste électorale préliminaire conformément aux faits ou renseignements ci-dessus tels qu'ils s'appliquaient alors, si ce n'est que je n'étais pas citoyen canadien. Je réponds maintenant à cette exigence et j'ai soumis à l'examen du scrutateur de ce bureau de vote les preuves requises par la Loi sur les élections municipales.

Je déclare solennellement de plus que je n'ai pas voté lors de cette élection dans la municipalité et qu'ayant fait la preuve de mon identité au scrutateur, je suis en droit de faire inscrire mon nom sur la liste électorale de la section de vote mentionnée ci-dessus.

Je fais la présente déclaration solennelle croyant en conscience qu'elle est véridique et sachant qu'elle a la même force et les mêmes effets qu'une déclaration sous serment.

Déclaré devant moi

au .....

de .....

dans la ..... de .....

le ..... (jour) ..... (mois) .....

19 .....

(Signature de l'auteur de la demande)

(Signature du scrutateur)

COPIES : L'original doit être déposé dans l'urne par le scrutateur à la fermeture du scrutin.  
La copie doit être conservée par le scrutateur; doit être envoyée par le secrétaire au commissaire à l'évaluation (paragraphe 104 (4))

# FORM 24

## APPOINTMENT OF VOTING PROXY

### MUNICIPAL ELECTIONS ACT (SECTION 73(2),(6),(7) and (9))

(Prepare in duplicate)

**Instructions**

Any qualified elector may use this form to appoint another person who is a qualified elector in the same municipality to vote on his/her behalf. The appointment must be made following nomination day.

The elector appointed must present both copies of this form, in person, to the clerk, at the clerk's office, during normal office hours, or during the hours of 12 noon to 5 p.m. of the Saturday advance poll.

After certification, the clerk will return the original copy of the form to the elector appointed to be taken to the poll to receive the proxy ballot.

Under Section 73(3) of the Municipal Elections Act, an elector may act on behalf of one other qualified elector who is not a relative or one or more qualified electors who are relatives, using separate proxy forms for each. A relative means the parent, grandparent, child, grandchild, brother, sister or spouse of the elector appointed.

**ELECTOR MAKING APPOINTMENT (Refer to your Voter Identification Notice)**

<b>Box A</b>	Municipality		
	Ward No.	Polling Subdivision No.	
	Surname of Elector Making Appointment		Given Names
	Full Address within this Municipality		Apt. No.      Postal Code

**ELECTOR APPOINTED**

<b>Box B</b>	Municipality		
	Ward No.	Polling Subdivision No.	
	Surname of Elector Appointed		Given Names
	Full Address within this Municipality		Apt. No.      Postal Code
Relationship of Elector Appointed to Elector Making the Appointment Check one only <input type="checkbox"/> related <input type="checkbox"/> not related			

**Statement of Elector Making Appointment** (appointment must be made following nomination day)

I, the undersigned, a qualified elector whose name is entered on the polling list for the said polling subdivision in this municipality, do hereby appoint ..... (the person named in Box B), to vote on my behalf and, if related, do attest to his/her relationship to me.	
..... (name of witness)	..... (date appointed)
..... (signature of elector making appointment)	..... (signature of witness)
<p><b>NOTE:</b> The name of the elector appointed must be filled in at the time the elector making the appointment signs the statement.</p>	

(Continued)

### FORM 24 (continued)

**Declaration by Elector Appointed** (to be completed in the presence of the clerk at the clerk's office)

I, the undersigned, a qualified elector in the above municipality, affirm that I have been appointed to vote in good faith on behalf of the elector who made the appointment and, that I have not been previously appointed to vote on behalf of any other non-related person.

Declared before me

at the .....

of .....

in the ..... of .....

this ..... day of .....

19 .....

.....  
(signature of elector appointed)

.....  
(signature of clerk or commissioner, etc.)

**CERTIFICATION BY CLERK**

I hereby certify that the elector making the appointment is qualified to vote in the named polling subdivision and that the elector appointed is a duly qualified elector in this municipality and is authorized to vote on behalf of the elector making the appointment.

.....  
(signature of clerk)

.....  
(date of certification)

NOTE: Clerk may require proof of identity of elector appointed before certifying proxy.

**ORAL OATH TO BE TAKEN AT THE POLL**

I swear or solemnly affirm:

That I am the elector appointed; and

That I am voting in good faith on behalf of the elector who made the appointment.

## FORMULE 24

### NOMINATION D'UN MANDATAIRE

Loi sur les élections municipales (Paragraphe 73 (2), (6), (7), (9))

(Préparer en deux exemplaires)

#### Directives

Toute personne ayant qualité d'électeur peut utiliser cette formule pour nommer une autre personne ayant qualité d'électeur dans la même municipalité pour voter à sa place. La nomination doit avoir lieu après le jour de la déclaration de candidature.

L'électeur nommé doit présenter deux exemplaires de cette formule, en personne, au secrétaire, au bureau du secrétaire, aux heures normales de bureau, ou de midi à 17 heures le jour du vote par anticipation, soit le samedi.

À la suite de la certification, le secrétaire remet l'original de la formule à l'électeur nommé; celui-ci l'apporte au bureau de scrutin et reçoit le bulletin de vote par procuration.

Conformément au paragraphe 73(3) de la Loi sur les élections municipales, un électeur peut agir au nom d'une autre personne ayant qualité d'électeur mais qui n'est pas un parent ou au nom d'une ou de plusieurs personnes ayant qualité d'électeurs et qui sont des parents, en utilisant pour chacune une formule individuelle de vote par procuration. Le terme parent s'entend du père ou de la mère, d'un grand-parent, d'un enfant, d'un petit-enfant, d'un frère, d'une soeur ou du conjoint de l'électeur nommé.

#### ÉLECTEUR QUI EFFECTUE LA NOMINATION (Se reporter à l'avis d'identification d'électeur)

Section A	Municipalité		
	Quartier n°	Section de vote n°	
	Nom de l'électeur qui effectue la nomination		Prénoms
	Adresse complète dans cette municipalité		App. n° Code postal

#### ÉLECTEUR NOMMÉ

Section B	Municipalité		
	Quartier n°	Section de vote n°	
	Nom de l'électeur nommé		Prénoms
	Adresse complète dans cette municipalité		App. n° Code postal
<b>Rapport entre l'électeur nommé et l'électeur qui effectue la nomination</b> Cocher une case seulement <input type="checkbox"/> parents <input type="checkbox"/> non parents			

#### Déclaration de l'électeur qui effectue la nomination

(la nomination doit être faite après le jour de déclaration de candidature)

Je, soussigné, électeur habilité inscrit sur la liste électorale de la section de vote mentionnée ci-dessus de la municipalité, nomme par les présentes .....	
(la personne nommée à la Section B) pour qu'elle vote en mon nom et, s'il s'agit d'un parent, j'atteste le rapport entre cette personne et moi.	
..... (Nom du témoin)	..... (Date de la nomination)
..... (Signature de l'électeur qui effectue la nomination)	..... (Signature du témoin)
<b>REMARQUE : Le nom de l'électeur nommé doit être inscrit au moment où l'électeur qui effectue la nomination signe la déclaration.</b>	

(suite)

# FORMULE 24 (suite)

**Déclaration de l'électeur nommé** (à remplir dans le bureau du secrétaire, en présence de celui-ci)

Je, soussigné, électeur habilité dans la municipalité mentionnée ci-dessus affirme que j'ai été nommé pour voter de bonne foi au nom de l'électeur qui a effectué la nomination et que je n'ai pas auparavant été nommé pour voter pour le compte d'une personne qui n'est pas un parent.

Déclaré devant moi

eu. ....

de. ....

dans la ..... de .....

le ..... (jour) ..... (mois) ..... (Signature de l'électeur nommé)

19.....

.....  
(Signature du secrétaire, commissaire, etc.)

**ATTESTATION DU SECRÉTAIRE**

J'atteste par les présentes que l'électeur qui effectue la nomination a le droit de voter dans la section de vote nommée et que l'électeur nommé est dûment habilité à voter dans la municipalité et est autorisé à voter au nom de l'électeur qui effectue la nomination.

..... (Signature du secrétaire) ..... (Date de l'attestation)

**REMARQUE :** Avant de délivrer l'attestation à l'électeur nommé, le secrétaire peut exiger une preuve d'identité de celui-ci.

**SERMENT ORAL À PRÊTER AU BUREAU DE VOTE**

Je jure ou déclare solennellement :

que je suis l'électeur nommé;

que je vote de bonne foi au nom de l'électeur qui a effectué la nomination.

. . . . .

## FORM 31

**FINANCIAL STATEMENT AND AUDITOR'S REPORT**

MUNICIPAL ELECTIONS ACT (SECTION 150(1))

For the campaign period from \_\_\_\_\_ to \_\_\_\_\_

**NAME OF CANDIDATE AND OFFICE**

Name of Registered Candidate		
Permanent Mailing Address		
Business Phone No.	Fax No.	Home Phone No.
Name of Office for which the Candidate Sought Election		Ward No.
Name of Municipality		

**ATTESTATION OF CANDIDATE**

I, \_\_\_\_\_, a candidate in the municipality  
 Name of Candidate  
 of \_\_\_\_\_ hereby attest that to the best  
 Name of Municipality  
 of my knowledge and belief these financial statements and supporting schedules as set out herein are true and correct.

.....  
(Signature of Candidate).....  
(Date)**ATTESTATION OF CHIEF FINANCIAL OFFICER**

I, \_\_\_\_\_, have prepared these financial statements  
 Name of Chief Financial Officer  
 and supporting schedules as set out herein for \_\_\_\_\_ and hereby  
 Name of Candidate  
 attest that to the best of my knowledge and belief these financial statements and supporting schedules as set out herein are true and correct.

.....  
(Signature of Chief Financial Officer).....  
(Date)

(Continued)

FORM 31 (continued)

<b>SUMMARY OF CAMPAIGN INCOME AND EXPENSES</b>	
Campaign Expense Limitation (from Form 30)	_____
Campaign Expenses Subject to Limitation*	_____
Total Campaign Income*	_____
Total Period Expenses*	_____
*(from the Statement of Campaign Period Income and Expenses)	

<b>STATEMENT OF ASSETS AND LIABILITIES AS AT _____, 19__</b>	
<b>Assets</b>	<b>\$</b>
Cash	_____
Accounts Receivable (from Schedule 8)	_____
Other (provide full details):	_____
_____	_____
<b>Total</b>	_____
<b>Liabilities and Surplus</b>	
Accounts Payable (from Schedule 9)	_____
Borrowings, Overdraft (from Schedule 1)	_____
Other (provide full details):	_____
_____	_____
Campaign Surplus <Deficit> (from the Statement of Campaign Period Income and Expenses)	_____
<b>Total</b>	_____

<b>STATEMENT OF DETERMINATION OF SURPLUS OR DEFICIT AND DISPOSITION OF SURPLUS</b>	
<b>Part I - Determination of Surplus or Deficit</b>	<b>\$</b>
Amount of Surplus <Deficit> from Statement of Campaign Period Income & Expenses	_____
Add:	
• Recount Expenses from Statement of Campaign Period Income & Expense	_____
• Court Expenses from Statement of Campaign Period Income & Expenses related to an action under Section 122 of the <b>Municipal Elections Act</b>	_____
	<b>A</b>
Deduct:	
• Deficit carried forward by the candidate who filed under Part II in the immediately preceding election if the offices are with respect to the same jurisdiction	( _____ ) <b>B</b>
Surplus <Deficit> for the Campaign Period (A-B)	_____ <b>C</b>
<b>Part II - Disposition of Surplus</b>	
If Line C shows a surplus, the amount must be paid in trust to the municipal clerk who was responsible for the conduct of the election on or before the filing of these financial statements.	
Surplus paid to the municipal clerk of the municipality of _____	

FORM 31 (continued)

STATEMENT OF CAMPAIGN PERIOD INCOME AND EXPENSES			
FROM _____		TO _____	
FOR CANDIDATE _____			
<b>INCOME</b>			\$
Candidate's Surplus From Immediately Preceding Election Released by the Clerk .....	_____	_____	_____
Contributions (from Schedule 2) .....	_____	_____	_____
Fund-Raising Activities (from Schedule 3, Part II) .....	_____	_____	_____
Interest Income .....	_____	_____	_____
Collections at Meetings (from Schedule 4) .....	_____	_____	_____
Other (provide full details):	_____	_____	_____
<b>TOTAL CAMPAIGN PERIOD INCOME</b>			_____ A
<b>EXPENSES</b>	Expenses Subject to Limitation	Excluded Expenses	Total
Accounting & Audit .....	_____	_____	_____
Advertising .....	_____	_____	_____
Appreciation Notices .....	_____	_____	_____
Bank Charges .....	_____	_____	_____
Brochures .....	_____	_____	_____
Candidate's Child Care Expenses .....	_____	_____	_____
Conventions, Workshop & Meetings Attended	_____	_____	_____
Credit Card Maintenance Fees .....	_____	_____	_____
Fund-Raising Expenses .....	_____	_____	_____
Furniture & Equipment .....	_____	_____	_____
Insurance & Utilities .....	_____	_____	_____
Interest .....	_____	_____	_____
Inventory Contributed to	_____	_____	_____
Candidate's Campaign (from Schedule 6) .....	_____	_____	_____
Meetings Hosted .....	_____	_____	_____
Office & Equipment Rental .....	_____	_____	_____
Office Supplies .....	_____	_____	_____
Postage .....	_____	_____	_____
Professional Fees .....	_____	_____	_____
Recount Expenses .....	_____	_____	_____
Research & Polling .....	_____	_____	_____
Salaries & Benefits .....	_____	_____	_____
Signs .....	_____	_____	_____
Stationery .....	_____	_____	_____
Telephone .....	_____	_____	_____
Travel .....	_____	_____	_____
Victory Party .....	_____	_____	_____
Other (provide full details):	_____	_____	_____
<b>TOTAL CAMPAIGN PERIOD EXPENSES</b>			_____ B
<b>SURPLUS &lt;DEFICIT&gt; (A-B)</b>			_____



**AUDITOR'S REPORT**  
**MUNICIPAL ELECTIONS ACT (SECTION 149(2))**

To: \_\_\_\_\_, chief financial officer  
 for \_\_\_\_\_ candidate

I/we have audited the statement of assets and liabilities and income and expenses of \_\_\_\_\_, candidate, for the campaign period from \_\_\_\_\_ to \_\_\_\_\_ relating to the election held on \_\_\_\_\_. My/our audit was made in accordance with generally accepted auditing standards and accordingly included a general review of the accounting procedures and such tests of accounting records and other supporting evidence as I/we considered necessary in the circumstances except as explained in the following paragraph.

Due to the nature of the types of transactions inherent in an election campaign, it is impracticable through auditing procedures to determine that the accounting records include all donations of goods and services, and receipts and disbursements. Accordingly, my/our verification of these transactions was limited to ensuring that the financial statements reflect the amounts recorded in the accounting records of \_\_\_\_\_, candidate, in accordance with the accounting procedures established by the **Municipal Elections Act** and I was/we were not able to determine whether any adjustments might be necessary to receipts and disbursements.

In my/our opinion, except for the effect of adjustments, if any, which I/we might have determined to be necessary had I/we been able to satisfy myself/ourselves as to the completeness of the records as described in the preceding paragraph, these statements present fairly the information contained in the accounting records on which the statements are based in accordance with the accounting treatment prescribed by the Act.

The Act does not require me/us to report, nor was it practicable for me/us to determine that contributions reported included only those which may be properly retained in accordance with the provisions of the Act.

Signature \_\_\_\_\_

Professional Designation	
City	Date
Contact Person	Licence #
Address	
Telephone	Fax No.

**SCHEDULE 1 - BORROWINGS, OVERDRAFT**  
(attach separate schedule for each indebtedness)

Name of Financial Institution
Address

\$

**Amount Borrowed** .....**Amount Outstanding at the end of campaign period** .....**Guarantors (attach supplementary list if required)**

Note: Maximum amount a guarantor can guarantee is \$750.

Limit of guarantee does not apply to candidate and spouse.

Name	Address	Amount of guarantee

**SCHEDULE 2 - CONTRIBUTIONS**

**Part 1 - Contributions**

	\$
From a single source totalling more than \$100 (unless nil complete Part II) .....	_____
Less - Returned or payable to the contributor .....	(_____)
- Paid or payable to the clerk .....	A (_____) _____
From a single source totalling \$100 or less .....	_____
Less - Returned or payable to the contributor .....	(_____)
- Paid or payable to the clerk .....	B (_____) _____
<b>Total Contributions</b> .....	_____
From anonymous sources .....	C _____
Amount of contributions paid or payable to the clerk:	
A+B+C .....	_____

**Part II - List of Contributors totalling more than \$100 (attach supplementary list if required)**

Name	Address	Amount \$
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SCHEDULE 3 - FUND-RAISING ACTIVITIES**

(attach separate schedule for each activity held)

M D Y  
Date \_\_\_/\_\_\_/\_\_\_

Description of activity \_\_\_\_\_  
\$

Admission charge (per person)\* ..... \_\_\_\_\_ A

Number of tickets sold ..... \_\_\_\_\_ B

**PART I - REVENUE FROM ACTIVITY**

A x B (Included in Contributions - Schedule 2) \_\_\_\_\_

**PART II - OTHER REVENUE FROM THE FUND-RAISING ACTIVITY**

(PROVIDE FULL DETAILS):

\_\_\_\_\_  
\_\_\_\_\_

Other Revenue \_\_\_\_\_

\* If admission charge per person is not consistent, provide complete breakdown of all ticket sales.

**SCHEDULE 4 - COLLECTIONS AT MEETINGS**

(attach separate schedule for each meeting held)

M D Y  
Date \_\_\_/\_\_\_/\_\_\_

Purpose of meeting \_\_\_\_\_

Held at  
\_\_\_\_\_

\$

**GROSS REVENUE NOT TREATED AS CONTRIBUTIONS** ..... \_\_\_\_\_

**SCHEDULE 5 - CAMPAIGN PERIOD EXPENSES**

**PART I - LIST OF SUPPLIERS WHERE EXPENDITURE EXCEEDS \$100**

Nature of Expense	Name of Supplier	AMOUNT \$
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**PART II - STATEMENT OF DISPUTED CLAIM**  
(attach supplementary list if required)

	AMOUNT	
	Included in Expenses \$	Disputed \$
Name of claimant: _____	_____	_____
Address of claimant: _____	_____	_____
Nature of expense: _____	_____	_____
Reason for dispute: _____	_____	_____
Name of claimant: _____	_____	_____
Address of claimant: _____	_____	_____
Nature of expense: _____	_____	_____
Reason for dispute: _____	_____	_____
<b>TOTAL</b>	_____	_____

**SCHEDULE 6 - INVENTORY OF CAMPAIGN GOODS AND MATERIALS CONTRIBUTED TO CANDIDATE'S CAMPAIGN**

\* Receipts Must Be Issued for All Inventory Contributions

Description	Date Acquired	Supplier	Unit Value \$	Quantity	Total Value \$
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____

TOTAL VALUE OF INVENTORY CONTRIBUTED TO CANDIDATE'S CAMPAIGN ..... \_\_\_\_\_

**SCHEDULE 7 - INVENTORY OF CAMPAIGN GOODS & MATERIALS AT THE END OF CAMPAIGN PERIOD**

Description	Date Acquired	Supplier	Unit Value \$	Quantity	Total Value \$
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____
_____	__/__/	_____	_____	_____	_____

TOTAL VALUE OF INVENTORY OF CAMPAIGN GOODS & MATERIALS ..... \_\_\_\_\_

**SCHEDULE 8 - ACCOUNTS RECEIVABLE**

Date	Name of Debtor	Nature of Receivable	Amount \$
M D Y _/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
TOTAL ACCOUNTS RECEIVABLE .....			_____

**SCHEDULE 9 - ACCOUNTS PAYABLE**

Date	Name of Supplier	Nature of Charge	Amount \$
M D Y _/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
_/_/	_____	_____	_____
TOTAL ACCOUNTS PAYABLE .....			_____

## FORMULE 31

## ÉTATS FINANCIERS ET RAPPORT DU VÉRIFICATEUR

Loi sur les élections municipales (Paragraphe 150 (1))

Relatif à la période de campagne électorale allant du \_\_\_\_\_ au \_\_\_\_\_

## NOM DU CANDIDAT ET TITRE DU POSTE

Nom du candidat inscrit		
Adresse postale permanente		
N° de téléphone au travail	N° de télécopieur	N° de téléphone à domicile
Nom du poste auquel le candidat s'est présenté à l'élection		Quartier n°
Nom de la municipalité		

## ATTESTATION DU CANDIDAT

Je, \_\_\_\_\_, candidat dans la municipalité  
(nom du candidat)de \_\_\_\_\_, atteste par la présente que,  
(nom de la municipalité)

pour autant que je sache, les présents états financiers et les annexes qui les accompagnent sont, dans leur libellé actuel, complets et fidèles.

.....  
(Signature du candidat).....  
(Date)

## ATTESTATION DU DIRECTEUR DES FINANCES

Je, \_\_\_\_\_, ai préparé les présents états financiers et les annexes qui les accompagnent,  
(nom du directeur des finances)dans leur libellé actuel, pour \_\_\_\_\_, J'atteste par la présente que, pour autant  
(nom du candidat)

que je sache, les présents états financiers et les annexes qui les accompagnent sont, dans leur libellé actuel, complets et fidèles.

.....  
(Signature du directeur des finances).....  
(Date)

(suite)



### FORMULE 31 (suite)

**SOMMAIRE DES RECETTES ET DES DÉPENSES DE LA CAMPAGNE**

Plafond des dépenses liées à la campagne électorale (selon la formule 30) \_\_\_\_\_

Dépenses liées à la campagne électorale et soumises au plafond\* \_\_\_\_\_

Total des recettes liées à la campagne électorale\* \_\_\_\_\_

Total des dépenses liées à la période\* \_\_\_\_\_

\* (Selon l'état des recettes et des dépenses pour la période de campagne électorale)

**ÉTAT DE L'ACTIF ET DU PASSIF AU \_\_\_\_\_ 19 \_\_\_\_\_**

**Actif** \$

Encaisse \_\_\_\_\_

Comptes débiteurs (selon l'annexe 8) \_\_\_\_\_

Autres (prière de fournir des détails) : \_\_\_\_\_

\_\_\_\_\_

**Total** \_\_\_\_\_

**Passif et excédent**

Comptes créditeurs (selon l'annexe 9) \_\_\_\_\_

Emprunts, découvert (selon l'annexe 1) \_\_\_\_\_

Autres (prière de fournir des détails) : \_\_\_\_\_

\_\_\_\_\_

Excédent (déficit) lié à la campagne électorale (selon l'état des recettes et des dépenses pour la période de campagne électorale) \_\_\_\_\_

**Total** \_\_\_\_\_

**ÉTAT DE LA DÉTERMINATION DE L'EXCÉDENT OU DU DÉFICIT ET DE L'AFFECTATION DE L'EXCÉDENT**

**Première partie - Détermination de l'excédent ou du déficit** \$

Montant de l'excédent (déficit) selon l'état des recettes et des dépenses pour la période de campagne électorale \_\_\_\_\_

Ajouter :

- Dépenses liées aux nouveaux dépouillements selon l'état des recettes et des dépenses pour la période de campagne électorale \_\_\_\_\_
- Frais juridiques, selon l'état des recettes et des dépenses pour la période de campagne électorale, liés à une action intentée en vertu de l'article 122 de la Loi sur les élections municipales \_\_\_\_\_

\_\_\_\_\_ A

Déduire :

- Déficit engendré par le candidat qui a effectué son dépôt en vertu de la deuxième partie dans l'élection ordinaire la plus récente si les postes ont trait à la même compétence ( \_\_\_\_\_ )B

Excédent (déficit) lié à la période de campagne électorale (A-B) \_\_\_\_\_ C

**Deuxième partie - Affectation de l'excédent**

Si un excédent est indiqué à C, le montant doit être versé en fiducie au secrétaire municipal responsable de la tenue de l'élection à la date du dépôt de ces états financiers ou avant cette date.

Excédent versé au secrétaire municipal de la municipalité de \_\_\_\_\_

## FORMULE 31 (suite)

ÉTAT DES RECETTES ET DES DÉPENSES POUR LA PÉRIODE DE CAMPAGNE ÉLECTORALE			
DU _____ AU _____			
POUR LE CANDIDAT _____			
<b>Recettes</b>			<b>\$</b>
Excédent du candidat engendré lors de l'élection la plus récente et remis par le secrétaire .....	_____	_____	_____
Contributions (selon l'annexe 2) .....	_____	_____	_____
Activités de financement (selon l'annexe 3, deuxième partie) .....	_____	_____	_____
Revenu d'intérêt .....	_____	_____	_____
Collectes lors de réunions (selon l'annexe 4) .....	_____	_____	_____
Autres (prière de préciser) :	_____	_____	_____
_____	_____	_____	_____
<b>Total des recettes pour la période de campagne électorale</b>			<b>_____ A</b>
<b>Dépenses</b>	<b>Dépenses soumises au plafond</b>	<b>Dépenses non soumises au plafond</b>	<b>Total</b>
Comptabilité et vérification .....	_____	_____	_____
Publicité .....	_____	_____	_____
Notes de remerciement .....	_____	_____	_____
Frais bancaires .....	_____	_____	_____
Brochures .....	_____	_____	_____
Frais de garderie du candidat .....	_____	_____	_____
Congrès, ateliers et réunions .....	_____	_____	_____
Frais d'administration relatifs aux cartes de crédit .....	_____	_____	_____
Dépenses liées aux activités de financement .....	_____	_____	_____
Ameublement et matériel .....	_____	_____	_____
Assurances et services publics .....	_____	_____	_____
Intérêt .....	_____	_____	_____
Stock contribué à la campagne électorale du candidat (selon l'annexe 6) .....	_____	_____	_____
Réunions organisées .....	_____	_____	_____
Location de bureau et de matériel .....	_____	_____	_____
Fournitures de bureau .....	_____	_____	_____
Affranchissement .....	_____	_____	_____
Frais professionnels .....	_____	_____	_____
Dépenses liées aux nouveaux dépouillements .....	_____	_____	_____
Recherche et scrutin .....	_____	_____	_____
Salaires et avantages sociaux .....	_____	_____	_____
Affiches .....	_____	_____	_____
Articles de bureau .....	_____	_____	_____
Téléphone .....	_____	_____	_____
Déplacements .....	_____	_____	_____
Célébration suivant la victoire .....	_____	_____	_____
Autres (prière de préciser) :	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Total des dépenses pour la période de campagne électorale</b>			<b>_____ B</b>
<b>EXCÉDENT (DÉFICIT) (A-B)</b>			<b>_____</b>

## Rapport du vérificateur

Loi sur les élections municipales (Paragraphe 149 (2))

Destinataire : \_\_\_\_\_, directeur des finances

de \_\_\_\_\_, candidat

Nous avons vérifié les états de l'actif et du passif et des recettes et des dépenses de \_\_\_\_\_, candidat, pour la période de campagne électorale allant du \_\_\_\_\_ au \_\_\_\_\_ et relative aux élections municipales tenues le \_\_\_\_\_. Notre vérification a été effectuée conformément aux normes de vérification généralement reconnues et a comporté, par conséquent, un examen général des méthodes comptables ainsi que les sondages des livres comptables et d'autres pièces justificatives que nous avons jugé nécessaires dans les circonstances, sous réserve des précisions présentées dans le paragraphe suivant.

En raison de la nature des opérations menées durant une campagne électorale, les méthodes de vérification ne peuvent vraiment établir si les livres comptables comprennent bien tous les dons de biens et de services et toutes les entrées et sorties de fonds survenus durant la période de campagne électorale. Notre vérification de ces opérations s'est donc limitée à assurer que les états financiers sont conformes aux sommes inscrites dans les livres comptables de \_\_\_\_\_, candidat, conformément aux méthodes comptables établies par la Loi sur les élections municipales. Nous n'avons pu établir s'il était nécessaire de redresser les entrées et les sorties de fonds.

À notre avis, sous réserve de l'effet des redressements susmentionnés, le cas échéant, que nous aurions trouvé nécessaire d'apporter si nous avions pu nous assurer de l'exhaustivité des livres, telle que nous la définissons au paragraphe précédent, ces états présentent fidèlement l'information contenue dans les livres comptables sur lesquels ils se fondent, conformément à l'application des traitements comptables prévus dans la Loi sur les élections municipales.

La Loi ne nous oblige pas à souligner que les contributions déclarées ne comportaient que celles qui peuvent être conservées conformément aux dispositions de la Loi, ce qui nous était d'ailleurs impossible à déterminer.

Signature \_\_\_\_\_

Désignation professionnelle	
Cité	Date
Personne à contacter	Permis n°
Adresse	
Téléphone	Télécopieur

**ANNEXE 1 - EMPRUNTS, DÉCOUVERT**  
 (joindre une annexe distincte pour chaque dette)

Nom de l'institution financière :
Adresse

\$

Somme empruntée : .....

Somme impayée à la fin de la période de campagne électorale .....

**CAUTIONS** (joindre une liste supplémentaire au besoin)

Remarque : Le montant maximal qu'une caution peut garantir est de 750 \$.  
La caution limite ne s'applique pas au candidat ni à son conjoint.

Nom	Adresse	Montant de la caution

### ANNEXE 2 - CONTRIBUTIONS

#### Partie I - Contributions

\$

D'une seule source et d'un total supérieur à 100 \$ .....  
(remplir la partie II à moins d'absence de contributions)

Moins - rendues ou payables au donateur ..... (.....)

- payées ou payables au secrétaire ..... A (.....)

D'une même source et d'un montant égal ou inférieur à 100 \$ .....

Moins - rendues ou payables au donateur ..... (.....)

- payées ou payables au secrétaire ..... B (.....)

Total des contributions .....  
.....

Contributions anonymes ..... C .....

Montant des contributions payées ou payables au secrétaire

A+B+C .....

#### Partie II - Liste des donateurs qui ont versé une contribution supérieure à 100 \$ (joindre une liste supplémentaire au besoin)

Nom	Adresse	Montant \$
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**ANNEXE 3 - ACTIVITÉS DE FINANCEMENT**

(joindre une annexe distincte pour chaque activité)

J M A

Date \_\_\_/\_\_\_/\_\_\_

Description de l'activité \_\_\_\_\_ \$

\* Frais d'entrée (par personne) ..... A

Nombre de billets vendus ..... B

**PREMIÈRE PARTIE - REVENU DE L'ACTIVITÉ**

A X B (déclaré sous la rubrique contributions) - Annexe 2 \_\_\_\_\_

**DEUXIÈME PARTIE - AUTRES REVENUS PROVENANT DES  
ACTIVITÉS DE FINANCEMENT  
(PRIÈRE DE PRÉCISER) :**

\_\_\_\_\_  
\_\_\_\_\_

**AUTRES REVENUS** \_\_\_\_\_

\* Si les frais d'entrée ne sont pas les mêmes pour tous, prière de fournir la ventilation complète des billets vendus.

**ANNEXE 4 - COLLECTES LORS DE RÉUNIONS**

(joindre une annexe distincte pour chaque réunion tenue)

J M A

Date \_\_\_/\_\_\_/\_\_\_

Objet de la réunion \_\_\_\_\_

tenue à

\_\_\_\_\_

\$

**REVENU BRUT NON CONSIDÉRÉ COMME UNE CONTRIBUTION .....** \_\_\_\_\_

**ANNEXE 5 - DÉPENSES LIÉES À LA PÉRIODE DE CAMPAGNE ÉLECTORALE**

**PARTIE I - LISTE DES FOURNISSEURS SI LA DÉPENSE EST SUPÉRIEURE À 100 \$**

Nature de la dépense	Nom du fournisseur	Montant \$
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**PARTIE II - ÉTAT DES DEMANDES CONTESTÉES**  
(joindra une liste supplémentaire au besoin)

	Somme imputée aux dépenses \$	Montant contesté \$
Nom de l'auteur de la demande _____	_____	_____
Adresse de l'auteur de la demande _____	_____	_____
Nature de la dépense _____	_____	_____
Motif de la contestation _____	_____	_____
Nom de l'auteur de la demande _____	_____	_____
Adresse de l'auteur de la demande _____	_____	_____
Nature de la dépense _____	_____	_____
Motif de la contestation _____	_____	_____
<b>TOTAL</b>	_____	_____

**ANNEXE 6 - STOCK DES BIENS ET FOURNITURES AYANT FAIT L'OBJET D'UNE CONTRIBUTION LORS DE LA CAMPAGNE ÉLECTORALE DU CANDIDAT**

\* Un reçu doit être délivré pour tous les biens et fournitures ayant fait l'objet d'une contribution

Description	Date d'acquisition	Fournisseur	Valeur unitaire \$	Quantité	Valeur totale \$
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____

Valeur totale du stock ayant fait l'objet d'une contribution lors de la campagne électorale du candidat ... \_\_\_\_\_

**ANNEXE 7 - STOCK DES BIENS ET FOURNITURES À LA FIN DE LA PÉRIODE DE CAMPAGNE ÉLECTORALE**

Description	Date d'acquisition	Fournisseur	Valeur unitaire \$	Quantité	Valeur totale \$
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____
_____	__/__/__	_____	_____	_____	_____

Valeur totale du stock des biens et fournitures de la campagne électorale ..... \_\_\_\_\_



**ANNEXE 8 - COMPTES DÉBITEURS**

Date	Nom du débiteur	Nature du compte débiteur	Montant \$
J M A			
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
Total des comptes débiteurs .....			_____

**ANNEXE 9 - COMPTES CRÉDITEURS**

Date	Nom du fournisseur	Nature des frais	Montant \$
J M A			
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
___/___/___	_____	_____	_____
Total des comptes créditeurs .....			_____

ED PHILIP  
 Minister of Municipal Affairs  
 Ministre des Affaires municipales

Dated at Toronto on September 14, 1994.  
 Fait à Toronto le 14 septembre 1994.

40/94

**ONTARIO REGULATION 581/94**  
 made under the  
**PROVINCIAL OFFENCES ACT**

Made: September 15, 1994  
 Filed: September 16, 1994

Amending Reg. 949 of R.R.O. 1990  
 (Parking Infractions)

Note: Since January 1, 1994, Regulation 949 has been amended by Ontario Regulations 494/94, 506/94 and 538/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The Table to section 16 of Regulation 949 of the Revised Regulations of Ontario, 1990 is amended by adding "City of Woodstock".

40/94

**ONTARIO REGULATION 582/94**  
 made under the  
**PROVINCIAL PARKS ACT**

Made: September 15, 1994  
 Filed: September 16, 1994

Amending Reg. 951 of R.R.O. 1990  
 (Designation of Parks)

Note: Since January 1, 1994, Regulation 951 has been amended by Ontario Regulation 179/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 2 of Regulation 951 of the Revised Regulations of Ontario, 1990 is amended by striking out the descriptions of "Carillon Provincial Park" and "Forks of the Credit Provincial Park" and substituting the following descriptions:

**VOYAGEUR PROVINCIAL PARK**

In the geographic and municipal Township of East Hawkesbury, in the United Counties of Prescott and Russell, containing 1,464.532 hectares more or less, and being composed of those parts of the said township designated as parts 1, 2 and 3 on a plan known as Voyageur, approved on February 28, 1994 and filed in the Office of the Surveyor General at the Ministry of Natural Resources in Toronto, Ontario.

**DEVIL'S GLEN PROVINCIAL PARK**

In the geographic Township of Nottawasaga, in the County of Simcoe, containing 59.34 hectares more or less, being composed of part

of lots 18 and 19, and part of the road allowance between lots 18 and 19, in Concession X, part of the road allowance between concessions X and XI, and part of Lot 18, Concession XI in the said township designated as parts 1 and 2 on a plan known as Devil's Glen, approved on November 29, 1993 and filed in the Office of the Surveyor General at the Ministry of Natural Resources in Toronto, Ontario.

**LAVERENDRYE PROVINCIAL PARK**

In the geographic Township of Pardee, now in the municipal Township of Neebing, in the geographic townships of Devon, Hartington and Robbins, in the Territorial District of Thunder Bay, and in the unsubdivided part of the Territorial District of Thunder Bay, containing 18,280 hectares more or less, and designated as Part 1 on a plan known as LaVerendrye, approved on July 19, 1993 and filed in the Office of the Surveyor General at the Ministry of Natural Resources in Toronto, Ontario.

**MIDDLE FALLS PROVINCIAL PARK**

In the geographic townships of Pardee and Crooks, now in the municipal Township of Neebing, in the Territorial District of Thunder Bay, containing 949 hectares more or less, designated as parts 1 and 2 on a plan known as Middle Falls, approved on November 15, 1993 and filed in the Office of the Surveyor General at the Ministry of Natural Resources in Toronto, Ontario.

**FORKS OF THE CREDIT PROVINCIAL PARK**

In the Town of Caledon, in The Regional Municipality of Peel, containing 282 hectares, more or less, being composed of part of the east half of Lot 12, part of the west halves of lots 11 and 13, and all of the west half of Lot 12, Concession III, west of Hurontario Street, part of the east halves of lots 9, 10, 11, 12, 13 and 14, and part of the west halves of lots 12 and 13, Concession IV, west of Hurontario Street as shown on the plan of the geographic Township of Caledon, designated as Part 1 on a plan known as Forks of the Credit, approved on September 21, 1993 and filed in the Office of the Surveyor General in the Ministry of Natural Resources in Toronto, Ontario.

2. The Table to the Regulation is amended by,

- (a) striking out "Carillon Provincial Park" in Column 1 and "Schedule 58, Appendix B" in Column 2;
- (b) striking out "La Verendrye River Provincial Park" in Column 1 and "Schedule 254, Appendix B" in Column 2;
- (c) striking out "Schedule 57, Appendix B" in Column 2 opposite "Devils Glen Provincial Park" in Column 1 and substituting "Section 2";
- (d) striking out "Schedule 39, Appendix B" in Column 2 opposite "Middle Falls Provincial Park" in Column 1 and substituting "Section 2";
- (e) adding "LaVerendrye Provincial Park" in Column 1 and by adding opposite thereto in Column 2 "Section 2"; and
- (f) adding "Voyageur Provincial Park" in Column 1 and by adding opposite thereto in Column 2 "Section 2".

40/94

**ONTARIO REGULATION 583/94**

made under the  
**DAY NURSERIES ACT**

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 262 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 262 has been amended by Ontario Regulation 17/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Section 79 of Regulation 262 of the Revised Regulations of Ontario, 1990 is amended by striking out the portion before paragraph 1 and substituting the following:**

**79. The following day nurseries are, until July 31, 1998, exempt from the application of subsection 11 (1) of the Act:**

. . . . .

**(2) Paragraphs 1, 18 and 21 of section 79 of the Regulation are revoked.**

40/94

**RÈGLEMENT DE L'ONTARIO 583/94**

pris en application de la  
**LOI SUR LES GARDERIES**

pris le 15 septembre 1994  
déposé le 16 septembre 1994

modifiant le Règl. 262 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 262 a été modifié par le Règlement de l'Ontario 17/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. (1) L'article 79 du Règlement 262 des Règlements refondus de l'Ontario de 1990 est modifié par substitution, au passage qui précède la disposition 1, de ce qui suit :**

**79. Les garderies suivantes sont, jusqu'au 31 juillet 1998, soustraites à l'application du paragraphe 11 (1) de la Loi :**

. . . . .

**(2) Les dispositions 1, 18 et 21 de l'article 79 du Règlement sont abrogées.**

**ONTARIO REGULATION 584/94**

made under the  
**HEALTH PROTECTION AND PROMOTION ACT**

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 567 of R.R.O. 1990  
(Rabies Immunization)

Note: Since January 1, 1994, Regulation 567 has been amended by Ontario Regulations 174/94, 320/94, 392/94 and 393/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Table 1 of Regulation 567 of the Revised Regulations of Ontario, 1990 is amended by adding the following item:**

26. Halton Regional Health Unit January 1, 1995

40/94

**RÈGLEMENT DE L'ONTARIO 584/94**  
pris en application de la  
**LOI SUR LA PROTECTION ET LA PROMOTION  
DE LA SANTÉ**

pris le 15 septembre 1994  
déposé le 16 septembre 1994

modifiant le Règl. 567 des R.R.O. de 1990  
(Immunisation contre la rage)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 567 a été modifié par les Règlements de l'Ontario 174/94, 320/94, 392/94 et 393/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. Le tableau 1 du Règlement 567 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction du numéro suivant :**

26. Circonscription sanitaire régionale 1<sup>er</sup> janvier 1995  
de Halton

**ONTARIO REGULATION 585/94**  
made under the  
**HEALTH CARDS AND NUMBERS  
CONTROL ACT, 1991**

Made: September 15, 1994  
Filed: September 16, 1994

Amending O. Reg. 147/91  
(General)

Note: Ontario Regulation 147/91 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 1 of Ontario Regulation 147/91 is amended by adding the following paragraph:**

5. A medical officer of health under the *Health Protection and Promotion Act*.

40/94

**ONTARIO REGULATION 586/94**  
made under the  
**CHARITABLE INSTITUTIONS ACT**

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 69 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 69 has been amended by Ontario Regulations 236/94, 314/94, 368/94, 371/94 and 535/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 5 (2) of Regulation 69 of the Revised Regulations of Ontario, 1990 is revoked.**

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

**5.1** (1) An approved corporation maintaining and operating a charitable institution other than an approved charitable home for the aged shall ensure that the institution is maintained at a temperature of at least 20 degrees Celsius from October 1 to May 31 in each year.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the home is maintained at a temperature of at least 22 degrees Celsius at all times.

**5.2** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the temperature of the water serving all bathtubs, showers and hand basins used by residents of the home does not exceed 49 degrees Celsius and that the temperature is regulated by a device inaccessible to the residents.

**3. The Regulation is amended by adding the following section:**

**11.1** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the administrator of the home works at the home in his or her capacity as administrator for at least,

**RÈGLEMENT DE L'ONTARIO 585/94**  
pris en application de la  
**LOI DE 1991 SUR LE CONTRÔLE DES CARTES SANTÉ  
ET DES NUMÉROS DE CARTES SANTÉ**

pris le 15 septembre 1994  
déposé le 16 septembre 1994

modifiant le Règl. de l'Ont. 147/91  
(Disposition générale)

Remarque : Le Règlement de l'Ontario 147/91 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. L'article 1 du Règlement de l'Ontario 147/91 est modifié par adjonction de la disposition suivante :**

5. Tout médecin-hygiéniste visé par la *Loi sur la protection et la promotion de la santé*.

- (a) 16 hours a week, if the number of beds in the home is less than 65;
- (b) 24 hours a week, if the number of beds in the home is equal to or greater than 65 but less than 100;
- (c) 35 hours a week, if the number of beds in the home is equal to or greater than 100.

**4. The Regulation is amended by adding the following section:**

**STAFF TRAINING**

**12.1** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure,

- (a) that when a person becomes a member of the staff of the home, the person is given in-service training to orient him or her to the home; and
- (b) that in-service training programs for the purpose of continuing education are conducted for all of the staff of the home.

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

**14.** (1) An approved corporation maintaining and operating a charitable institution shall appoint a physician for the institution to ensure that medical services are provided to each resident of the institution in accordance with his or her needs.

(2) In the case of the appointment of a physician for a charitable institution that is not an approved charitable home for the aged, the approved corporation shall make the appointment with the approval of the Minister.

(3) In the case of the appointment of a physician for a charitable institution that is an approved charitable home for the aged, the approved corporation shall not appoint any of its directors or officers as the physician for the institution.

(4) If, on December 1, 1994, the person who has been appointed as the physician for an approved charitable home for the aged is a director or officer of the approved corporation maintaining and operating the home, the approved corporation shall revoke the appointment of that person as the physician for the institution and shall appoint a new physician for the institution in accordance with subsections (1) and (3).

(5) An approved corporation maintaining and operating an approved charitable home for the aged shall notify the Director in writing of the name, address, telephone number and date of appointment of the physician for the institution, and whenever there is a change in any of such information provided to the Director relating to the physician for the institution, the approved corporation shall notify the Director in writing of the change.

**6. The Regulation is amended by adding the following sections:**

**17.1 (1)** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that there is at least one food services supervisor on the staff of the home and that the minimum combined number of hours worked in a week by all of the home's food services supervisors in their capacity as such is the number obtained by multiplying the number of meal days in the week by 4/105.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that there is at least one food handler on the staff of the home and that the minimum combined number of hours worked in a week by all of the home's food handlers in their capacity as such is the number obtained by multiplying the number of meal days in the week by 2/5.

(3) For the purpose of subsections (1) and (2), the number of meal days in a week is the sum of the number of meal days in each day of the week.

(4) For the purpose of subsection (3), the number of meal days in a day is the number obtained using the formula,

$$A + B/3$$

in which,

"A" is the number of residents the home has that day; and

"B" is the number of meals and snacks prepared in the home that day for persons who are not residents of the home.

(5) In this section, "food handler" means an employee whose function it is to prepare or cook food or to clean kitchen equipment or utensils.

**17.2** For the purpose of determining whether sections 11.1 and 17.1 are being complied with, a person who holds more than one position at an approved charitable home for the aged or who works at an approved charitable home for the aged in more than one capacity shall be considered to be working in only one capacity at any one moment in time.

**7. (1) This Regulation, except for section 5, comes into force on the day it is filed.**

**(2) Section 5 comes into force on December 1, 1994.**

40/94

**ONTARIO REGULATION 587/94**  
made under the  
**HOMES FOR THE AGED AND REST HOMES ACT**

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 637 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 637 has been amended by Ontario Regulations 237/94, 315/94, 369/94, 372/94 and 536/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. The heading immediately preceding section 2 of Regulation 637 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

ADMINISTRATOR

**2. The Regulation is amended by adding the following section:**

**2.1** The municipality, municipalities or board maintaining and operating a home shall ensure that the administrator of the home works at the home in his or her capacity as administrator for at least,

- (a) 16 hours a week, if the number of beds in the home is less than 65;
- (b) 24 hours a week, if the number of beds in the home is equal to or greater than 65 but less than 100;
- (c) 35 hours a week, if the number of beds in the home is equal to or greater than 100.

**3. The heading immediately preceding section 3 of the Regulation is revoked and the following substituted:**

NURSING AND OTHER STAFF

**4. The Regulation is amended by adding the following sections:**

**3.1 (1)** The municipality, municipalities or board maintaining and operating a home shall ensure that there is at least one food services supervisor on the staff of the home and that the minimum combined number of hours worked in a week by all of the home's food services supervisors in their capacity as such is the number obtained by multiplying the number of meal days in the week by 4/105.

(2) The municipality, municipalities or board maintaining and operating a home shall ensure that there is at least one food handler on the staff of the home and that the minimum combined number of hours worked in a week by all of the home's food handlers in their capacity as such is the number obtained by multiplying the number of meal days in the week by 2/5.

(3) For the purpose of subsections (1) and (2), the number of meal days in a week is the sum of the number of meal days in each day of the week.

(4) For the purpose of subsection (3), the number of meal days in a day is the number obtained using the formula,

$$A + B/3$$

in which,

"A" is the number of residents the home has that day; and

"B" is the number of meals and snacks prepared in the home that day for persons who are not residents of the home.

(5) In this section, "food handler" means an employee whose function it is to prepare or cook food or to clean kitchen equipment or utensils.

3.2 For the purpose of determining whether sections 2.1 and 3.1 are being complied with, a person who holds more than one position at a home or who works at a home in more than one capacity shall be considered to be working in only one capacity at any one moment in time.

#### STAFF TRAINING

4. The municipality, municipalities or board maintaining and operating a home shall ensure,

- (a) that when a person becomes a member of the staff of the home, the person is given in-service training to orient him or her to the home; and
- (b) that in-service training programs for the purpose of continuing education are conducted for all of the staff of the home.

5. Clause 5 (v) of the Regulation is revoked.

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

17.1 (1) The municipality, municipalities or board maintaining and operating a home shall ensure that the home is maintained at a temperature of at least 22 degrees Celsius at all times.

(2) The municipality, municipalities or board maintaining and operating a home shall ensure that the temperature of the water serving all bathtubs, showers and hand basins used by residents of the home does not exceed 49 degrees Celsius and that the temperature is regulated by a device inaccessible to the residents.

40/94

### ONTARIO REGULATION 588/94 made under the NURSING HOMES ACT

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 832 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 832 has been amended by Ontario Regulations 238/94, 316/94, 370/94, 373/94 and 537/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 2 (1) of Regulation 832 of the Revised Regulations of Ontario, 1990 is amended by striking out "Form 1" in the last line and substituting "a form provided by the Minister".

2. Subsection 20 (6) of the Regulation is amended by striking out "48.89" in the second line and substituting "49".

3. Section 30 of the Regulation is revoked and the following substituted:

30. A licensee of a nursing home shall ensure that the home is maintained at a temperature of at least 22 degrees Celsius at all times.

4. Section 50 of the Regulation is revoked and the following substituted:

50. (1) A licensee of a nursing home shall appoint a physician as the medical director for the home and shall obtain a written statement signed by the medical director stating that the medical director will advise the administrator of the home on matters relating to medical care in the home, including the quality of medical care provided in the home.

(2) If the licensee is an individual, the licensee shall not appoint himself or herself as the medical director, and if the licensee is a corporation, the licensee shall not appoint any of its directors or officers as the medical director.

(3) If, on December 1, 1994, the physician who has been appointed as the medical director for a nursing home is the licensee of the home or a director or officer of the licensee of the home, the licensee shall revoke the appointment of that physician as the medical director for the home and shall appoint a new physician as the medical director for the home in accordance with subsections (1) and (2).

(4) A licensee of a nursing home shall notify the Director in writing of the name, address, telephone number and date of appointment of the medical director for the home, and whenever there is a change in any of such information provided to the Director relating to the medical director for the home, the licensee shall notify the Director in writing of the change.

5. The heading immediately preceding section 59 of the Regulation is revoked and the following substituted:

#### NURSING AND OTHER STAFF

6. Subsection 60 (2) of the Regulation is revoked.

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

61. (1) A licensee of a nursing home shall ensure that there is at least one food services supervisor on the staff of the home and that the minimum combined number of hours worked in a week by all of the home's food services supervisors in their capacity as such is the number obtained by multiplying the number of meal days in the week by 4/105.

(2) A licensee of a nursing home shall ensure that there is at least one food handler on the staff of the home and that the minimum combined number of hours worked in a week by all of the home's food handlers in their capacity as such is the number obtained by multiplying the number of meal days in the week by 2/5.

(3) For the purpose of subsections (1) and (2), the number of meal days in a week is the sum of the number of meal days in each day of the week.

(4) For the purpose of subsection (3), the number of meal days in a day is the number obtained using the formula,

$$A + B/3$$

in which,

"A" is the number of residents the nursing home has that day; and

"B" is the number of meals and snacks prepared in the nursing home that day for persons who are not residents of the home.

(5) In this section, "food handler" means an employee whose function it is to prepare or cook food or to clean kitchen equipment or utensils.

61.1 For the purpose of determining whether sections 60, 61 and 80.1 are being complied with, a person who holds more than one position at a nursing home or who works at a nursing home in more than one capacity shall be considered to be working in only one capacity at any one moment in time.

## STAFF TRAINING

**61.2** A licensee of a nursing home shall ensure,

- (a) that when a person becomes a member of the staff of the home, the person is given in-service training to orient him or her to the home; and
- (b) that in-service training programs for the purpose of continuing education are conducted for all of the staff of the home.

**8. (1) Subsection 70 (2) of the Regulation is amended by striking out "advisory physician" in the second line and substituting "medical director".**

**(2) Subsection 70 (4) of the Regulation is amended by striking out "advisory physician" in the first line and substituting "medical director".**

**9. Section 71 of the Regulation is revoked.****10. The Regulation is amended by adding the following section:**

**80.1** A licensee of a nursing home shall ensure that the administrator of the home works at the home in his or her capacity as administrator for at least,

- (a) 16 hours a week, if the number of beds in the home is less than 65;
- (b) 24 hours a week, if the number of beds in the home is equal to or greater than 65 but less than 100;
- (c) 35 hours a week, if the number of beds in the home is equal to or greater than 100.

**11. Section 85 of the Regulation is revoked.****12. Form 1 of the Regulation is revoked.**

**13. (1) This Regulation, except for section 4, comes into force on the day it is filed.**

**(2) Section 4 comes into force on December 1, 1994.**

40/94

**ONTARIO REGULATION 589/94**  
made under the  
**HEALTH INSURANCE ACT**

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 552 has been amended by Ontario Regulations 19/94, 199/94, 221/94, 255/94, 302/94, 356/94, 357/94, 486/94, 487/94, 488/94, 489/94, 490/94, 491/94, 492/94 and 502/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Subsection 18 (2.1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(2.1) The amounts payable by the Plan under subsection (2) for insured services rendered by chiropractors shall be reduced by,

- (a) 10 per cent for services rendered on or after October 1, 1993 but before January 1, 1994; and
- (b) 12.5 per cent for services rendered on or after January 1, 1994 but before August 31, 1994.

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

(6) For the purposes of subsections (3) and (4), the 12-month period to which the maximum amount applies is, with respect to insured services rendered on or after April 1, 1994, the period beginning on April 1 of each year and ending on March 31 of the following year.

**2. Subsection 19 (5) of the Regulation is revoked and the following substituted:**

(5) For the purposes of subsections (3) and (4), the 12-month period to which the maximum amount applies is, with respect to insured services rendered on or after July 1, 1989 and before July 1, 1993, the period beginning on July 1 of each year and ending on June 30 of the following year.

(6) For the purposes of subsections (3) and (4), the period beginning on July 1, 1993 and ending on March 31, 1994 shall be deemed to be a 12-month period and the maximum amounts prescribed in subsections (3) and (4) apply to services rendered within that period.

(7) For the purposes of subsections (3) and (4), the 12-month period to which the maximum amount applies is, with respect to insured services rendered on or after April 1, 1994, the period beginning on April 1 in any year and ending on March 31 of the following year.

**3. Subsections 20 (3) and (4) of the Regulation are revoked and the following substituted:**

(3) The maximum amount payable by the Plan for the services set out in subsection (2), excluding radiographic examinations, and rendered in a 12-month period in respect of an insured person is \$135.

(4) The maximum amount payable by the Plan for radiographic examinations set out in subsection (2) and carried out in a 12-month period in respect of an insured person is \$30.

(5) For the purposes of subsections (3) and (4), the 12-month period to which the maximum amount applies is, with respect to services rendered on or after July 1, 1990, the period beginning on July 1 of each year and ending on June 30 of the following year.

40/94

**ONTARIO REGULATION 590/94**  
made under the  
**HEALTH INSURANCE ACT**

Made: September 15, 1994  
Filed: September 16, 1994

**MANDATORY AND VOLUNTARY REPORTING**

**1. The following persons are prescribed for the purposes of subsections 43.1 (1) and (5) of the Act:**

1. A physician.
2. A person employed by a physician and whose employment is related to the provision of insured services by the physician.
3. An employee whose employment is related to the provision of insured services and who is employed in,
  - i. a hospital under the *Public Hospitals Act*, or

ii. a facility whose primary function is the provision of insured services by a physician.

4. A person who, under a contract with a physician, performs services that are related to the provision of insured services.

5. A person who, under a contract, performs services that are,

i. related to the provision of insured services, and

ii. performed in a hospital or facility described in paragraph 3.

40/94

### ONTARIO REGULATION 591/94

made under the  
DIETETICS ACT, 1991

Made: August 22, 1994  
Approved: September 15, 1994  
Filed: September 16, 1994

Revoking O. Reg. 676/93  
(Fees)

#### 1. Ontario Regulations 676/93 and 920/93 are revoked.

COUNCIL OF THE COLLEGE OF DIETICIANS OF ONTARIO:

JUDITH PRATT-JEFFERIES  
*Chair*

YOUNG-JA CHO  
*for Vice-Chair*

Dated at Toronto on August 22, 1994.

40/94

### ONTARIO REGULATION 592/94

made under the  
DIETETICS ACT, 1991

Made: August 22, 1994  
Approved: September 15, 1994  
Filed: September 16, 1994

Revoking O. Reg. 771/93  
(Election of Council Members)

#### 1. Ontario Regulations 771/93 and 403/94 are revoked.

COUNCIL OF THE COLLEGE OF DIETICIANS OF ONTARIO:

JUDITH PRATT-JEFFERIES  
*Chair*

YOUNG-JA CHO  
*for Vice-Chair*

Dated at Toronto on August 22, 1994.

40/94

### ONTARIO REGULATION 593/94

made under the  
DIETETICS ACT, 1991

Made: August 22, 1994  
Approved: September 15, 1994  
Filed: September 16, 1994

#### GENERAL

#### PART I THE REGISTER

I. (1) In addition to the information set out in subsection 23 (2) of the Health Professions Procedural Code, the register shall contain,

- (a) the member's date of birth, home address, employer and employment status;
- (b) the type of undergraduate program attended by the member, the name of the institution where the member attended the program and the date the member completed the program;
- (c) the name of any internship program, graduate program, practicum or other practical experience completed by the member;
- (d) the results of the examinations required by the Council for registration;
- (e) the date the member was issued a certificate of registration by the College;
- (f) any decision of the Registration Committee regarding the member's registration;
- (g) a note as to any change to the member's name since first registering with the College;
- (h) the date the member's registration was last renewed;
- (i) the member's current registration number;
- (j) a list of the languages in which the member is capable of working;
- (k) a note as to whether the member has chosen to communicate with the College in French or English; and
- (l) where applicable, a note that a matter involving the member is currently the subject of a proceeding before the Discipline Committee or the Fitness to Practise Committee or the subject of an outstanding referral to either of those committees.

(2) A note required under clause (1) (l) relating to a proceeding or referral shall not include any information about the subject-matter of the proceeding or referral.

2. (1) The information set out in clauses 1 (1) (j) to (l) and contained in the register is designated as public.

(2) Upon request by any person, the Registrar shall issue a certificate of standing in respect of any member.

(3) A certificate of standing shall set out all the information in respect of the member contained in the register that is available to the public under subsection (1) or under subsection 23 (3) of the Health Professions Procedural Code.

(4) A person who requests a certificate of standing shall pay a fee set by the Registrar.



3. The information entered in the register shall be kept in a systematic order and be capable of being easily reproduced.

4. (1) A member shall inform the College of a change in the member's name, home address, business address or business phone number or of a change of employer or employment status.

(2) A member shall provide the information under subsection (1) within 30 days of the change occurring.

(3) It is professional misconduct for a member to fail to inform the College of any change of citizenship or immigration status within 30 days of the change occurring.

5. At the direction of the Council, the Registrar shall ensure that information contained in the register is destroyed.

## PART II FEES

6. (1) The fee for an application for a certificate of registration is \$75 and is non-refundable.

(2) The fee required under subsection (1) does not apply to an application submitted before January 1, 1995 if the applicant meets the registration requirements set out in section 4 of Ontario Regulation 876/93.

7. (1) Every member shall pay an annual fee of \$350.

(2) The annual fee for a year must be paid on or before the member's birthday in that year.

(3) The annual fee paid by a member in the year in which the person is issued a certificate of registration shall be prorated according to the portion of the year between the date the certificate of registration is issued and the person's birthday.

8. (1) No later than 60 days before the date the annual fee is due, the Registrar shall notify the member of the amount of the fee and the date on which the fee is due.

(2) If the member fails to pay on or before the date the annual fee is due, the member shall pay a penalty of 20 per cent of the annual fee, in addition to the annual fee.

(3) If the Registrar suspends a member's certificate of registration for failure to pay the prescribed fee, the Registrar may lift the suspension upon payment of,

(a) the fee the member failed to pay; and

(b) a penalty of 20 per cent of the annual fee.

9. If a person requests the Registrar to do anything that the Registrar is required or authorized to do by statute or by regulation, the person shall pay the prescribed fee or the fee set by the Registrar for doing so.

## PART III ELECTION OF MEMBERS TO COUNCIL AND TO COMMITTEES

### DEFINITION

10. In this Part, "non-Council member" means a member of the College who is not a member of the Council.

### ELECTORAL DISTRICTS

11. The following electoral districts are established for the purpose of the election of members to the Council and the election of non-Council members to be appointed to the committees of the College under section 10 of the Health Professions Procedural Code:

1. Electoral district 1, the southwestern area, composed of the counties of Elgin, Essex, Kent, Lambton, Middlesex, Oxford, Bruce, Grey, Perth and Huron.

2. Electoral district 2, the central western area, composed of the counties of Brant, Dufferin and Wellington and the regional municipalities of Haldimand-Norfolk, Halton, Hamilton-Wentworth, Niagara and Waterloo.

3. Electoral district 3, the central eastern area, composed of the counties of Haliburton, Northumberland, Peterborough, Victoria, Simcoe, The Municipality of Metropolitan Toronto and the regional municipalities of Durham, Peel and York.

4. Electoral district 4, the eastern area, composed of the counties of Frontenac, Hastings, Lanark, Prince Edward and Renfrew, and the united counties of Leeds and Grenville, Lennox and Addington, Prescott and Russell, Stormont, Dundas and Glengarry and The Regional Municipality of Ottawa-Carleton.

5. Electoral district 5, the northeastern area, composed of the territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury, Timiskaming and The District Municipality of Muskoka.

6. Electoral district 6, the northwestern area, composed of the territorial districts of Kenora, Rainy River and Thunder Bay.

12. The electoral district in which a member is eligible to vote is the district in which, on the day nominations close, the member principally practises or the district in which, on that day, the member principally resides.

### NUMBER OF MEMBERS ELECTED

13. (1) Seven members of the College shall be elected to the Council.

(2) The number of Council members elected in an electoral district is,

(a) one for each of electoral districts 1, 2, 4, 5 and 6;

(b) two for electoral district 3.

14. One non-Council member shall be elected from each electoral district.

### TERM OF OFFICE

15. (1) The term of office of a Council member and of a non-Council member shall be three years and shall commence with the first regular meeting of the Council immediately following the election.

(2) Neither a Council member nor a non-Council member shall serve more than two consecutive terms of office.

(3) For the purpose of subsection (2), a term of office does not include,

(a) part of a term served by a member elected or appointed to fill a vacancy under section 29; or

(b) the term served by a member elected in the first election for electoral districts 1, 2, 3 and 4.

(4) A non-Council member shall be appointed to a particular committee for a period of one year and may be re-appointed to the same committee for as many years as the member holds office.

#### ELECTION DATE

16. (1) The first election of Council members and non-Council members shall be held for each electoral district not later than December 31, 1994.

(2) An election of Council members and non-Council members shall be held in April, 1995 and in every third year after that for electoral districts 1 and 3.

(3) An election of Council members and non-Council members shall be held in April, 1996 and in every third year after that for electoral districts 2 and 4.

(4) An election of Council members and non-Council members shall be held in April, 1997 and in every third year after that for electoral districts 5 and 6.

(5) The Council shall set the date for each election.

#### ELIGIBILITY FOR ELECTION

17. A member is eligible for election in an electoral district if, on the date of the election,

- (a) the member is engaged in the practice of dietetics in the electoral district for which he or she is nominated, or, if the member is not engaged in the practice of dietetics, he or she is resident in the electoral district for which he or she is nominated;
- (b) the member is not in default of payment of any fees prescribed by regulation;
- (c) the member is not the subject of any disciplinary or incapacity proceeding;
- (d) the member's certificate of registration has not been revoked or suspended due to a finding of professional misconduct, incompetence or incapacity in the six years preceding the date of the election; and
- (e) the member's certificate of registration is not subject to a term, condition or limitation other than one prescribed by regulation.

18. A candidate for election must disclose a position held on the executive of a professional association of a profession related to dietetics, a union that represents dietitians or any other professional body related to dietetics.

#### NOTICE OF ELECTION AND NOMINATIONS

19. (1) No later than 90 days before the date of an election or by-election, the Registrar shall notify, in writing, every member who is eligible to vote in the electoral district for which the election is to be held of the date, time and place of the election and of the nomination procedure.

(2) The Registrar shall provide each member eligible to vote with a nomination paper.

20. The Registrar shall supervise the nominations of candidates.

21. (1) The nomination of a candidate for election shall be in writing and shall be given to the Registrar at least 60 days before the date of the election.

(2) The nomination shall be signed by the candidate and by at least six members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.

(3) On receipt of a nomination, the Registrar shall provide each candidate with a biographical summary form and the candidate shall return the completed form by the deadline set by the Registrar.

(4) A candidate may withdraw his or her nomination for election by submitting, in writing, his or her notice of withdrawal to the Registrar at least 48 days before the date of the election.

#### ACCLAMATIONS OF COUNCIL MEMBERS AND APPOINTMENTS OF NON-COUNCIL MEMBERS

22. (1) If the number of candidates nominated for election in an electoral district is less than or equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

(2) If the number of candidates acclaimed under subsection (1) for an electoral district is less than the number of members to be elected or if there is no candidate for election in that electoral district, the Registrar shall postpone the date of the election in the electoral district and shall send a second call for nominations to all members eligible to vote in the electoral district.

(3) If the number of candidates nominated for election after the second call for nominations under subsection (2) is less than or equal to the number of members that remain to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

23. (1) If no candidates have been nominated for election as non-Council members in an electoral district after the second call for nominations under subsection 22 (2), the Council may appoint a non-Council member to serve on committees.

(2) In making an appointment under subsection (1), the Council shall take into account geographical representation, the experience and knowledge of the member, and any other attributes of the member to complement the attributes of other members of the committees.

#### ELECTION PROCEDURE AND REGISTRAR'S ELECTORAL DUTIES

24. (1) The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty, the Registrar may,

- (a) appoint returning officers and scrutineers;
- (b) establish a deadline for the receiving of ballots;
- (c) establish procedures for the opening and counting of ballots;
- (d) provide for the notification of all candidates and members of the results of the election; and
- (e) provide for the destruction of ballots following an election.

(2) No later than 30 days before the date of an election, the Registrar shall send to every member eligible to vote in an electoral district in which an election is to be held a list of the candidates in the electoral district, a ballot and an explanation of the voting procedure including the deadline for receipt of ballots and biographical information about the candidates.

(3) Where there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of nominations and the election for such period of time as the Registrar considers appropriate to compensate for the interruption.

25. (1) In an election under this Part, members of the College shall vote by secret ballot using the ballot forms supplied by the Registrar.

(2) A member may cast as many votes on a ballot in an election as there are members to be elected from the electoral district in which the member is eligible to vote.

(3) A member shall not cast more than one vote for any one candidate.

26. If there is a tie in an election of members, the Registrar shall cast the deciding vote by lot.

27. (1) Following receipt of the election returns, the Registrar shall forthwith notify,

- (a) each candidate of the results of the election and the number of votes cast for each candidate in the electoral district;
- (b) each defeated candidate that he or she may request a recount; and
- (c) each elected member of the time and place of the first regular meeting of the Council following the election.

(2) The Registrar shall destroy all ballots 31 days after the announcement of the results of an election unless a candidate challenges the election or its results.

28. (1) A candidate may require a recount by submitting a written request to the Registrar no more than 30 days after the date of an election and by paying a fee of \$300.

(2) The Registrar shall hold the recount no more than 15 days after receiving the request.

(3) The recount shall be conducted in the same manner as the original counting of the ballots except that the candidates or their authorized representatives and a representative of the College named by the Registrar may be present at the recount.

(4) The full fee shall be returned to the candidate if the recount changes the result and a different candidate is elected.

#### FILLING OF VACANCIES

29. (1) If the seat of an elected Council or non-Council member becomes vacant in an electoral district two years or more after the member's election, the Council may,

- (a) leave the seat vacant;
- (b) appoint as an elected member the candidate, if any, who had the most votes of all the unsuccessful candidates for the electoral district in the last election; or
- (c) direct the Registrar to hold an election in accordance with this Part for that electoral district.

(2) If the seat of an elected Council or non-Council member becomes vacant in an electoral district one year or more after the member's election but less than two years after the election, the Council shall

direct the Registrar to hold an election in accordance with this Part for that electoral district.

(3) If the seat of an elected Council or non-Council member becomes vacant in an electoral district within one year of the member's election, the Council shall appoint the candidate, if any, who had the most votes of all the unsuccessful candidates for the electoral district in the last election, and, if there is no candidate available, the Council shall direct the Registrar to hold an election in accordance with this Part for that electoral district.

(4) The term of a member appointed under clause (1) (b) or elected under clause (1) (c) or subsection (2) or (3) shall continue until the time the former Council or non-Council member's term would have expired.

(5) When an election of Council and non-Council members is not held at the time provided for under section 15, the Council or non-Council members then in office shall continue in office until their successors are elected.

#### DISQUALIFICATION OF ELECTED MEMBERS

30. (1) The Council shall disqualify an elected member from sitting on the Council or on a committee if the member,

- (a) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
- (b) is found by a panel of the Fitness to Practise Committee to be an incapacitated member;
- (c) in the case of a Council member, fails, without reasonable cause, to attend two consecutive meetings of the Council;
- (d) fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member;
- (e) ceases to practise or reside in the electoral district for which the member was elected;
- (f) fails, without reasonable cause, to attend a hearing or proceeding of a panel for which he or she has been selected;
- (g) becomes the subject of a disciplinary or incapacity proceeding, pending the result of the proceeding;
- (h) holds a position on the executive of a professional association of a profession related to dietetics, a union that represents dietitians or any other professional body related to dietetics, such that a real or apparent conflict of interest may arise in the performance of the member's responsibilities as a Council member or a non-Council member; or
- (i) ceases to be a member of the College.

(2) Despite clause (1) (h), a member who discloses a position referred to in that clause in accordance with section 18 and who is elected shall not be disqualified if the member resigns the position on or before the first regular meeting after the election.

(3) If the result of a disciplinary or incapacity proceeding referred to in clause (1) (g) is that the member is not found to have committed an act of professional misconduct or to be incompetent or incapacitated, the member shall be reinstated.

(4) An elected member who is disqualified from sitting on the Council or on a committee ceases to be a member of the Council or of the committee.

**PART IV  
MISCELLANEOUS**

31. (1) A meeting of any of the committees set out in subsection (2) may be held using telecommunications devices if all of those participating in the meeting can communicate with each other simultaneously and instantaneously.

(2) The committees referred to in subsection (1) are the Executive Committee, the Registration Committee, the Complaints Committee, the Discipline Committee, the Fitness to Practise Committee, the Quality Assurance Committee and the Patient Relations Committee.

(3) This section does not apply to meetings held for the purposes of conducting hearings.

COUNCIL OF THE COLLEGE OF DIETICIANS OF ONTARIO:

JUDITH PRATT-JEFFERIES  
*Chair*

YOUNG-JA CHO  
*for Vice-Chair*

Dated at Toronto on August 22, 1994.

40/94

**ONTARIO REGULATION 594/94  
made under the  
DIETETICS ACT, 1991**

Made: August 22, 1994  
Approved: September 15, 1994  
Filed: September 16, 1994

Amending O. Reg. 876/93  
(Registration)

Note: Ontario Regulation 876/93 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 3 of Ontario Regulation 876/93 is amended by adding the following paragraph:**

- 1.1 The details required under paragraph 1 must be provided within 30 days after,
- i. the finding, in the case of a finding described in subparagraph i or ii of paragraph 1, or
  - ii. the commencement of the proceeding, in the case of a proceeding described in subparagraph iii of paragraph 1.

**2. Subsection 4 (1) of the Regulation is revoked and the following substituted:**

(1) A certificate of registration may be issued to a person who does not meet the requirements set out in sections 1 and 2 if the person applies before January 1, 1995 and satisfies the requirements set out in this section.

COUNCIL OF THE COLLEGE OF DIETICIANS OF ONTARIO:

JUDITH PRATT-JEFFERIES  
*Chair*

YOUNG-JA CHO  
*for Vice-Chair*

Dated at Toronto on August 22, 1994.

40/94

**ONTARIO REGULATION 595/94  
made under the  
RESPIRATORY THERAPY ACT, 1991**

Made: August 17, 1994  
Approved: September 15, 1994  
Filed: September 16, 1994

Revoking O. Reg. 775/93  
(Election of Council Members)

**1. Ontario Regulation 775/93 is revoked.**

COUNCIL OF THE COLLEGE OF  
RESPIRATORY THERAPISTS OF ONTARIO:

MARGARET CARTER  
*Chair*

BARBARA SMITH  
*Vice-Chair*

Dated at Toronto on August 17, 1994.

40/94

**ONTARIO REGULATION 596/94  
made under the  
RESPIRATORY THERAPY ACT, 1991**

Made: August 17, 1994  
Approved: September 15, 1994  
Filed: September 16, 1994

**GENERAL**

**PART I  
ELECTION OF COUNCIL AND  
NON-COUNCIL MEMBERS**

1. In this Regulation,

“Nominating Committee” means a committee appointed or designated by the Council for the purposes of sections 20 to 22;

“non-Council member” means a member of the College who is not a member of the Council.

**ELECTORAL DISTRICTS**

2. (1) The following electoral districts are established for the purpose of the election of members to the Council and the election of

non-Council members to the pool of members available to serve on committees:

1. Electoral district 1 composed of the territorial districts of Kenora, Rainy River and Thunder Bay.
2. Electoral district 2 composed of the territorial districts of Cochrane, Timiskaming, Sudbury, Algoma, Manitoulin, Parry Sound and Nipissing and The District Municipality of Muskoka.
3. Electoral district 3 composed of the counties of Frontenac, Hastings, Lanark, Prince Edward and Renfrew and the united counties of Leeds and Grenville, Lennox and Addington, Prescott and Russell, Stormont, Dundas and Glengarry, and The Regional Municipality of Ottawa-Carleton.
4. Electoral district 4 composed of the counties of Haliburton, Victoria, Peterborough, Northumberland and Simcoe, the regional municipalities of Durham, York and Peel and The Municipality of Metropolitan Toronto.
5. Electoral district 5 composed of the regional municipalities of Halton, Hamilton-Wentworth, Niagara, Waterloo and Haldimand-Norfolk and the counties of Brant, Dufferin and Wellington.
6. Electoral district 6 composed of the counties of Grey, Bruce, Huron, Perth, Middlesex, Oxford, Elgin, Lambton, Kent and Essex.

(2) The electoral district in which a member is eligible to vote is the district in which, on the ninetieth day before the election, the member principally practises, or if the member is not engaged in the practice of respiratory therapy, in which, on that day, the member principally resides.

#### NUMBER OF MEMBERS ELECTED

3. (1) There shall be eight members of the College elected to the Council.

(2) The number of Council members to be elected in an electoral district is,

- (a) one for each of electoral districts 1, 2, 3 and 6;
- (b) two for each of electoral districts 4 and 5.

(3) Three non-Council members or any greater number that the Council determines shall be elected in an electoral district.

#### TERM OF OFFICE

4. (1) Subject to section 5, the term of office of a member elected to the Council or to the pool of non-Council members is three years.

(2) The term of office begins with the first regular Council meeting following the election and the member shall continue to serve until his or her successor takes office in accordance with this Part.

#### ELECTION DATE

5. (1) An election of Council and non-Council members shall be held in October, 1994 for each electoral district.

(2) An election of members to the Council shall be held in October, 1997 and in every third year after that for one member in each of electoral districts 1 and 2 and for two members in electoral district 5.

(3) An election of members to the Council shall be held in October, 1996 and in every third year after that for one member in each of electoral districts 3 and 6 and for two members in electoral district 4.

(4) An election of non-Council members shall be held in October, 1997 and in every third year after that for electoral districts 1, 2 and 5.

(5) An election of non-Council members shall be held in October, 1996 and in every third year after that for electoral districts 3, 4 and 6.

(6) The Council shall set the date for each election.

#### ELIGIBILITY FOR ELECTION

6. A member is eligible for election in an electoral district or for appointment under subsection 10 (3) or clause 18 (1) (b) or 19 (1) (b) if, on the date of the election or appointment,

- (a) the member holds an active General or Limited certificate of registration;
- (b) the member is engaged in the practice of respiratory therapy in the electoral district for which he or she is nominated or, if the member is not engaged in the practice of respiratory therapy, is resident in the electoral district for which he or she is nominated;
- (c) the member is not in default of payment of any prescribed fees;
- (d) the member is not the subject of any disciplinary or incapacity proceeding;
- (e) the member's certificate of registration has not been revoked or suspended in the six years before the date of the election as a result of a professional misconduct, incompetence or incapacity proceeding;
- (f) the member's certificate of registration is not subject to a term, condition or limitation arising from a professional misconduct, incompetence or incapacity proceeding;
- (g) the member is not an employee of the College and has not been an employee of the College in the year before the election; and
- (h) the member is not an elected member or officer of a professional association involving respiratory therapy or cardio-respiratory diagnostics.

#### NOTICE OF ELECTION, NOMINATIONS AND ACCLAMATIONS

7. The Registrar shall supervise the nomination of candidates.

8. (1) No later than 90 days before the date of an election, the Registrar shall notify every member who is eligible to vote of the date, time and place of the election and of the nomination procedure.

(2) A member is eligible to vote in an election if, on the day 60 days before the date of the election, the member holds an active certificate of registration.

9. (1) The nomination of a candidate for election shall be in writing and shall be given to the Registrar at least 60 days before the date of the election.

(2) The nomination shall be signed by the candidate and by at least three members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.

(3) A candidate may withdraw his or her nomination for election by written notification to the Registrar.

10. (1) This section applies with respect to the election of non-Council members.

(2) If the number of candidates nominated for an electoral district is equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

(3) If the number of candidates nominated for an electoral district is fewer than the number of members to be elected in the electoral district, the Council may do any of the following:

1. Set a new date for nominations.
2. Appoint members to all the positions to which non-Council members were to be elected.
3. Appoint members to some of the positions to which non-Council members were to be elected and set a new date for nominations for the remaining positions.

(4) If the Council sets a new date for nominations, it may set a new date for the election.

(5) If a new date for nominations is set with respect to an electoral district, the Registrar shall notify the members in the district in accordance with subsection 8 (1).

(6) Clause 6 (b) does not apply to a member appointed under subsection (3).

**11.** (1) This section applies with respect to the election of Council members.

(2) If the number of candidates nominated for an electoral district is equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

(3) If the number of candidates nominated for an electoral district is fewer than the number of members to be elected in the electoral district, the Council may do any of the following:

1. Set a new date for nominations.
2. Declare the candidates to be elected by acclamation and set a new date for nominations for the remaining positions.

(4) If the Council sets a new date for nominations, it may set a new date for the election.

(5) If a new date for nominations is set with respect to an electoral district, the Registrar shall notify the members in the district in accordance with subsection 8 (1).

#### REGISTRAR'S ELECTORAL DUTIES

**12.** (1) The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty, the Registrar may, subject to the by-laws,

- (a) appoint returning officers and scrutineers;
- (b) establish a deadline for the receiving of ballots;
- (c) establish procedures for the opening and counting of ballots;
- (d) provide for the notification of all candidates and members of the results of the election; and
- (e) provide for the destruction of ballots following an election.

(2) No later than 45 days before the date of an election, the Registrar shall send to every member eligible to vote in an electoral district in

which an election is to take place, a list of the candidates in the electoral district, a ballot and an explanation of the voting procedure as set out in the by-laws.

**13.** (1) A member may cast as many votes on a ballot as there are members to be elected from the electoral district in which the member is eligible to vote.

(2) A member shall not cast more than one vote for any one candidate.

**14.** If there is a tie, the Registrar shall break the tie, by lot.

**15.** (1) A candidate may request a recount by giving written notice to the Registrar within 10 days of notification of the results of the election.

(2) The Registrar shall hold the recount no more than 15 days after receiving the request.

**16.** Where there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of the nomination or election for such a period of time as the Registrar considers necessary to compensate for the interruption.

#### DISQUALIFICATION OF ELECTED MEMBERS

**17.** (1) The Council shall disqualify an elected member from sitting on the Council or a non-Council member from sitting on a committee if the member,

- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- (b) is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
- (c) is the subject of a discipline or incapacity proceeding;
- (d) fails, without cause, to attend two consecutive meetings of the Council or of a committee of which he or she is a member;
- (e) fails, without cause, to attend two hearings of a panel for which he or she has been selected;
- (f) ceases to either practise or reside in the electoral district for which the member was elected; or
- (g) becomes an elected member or officer of a professional association involving respiratory therapy or cardio-respiratory diagnostics.

(2) An elected member who is disqualified from sitting on the Council ceases to be a member of the Council.

#### FILLING OF VACANCIES

**18.** (1) If the seat of an elected Council member becomes vacant in an electoral district not more than 12 months before the expiry of the member's term of office, the Council may,

- (a) leave the seat vacant;
- (b) appoint, as an elected member, the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district; or
- (c) direct the Registrar to hold an election in accordance with this Part for that electoral district.

(2) If the seat of an elected Council member becomes vacant in an electoral district more than 12 months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election in accordance with this Part for that electoral district.

(3) The term of a member appointed under clause (1) (b) or elected in an election under clause (1) (c) or subsection (2) shall continue until the time the former member's term would have expired.

19. (1) If the seat of an elected non-Council member becomes vacant before the expiry of the member's term of office, the Council may,

- (a) leave the seat vacant;
- (b) appoint as an elected member,
  - (i) the candidate who had the most votes of all the unsuccessful candidates in the last election of non-Council members for that electoral district, or if none,
  - (ii) the candidate who had the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district, or if none,
  - (iii) the candidate who had the most votes of all the unsuccessful candidates in any electoral district in the last election of non-Council members, or if none,
  - (iv) the candidates who had the most votes of all the unsuccessful candidates in any electoral district in the last election of Council members; or
- (c) direct the Registrar to hold an election in accordance with this Part for that electoral district.

(2) The term of a member appointed under clause (1) (b) or elected under an election under clause (1) (c) shall continue until the time the former member's term would have expired.

## PART II NOMINATION AND APPOINTMENT OF COMMITTEE MEMBERS

20. The Nominating Committee shall provide each non-Council member and each Council member the opportunity to express his or her preferences with respect to committees and to specify the reasons for those preferences.

21. The Nominating Committee shall prepare a slate of Council members and non-Council members to sit on committees, giving due consideration to,

- (a) the preferences expressed by the members;
- (b) the number of members required;
- (c) the desirability of providing a mix of experienced and new members on committees;
- (d) the location and type of practice, experience, gender, race, ethnic origin, languages spoken and other qualifications and characteristics of the members; and
- (e) any other relevant factors.

22. (1) At the first regular meeting of the Council following the first election and annually after that,

- (a) the Nominating Committee shall recommend to the Council a slate of committee members; and
- (b) the Council shall appoint members to committees giving due consideration to the recommendations of the Nominating Committee.

(2) The non-Council members appointed by the Council under clause (1) (b) must be chosen from the pool of members elected or appointed under Part I but need not be on the slate recommended by the Nominating Committee.

## PART III ADVERTISING

23. (1) In this Part, an advertisement with respect to a member's practice includes an advertisement for gases used for medical purposes, equipment, supplies or services that includes a reference to the member's name.

(2) An advertisement with respect to a member's practice must not contain,

- (a) anything that is false or misleading;
- (b) anything that, because of its nature, cannot be verified;
- (c) a claim of expertise in any area of practice, or with respect to any procedure or treatment, unless the advertisement discloses the basis of the expertise;
- (d) an endorsement other than an endorsement by an organization that is known to have expertise relevant to the subject-matter of the endorsement;
- (e) a testimonial by a patient or client or former patient or client or by a friend or relative of a patient or client or former patient or client; or
- (f) anything that promotes or is likely to promote excessive or unnecessary use of services.

(3) An advertisement must be readily comprehensible to the persons to whom it is directed.

(4) A member must not permit his or her name to be used in an advertisement that contravenes subsection (2) or (3).

(5) A member must not advertise by initiating contact, or causing or allowing any person to initiate contact, with potential patients or clients or their personal representatives either in person or by telephone, in an attempt to solicit business.

(6) Despite subsection (5), a member may advertise by initiating contact with a potential client or a personal representative of a potential client if the potential client does not personally use or consume the gases, equipment, supplies or services that are the subject of the advertisement.

(7) A member must not appear in, or permit the use of his or her name in, an advertisement that implies, or could reasonably be interpreted to imply, that the professional expertise of the member is relevant to the subject-matter of the advertisement if it is not relevant.

COUNCIL OF THE COLLEGE OF  
RESPIRATORY THERAPISTS OF ONTARIO:

MARGARET CARTER  
*Chair*

BARBARA SMITH  
*Vice-Chair*

Dated at Toronto on August 17, 1994.

40/94

**ONTARIO REGULATION 597/94**  
made under the  
**OCCUPATIONAL HEALTH AND SAFETY ACT**

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 833 of R.R.O. 1990  
(Control of Exposure to Biological or Chemical Agents)

Note: Regulation 833 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Part 4 of the Schedule to Regulation 833 of the Revised Regulations of Ontario, 1990 is amended by striking out the following items:**

AGENT (CAS Reg. No.)	TWAEV		STEV	
	ppm	mg/m <sup>3</sup>	ppm	mg/m <sup>3</sup>
1,2-Benzenedicarboxylic acid bis(2-ethylhexyl) ester (117-81-7)	—	5	—	10
Cadmium and its compounds (as cadmium) (7440-43-9), (b)	—	0.05	—	—
Carbon tetrachloride (56-23-5) — Skin	5	31	—	—
1,1-Dichloroethene (75-35-4)	5	20	20	80
Ethylamine (75-04-7)	10	18	—	—
Fenthion (55-38-9) — Skin	—	0.2	—	—
2-Heptanone (110-43-0)	50	233	—	—
2-Hexanone (591-78-6)	5	20	—	—
4,4'-Methylenebis- (2-chloroaniline) (101-14-4) — Skin	0.02	0.22	—	—
1-Methyl-2,4,6-trinitrobenzene (118-96-7) — Skin	—	0.5	—	—
Parathion (56-38-2) — Skin	—	0.1	—	—
Selenium hexafluoride (as selenium) (7783-79-1)	0.05	0.16	—	—
Tellurium hexafluoride (as tellurium) (7783-80-4)	0.02	0.20	—	—

**(2) Part 4 of the Schedule to the Regulation is amended by adding the following items:**



AGENT (CAS Reg. No.)	TWAEV		STEV	
	ppm	mg/m <sup>3</sup>	ppm	mg/m <sup>3</sup>
1,2-Benzenedicarboxylic acid bis(2-ethylhexyl) ester (117-81-7)	—	3	—	5
Cadmium and its compounds (as cadmium) (7440-43-9), (b)	—	0.02	—	—
Carbon tetrachloride (56-23-5) — Skin	2	13	3	19
1,1-Dichloroethene (75-35-4)	1	4	20	80
Ethylamine (75-04-7)	5	9	—	—
Fenthion (55-38-9) — Skin	—	0.1	—	—
2-Heptanone (110-43-0)	25	115	—	—
2-Hexanone (591-78-6)	1	4	—	—
4,4'-Methylenebis- (2-chloroaniline) (101-14-4) — Skin	0.0005	0.005	—	—
1-Methyl-2,4,6-trinitrobenzene (118-96-7) — Skin	0.01	0.1	0.02	0.2
Parathion (56-38-2) — Skin	—	0.05	—	—
Selenium hexafluoride (as selenium) (7783-79-1)	0.025	0.1	—	—
Tellurium hexafluoride (as tellurium) (7783-80-4)	0.01	0.1	—	—

2. (1) Part 7 of the Schedule to the Regulation is amended by striking out the following items:

AGENT (CAS Reg. No.)	TWAEV mg/m <sup>3</sup>
Diatomaceous earth, uncalcined (total dust) (68855-54-9)	10
Graphite, synthetic (total dust) (a)	10
Precipitated silica (total dust)	10
Silica gel (total dust)	10
Tantalum, metal and oxide (total dust) (7440-25-7), (b)	10

(2) Part 7 of the Schedule to the Regulation is amended by adding the following items:

AGENT (CAS Reg. No.)	TWAEV mg/m <sup>3</sup>
Diatomaceous earth, uncalcined (total dust) (68855-54-9)	4
Graphite, synthetic (total dust) (a)	5
Precipitated silica (total dust)	4
Silica gel (total dust)	4
Tantalum, metal and oxide (total dust) (7440-25-7), (b)	5

3. This Regulation comes into force on October 31, 1994.

40/94

**ONTARIO REGULATION 598/94**  
made under the  
**OCCUPATIONAL HEALTH AND SAFETY ACT**

Made: September 15, 1994  
Filed: September 16, 1994

Amending Reg. 837 of R.R.O. 1990  
(Designated Substance—Asbestos)

Note: Regulation 837 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Clauses 4 (1) (a) and (b) of Regulation 837 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

- (a) in the case of amosite, 0.1 fibres per cubic centimetre of air;
- (b) in the case of crocidolite, 0.1 fibres per cubic centimetre of air; and

**2. This Regulation comes into force on October 31, 1994.**

40/94

**RÈGLEMENT DE L'ONTARIO 598/94**  
pris en application de la  
**LOI SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL**

pris le 15 septembre 1994  
déposé le 16 septembre 1994

modifiant le Règl. 837 des R.R.O. de 1990  
(Substance désignée—Amiante)

Remarque : Le Règlement 837 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. Les alinéas 4 (1) a) et b) du Règlement 837 des Règlements refondus de l'Ontario de 1990 sont abrogés et remplacés par ce qui suit :**

- a) 0,1 fibre par centimètre cube d'air, dans le cas de l'amosite;
- b) 0,1 fibre par centimètre cube d'air, dans le cas de la crocidolite;

**2. Le présent règlement entre en vigueur le 31 octobre 1994.**

## Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—10—08

### ONTARIO REGULATION 599/94 made under the COURTS OF JUSTICE ACT

Made: September 15, 1994  
Filed: September 19, 1994

Amending Reg. 190 of R.R.O. 1990  
(Money Paid Into Court)

Note: Regulation 190 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 2 (4) of Regulation 190 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

- (4) Money paid or transferred to the Accountant shall bear interest,
- (a) in the case of money held for a minor, at the rate of 7 per cent per year compounded semi-annually;
- (b) in the case of all other money, at the rate of 5 per cent per year compounded semi-annually.

**2. This Regulation comes into force on October 1, 1994.**

41/94

### ONTARIO REGULATION 600/94 made under the GASOLINE TAX ACT

Made: September 15, 1994  
Filed: September 19, 1994

Amending Reg. 533 of R.R.O. 1990  
(General)

Note: Regulation 533 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Regulation 533 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**

11. For the purposes of clause (d) of the definition of "gasoline" in section 1 of the Act, "natural gas" means any product commonly known as natural gas that conforms to the composition of natural gas for vehicles described in National Standard of Canada CAN/CGSB-3.513-M published by the Canadian General Standards Board.

41/94

### ONTARIO REGULATION 601/94 made under the MINING ACT

Made: August 17, 1994  
Filed: September 20, 1994

Amending O. Reg. 382/93  
(Fees)

Note: There are no prior amendments to Ontario Regulation 382/93.

**1. Section 1 of Ontario Regulation 382/93 is amended by striking out,**

- (a) "10.20" in paragraph 11 and substituting "13.50";
- (b) "51.00" in paragraph 12 and substituting "75.00";
- (c) "51.00" in paragraph 13 and substituting "65.00";
- (d) "51.00" in paragraph 14 and substituting "75.00";
- (e) "11.50" in paragraph 26 and substituting "13.00".

41/94

### RÈGLEMENT DE L'ONTARIO 601/94 pris en application de la LOI SUR LES MINES

pris le 17 août 1994  
déposé le 20 septembre 1994

modifiant le Règl. de l'Ont. 382/93  
(Droits)

Remarque : Aucune modification antérieure n'a été apportée au Règlement de l'Ontario 382/93.

**1. L'article 1 du Règlement de l'Ontario 382/93 est modifié par substitution à :**

- a) «10,20» à la disposition 11, de «13,50»;
- b) «51,00» à la disposition 12, de «75,00»;
- c) «51,00» à la disposition 13, de «65,00»;
- d) «51,00» à la disposition 14, de «75,00»;
- e) «11,50» à la disposition 26, de «13,00».

**ONTARIO REGULATION 602/94**  
made under the  
**GENERAL WELFARE ASSISTANCE ACT**

Made: September 15, 1994  
Filed: September 20, 1994

Amending Reg. 537 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 537 has been amended by Ontario Regulations 197/94, 319/94 and 421/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Clause (e) of the definition of "liquid assets" in subsection 1 (1) of Regulation 537 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

- (e) a payment received under any of the following agreements,
- (i) the agreement known as the Helpline Reconciliation Model Agreement to which the Province of Ontario is a party,
  - (ii) the agreement known as the Multi-Provincial/Territorial Assistance Program Agreement to which the Province of Ontario is a party,
  - (iii) the agreement known as the Grandview Agreement to which the Province of Ontario is a party;

**2. Paragraph 48 of subsection 15 (2) of the Regulation is revoked and the following substituted:**

48. A payment received under any of the following agreements,
- i. the agreement known as the Helpline Reconciliation Model Agreement to which the Province of Ontario is a party,
  - ii. the agreement known as the Multi-Provincial/Territorial Assistance Program Agreement to which the Province of Ontario is a party,
  - iii. the agreement known as the Grandview Agreement to which the Province of Ontario is a party.

41/94

**ONTARIO REGULATION 603/94**  
made under the  
**FAMILY BENEFITS ACT**

Made: September 15, 1994  
Filed: September 20, 1994

Amending Reg. 366 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 366 has been amended by Ontario Regulations 16/94, 196/94, 318/94 and 419/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Clause (j) of the definition of "liquid assets" in subsection 1 (1) of Regulation 366 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

- (j) a payment received under any of the following agreements,

- (i) the agreement known as the Helpline Reconciliation Model Agreement to which the Province of Ontario is a party,
- (ii) the agreement known as the Multi-Provincial/Territorial Assistance Program Agreement to which the Province of Ontario is a party,
- (iii) the agreement known as the Grandview Agreement to which the Province of Ontario is a party;

**2. Paragraph 50 of subsection 13 (2) of the Regulation is revoked and the following substituted:**

50. A payment received under any of the following agreements,
- i. the agreement known as the Helpline Reconciliation Model Agreement to which the Province of Ontario is a party,
  - ii. the agreement known as the Multi-Provincial/Territorial Assistance Program Agreement to which the Province of Ontario is a party,
  - iii. the agreement known as the Grandview Agreement to which the Province of Ontario is a party.

**3. Schedule F to the Regulation is amended by striking out note 3 and substituting the following:**

3. Applicant or recipient and spouse, both of whom are blind, disabled or persons described in subsection 2 (5) or (6).

41/94

**ONTARIO REGULATION 604/94**  
made under the  
**ONTARIO UNCONDITIONAL GRANTS ACT**

Made: September 15, 1994  
Filed: September 21, 1994

Amending O. Reg. 514/94  
(General)

Note: Since it was made, Ontario Regulation 514/94 has not been amended.

**1. Section 10 of Ontario Regulation 514/94 is revoked and the following substituted:**

**10. (1)** In this section, "social contract adjustments" means adjustments made under subsections 2.1 and 2.4 of the Municipal Sectoral Framework designated under Part IV of the *Social Contract Act, 1993*.

(2) A revenue guarantee grant is payable for 1994 under section 11 of the Act to any upper or lower tier municipality if the grant entitlement of the municipality is less than the 1993 grants entitlement of the municipality adjusted for the social contract reduction and the social contract adjustments.

(3) The amount of the revenue guarantee grant is the amount obtained by subtracting the sum of the grants entitlement of the municipality and the social contract reduction from the sum of the 1993 grants entitlement of the municipality and social contract adjustments.

41/94

**ONTARIO REGULATION 605/94**  
made under the  
**MUNICIPAL BOUNDARY NEGOTIATIONS ACT**

Made: September 15, 1994  
Filed: September 21, 1994

Amending O. Reg. 601/92  
(City of Chatham, Township of Chatham Boundary)

Note: There are no prior amendments to Ontario Regulation 601/92.

**I. Paragraph 1 of Schedule A to Ontario Regulation 601/92 is revoked and the following substituted:**

1. Beginning at the intersection of the northeasterly boundary of the City of Chatham and the centre line of King's Highway Number 2;

Thence northeasterly along the centre line of said King's Highway Number 2 to the northeasterly limit of Lot 4 in Concession 1;

Thence northwesterly along the northeasterly limit of Lot 4, and the northwesterly prolongation thereof to the centre line of the road allowance between concessions 1 and 2;

Thence southwesterly along the centre line of the said road allowance to the northeasterly boundary of the City of Chatham;

Thence southeasterly following the boundaries between the City of Chatham and the Township of Chatham to the place of beginning.

41/94

**ONTARIO REGULATION 606/94**  
made under the  
**MUNICIPAL BOUNDARY NEGOTIATIONS ACT**

Made: August 17, 1994  
Filed: September 22, 1994

Amending O. Reg. 391/93  
(Township of Aldborough, Village of Rodney Boundary)

Note: There are no prior amendments to Ontario Regulation 391/93.

**1. Ontario Regulation 391/93 is amended by adding the following section:**

**10.1** (1) In each year from 1994 to 1996, inclusive, the rate of taxation of the Township for general purposes that, but for this Order, would have applied to all real property and business assessments in the former municipality of the Village of Rodney shall be decreased by the product obtained by multiplying those rates by the corresponding factor listed below:

1994	0.1872
1995	0.1260
1996	0.0648

(2) In each year, the amount of the reduction in the tax levies of the Township, occurring as a result of the adjustments under subsection (1), shall be charged to the general funds of the Township and shall be recovered by increasing the rates of taxation for general purposes that, but for this Order, would have applied to all real property and business assessments in the area of the former municipality of the Township of Aldborough.

41/94

**ONTARIO REGULATION 607/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: August 19, 1994  
Filed: September 23, 1994

Amending Reg. 387 of R.R.O. 1990  
(Apples — Marketing)

Note: Regulation 387 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 12 (1) of Regulation 387 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) Every producer shall pay licence fees at the following rate per year per acre of apple trees in respect of which the producer is a producer in the district:

Districts 1, 2, 3 or 4	\$42.00
District 5	\$40.56
District 6	\$37.68
District 7, 8 or 9	\$40.05

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

JAMES WHEELER  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated on August 19, 1994.

41/94

## CORRECTIONS

1. **Ontario Regulation 522/94 under the *Rent Control Act, 1992* published in the August 20, 1994 issue of *The Ontario Gazette*.**

Subsection 1 (2), as set out in Ontario Regulation 522/94, should have read as follows:

(2) The following services are included in the definition of "care services" if they are provided along with any service set out in subsection (1):

1. Recreational or social activities.
2. Administration and supervision of medication prescribed by a medical doctor.
3. Assistance with transportation.

2. **Ontario Regulation 523/94 under the *Rent Control Act, 1992* published in the August 20, 1994 issue of *The Ontario Gazette*.**

Part 2 of Form 20, as set out in Ontario Regulation 523/94, should have read as follows:

**Part 2: List of Rents as of "Initial Rent Date"**  
 See instructions for important information about how to complete this part.  
 Use a separate sheet for each building in the complex. Please list units in order, beginning with the lowest number.

Property Assessment Roll Number

Date Received

Street Address of Building

Postal Code

Is this building known by any other address: If yes, give address

Street Address of Building

Postal Code

Unit		Basic Rent Charged** (Not Including Separate Charges)					Services Included In Basic Rent					Separate Charges Paid to Landlord					Total Charges	Status		
Unit No.	No. of Bed-rooms	No. of occupants	Initial Rent Date Dy/Mo/Yr	Basic Rent Charged (not incl. separate charges) Dy/Mo/Yr	Effective Rent Date Dy/Mo/Yr	Freq. of Rent	Services in Unit Paid by Landlord			Parking (no. of spaces)	Indoor Parking (no. of spaces)	Outdoor Parking (no. of spaces)	Other Separate Charges Description	Allocated to Separate Charges + Meals + Care (#)	21	22				
							Heat	Water	Hydro (Cable)											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	

If any of the units listed above is rented by a superintendent, an employee of the landlord involved in the management of the complex, or a member of the landlord's family, use the space below to give additional information. (See instructions for information about how to complete this part).

Maximum Basic Rent Charged on Initial Rent Date																				
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

\*\*Basic Rent Charged: This is the amount of rent charged on the "Initial Rent Date" that is allocated to the accommodation portion of the total charges for rent exclusive of care services and meals. This amount does not include charges for care services and meals.

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—10—15

## ONTARIO REGULATION 608/94 made under the CAPITAL INVESTMENT PLAN ACT, 1993

Made: May 25, 1994  
Approved: September 15, 1994  
Filed: September 27, 1994

### TOLL HIGHWAY DESIGNATIONS

1. The part of the King's Highway designated as controlled-access Highway 407 is hereby designated as a toll highway.

ONTARIO TRANSPORTATION CAPITAL CORPORATION:

GEORGE DAVIES  
*Chair*

ANNE MARIE GUTIERREZ  
*Secretary*

Dated at Toronto on May 25, 1994.

42/94

## ONTARIO REGULATION 609/94 made under the LOCAL ROADS BOARDS ACT

Made: September 9, 1994  
Filed: September 28, 1994

Amending Reg. 734 of R.R.O. 1990  
(Establishment of Local Roads Areas —  
Northern and Eastern Regions)

Note: Since January 1, 1994, Regulation 734 has been amended by Ontario Regulation 29/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Schedules 4, 7, 15 and 46 to Regulation 734 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

### Schedule 4

#### CRERAR, GIBBONS AND BASTEDO LOCAL ROADS AREA

All those portions of the townships of Crerar, Gibbons and Bastedo in the Territorial District of Nipissing and those portions of the Township of Henry in the Territorial District of Sudbury shown outlined on Ministry of Transportation Plan N-270A-13 filed with the Customer Service Branch of the Ministry of Transportation at Toronto on July 25, 1994.

.....

### Schedule 7

#### DILL-SECORD LOCAL ROADS AREA

All those portions of the townships of Dill, Secord and Tilton in the Territorial District of Sudbury shown outlined on Ministry of Transportation Plan N-1260-5 filed with the Customer Service Branch of the Ministry of Transportation at Toronto on July 25, 1994.

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### Schedule 15

#### BURWASH-HENDRIE LOCAL ROADS AREA

All those portions of the townships of Burwash, Hendrie, Secord, Cleland and Dill in the Territorial District of Sudbury shown outlined on Ministry of Transportation Plan N-752-8 filed with the Customer Service Branch of the Ministry of Transportation at Toronto on July 25, 1994.

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### Schedule 46

#### BIGWOOD, DELAMERE, HOSKIN LOCAL ROADS AREA

All those portions of the townships of Bigwood, Delamere, Hoskin and Cherriman in the Territorial District of Sudbury shown outlined on Ministry of Transportation Plan N-779-17 filed with the Customer Service Branch of the Ministry of Transportation at Toronto on July 25, 1994.

GILLES POULIOT  
*Minister of Transportation*

Dated at Toronto on September 9, 1994.

42/94

## ONTARIO REGULATION 610/94 made under the PLANNING ACT

Made: September 19, 1994  
Filed: September 28, 1994

Amending O. Reg. 834/81  
(Restricted Areas — Territorial District of Sudbury)

Note: Since January 1, 1994, Ontario Regulation 834/81 has been amended by Ontario Regulations 13/94, 14/94, 167/94, 289/94, 290/94, 311/94, 345/94, 456/94 and 578/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993

1. (1) Sections 30 and 98 of Schedule 1 to Ontario Regulation 834/81 are revoked.

(2) Schedule 1 to the Regulation is amended by adding the following section:

141. (1) Despite section 4 of this Order, the lands described in subsection (4) are, for the purposes of this Order, lands in a General Commercial zone to which Part V applies.

(2) Despite section 32 of this Order, every use of land and every erection, location or use of buildings or structures on the land described in subsection (4) is prohibited except,

- (a) one woodworking manufacturing workshop; and
- (b) other uses, buildings and structures accessory to the above-noted use, which may include the following:

1. One commercial showroom.
2. Two warehouses.
3. One dwelling unit.

(3) Despite all other provisions of this Order, the total maximum floor area permitted for all of the buildings on the lands described in subsection (4) is 2,000 square metres.

(4) Subsections (1), (2) and (3) apply to the lands in the Township of Dill in the District of Sudbury, being part of Lot 6 in Concession III, more particularly described as,

- (a) part of Parcel 45367 S.E.S. being location GH109, further designated as Part 1 on Plan SR 2557;
- (b) part of Parcel 45367 S.E.S. being location CL 5593, further designated as Part 1 on Plan 53R 12162; and
- (c) location CL 8691, designated as Part 1 on Plan 53R 14916.

BRYAN HILL  
*Director*  
*Plans Administration Branch*  
*North and East*  
*Ministry of Municipal Affairs*

Dated at Toronto on September 19, 1994.

42/94

**ONTARIO REGULATION 611/94**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: September 16, 1994  
Filed: September 30, 1994

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1994, Regulation 619 has been amended by Ontario Regulations 25/94, 75/94, 293/94, 449/94 and 564/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Paragraph 4 of Part 1 of Schedule 13 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

District of  
Nipissing —  
  
City of North Bay  
  
District of Parry  
Sound —  
  
Twp. of  
Himsworth South

4. That part of the King's Highway known as No. 11 lying between a point situate 1475 metres measured southerly from its intersection with the centre line of the roadway known as Seymour Street in the City of North Bay in the Territorial District of Nipissing and a point situate 360 metres measured southerly from its intersection with the centre line of the roadway known as English Line in the Township of Himsworth South in the Territorial District of Parry Sound.

(2) Paragraph 27 of Part 2 of Schedule 13 to the Regulation is revoked and the following substituted:

District of Parry  
Sound —  
  
Town of Trout  
Creek  
  
Twp. of  
Himsworth South

27. That part of the King's Highway known as No. 11 in the Territorial District of Parry Sound lying between a point situate 60 metres measured northerly from its intersection with the northerly limit of the southerly junction of the roadway known as Sweeney Street in the Town of Trout Creek and a point situate 360 metres measured southerly from its intersection with the centre line of the roadway known as English Line in the Township of Himsworth South.

2. (1) Paragraphs 1, 2, 3 and 11 of Part 3 of Schedule 25 to the Regulation are revoked and the following substituted:

Oxford —  
  
Twp. of South-  
West Oxford

1. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford lying between a point situate 426 metres measured southerly from its intersection with the centre line of the roadway known as County Road No. 18 (Fourth Street) and a point situate 320 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 19.

Oxford —  
  
Twp. of South-  
West Oxford

2. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford lying between a point situate 240 metres measured southerly from its intersection with the centre line of the roadway known as County Road No. 46 and a point situate 312 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 18 (Fourth Street).

Oxford —  
  
Twp. of South-  
West Oxford

3. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford lying between a point situate 280 metres measured southerly from its intersection with the centre line of the roadway known as Harris Street in the Town of Ingersoll and a point situate 120 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 46.



(2) Part 3 of Schedule 25 to the Regulation is amended by adding the following paragraphs:

- Oxford —  
Twp. of South-West Oxford  
Town of Tillsonburg
- 13. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford lying between a point situate 610 metres measured southerly from its intersection of the roadway known as County Road No. 19 and a point situate 420 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 20 (North Street) in the Town of Tillsonburg.
- Oxford —  
Twp. of Zorra  
Town of Ingersoll
- 14. That part of the King's Highway known as No. 19 in the Township of Zorra in the County of Oxford lying between a point situate 118 metres measured southerly from its intersection with the southerly limit of the easterly junction of the King's Highway known as No. 2 and a point situate 270 metres measured northerly from its intersection with the centre line of the roadway known as Ingersoll Street North in the Town of Ingersoll.

(3) Paragraph 1 of Part 4 of Schedule 25 to the Regulation is revoked.

(4) Paragraphs 3, 4 and 8 of Part 5 of Schedule 25 to the Regulation are revoked and the following substituted:

- Oxford —  
Town of Tillsonburg
- 3. That part of the King's Highway known as No. 19 in the Town of Tillsonburg in the County of Oxford lying between a point situate 420 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 20 (North Street) and a point situate 30 metres measured southerly from its intersection with the south rail of the Conrail Railway crossing.
- Oxford —  
Twp. of South-West Oxford
- 4. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford beginning at a point situate 312 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 18 (Fourth Street) and extending southerly for a distance of 738 metres.
- Oxford —  
Twp. of South-West Oxford
- 8. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford beginning at a point situate 120 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 46 and extending southerly for a distance of 360 metres.

(5) Part 5 of Schedule 25 to the Regulation is amended by adding the following paragraph:

- Oxford —  
Twp. of South-West Oxford
- 13. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford beginning at a point situate 320 metres measured northerly from its intersection with the centre line of the roadway known as County Road No. 19 and extending southerly for a distance of 930 metres.

(6) Paragraph 2 of Part 6 of Schedule 25 to the Regulation is revoked and the following substituted:

- Oxford —  
Twp. of South-West Oxford  
Town of Ingersoll
- 2. That part of the King's Highway known as No. 19 in the Township of South-West Oxford in the County of Oxford beginning at a point situate 128 metres measured southerly from its intersection with the centre line of the roadway known as Harris Street in the Town of Ingersoll and extending southerly for a distance of 152 metres.

(7) Part 6 of Schedule 25 to the Regulation is amended by adding the following paragraph:

- Oxford —  
Town of Tillsonburg
- 4. That part of the King's Highway known as No. 19 in the Town of Tillsonburg in the County of Oxford lying between a point situate 30 metres measured southerly from its intersection with the south rail of the Conrail Railway crossing and a point situate 15 metres measured northerly from its intersection with the centre line of the roadway known as Concession Street.

3. Part 5 of Schedule 39 to the Regulation is amended by adding the following paragraph:

- Stormont, Dundas and Glengarry —  
Twps. of Lancaster and Charlottenburgh
- 4. That part of the King's Highway known as No. 34 in the townships of Lancaster and Charlottenburgh in the United Counties of Stormont, Dundas and Glengarry lying between a point situate at its intersection with the roadway known as Third Street and a point situate 30 metres measured southerly from its intersection with the boundary line between concessions 7 and 8.

GILLES POULIOT  
Minister of Transportation

Dated at Toronto on September 16, 1994.

42/94



## Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—10—22

### ONTARIO REGULATION 612/94 made under the POWER CORPORATION ACT

Made: July 11, 1994  
Approved: September 15, 1994  
Filed: October 3, 1994

#### ELECTRICAL SAFETY CODE

1. The code issued by the Canadian Standards Association entitled "Canadian Electrical Code Part I C22.1-1994", as amended by the document entitled "Ontario Amendments to the Canadian Electrical Code Part I C22.1-1994", dated May 30, 1994 and issued by Ontario Hydro, are together adopted as the Electrical Safety Code.

2. Every act or omission in connection with the generation, transformation, transmission, distribution, delivery or use of power in Ontario must be done or made in compliance with the Electrical Safety Code.

3. Ontario Hydro shall ensure that an adequate supply of copies of the Electrical Safety Code is made available to the public.

4. Ontario Regulations 10/91, 84/92, 499/93 and 169/94 are revoked.

5. This Regulation comes into force on December 5, 1994.

6. Despite the revocation of Ontario Regulation 10/91, an electrical installation or work on an electrical installation or any part of it may be continued to be carried out under that Regulation on or after December 5, 1994 if,

- (a) an application for inspection is made before January 14, 1995; and
- (b) notice is given to the inspection department before January 14, 1995 that the applicant is carrying out the electrical installation or work under that Regulation.

ONTARIO HYDRO:

M. S. STRONG  
Chair

L. E. LEONOFF  
Secretary

Dated at Toronto on July 11, 1994.

### ONTARIO REGULATION 613/94 made under the TOBACCO CONTROL ACT, 1994

Made: October 7, 1994  
Filed: October 7, 1994

#### GENERAL

##### SALE OF TOBACCO

1. The following forms of identification are prescribed for the purposes of subsection 3 (3) of the Act:

- 1. A driver's licence issued by the Province of Ontario with a photograph of the person to whom the licence is issued.
- 2. A Canadian passport.
- 3. A Canadian citizenship card with a photograph of the person to whom the card is issued.
- 4. A Canadian Armed Forces identification card.
- 5. A photo card issued by the Liquor Licence Board of Ontario.

2. (1) For the purposes of paragraph 3 of subsection 4 (2) of the Act, the sale of tobacco is authorized in a part of a psychiatric facility that is,

- (a) a canteen that services the patients of the facility; or
- (b) a mobile cart or premises from which goods are sold in the in-patient areas of the facility.

(2) For the purposes of paragraph 10 of subsection 4 (2) of the Act, premises licensed under the *Independent Health Facilities Act* are places that belong to a prescribed class.

##### PACKAGING REQUIREMENTS

3. (1) A package of tobacco shall contain the health warnings required under sections 11 to 15 of the *Tobacco Products Control Regulation*, SOR/89-21, made under the *Tobacco Products Control Act* (Canada) and shall set out the health warnings in the manner required under sections 11 to 15 of that Regulation.

(2) A package of tobacco shall list the toxic constituents of the tobacco contained in the package in accordance with sections 11 to 15 of the *Tobacco Products Control Regulation*, SOR/89-21, made under the *Tobacco Products Control Act* (Canada).

##### REPORTS FROM WHOLESALERS AND DISTRIBUTERS

4. (1) A report submitted to the Minister of Health under section 8 of the Act shall be in a form provided by the Ministry of Health.

(2) The first report shall be submitted no later than April 1, 1995 and quarterly thereafter.

## TOBACCO SMOKING

5. (1) For the purposes of paragraph 9 of subsection 9 (1) of the Act, "video or amusement arcade" means premises to which the public has access and which contains five or more electrical or mechanical machines or devices that may be used for playing games solely for the entertainment or amusement of the players but does not include a casino within the meaning of the *Gaming Control Act, 1992*.

(2) For the purposes of paragraph 10 of subsection 9 (1) of the Act, the common areas of an enclosed shopping mall are those areas of the mall that are open to the public and that are not part of a particular retail establishment or other business within the mall.

(3) For the purposes of paragraph 14 of subsection 9 (1) of the Act, premises licensed under the *Independent Health Facilities Act* are a prescribed class of place.

## SMOKING AREAS

6. (1) A person who owns, occupies, operates or maintains a place referred to in subsection (3), (5) or (6) may set aside an area for smoking in that place if,

- (a) the smoking area is enclosed and separated from the rest of the place;
- (b) the person posts signs identifying the smoking area in accordance with sections 15 and 16; and
- (c) the applicable criteria set out in subsection (3), (5) or (6) are met.

(2) In addition to meeting the criteria set out in subsection (1), a person referred to in that section shall only set aside an area for smoking if it is equipped with an exhaust vent that meets a minimum ventilation rate of 30 litres per second per person and that leads to the exterior of the building.

(3) For the purpose of clause (1) (c), a hospital or facility included in Schedule 1, other than a hospital that is a children's hospital, shall meet the following criteria:

1. There must be no more than one area in the hospital or facility in which smoking is permitted.
2. The smoking area must be set aside specifically for the purpose of smoking.
3. The smoking area must be available to in-patients.

(4) In subsection (3), "children's hospital" means,

- (a) the Children's Hospital of Eastern Ontario located in the City of Ottawa;
- (b) the Hospital for Sick Children located in The Municipality of Metropolitan Toronto;
- (c) the Children's Hospital of Western Ontario located in the City of London;
- (d) the Hugh MacMillan Medical Centre located in The Municipality of Metropolitan Toronto; and
- (e) a hospital under the *Public Hospitals Act* that is listed under the heading "Group K Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990.

(5) For the purposes of clause (1) (c), a hospital or facility included in Schedule 2 shall meet one of the following criteria:

1. Any smoking area in the hospital or facility must be set aside specifically for the purpose of smoking.
2. If a smoking area in the hospital or facility is set aside for the purpose of smoking and for the purpose of carrying on another activity, there must be another area in the hospital or facility that is equal to, or greater than, the smoking area in size and in which smoking is not permitted and the other activity may be carried on.

(6) For the purposes of clause (1) (c), a home as defined under the *Homes for the Aged and Rest Homes Act*, a home as defined in the *Nursing Homes Act* and an approved charitable home for the aged as defined in the *Charitable Institutions Act* shall meet the following criteria:

1. There must be no more than one area in the home in which smoking is permitted.
2. The smoking area must be,
  - i. set aside specifically for the purpose of smoking, or
  - ii. set aside for the purpose of smoking and for the purpose of carrying on another activity, if there is another area in the home that is equal to, or greater than, the smoking area in size and in which smoking is not permitted and the other activity may be carried on.

7. A person who owns, occupies, operates or maintains a place referred to in paragraph 1 of subsection 9 (1) of the Act, other than a place referred to in section 8 or 9, may set aside as a smoking area any outdoor area that is a part of the place if the smoking area does not include the nine metre radius surrounding any entrance to the place.

8. A person who owns, occupies, operates or maintains a home for special care as defined under the *Homes for Special Care Act* may set aside areas for smoking if the home is not a nursing home referred to in subsection 6 (6).

9. A person who owns, occupies, operates or maintains an approved charitable institution as defined in the *Charitable Institutions Act* may set aside areas for smoking if the charitable institution is not an approved charitable home for the aged referred to in subsection 6 (6).

10. A person who owns, occupies, operates or maintains a place designated under paragraph 4 or 5 of subsection 9 (1) of the Act may set aside an area for smoking in that place if the person posts signs identifying the smoking area in accordance with sections 15 and 16 and,

- (a) the smoking area consists of the whole of, or part of, a premise that is,
  - (i) a residence,
  - (ii) a restaurant or cafeteria, or
  - (iii) premises to which a licence under the *Liquor Licence Act* applies; or
- (b) the smoking area consists of the whole of, or part of, premises to which a special occasion permit under the *Liquor Licence Act* applies and the area is only set aside for smoking for the duration of the special occasion permit.

11. A person who owns, occupies, operates or maintains the common areas of an enclosed shopping mall, may set aside an area for smoking in the common areas if,

- (a) in the case of a mall that has one or more food courts,
- (i) no more than one smoking area is set aside in each food court,
  - (ii) each smoking area is a separate part of the food court, and
  - (iii) no more than 50 per cent of the seats in the food court are included in the smoking area;
- (b) in the case of a mall with no food court,
- (i) no more than one smoking area is set aside in the mall's common areas,
  - (ii) the smoking area is a maximum of 28 square metres, and
  - (iii) the smoking area is not spread out throughout the mall corridors; and
- (c) the person posts signs identifying the smoking areas in accordance with sections 15 and 16.

## SIGNS

12. (1) A person who sells or offers to sell tobacco at retail shall post signs that refer to the prohibition against selling or supplying tobacco to a person who is less than 19 years old in the locations specified in subsection (2).

(2) The sign shall be posted in a conspicuous manner at the following locations in a place in which tobacco is sold or supplied:

1. Any location at which the tobacco is sold or supplied.
2. Any location at which the tobacco is displayed but not sold or supplied.

(3) The sign shall be in a form that complies with the description in Schedule 3.

(4) The sign may be in English or in French.

(5) A sign that is in English shall read as follows:

"Under 19? Forget it. It's against the law to sell tobacco to anyone under 19 years of age. Smoking is a danger to your health."

(6) A sign that is in French shall read as follows:

"Moins de 19 ans? Pas question. Il est illégal de vendre du tabac aux moins de 19 ans. Fumer nuit à votre santé."

13. (1) A person who sells or offers to sell tobacco at retail shall post signs that inform the person to whom the tobacco is being sold or supplied of the forms of identification that may be produced under subsection 3 (3) of the Act.

(2) The person referred to in subsection (1) shall ensure that two signs referred to in that subsection shall be posted at each location at which tobacco is sold or supplied. One sign shall be facing the person who sells or supplies the tobacco; the other shall be facing the person to whom the tobacco is sold or supplied.

(3) The sign shall be in a form that complies with the description in Schedule 4.

(4) The sign may be in English or in French.

(5) A sign that is in English shall read as follows:

"19? Prove it. Where age is in question the law says we must ask for I.D. when you ask for tobacco. Acceptable I.D.: Ontario driver's licence, Cdn. passport, Cdn. citizenship card, LLBO photo card, Cdn. Armed Forces I.D. card."

(6) A sign that is in French shall read as follows:

"19 ans? Prouve-le. S'il y a doute sur ton âge, la loi nous oblige à te demander une pièce d'identité si tu veux du tabac. Pièces d'identité acceptées : permis de conduire de l'Ontario, passeport canadien, carte de citoyenneté canadienne, carte photo de la C.P.A.O., carte d'identité des Forces armées canadiennes."

14. (1) A person who owns, occupies, operates or maintains a place referred to in subsection 9 (1) of the Act shall post a sign that complies with this section if,

(a) no smoking area has been set aside in the place; and

(b) there are no private areas in which smoking is permitted under subsection 9 (3) of the Act.

(2) A sign under this section shall be in a form that complies with the description in Schedule 5.

(3) The sign shall be posted in a conspicuous manner at each entrance to the place.

15. (1) A person who owns, occupies, operates or maintains a place referred to in sections 6, 10 and 11 and who has set aside a smoking area within that place shall post signs in accordance with this section.

(2) The person referred to in subsection (1) shall post signs indicating that there are smoking areas in the place in a conspicuous manner at each entrance to the place.

(3) The sign referred to in subsection (2) shall be in a form that complies with the description in Schedule 6.

(4) The sign referred to in subsection (2) may be in English or in French.

(5) A sign referred to in subsection (2) that is in English shall read as follows:

"No smoking except in designated areas."

(6) A sign referred to in subsection (2) that is in French shall read as follows:

"Défense de fumer sauf dans les endroits autorisés."

16. (1) A person who owns, occupies, operates or maintains a place referred to in section 6, 10 or 11 and who has set aside smoking areas within that place shall post a sign in a conspicuous manner in every designated smoking area indicating that smoking is permitted.

(2) The sign referred to in subsection (1) shall be posted on the wall at a height of 1.8 metres from the floor.

(3) The sign referred to in subsection (1) shall be in a form that complies with the description in Schedule 7.

(4) The sign referred to in subsection (1) may be in English or in French.

(5) The sign referred to in subsection (1) that is in English shall contain the following message:

"You may smoke here."

(6) The sign referred to in subsection (1) that is in French shall contain the following message:

"Vous pouvez fumer ici."

17. (1) A person who owns, occupies, operates or maintains a place referred to in subsection 9 (3) of the Act in which smoking is prohibited only in parts of the place that are open to the public shall post signs in accordance with this section.

(2) The sign shall indicate that there is no smoking in the place in which it appears.

(3) The sign shall be in a form that complies with the description in Schedule 5.

(4) The sign shall be posted in a conspicuous manner and shall not be obstructed from view.

18. If, before the day this Regulation comes into force, a person described in section 14, 15, 16 or 17 has posted signs in accordance with an applicable municipal by-law, the person is not required to post signs in accordance with this Regulation until such time as the municipal signs are replaced.

19. (1) Any person who is convicted of a tobacco sales offence under section 15 of the Act and who is subject to a prohibition under section 16 of the Act shall post signs in accordance with this section during the duration of the prohibition.

(2) The sign shall be posted in the place at every location at which the tobacco was sold or from which it was supplied immediately before the day the prohibition came into effect.

(3) The sign shall be posted in a conspicuous manner and shall not be obstructed from view.

(4) The sign shall be in a form that complies with the description in Schedule 8.

(5) The sign may be in English or in French.

(6) A sign that is in English shall contain the following message:

"We cannot sell tobacco because we were convicted of tobacco sales offences. Smoking is a major health hazard."

(7) A sign that is in French shall contain the following message:

"Nous ne pouvons vendre de tabac car nous avons été reconnus coupables d'infractions relatives à la vente de tabac. Fumer peut nuire gravement à la santé."

20. (1) Subject to subsection (2), this Regulation comes into force on the day section 19 of the *Tobacco Control Act, 1994* comes into force.

(2) Subsection 6 (2) comes into force on January 1, 1996.

### Schedule 1

#### HOSPITALS OR FACILITIES UNDER SUBSECTION 6 (2)

1. A public hospital under the *Public Hospitals Act* listed under the following headings in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990:

Group A Hospitals  
Group B Hospitals  
Group C Hospitals  
Group D Hospitals  
Group E Hospitals  
Group F Hospitals  
Group G Hospitals  
Group J Hospitals

2. A private hospital under the *Private Hospitals Act* that is classified as a medical hospital, a surgical hospital or a maternity hospital or any combination thereof under that Act.

### Schedule 2

#### HOSPITALS OR FACILITIES UNDER SUBSECTION 6 (4)

1. A hospital under the *Public Hospitals Act* that is listed under the heading "Group H Hospitals", "Group I Hospitals" or "Group L Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990.

2. A private hospital under the *Private Hospitals Act* that is classified as a hospital for nervous ailments under that Act.

3. A facility under the *Mental Health Act*.

4. A facility under the *Mental Hospitals Act*.

### Schedule 3

#### SIGNS UNDER SECTION 12

1. The sign shall measure 18 x 35 centimetres.

2. The sign shall be in a horizontal format and shall contain two joining panels.

3. The left panel of the sign shall meet the following description:

i. The panel shall measure 18 x 17.5 centimetres and shall be black.

ii. A graphic illustration of a cigarette measuring 8.5 centimetres with a red "X" in 200 point Franklin Heavy type superimposed over the cigarette shall appear centred 2.5 centimetres from the bottom of the sign.

iii. If the sign is in English, the words "Under 19? Forget it." shall appear, centred, on three lines, above the graphic illustration. The words shall be in upper case letters in white Franklin Heavy type. The word "Under" shall be on the first line in 80 point type; the letter "19" shall be on the second line in 201 point type along with the question mark which shall be in 142 point type; the words "Forget it." shall be on the third line in 50 point type.

iv. If the sign is in French, the words "Moins de 19 ans? Pas question." shall appear, centred, on three lines, above the graphic illustration. The words shall be in upper case letters in white Franklin Heavy type. The words "Moins de" shall be on the first line in 66 point type; the letter "19" shall appear on the second line in 140 point type followed by the word "ans?" in 66 point type; the words "Pas question." shall be on the third line in 44 point type.

4. The right panel of the sign shall meet the following description:

i. The panel shall measure 18 x 17.5 centimetres and shall be in white with a one centimetre black border.

- ii. The words "It's against the law to sell tobacco to anyone under 19 years of age." shall appear centred on six lines in English, or the words "Il est illégal de vendre du tabac aux moins de 19 ans." shall appear, centred, on five lines in French. The words shall be in upper case letters, in 45 point black Franklin Heavy type. The words "Smoking is a danger to your health.", in English, or "Fumer nuit à votre santé.", in French, shall appear below, centred, on two lines. These words shall be in upper case letters, in 29 point red Franklin Heavy type ink.

#### Schedule 4

##### SIGNS UNDER SECTION 13

1. The sign shall measure 9 x 18 centimetres.
2. The sign shall be in a horizontal or vertical format and shall contain two joining panels.
3. The left panel of the sign in a horizontal format or the upper panel of a sign in a vertical format shall meet the following description:
  - i. The panel shall measure 9 x 9 centimetres and be black.
  - ii. A graphic illustration of a cigarette measuring 5.5 centimetres with an "X" in 125 point red Franklin Heavy type superimposed over the cigarette shall appear, centred, one centimetre from the bottom of the panel.
  - iii. The English words "19? Prove it." or the French words "19 ans? Prouve-le." shall appear above the graphic illustration, in upper case and in white Franklin Heavy type.
  - iv. If the sign is in English, the letter 19 shall appear on the first line in 126 point type followed by the question mark in 89 point type. The words "Prove it." shall appear on the second line in 33 point type.
  - v. If the sign is in French, the letter 19 shall appear on the first line in 90 point type followed by the word "ans?" in 50 point type. The words "Prouve-le." shall appear on the second line in 33 point type.
4. The right panel of the sign in a horizontal format or the lower panel of a sign in a vertical format shall meet the following description:
  - i. The panel shall measure 9 x 9 centimetres and shall be in white with a black border that is one-half centimetre in thickness.
  - ii. If the sign is in English, the words "Where age is in question the law says we must ask for I.D. when you ask for tobacco." shall appear, centred, in upper case letters in 22 point black Franklin Heavy type. At the bottom of the panel, in the left hand corner, the words "Acceptable I.D.: Ontario driver's licence, Cdn. passport, Cdn. Citizenship card, LLBO Photo card, Cdn. Armed Forces I.D. card." shall appear in upper case letters in eight point black Franklin Heavy type.
  - iii. If the sign is in French, the words "S'il y a doute sur ton âge, la loi nous oblige à te demander une pièce d'identité si tu veux du tabac." shall appear, centred, in upper case in 19 point black Franklin Heavy type. At the bottom of the panel, in the left hand corner, the words "Pièces d'identité acceptées : permis de conduire de l'Ontario, passeport

canadien, carte de citoyenneté canadienne, carte photo de la C.P.A.O., carte d'identité des Forces armées canadiennes." shall appear in upper case letters in six point black Franklin Heavy type.

#### Schedule 5

##### SIGNS UNDER SECTIONS 14 AND 17

1. A sign that is 10 centimetres in diameter shall show an illustration of a black, lit cigarette on a white circle surrounded by a red border of one centimetre in width.
2. A red diagonal stroke of 1 centimetre shall cross over the cigarette from the upper left to the lower right portion of the circle.

#### Schedule 6

##### SIGNS UNDER SECTION 15

1. A sign that is 10 centimetres in diameter shall show an illustration of a black, lit cigarette on a white circle surrounded by a red border of one centimetre in width.
2. A red diagonal stroke of 1 centimetre shall cross over the cigarette from the upper left to the lower right portion of the circle.
3. The words "No smoking except in designated areas." shall appear in English or the words "Défense de fumer sauf dans les endroits autorisés." shall appear in French. These words shall be in black and be at least 35 point type.

#### Schedule 7

##### SIGNS UNDER SECTION 16

1. The sign shall show a lit cigarette in black.
2. A black circle that shall be 10 centimetres in diameter and one centimetre in width shall surround the cigarette.
3. The words "You may smoke here." shall appear in English or the words "Vous pouvez fumer ici." shall appear in French. These words shall be in black and be at least 40 point type.

#### Schedule 8

##### SIGNS UNDER SECTION 19

1. The sign shall measure 18 x 35 centimetres.
2. The sign shall be in a horizontal format and shall contain two joining panels.
3. The left panel of the sign shall meet the following description:
  - i. The panel shall measure 18 x 17.5 centimetres and shall be on a black background.
  - ii. A graphic illustration of a cigarette measuring 12.5 centimetres with a red "X" in 298 point Franklin Heavy type superimposed over the cigarette shall appear centred 5.5 centimetres from the bottom of the sign.
4. The right panel of the sign shall meet the following description:
  - i. The panel shall measure 18 x 17.5 centimetres and shall be in white with a one centimetre black border.
  - ii. If the sign is in English, the words "We cannot sell tobacco because we were convicted of tobacco sales offences." shall

appear centred in upper case in 45 point black Franklin Heavy type. Below those words, the words "Smoking is a major health hazard." shall appear centred in upper case letters in 30 point red Franklin Heavy type. At the bottom of the panel, immediately above the black border, there shall be a space in which the address of the place and the period during which the prohibition is in effect shall be indicated. The words "Store address" and "Prohibition period" shall appear above the space in upper case letters in black 12 point Franklin Heavy type.

- iii. If the sign is in French, the words "Nous ne pouvons vendre de tabac car nous avons été reconnus coupables d'infractions relatives à la vente de tabac." shall appear centred in upper case letters in 29 point black Franklin Heavy type. Below those words, the words "Fumer peut nuire gravement à la santé." shall appear centred in upper case letters in 29 point red Franklin Heavy type. At the bottom of the panel, immediately above the black border, there shall be a space in which the address of the place and the period during which the prohibition is in effect shall be indicated. The words "Adresse du magasin" and "Période d'interdiction" shall appear above the space in upper case letters in black 12 point Franklin Heavy type.

43/94

**ONTARIO REGULATION 614/94**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: October 7, 1994

Filed: October 7, 1994

Amending Reg. 950 of R.R.O. 1990  
(Proceedings Commenced by Certificate of Offence)

Note: Since January 1, 1994, Regulation 950 has been amended by Ontario Regulations 36/94, 106/94, 276/94, 307/94, 321/94, 410/94, 411/94, 445/94, 465/94, 495/94, 496/94, 507/94, 511/94 and 534/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Regulation 950 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedule:**

**Schedule 83.0.1**

*Tobacco Control Act, 1994*

ITEM	COLUMN 1	COLUMN 2
1.	Sell tobacco to a person who is less than 19 years old	subsection 3 (1)
2.	Supply tobacco to a person who is less than 19 years old	subsection 3 (1)
3.	Sell tobacco to a person who appears to be less than 19 years old	subsection 3 (2)
4.	Supply tobacco to a person who appears to be less than 19 years old	subsection 3 (2)
5.	Present identification not lawfully issued to holder	subsection 3 (6)
7.	Sell tobacco in a designated place	subsection 4 (1)
8.	Sell improperly packaged tobacco	clause 5 (1) (a)
9.	Offer to sell improperly packaged tobacco	clause 5 (1) (a)
10.	Distribute improperly packaged tobacco	clause 5 (1) (a)
11.	Sell tobacco without a health warning on package	clause 5 (1) (b)
12.	Offer to sell tobacco without a health warning on package	clause 5 (1) (b)
13.	Distribute tobacco without a health warning on package	clause 5 (1) (b)
14.	Offer to distribute tobacco without a health warning on package	clause 5 (1) (b)
15.	Sell cigarettes in packages of less than 20	subsection 5 (2)
16.	Offer to sell cigarettes in packages of less than 20	subsection 5 (2)
17.	Distribute cigarettes in packages of less than 20	subsection 5 (2)
18.	Offer to distribute cigarettes in packages of less than 20	subsection 5 (2)
19.	Failure to post health warning signs	section 6
20.	Failure to post age restriction signs	section 6



ITEM	COLUMN 1	COLUMN 2
21.	Permit vending machines for selling or dispensing tobacco	subsection 7 (1)
22.	Failure to submit reports	section 8
23.	Smoke tobacco in a prohibited place	subsection 9 (1)
24.	Hold lighted tobacco in a prohibited place	subsection 9 (1)
25.	Failure to post "no smoking" signs where smoking is prohibited	section 10
26.	Identifying an area as a smoking area where the prescribed criteria are not met	subsection 11 (2)

**2. This Regulation comes into force on the day section 2 of the *Tobacco Control Act, 1994* comes into force.**

43/94

**ONTARIO REGULATION 615/94**  
made under the  
**PRESCRIPTION DRUG COST REGULATION ACT**

Made: October 7, 1994  
Filed: October 7, 1994

Amending Reg. 935 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 935 has been amended by Ontario Regulations 49/94, 108/94, 377/94 and 452/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. The definition of "Formulary" in section 1 of Regulation 935 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

"Formulary" means the Ministry of Health publication titled "Drug Benefit Formulary/Comparative Drug Index (No. 33)" and dated 1993 with the changes to that publication set out in subsections (2), (3), (4), (5), (6), (7) and (8) and as amended by,

- (a) the Ministry of Health publication titled "Supplement No. 1 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (b) the Ministry of Health publication titled "Supplement No. 2 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (c) the Ministry of Health publication titled "Supplement No. 3 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (d) the Ministry of Health publication titled "Supplement No. 4 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (e) the Ministry of Health publication titled "Supplement No. 5 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (f) the Ministry of Health publication titled "Supplement No. 6 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)", and
- (g) the Ministry of Health publication titled "Supplement No. 7 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)";

**2. This Regulation shall come into force 21 days after it is filed.**

43/94

**ONTARIO REGULATION 616/94**  
made under the  
**ONTARIO DRUG BENEFIT ACT**

Made: October 7, 1994  
Filed: October 7, 1994

Amending Reg. 868 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 868 has been amended by Ontario Regulations 48/94, 107/94, 378/94 and 451/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. The definition of "Formulary" in section 1 of Regulation 868 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

"Formulary" means the Ministry of Health publication titled "Drug Benefit Formulary/Comparative Drug Index (No. 33)" and dated 1993 with the changes to that publication set out in subsections (2), (3), (4), (5) and (6) and as amended by,

- (a) the Ministry of Health publication titled "Supplement No. 1 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (b) the Ministry of Health publication titled "Supplement No. 2 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (c) the Ministry of Health publication titled "Supplement No. 3 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (d) the Ministry of Health publication titled "Supplement No. 4 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (e) the Ministry of Health publication titled "Supplement No. 5 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)",
- (f) the Ministry of Health publication titled "Supplement No. 6 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)", and
- (g) the Ministry of Health publication titled "Supplement No. 7 to the 1993 Ontario Drug Benefit Formulary/Comparative Drug Index (No. 33)";

**2. This Regulation shall come into force 21 days after it is filed.**

43/94

**ONTARIO REGULATION 617/94**  
made under the  
**ONTARIO TRAINING AND ADJUSTMENT**  
**BOARD ACT, 1993**

Made: October 7, 1994  
Filed: October 7, 1994

**COUNCILS**

DEFINITION

1. In this Regulation, "council" means a council established by OTAB under subsection 19 (1) of the Act.

COMPOSITION

2. (1) Subject to subsections (2) and (4), a council must be composed of the following people appointed by OTAB:

1. Two co-chairs who are directors of OTAB, one representing business and one representing labour.
2. Three members representing business who are recommended by organizations representing business.
3. Three members representing labour who are recommended by organizations representing labour.
4. One member representing educators and trainers who is recommended by organizations representing educators and trainers.
5. One member representing francophones who is recommended by organizations representing francophones.
6. One member representing persons with disabilities who is recommended by organizations representing persons with disabilities.
7. One member representing racial minorities who is recommended by organizations representing racial minorities.
8. One member representing women who is recommended by organizations representing women.
9. One member representing aboriginal people who is recommended by organizations representing aboriginal people.

(2) If no recommendation is received from organizations representing a group referred to in paragraphs 2 to 9 of subsection (1), a council may operate without a member representing that group.

(3) One of the members referred to in paragraphs 4 to 9 of subsection (1) must be a director of OTAB.

(4) On the recommendation of a council, OTAB may appoint to the council one or more additional members representing business, labour, or educators and trainers, as follows:

1. Not more than four members representing business who are recommended by organizations representing business.
2. Not more than four members representing labour who are recommended by organizations representing labour.
3. Not more than one member representing educators and trainers who is recommended by organizations representing educators and trainers.

(5) In the selection of members of a council, the importance of reflecting Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

**RÈGLEMENT DE L'ONTARIO 617/94**  
pris en application de la  
**LOI DE 1993 SUR LE CONSEIL ONTARIEN DE**  
**FORMATION ET D'ADAPTATION DE**  
**LA MAIN-D'OEUVRE**

pris le 7 octobre 1994  
déposé le 7 octobre 1994

**CONSEILS**

DÉFINITION

1. Dans le présent règlement, «conseil» s'entend d'un conseil créé par le COFAM en vertu du paragraphe 19 (1) de la Loi.

COMPOSITION

2. (1) Sous réserve des paragraphes (2) et (4), un conseil doit être composé des personnes suivantes, qui sont nommées par le COFAM :

1. Deux coprésidents qui sont membres du conseil d'administration du COFAM, l'un représentant le patronat et l'autre, les travailleurs.
2. Trois représentants du patronat recommandés par des organismes représentant le patronat.
3. Trois représentants des travailleurs recommandés par des organismes représentant les travailleurs.
4. Un représentant des éducateurs et des formateurs recommandé par des organismes représentant les éducateurs et les formateurs.
5. Un représentant des francophones recommandé par des organismes représentant les francophones.
6. Un représentant des personnes handicapées recommandé par des organismes représentant les personnes handicapées.
7. Un représentant des minorités raciales recommandé par des organismes représentant les minorités raciales.
8. Un représentant des femmes recommandé par des organismes représentant les femmes.
9. Un représentant des autochtones recommandé par des organismes représentant les autochtones.

(2) Si aucune recommandation n'est reçue des organismes représentant un groupe visé aux dispositions 2 à 9 du paragraphe (1), un conseil peut fonctionner sans représentant de ce groupe.

(3) L'un des membres visés aux dispositions 4 à 9 du paragraphe (1) doit être membre du conseil d'administration du COFAM.

(4) Sur la recommandation d'un conseil, le COFAM peut y nommer un ou plusieurs membres additionnels représentant le patronat, les travailleurs ou les éducateurs et les formateurs, de la façon suivante :

1. Au plus quatre représentants du patronat recommandés par des organismes représentant le patronat.
2. Au plus quatre représentants des travailleurs recommandés par des organismes représentant les travailleurs.
3. Au plus un représentant des éducateurs et des formateurs recommandé par des organismes représentant les éducateurs et les formateurs.

(5) Au moment du choix des membres d'un conseil, l'importance qu'il y a de refléter la dualité linguistique de l'Ontario et la diversité de sa population et de garantir un équilibre général entre les deux sexes est reconnue.

(6) When a person is appointed to a council, OTAB shall notify organizations that represent the group that the member is to represent.

3. A director of OTAB may not be a member of more than one council.

4. (1) If a vacancy occurs on a council, OTAB shall notify organizations representing the group that was represented by the member whose position has become vacant and shall invite them to recommend a person to fill the vacancy.

(2) A council may continue to operate with a vacancy.

#### POWERS AND DUTIES

5. A council shall,

- (a) review and make recommendations to the board of directors on those aspects of Ontario's system of labour force development programs and services that are referred to the council by the board of directors;
- (b) keep the board of directors informed about the progress of the council's work;
- (c) advise the board of directors of other issues that should be referred to a council for review and recommendations;
- (d) work with other subcommittees of the board of directors to ensure consistency and to avoid duplication or gaps; and
- (e) perform such other duties as may be assigned to the council by the board of directors.

6. (1) A council shall report to the board of directors at least once every two months.

(2) The board of directors may require that a report under this section be submitted to a subcommittee of the board instead of to the board.

#### REMUNERATION AND EXPENSES

7. (1) OTAB may compensate a member of a council who is not a director of OTAB for up to \$150 daily of income lost during time spent on activities for the council.

(2) OTAB may reimburse a member of a council for expenses incurred while engaged in activities for the council.

#### TERMINATION OF COUNCIL

8. OTAB may terminate a council on notice to the members of the council.

(6) Lors de la nomination d'une personne à un conseil, le COFAM avise les organismes qui représentent le groupe que cette personne est appelée à représenter.

3. Un membre du conseil d'administration du COFAM ne peut être membre de plus d'un conseil.

4. (1) S'il se produit une vacance au sein d'un conseil, le COFAM avise les organismes représentant le groupe qui était représenté par le membre dont le poste est devenu vacant et les invite à recommander une personne pour combler la vacance.

(2) Un conseil peut continuer à fonctionner si un poste y est vacant.

#### POUVOIRS ET FONCTIONS

5. Tout conseil :

- a) examine les aspects du système ontarien des programmes et services de mise en valeur de la main-d'œuvre que lui soumet le conseil d'administration et fait à ce dernier des recommandations à ce sujet;
- b) tient le conseil d'administration au courant de l'avancement de ses travaux;
- c) informe le conseil d'administration des autres questions qui devraient être soumises à un conseil pour qu'il les examine et fasse des recommandations;
- d) collabore avec d'autres sous-comités du conseil d'administration pour assurer l'uniformité et éviter les doubles emplois ou les lacunes;
- e) exerce les autres fonctions que lui attribue le conseil d'administration.

6. (1) Tout conseil présente un rapport au conseil d'administration au moins une fois tous les deux mois.

(2) Le conseil d'administration peut exiger qu'un rapport prévu au présent article soit présenté à l'un de ses sous-comités plutôt qu'à lui-même.

#### INDEMNISATION ET REMBOURSEMENT DE FRAIS

7. (1) Le COFAM peut indemniser tout membre d'un conseil qui n'est pas membre du conseil d'administration du COFAM en raison de la perte de revenu qu'il a subie au cours de la période où il a exercé des activités au nom du conseil.

(2) Le COFAM peut rembourser à tout membre d'un conseil les frais que celui-ci a engagés dans l'exercice d'activités au nom du conseil.

#### DISSOLUTION DU CONSEIL

8. Le COFAM peut dissoudre un conseil s'il en avise les membres.



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—10—29

## ONTARIO REGULATION 618/94 made under the CROP INSURANCE ACT (ONTARIO)

Made: August 12, 1994  
Approved: October 7, 1994  
Filed: October 11, 1994

Amending Reg. 252 of R.R.O. 1990  
(Crop Insurance Plan—Sweet Corn)

Note: Regulation 252 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The French version of paragraph 3 of section 8.1 of the Schedule to Regulation 252 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

3. La Commission calcule le rendement moyen de l'exploitation agricole de l'assuré en remplaçant le rendement réel par le rendement rajusté.

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
*Chair*

MATT TULLOCH  
*Secretary*

Dated at Toronto on August 12, 1994.

44/94

## RÈGLEMENT DE L'ONTARIO 618/94 pris en application de la LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)

pris le 12 août 1994  
approuvé le 7 octobre 1994  
déposé le 11 octobre 1994

modifiant le Règl. 252 des R.R.O. de 1990  
(Régime d'assurance-récolte sur le maïs sucré)

Remarque : Le Règlement 252 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. La version française de la disposition 3 de l'article 8.1 de l'annexe du Règlement 252 des Règlements refondus de l'Ontario de 1990 est abrogée et remplacée par ce qui suit :

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
*Président*

MATT TULLOCH  
*Secrétaire*

Fait à Toronto le 12 août 1994.

## ONTARIO REGULATION 619/94 made under the CROP INSURANCE ACT (ONTARIO)

Made: August 12, 1994  
Approved: October 7, 1994  
Filed: October 11, 1994

Amending Reg. 243 of R.R.O. 1990  
(Crop Insurance Plan—Red Beets)

Note: Since January 1, 1994, Regulation 243 has been amended by Ontario Regulation 435/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The French version of clause 10 (a) of the Schedule to Regulation 243 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

- a) le niveau de garantie déterminé en vertu de l'article 11;

## RÈGLEMENT DE L'ONTARIO 619/94 pris en application de la LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)

pris le 12 août 1994  
approuvé le 7 octobre 1994  
déposé le 11 octobre 1994

modifiant le Règl. 243 des R.R.O. de 1990  
(Régime d'assurance-récolte sur les betteraves rouges)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 243 a été modifié par le Règlement de l'Ontario 435/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. La version française de l'alinéa 10 a) de l'annexe du Règlement 243 des Règlements refondus de l'Ontario de 1990 est abrogée et remplacée par ce qui suit :

THE CROP INSURANCE COMMISSION OF ONTARIO:

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
*Chair*WILLIAM JONGEJAN  
*Président*MATT TULLOCH  
*Secretary*MATT TULLOCH  
*Secrétaire*

Dated at Toronto on August 12, 1994.

Fait à Toronto le 12 août 1994.

44/94

**ONTARIO REGULATION 620/94**  
made under the  
**CROWN TIMBER ACT**Made: October 7, 1994  
Filed: October 11, 1994Amending Reg. 260 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 260 has been amended by Ontario Regulations 303/94 and 559/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Regulation 260 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**

**4.1** (1) The area charge to be paid by a licensee consists of a basic area charge and the forestry futures charge.

(2) The total amount of the area charge to be paid by the licensee is set out in section 5.

(3) The portion of the area charge attributed to the forestry futures charge is 61 per cent.

(4) A licensee with a licence to cut Crown timber under subsection 2 (7) or section 5 of the Act shall not pay any portion of the area charge as a forestry futures charge.

**2. This Regulation shall be deemed to have come into force on September 1, 1994.**

44/94

**ONTARIO REGULATION 621/94**  
made under the  
**GAME AND FISH ACT**Made: October 7, 1994  
Filed: October 11, 1994**MOOSE HUNTING IN LAROSE FOREST**

1. In this Regulation,

"licence" means a licence issued under this Regulation; and

"licensee" means a holder of a licence.

2. In the event of a conflict between this Regulation and Ontario Regulation 300/93 (Hunting Licences), this Regulation applies.

3. The lands described in the Schedules are designated as lands on which hunting may be regulated.

4. (1) Subject to subsection (2), a licensee may, on the day the licence is issued, hunt a moose of any age and either sex on land described in the Schedule specified in the licence.

(2) On land described in Schedule 2, only bows and arrows may be used to hunt moose.

5. The Ministry may hold a lottery to determine the recipients of licences.

6. (1) A licence to hunt on land described in Schedule 1 may be issued only between October 24 and October 30, 1994, inclusive.

(2) A licence to hunt on land described in Schedule 2 may be issued only between October 24 and November 4, 1994, inclusive.

(3) A licence may be issued only to a holder of a licence in Form 3 of Ontario Regulation 300/93 (Hunting Licences).

(4) A licence to hunt on land described in Schedule 1 shall not be issued if,

(a) more than 35 moose have been taken from the land during the period set out in subsection (1); or

(b) 70 licences have been issued on the day the licence is applied for.

(5) A licence to hunt on land described in Schedule 2 shall not be issued if,

(a) more than 15 moose have been taken from the land during the period set out in subsection (2); or

(b) 30 licences have been issued on the day the licence is applied for.

7. A licensee shall return to the headquarters in the Larose Forest before 7.30 p.m. on the day the licence is issued, surrender the licence to the officer in charge and, if the licensee has taken a moose, produce it to the officer for inspection.

8. No person shall hunt a bird or animal, other than a moose, on land described in,

(a) Schedule 1 between October 24 and October 30, 1994, inclusive; or

(b) Schedule 2 between October 24 and November 4, 1994, inclusive.

9. No person shall use or be accompanied by a dog while hunting moose on land described in the Schedules.

10. A licensee, while hunting on land described in the Schedules, shall wear, in a conspicuous place, a badge furnished by the Ministry clearly showing the number of the licence.

**11. This Regulation is revoked on November 5, 1994.**

**Schedule 1**

All those lands in the townships of Clarence and Cambridge in the United Counties of Prescott and Russell described as follows:

Firstly:

Lots 25, 26 and 27 in Concession V; the south half of Lot 23, the north half of the west half of Lot 24, the east half of Lot 24, and all of lots 25, 26, 27 and 28 in Concession VI; the south half of Lot 23, all of Lot 24, the north half of Lot 25, the east half of the south half of Lot 25, and all of lots 26, 27 and 28 in Concession VII; lots 24, 25, 26, 27 and 28 in Concession VIII; the east half of the south half of Lot 23, and all of lots 24, 25, 26, 27 and 28 in Concession IX; lots 25, 26, 27 and 28 in Concession X; and lots 25, 26, 27 and 28 in Concession XI, all in the said Township of Clarence.

Secondly:

The south half of Lot 1, the west half and the southern three-quarters of the east half of Lot 2, the north half of Lot 4 and the west half of the south half of Lot 4, the north half of Lot 5, the west half of Lot 6, all of Lot 7, the north half of Lot 8, the west half of the south half of Lot 8, the south half of Lot 9, the south half of Lot 10, the south half of Lot 11, the west half of the east half of Lot 12, the west half of Lot 12, all of lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, the west half of Lot 24, all of Lot 25, and the north half of Lot 26 in Concession I; the north half of Lot 7, the north half of Lot 8, the west half of the south half of Lot 8, all of Lot 9, the east half and the northern three-quarters of the west half of Lot 10, the east half of Lot 11, all of lots 12, 13, 14, 15, 16, 17 and 18, the east half of the east half of Lot 19, the west half of Lot 19, all of Lot 20, the east half of Lot 21, and the west half of the west half of Lot 21, all of lots 22 and 23, the north half of Lot 24, and the west half of the south half of Lot 24 in Concession II, all in the said Township of Cambridge.

**Schedule 2**

All those lands in the Township of South Plantegenet in the United Counties of Prescott and Russell described as follows:

Lot 18, Lot 17, the west half of Lot 16, and the south half of Lot 14, all in Concession XIII; the east half of the east half of Lot 21, Lot 20, the east half of the south half of Lot 19, the west half of Lot 18, the east half of Lot 17, Lot 16, the east half of the west half of Lot 15, the west half of the west half of Lot 14, the west half of the east half of the north half of Lot 14, the south half of Lot 14, the west half of the north half of Lot 13, and the south half of Lot 13, all in Concession XIV; the south half of Lot 21, Lot 20, the west three-quarters of the west half of the north half of Lot 19, the east half of Lot 19, the east three-quarters of Lot 18, the east three-quarters of Lot 17, the west half of the north half of Lot 16, the south half of Lot 16, Lot 15, Lot 14, the north half of Lot 13, the east half of the south half of Lot 13, the west half of the south half of Lot 12, the north half of Lot 11, and the east half of the south half of Lot 11 in Concession XV, all in the said Township of South Plantegenet.

**ONTARIO REGULATION 622/94**

made under the  
**GAME AND FISH ACT**

Made: October 7, 1994

Filed: October 11, 1994

Amending Reg. 499 of R.R.O. 1990  
(Hunting in Long Point National Wildlife Area)

Note: There are no prior amendments to Regulation 499.

**1. Section 2 of Regulation 499 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

2. The following do not apply to the hunting of deer on the lands described in Schedule 1:

1. All of Ontario Regulation 300/93 (Hunting Licences) other than section 12.
2. Regulation 512 of the Revised Regulations of Ontario, 1990 (Open Seasons—Moose and Deer).

**2. Subsection 4 (1) of the Regulation is amended by striking out "Regulation 500 of Revised Regulations of Ontario, 1990" in the first and second lines and substituting "Ontario Regulation 300/93".**

**3. Schedule 2 to the Regulation is revoked and the following substituted:**

**Schedule 2**

1. October 13, 14 and 15.
2. October 20, 21 and 22.
3. October 27, 28 and 29.
4. November 16, 17 and 18.

44/94

**ONTARIO REGULATION 623/94**  
made under the  
**CONSERVATION AUTHORITIES ACT**

Made: July 4, 1994

Approved: October 7, 1994

Filed: October 11, 1994

Amending Reg. 153 of R.R.O. 1990  
(Fill, Construction and Alteration to Waterways—  
Lake Simcoe Region)

Note: Regulation 153 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Schedules 1, 3 and 8 to Regulation 153 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

**Schedule 1**

In The Regional Municipality of York, more particularly described as follows:

1. In the Town of Newmarket in The Regional Municipality of York and being composed of those parts of the following lots and concessions:

CONCESSION	LOT
I West (of Yonge Street)	87 to 89 inclusive W½ 90 and 91 92 and 93 E½ 94 W½ 96 to 99 inclusive
I East (of Yonge Street)	87 to 90 inclusive E½ 91 and 92 93 to 95 inclusive E½ 96 to 98 inclusive 99
II	W½ 1 to 4 inclusive 27 to 33 inclusive W½ 34 and 35
III	W½ 27 to 32 inclusive W½ 2 to 4 inclusive

2. In the Town of East Gwillimbury in The Regional Municipality of York and being composed of those parts of the following lots and concessions:

CONCESSION	LOT
I West (of Yonge Street)	W½ 100 and 101 102 and 103 E½ 104 to 107 inclusive 108 E½ 109 to 113 inclusive 114 to 130 inclusive
I East (of Yonge Street)	100 to 109 inclusive 113 to 130 inclusive
II	W½ 5 6 to 11 inclusive E½ 12 W½ 14 and 15 16 W½ 17 to 19 inclusive 20 to 22 inclusive E½ 24 and 25 26 to 35 inclusive
III	W½ 5 to 7 inclusive

3. In the Town of Whitchurch-Stouffville in The Regional Municipality of York and being composed of those parts of the following lots and concessions:

CONCESSION	LOT
III	E½ 27 to 32 inclusive

as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Aurora as Nos. LSR 1-01 to LSR 1-28, both inclusive.

**Schedule 3**

In the Township of King in The Regional Municipality of York and being composed of those parts of the following lots and concessions:

CONCESSION	LOT
II Old Survey—North of Highway 9	1 to 28 inclusive
III Old Survey—North of Highway 9	1 to 17 inclusive

CONCESSION	LOT
I New Survey—North of Highway 9	2 to 14 inclusive
II New Survey—North of Highway 9	7 to 14 inclusive
III New Survey—North of Highway 9	11 to 14 inclusive

CONCESSION	LOT
II	12 to 35 inclusive
III	18 to 35 inclusive
IV	17 to 35 inclusive
V	17 to 35 inclusive
VI	17 to 35 inclusive
VII	17 to 35 inclusive
VIII	16 to 35 inclusive
IX	21 to 35 inclusive
X	22 to 35 inclusive
XI	24 to 35 inclusive
XII	24 to 35 inclusive

as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Aurora as Nos. LSR 3-01 to LSR 3-126, both inclusive.

**Schedule 8**

In the Town of Whitchurch-Stouffville in The Regional Municipality of York and being composed of those parts of the following lots and concessions:

CONCESSION	LOT
III	16 and 17 23 to 25 inclusive 29
IV	14 to 17 inclusive 21 to 35 inclusive
V	14 to 35 inclusive
VI	14 to 35 inclusive
VII	14 to 18 inclusive 25 to 32 inclusive
VIII	12 to 35 inclusive
IX	12 to 33 inclusive

as shown on maps filed in the Regional Office of the Ministry of Natural Resources as Nos. LSR 8-01 to LSR 8-69, both inclusive.

LAKE SIMCOE REGION CONSERVATION AUTHORITY:

DAVID MARQUIS  
*Chair*

MYRNA HUNTER  
*Secretary/Treasurer*

Dated at Newmarket on July 4, 1994.



**ONTARIO REGULATION 624/94**made under the  
**GAME AND FISH ACT**

Made: October 7, 1994

Filed: October 11, 1994

Amending Reg. 512 of R.R.O. 1990  
(Open Seasons—Moose and Deer)

Note: Regulation 512 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 4.1 (1) of Regulation 512 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) A holder of a licence in Form 3 of Ontario Regulation 300/93 (Hunting Licences) may hunt moose in wildlife management unit 11 B during the open season referred to in item 7 of Schedule 1 if the licence bears an authorization furnished by the Ministry permitting the holder to hunt moose of specified age and sex under specified conditions.

**2. Section 11 of the Regulation is amended by adding the following subsection:**

(1.1) Despite subsection (1), the tag is not required for hunts referred to in Schedule 3 in which only bows and arrows are used, except for such hunts in wildlife management unit 70.

**3. Schedule 1 of the Regulation is amended by adding the following item:**

7.	11B	From the third Saturday in September to the Friday preceding the Saturday closest to October 8, inclusive, in any year	
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**4. Schedule 3 to the Regulation is revoked and the following substituted:**

**Schedule 3****DEER**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
1.	5	From the Saturday next following September 28 to the second Saturday following, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
2.	5	From the Saturday next following October 12 to the second Friday following, inclusive, in any year.		Only flint-lock or percussion cap muzzle-loading guns or bows and arrows may be used. No person shall use or be accompanied by a dog.
3.	5	From the Saturday next following October 26 to December 15, inclusive, in any year.		No person shall use or be accompanied by a dog.
4.	6, 7B, 9A, 9B	From the Saturday closest to September 17 to the second following Friday, inclusive, in any given year.	From the Saturday closest to September 17 to the second following Friday, inclusive, in any given year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
5.	6, 7B, 9A, 9B	From the Saturday closest to October 1 to the next following Friday, inclusive, in any given year.	From the Saturday closest to October 1 to the next following Friday, inclusive, in any given year.	Only flint-lock or percussion cap muzzle-loading guns or bows and arrows may be used. No person shall use or be accompanied by a dog.
6.	6, 7B, 9A, 9B, 11A	From the Saturday closest to October 8 to December 15, inclusive, in any year.	From the Saturday closest to October 8 to November 15, inclusive, in any year.	
7.	7A	From the Saturday closest to October 8 to December 15, inclusive, in any year.	From the Saturday closest to October 8 to November 15, inclusive, in any year.	Only flint-lock or percussion cap muzzle-loading guns or bows and arrows may be used.
8.	8	From the Saturday next following September 28 to the second Saturday following, inclusive, in any year.	From the Saturday next following September 28 to the second Saturday following, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
9.	8	From the Saturday next following October 12 to the second Friday following, inclusive, in any year.	From the Saturday next following October 12 to the second Friday following, inclusive, in any year.	Only flint-lock or percussion cap muzzle-loading guns or bows and arrows may be used. No person shall use or be accompanied by a dog.
10.	8	From the Saturday next following October 26 to December 15, inclusive, in any year.	From the Saturday next following October 26 to December 15, inclusive, in any year.	No person shall use or be accompanied by a dog.
11.	10	From the Saturday next following September 28 to the fourth following Friday, inclusive, in any year.	From the Saturday next following September 28 to the fourth following Friday, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
12.	10	From the Saturday next following October 26 to December 15, inclusive, in any year.	From the Saturday next following October 26 to November 15, inclusive, in any year.	No person shall use or be accompanied by a dog.
13.	11A	From the Saturday closest to September 17 to the third following Friday, inclusive, in any year.	From the Saturday closest to September 17 to the third following Friday, inclusive, in any year.	Only flint-lock or percussion cap muzzle-loading guns or bows and arrows may be used. No person shall use or be accompanied by a dog.
14.	11B, 12A, 12B, 13, 14, 21A	From the Saturday closest to October 8 to December 15, inclusive, in any year.		
15.	13, 14, 21A	From the Saturday closest to September 17 to the third following Friday, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
16.	36, 37, 38, 46, 47, 48, 49, 50, 53A, 54, 55A, 55B, 56, 57, 58, 59, 60A, 61, 62, 63, 74B	From the first Monday in November to the second following Saturday, inclusive, in any year.	From the first Monday in November to the second following Saturday, inclusive, in any year.	
17.	37	From the Saturday next following October 16 to the Sunday immediately prior to the first Monday in November, inclusive, in any year.	From the Saturday next following October 16 to the Sunday immediately prior to the first Monday in November, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
18.	39, 41, 42	From the first Monday in November to the second Saturday following, inclusive, in any year.		
19.	42	From the first Saturday in October to the Friday immediately prior to the first Monday in November, inclusive, in any year.	From the first Saturday in October to the Friday immediately prior to the first Monday in November, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
20.	43A, 43B	From the first Saturday in October to the Friday immediately prior to the third Monday in November, inclusive, in any year.	From the first Saturday in October to the Friday immediately prior to the third Monday in November, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
21.	43A, 43B	From the third Monday in November to the Friday next following, inclusive, in any year.	From the third Monday in November to the Friday next following, inclusive, in any year.	No person shall use or be accompanied by a dog.
22.	44	From the first Monday in November to the second following Saturday, inclusive, in any year.		No person shall use or be accompanied by a dog.
23.	45	From the Saturday nine days immediately prior to the first Monday in November to the Friday next following, inclusive, in any year. And: From the second Monday in November to the Saturday next following, inclusive, in any year.	From the Saturday nine days immediately prior to the first Monday in November to the Friday next following, inclusive, in any year. And: From the second Monday in November to the Saturday next following, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
24.	45	From the first Monday in November to the Friday next following, inclusive, in any year.	From the first Monday in November to the Friday next following, inclusive, in any year.	No person shall use or be accompanied by a dog.
25.	47	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the third Monday in November to the first Saturday in December, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the third Monday in November to the first Saturday in December, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
26.	46, 48, 49, 50, 53A, 56, 57, 60A	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
27.	53B	From the first Monday in November to the Thursday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
28.	55A	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday prior to the third Monday in November to the fifth Sunday following, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday prior to the third Monday in November to the fifth Sunday following, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
29.	55B	From the Sunday prior to the third Monday in November to December 20, inclusive, in any year.	From the Sunday prior to the third Monday in November to December 20, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
30.	58, 59	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday prior to the third Monday in November to November 30, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday prior to the third Monday in November to November 30, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
31.	61, 62, 63, 74B	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday immediately prior to the third Monday in November to December 15, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday immediately prior to the third Monday in November to December 15, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
32.	64A, 64B, 65, 66A, 67	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday immediately prior to the second Monday in November to December 15, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday immediately prior to the second Monday in November to December 15, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
33.	64A, 66A, 67, 68,	From the first Monday in November to the Saturday next following, inclusive, in any year.	From the first Monday in November to the Saturday next following, inclusive, in any year.	
34.	64B, 69B, 74A	From the first Monday in November to the Saturday next following, inclusive, in any year.	From the first Monday in November to the Saturday next following, inclusive, in any year.	Only flint-lock or percussion cap muzzle-loading guns or bows and arrows or shotguns may be used.
35.	65	From the first Monday in November to the Saturday next following, inclusive, in any year.	From the first Monday in November to the Saturday next following, inclusive, in any year.	Only shotguns or flint-lock or percussion cap muzzle-loading guns or bows and arrows may be used. No person shall use or be accompanied by a dog.
36.	66B	From the first Monday in November to the Saturday next following, inclusive, in any year.	From the first Monday in November to the Saturday next following, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
37.	68, 69B, 71, 72A, 73, 74A, 75	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday immediately prior to the second Monday in November to December 31, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday immediately prior to the second Monday in November to December 31, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
38.	69A1, 69A3, 72B	From October 15 to December 31, inclusive, in any year.	From October 15 to December 31, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
39.	69A2	From October 15 to the Sunday immediately prior to the third Monday in November, inclusive, in any year. And: From the Friday next following the third Monday in November to December 31, inclusive, in any year.	From October 15 to the Sunday immediately prior to the third Monday in November, inclusive, in any year. And: From the Friday next following the third Monday in November to December 31, inclusive, in any year.	Only bows and arrows may be used. No person shall use or be accompanied by a dog.
40.	69A2	From the third Monday in November to the Thursday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
41.	70	From the Monday closest to December 1 to the Thursday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
42.	70	From November 15 to the Sunday immediately prior to the Monday closest to December 1, inclusive, in any year. And: From the Friday next following December 1 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
43.	71	From the first Monday in November to the Saturday next following, inclusive, in any year.		Only shotguns may be used. No person shall use or be accompanied by a dog.
44.	72A, 73, 75	From the first Monday in November to the Saturday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
45.	76A	From the first Monday in November to the Friday next following, inclusive, in any year. And: From the Monday next following November 28 to the Friday next following, inclusive, in any year.		Only rifles, shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
46.	76B, 76C, 76D	From the first Monday in November to the Friday next following, inclusive, in any year. And: From the Monday next following November 28 to the Friday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
47.	76A, 76B, 76C, 76D, 76E	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Saturday next following December 3 to December 15, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
48.	76E	From the first Monday in November to the Friday next following, inclusive, in any year. And: From the Monday next following November 28 to the Friday next following, inclusive, in any year.		Only flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
49.	79A, 79C, 79D, 80A, 80B, 85A, 85B, 85C, 87B, 87C, 87D	From the first Monday in November to the Friday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
50.	77A, 77B, 77C, 81A, 81B	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Saturday next following December 3 to December 15, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
51.	77A, 77B, 77C, 78A, 78B, 81A, 81B, 89A, 89B, 90A, 90B, 91A, 91B	From the first Monday in November to the Friday next following, inclusive, in any year. And: From the Monday next following November 28 to the Friday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
52.	78C, 78D, 78E, 79B, 87A, 87E, 88, 94A	From October 15 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
53.	78A, 78B, 89A, 89B, 90A, 90B, 91A, 91B, 92A, 92B, 92C, 92D	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Saturday next following December 3 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
54.	79A, 79C, 79D, 80A, 80B, 85A, 85B, 85C, 87B, 87C, 87D	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
55.	82A, 82B, 84	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Friday next following December 2 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
56.	82A, 82B, 83A, 84	From the first Monday in November to the Friday next following, inclusive, in any year.	From the first Monday in November to the Friday next following, inclusive, in any year.	No person shall use or be accompanied by a dog.
57.	82A, 82B, 83A, 84	From the Monday next following November 28 to the Thursday next following, inclusive, in any year.	From the Monday next following November 28 to the Thursday next following, inclusive, in any year.	Only flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
58.	83A	From the first Saturday in October to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday next following the first Monday in November to the third Sunday following, inclusive, in any year. And: From the Friday next following December 2 to December 15, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
59.	83B	From October 15 to December 31, inclusive, in any year.	From October 15 to December 31, inclusive, in any year.	
60.	83C	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in any year.	
61.	86A, 86B	From the Monday next following November 28 to the Friday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
62.	86A, 86B	From October 15 to the Sunday next following November 27, inclusive, in any year. And: From the Saturday next following December 3 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
63.	92A, 92B, 92C, 92D	From the first Monday in November to the Friday next following, inclusive, in any year. And: From the Monday next following November 28 to the Friday next following, inclusive, in any year.		Only flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
64.	93A, 93B	From the Monday next following November 28 to the Thursday next following, inclusive, in any year.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
65.	93A, 93B	From October 15 to the Sunday next following November 27, inclusive, in any year. And: From the Friday next following December 2 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.



ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
66.	93C	<p>From the third Saturday in August to the fourth following Friday, inclusive, in any year.</p> <p>And:</p> <p>From the Sunday next following September 19 to the Friday next following, inclusive, in any year.</p> <p>And:</p> <p>From the Saturday following October 10 to the Sunday following the first Saturday in November, inclusive, in any year.</p> <p>And:</p> <p>From the Saturday following November 6 to the Friday next following, inclusive, in any year.</p> <p>And:</p> <p>From the last Sunday in November to the first Sunday in December, inclusive, in any year.</p> <p>And:</p> <p>From the first Saturday being or following December 5 to the Friday next following, inclusive, in any year.</p>		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
67.	93C	<p>From the Saturday next following September 11 to the Saturday next following, inclusive, in any year.</p> <p>And:</p> <p>From October 1 to the second Friday following, inclusive, in any year.</p> <p>And:</p> <p>From the first Monday in November to the Friday next following, inclusive, in any year.</p> <p>And:</p> <p>From the third Saturday in November to the Saturday next following, inclusive, in any year.</p> <p>And:</p> <p>From the first Monday in December to the next following Friday, inclusive, in any year.</p> <p>And:</p> <p>From the Saturday following December 10 to the Saturday following December 25, inclusive, in any year.</p>		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Wildlife Management Area	Open Season Residents	Open Season Non-Residents	Conditions
68.	94B	From the first Monday in November to the next following day, inclusive, in alternate years only, occurring in even-numbered years.		Only shotguns or flint-lock or percussion cap muzzle-loading guns may be used. No person shall use or be accompanied by a dog.
69.	94B	From October 15 to December 31, inclusive, in alternate years only, occurring in odd-numbered years.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
70.	94B	From October 15 to the Sunday immediately prior to the first Monday in November, inclusive, in alternate years only, occurring in even-numbered years. And: From the Wednesday next following the first Monday in November to December 31, inclusive, in alternate years only, occurring in even-numbered years.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.

44/94

**ONTARIO REGULATION 625/94**  
made under the  
**PUBLIC SERVICE ACT**

Made: August 30, 1994  
Approved: October 7, 1994  
Filed: October 11, 1994

Amending Reg. 977 of R.R.O. 1990  
(General)

Note: Regulation 977 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 16 of Regulation 977 of the Revised Regulations of Ontario, 1990 is revoked.**

**2. Schedule 2 to the Regulation is revoked.**

CIVIL SERVICE COMMISSION:

PHYLLIS CLARK  
*Chair*

Dated at Toronto on August 30, 1994.

44/94

**ONTARIO REGULATION 626/94**  
made under the  
**GAMING CONTROL ACT, 1992**

Made: October 7, 1994  
Filed: October 11, 1994

Amending O. Reg. 68/94  
(Registration of Suppliers and Gaming Assistants—Games of  
Chance Not Held in Casinos)

Note: Since it was made, Ontario Regulation 68/94 has not been amended.

**1. Section 13 of Ontario Regulation 68/94 is revoked and the following substituted:**

**13.** (1) No person other than a gaming assistant registered as a croupier is authorized to do any of the actions described in the definition of "croupier" in section 1.

(2) A gaming assistant registered as a casino key employee or a casino employee under Ontario Regulation 69/94 shall not be registered as a croupier under this Regulation.

**2. Subsections 24 (3) and (4) of the Regulation are revoked and the following substituted:**

(3) A registered gaming assistant of a class mentioned in section 9 may, before the expiry of the registration, apply to the Registrar to have another class of gaming assistant mentioned in section 9 added to the registration.

**3. The Regulation is amended by adding the following section:**

**31.1** (1) A registered bingo hall owner or operator shall not permit the following individuals to play games of chance at the bingo hall:

1. Individuals who appear to be intoxicated.
2. Officers, directors or partners of the registrant.
3. Employees of the registrant who are registered under this Regulation.

(2) A registered gaming services supplier who operates a Monte Carlo event under the authority of a licence shall not permit the individuals described in paragraphs 1 to 3 of subsection (1) to play games of chance at the location identified in the licence.

44/94

**ONTARIO REGULATION 627/94**  
made under the  
**GAMING CONTROL ACT, 1992**

Made: October 7, 1994  
Filed: October 11, 1994

Amending O. Reg. 69/94  
(Registration of Suppliers and Gaming Assistants—Games of  
Chance Held in Casinos)

Note: Since it was made, Ontario Regulation 69/94 has not been amended.

**1. Section 6 of Ontario Regulation 69/94 is amended by adding the following subsection:**

(3) A gaming assistant registered as a croupier under Ontario Regulation 68/94 shall not be registered as a casino key employee or a casino employee under this Regulation.

**RÈGLEMENT DE L'ONTARIO 626/94**  
pris en application de la  
**LOI DE 1992 SUR LA RÉGLEMENTATION DES JEUX**

pris le 7 octobre 1994  
déposé le 11 octobre 1994

modifiant le Règl. de l'Ont. 68/94  
(Inscription des fournisseurs et des préposés au jeu —  
jeux de hasard ne se déroulant pas dans des casinos)

Remarque : Depuis qu'il a été pris, le Règlement de l'Ontario 68/94 n'a pas été modifié.

**1. L'article 13 du Règlement de l'Ontario 68/94 est abrogé et remplacé par ce qui suit :**

**13.** (1) Seul un préposé au jeu inscrit comme croupier est autorisé à faire les choses mentionnées dans la définition de «croupier» à l'article 1.

(2) Le préposé au jeu inscrit comme employé-clé d'un casino ou employé d'un casino aux termes du Règlement de l'Ontario 69/94 ne doit pas être inscrit comme croupier aux termes du présent règlement.

**2. Les paragraphes 24 (3) et (4) du Règlement sont abrogés et remplacés par ce qui suit :**

(3) Le préposé au jeu inscrit d'une catégorie visée à l'article 9 peut, avant que son inscription ne prenne fin, demander au registrateur de faire ajouter à celle-ci une autre catégorie de préposé au jeu visée à l'article 9.

**3. Le Règlement est modifié par adjonction de l'article suivant :**

**31.1** (1) Le propriétaire ou l'exploitant inscrit de salle de bingo ne doit pas permettre aux particuliers suivants de jouer à des jeux de hasard dans la salle de bingo :

1. Les particuliers qui semblent en état d'ivresse.
2. Les dirigeants, les administrateurs ou les associés de la personne inscrite.
3. Les employés de la personne inscrite qui sont inscrits aux termes du présent règlement.

(2) Le fournisseur inscrit de services relatifs au jeu qui exploite un Monte Carlo en vertu d'une licence ne doit pas permettre aux particuliers visés aux dispositions 1 à 3 du paragraphe (1) de jouer à des jeux de hasard dans l'endroit indiqué sur la licence.

**RÈGLEMENT DE L'ONTARIO 627/94**  
pris en application de la  
**LOI DE 1992 SUR LA RÉGLEMENTATION DES JEUX**

pris le 7 octobre 1994  
déposé le 11 octobre 1994

modifiant le Règl. de l'Ont. 69/94  
(Inscription des fournisseurs et des préposés au jeu — jeux de  
hasard se déroulant dans des casinos)

Remarque : Depuis qu'il a été pris, le Règlement de l'Ontario 69/94 n'a pas été modifié.

**1. L'article 6 du Règlement de l'Ontario 69/94 est modifié par adjonction du paragraphe suivant :**

(3) Le préposé au jeu inscrit comme croupier aux termes du Règlement de l'Ontario 68/94 ne doit pas être inscrit comme employé-clé d'un casino ou employé d'un casino aux termes du présent règlement.

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

(3) An application for registration or renewal of registration as a casino key employee or a casino employee shall be accompanied by an offer of employment by a casino operator that,

- (a) must be signed by an authorized signing official;
- (b) must be conditional on the application being granted; and
- (c) must not have been withdrawn before the application is granted.

**3. The French version of clause 9 (3) (b) of the Regulation is amended by striking out "l'inspection" in the first line and substituting "l'inscription".**

**4. Section 10 of the Regulation is amended by adding the following subsections:**

(1.1) The Registrar shall not grant an application for registration or renewal of registration as a casino key employee or a casino employee unless the casino operator who has offered employment to the applicant has submitted an application for registration to the Registrar under section 8 or is a registered casino operator.

(4) Despite subsection (3), the registration of a casino key employee or casino employee shall terminate if,

- (a) the Registrar refuses an application for registration by the casino operator named in the registrant's registration;
- (b) the registration of the casino operator named in the registrant's registration is terminated; or
- (c) the registrant's employment with the casino operator named in the registration is terminated.

(5) The Registrar shall revive the registration of a casino key employee or casino employee that has terminated under subsection (4) if,

- (a) within 30 days after the termination of the registration, the registrant applies to the Registrar to have the name of the casino operator in the registration replaced with the name of a registered casino operator; and
- (b) the Registrar grants the application.

(6) An application described in clause 5 (a) shall be accompanied by an offer of employment by the registered casino operator mentioned in that clause that,

- (a) must be signed by an authorized signing official;
- (b) must be conditional on the application being granted; and
- (c) must not have been withdrawn before the application is granted.

(7) The Registrar shall grant an application described in clause 5 (a) if it is complete and accurate.

**2. L'article 8 du Règlement est modifié par adjonction du paragraphe suivant :**

(3) La demande d'inscription ou de renouvellement d'inscription comme employé-clé d'un casino ou employé d'un casino est accompagnée d'une offre d'emploi de l'exploitant d'un casino qui satisfait aux exigences suivantes :

- a) elle doit être signée par un signataire autorisé;
- b) elle n'est valable que si la demande est approuvée;
- c) elle ne doit pas avoir été retirée avant que la demande ne soit approuvée.

**3. La version française de l'alinéa 9 (3) b) du Règlement est modifiée par substitution, à «l'inspection», de «l'inscription» à la première ligne.**

**4. L'article 10 du Règlement est modifié par adjonction des paragraphes suivants :**

(1.1) Le registrateur ne doit pas approuver une demande d'inscription ou de renouvellement d'inscription comme employé-clé d'un casino ou employé d'un casino à moins que l'exploitant du casino qui a fait une offre d'emploi à l'auteur de la demande ne lui ait présenté une demande aux termes de l'article 8 ou qu'il ne soit un exploitant de casino inscrit.

(4) Malgré le paragraphe (3), l'inscription comme employé-clé d'un casino ou employé d'un casino prend fin si, selon le cas :

- a) le registrateur rejette la demande d'inscription de l'exploitant du casino nommé sur l'inscription de la personne inscrite;
- b) il est mis fin à l'inscription de l'exploitant du casino nommé sur l'inscription de la personne inscrite;
- c) il est mis fin à l'emploi de la personne inscrite chez l'exploitant du casino nommé sur l'inscription.

(5) Le registrateur rétablit l'inscription de l'employé-clé d'un casino ou de l'employé d'un casino dont l'inscription a pris fin aux termes du paragraphe (4) si :

- a) d'une part, dans les 30 jours qui suivent le moment où a pris fin l'inscription, la personne inscrite présente au registrateur une demande en vue de substituer le nom de l'exploitant d'un casino inscrit à celui de l'exploitant du casino nommé sur l'inscription;
- b) d'autre part, le registrateur approuve la demande.

(6) La demande visée à l'alinéa (5) a) est accompagnée d'une offre d'emploi de l'exploitant de casino inscrit visé à cet alinéa qui satisfait aux exigences suivantes :

- a) elle doit être signée par un signataire autorisé;
- b) elle n'est valable que si la demande est approuvée;
- c) elle ne doit pas avoir été retirée avant que la demande ne soit approuvée.

(7) Le registrateur approuve la demande visée à l'alinéa 5 a) si elle est dûment remplie et exacte.

**ONTARIO REGULATION 628/94**  
made under the  
**GAMING CONTROL ACT, 1992**

Made: October 7, 1994  
Filed: October 11, 1994

Amending O. Reg. 70/94  
(General)

Note: Since it was made, Ontario Regulation 70/94 has not been amended.

**1. Ontario Regulation 70/94 is amended by adding the following sections:**

**RECORD-KEEPING**

**17.1** (1) A casino operator shall not redeem \$10,000 or more worth of chips from a patron for cash in any transaction, except \$10,000 or more in cash as a wager at any gaming activity at which chips are not customarily used for wagering or sell in any transaction \$10,000 or more worth of chips to a patron unless the casino operator makes a record of,

- (a) the patron's name and permanent address after verifying them by examining a valid driver's licence, passport or similar piece of identification bearing the patron's photograph;
- (b) the document used to verify the patron's name and permanent address and the number of the document;
- (c) the date and amount of the transaction; and
- (d) the name, position title and signature of the person completing the transaction and recording the information on behalf of the casino operator.

(2) The information recorded shall be forwarded daily to the casino operator's accounting department and shall be kept for five years.

**17.2** (1) A casino operator shall log and aggregate all cash transactions of an amount of \$2,500 or more occurring within a 24-hour period between the casino operator and the patron, or a person who the casino operator knows or has reason to believe is the patron's agent, at the cage, gaming table, pit or foreign exchange booth.

(2) A casino operator shall log and aggregate all cash transactions of an amount under \$2,500 occurring within a 24-hour period between the casino operator and the patron, or a person who the casino operator knows or has reason to believe is the patron's agent, at the cage, gaming table, pit or foreign exchange booth if any officer or employee of the casino operator has reason to believe that the transaction is one of a series of transactions that together may amount to \$10,000 or more in a 24-hour period.

(3) When transactions logged and aggregated pursuant to subsections (1) and (2) amount to \$10,000 or more, the identification and record-keeping requirements set out in section 17.1 apply.

**17.3** A casino operator shall describe the procedures adopted to ensure compliance with sections 17.1 and 17.2 in the internal control system referred to in section 19.

**2. The heading immediately preceding section 18 of the Regulation is revoked and the following substituted:**

**SURVEILLANCE AND SECURITY**

**3. The Regulation is amended by adding the following section:**

**18.1** (1) A casino operator shall submit policies and procedures relating to security at the casino to the Director for his or her approval before casino operations begin.

(2) For the purpose of complying with subsection (1), a casino operator shall submit information that includes,

- (a) a detailed description of the responsibilities of the security department; and
- (b) procedures for,
  - (i) handling and moving money, chips, tokens and playing cards within the casino,
  - (ii) transferring money between the casino and any financial institution and between parking lot booths at the casino and the casino,
  - (iii) ensuring the security of gaming equipment,
  - (iv) dealing with persons suspected of having used counterfeit money, forged or stolen credit cards or travellers' cheques that distinguish the procedures to be followed according to whether the suspect is in the casino or has left,
  - (v) preventing individuals who appear to be intoxicated from playing games of chance,
  - (vi) ensuring that persons under the age of 19 are not permitted entry into the casino,
  - (vii) dealing with persons trespassing on casino property,
  - (viii) protecting clients who have won large sums of money, and
  - (ix) evacuating the casino in an emergency.

(3) A casino operator shall ensure that casino operations are conducted in accordance with the policies and procedures relating to security approved by the Director.

(4) In determining whether to approve policies and procedures relating to security submitted under this section, the Director shall consider whether they comply with the criteria set out in policy directives on security at casinos issued by the Director from time to time.

(5) A casino operator shall not alter any part of its policies and procedures relating to security at the casino unless the Director has given prior approval based on a consideration of the criteria referred to in subsection (4).

44/94

**ONTARIO REGULATION 629/94**  
made under the  
**OCCUPATIONAL HEALTH AND SAFETY ACT**

Made: October 7, 1994  
Filed: October 11, 1994

**DIVING OPERATIONS**

**PART I**  
**INTERPRETATION**

**1. In this Regulation,**

"adequate", in relation to a procedure, material, device, object or any other thing, means sufficient for its intended and actual use and

sufficient to protect a worker from damage to the worker's body or health, and "adequately" has a corresponding meaning;

"atmospheric diving" means diving where the diver is always at one atmosphere;

"atmospheric diving system" means a diving system designed to withstand external pressures greater than one atmosphere while the internal pressure remains at one atmosphere, and includes a one-person submarine and the one-atmosphere chamber of a lock-out submersible;

"bail-out system" means an emergency breathing mixture supply worn by a diver;

"bottom time" means the total elapsed time measured in minutes, from the time a descending diver leaves the surface to the time the diver begins final ascent, rounded to the next whole minute;

"breathing mixture" means a mixture of gases for human respiration and includes pure oxygen;

"decompression" means the procedure that a diver follows during the ascent from depth in order to minimize the risk of decompression sickness;

"deep diving" means diving to depths greater than 165 feet;

"dive site" means a surface location at which diving personnel and equipment are located in support of the underwater work site;

"diver" means,

- (a) an atmospheric diving system operator, and
- (b) a worker who performs work underwater at any pressure greater than one atmosphere,

and includes a standby diver who dives in the event of a health or safety emergency;

"diver's tender" means a person who assists a diver at the dive site by monitoring the diver's equipment, communicating with the diver and otherwise monitoring the diver's health and safety;

"diving operation" means work performed underwater by divers or work performed on the surface in support of divers, and includes underwater inspection, investigation, excavation, construction, alteration, repair or maintenance of equipment, machinery, structures or ships and the salvage of sunken property;

"employer associated with a diving operation" means an employer of,

- (a) a diver who participates in the diving operation,
- (b) a standby diver who participates in the diving operation,
- (c) a diver's tender who participates in the diving operation,
- (d) a diving supervisor for the diving operation,
- (e) a hyperbaric chamber operator who participates in the diving operation,
- (f) a life support technician who participates in the diving operation, or
- (g) any other worker who participates in the diving operation at or near the dive site or underwater work site;

"hyperbaric chamber" means a pressure vessel and associated equipment designed for pressures greater than one atmosphere;

"lifeline" means a safety rope used to tether a diver;

"liveboating" means a diving operation conducted from a vessel the propeller of which is turning, whether the vessel is stationary or moving;

"lock-out submersible" means a self-propelled submersible that is fitted with a submersible compression chamber from which a diving operation can be carried out and that has a separate one-atmosphere chamber from which the submersible is operated;

"locked-out" means made inoperable by means that are under the direct control of the diving supervisor or a person authorized by the diving supervisor;

"mixed gas" means a breathing mixture other than air;

"non-saturation diving" means diving in which decompression occurs during ascent from the underwater work site;

"saturation chamber" means a hyperbaric chamber that is equipped to permit divers to remain under pressure for an unlimited period of time;

"saturation diving" means diving in which the decompression procedure used allows a bottom time of unlimited duration;

"stage" means a cage, basket, platform or other device in or on which a diver may be lowered to or raised from an underwater work site but does not include a submersible compression chamber, an atmospheric diving system or a lock-out submersible;

"standby diver" means a person who stands by at the dive site prepared to rescue a submerged diver should rescue become necessary;

"submersible compression chamber" means a hyperbaric chamber that has the capacity to transport divers at pressures greater than one atmosphere from the surface to an underwater work site and back and includes a submersible compression chamber that is part of a lock-out submersible;

"submersible compression chamber attendant" means a diver in a submersible compression chamber who,

- (a) assists a diver who has exited from the chamber by monitoring the diver's equipment, monitoring the diver's health and safety and communicating with the diving supervisor, and
- (b) stands by prepared to rescue a diver who has exited from the chamber should rescue become necessary;

"surface-supplied diving" means diving where the diver is supplied with a breathing mixture through an umbilical bundle, whether or not a submersible compression chamber is used;

"umbilical bundle" means a composite of hoses, wires and cables designed to supply services, such as breathing mixtures, power, heat and communications, from the surface to a diver or to a submersible compression chamber;

"underwater work site" means the underwater location where work is performed;

"water control structure" includes dams, head gates, stop logs, turbine intake gates and pump intake gates;

"wet bell" means a stage that is equipped with a dry upper compartment.

**PART II  
GENERAL**

**APPLICATION**

2. (1) This Regulation applies in relation to,

- (a) any diving operation; and
- (b) any function in support of a diving operation.

(2) Despite subsection (1), this Regulation does not apply in relation to,

- (a) any diving operation the purpose of which is to train people for recreational diving;
- (b) any diving operation in which the only underwater breathing equipment used is snorkelling equipment;
- (c) a dive the sole purpose of which is to respond to an unforeseen emergency situation involving imminent danger to the life, health or safety of any person, if the dive is undertaken voluntarily; or
- (d) any function in support of a diving operation described in clause (a) or (b) or any dive described in clause (c).

(3) For the purposes of clause (2) (c), a dive is not undertaken voluntarily if it is related to a diving operation in relation to which the diver is paid.

**METHOD OF GIVING NOTICE TO MINISTRY**

3. (1) A written notice that is required by this Regulation to be given to the Ministry shall be given by delivering it to the Diving Notice Address or by delivering it by facsimile transmission using the Diving Notice Facsimile Transmission Number.

(2) An oral notice that is required by this Regulation to be given to the Ministry shall be given by telephoning the Diving Notice Telephone Number.

(3) The Diving Notice Address, the Diving Notice Facsimile Transmission Number and the Diving Notice Telephone Number may be obtained from any Director.

**EQUIVALENCY**

4. (1) An employer, owner, constructor or diving supervisor may vary a procedure required by this Regulation or a composition, design, size or arrangement of a material, object or device or thing required by this Regulation if,

- (a) the varied procedure, composition, design, size, or arrangement affords protection for the health and safety of workers that is at least equal to the protection that would otherwise be afforded;
- (b) written notice of the variance has been given,
  - (i) to the joint health and safety committee or the health and safety representative, if any, or
  - (ii) to the Ministry, if there is no joint health and safety committee or health and safety representative; and
- (c) a copy of the notice is available for inspection by an inspector at the dive site whenever the variance is used in a diving operation.

(2) Subsection (1) does not apply in respect of any requirement in the Act or this Regulation to give notice.

**DUTIES OF EMPLOYERS, CONSTRUCTORS AND OWNERS**

5. (1) Each constructor of a project where a diving operation is to take place, each employer associated with a diving operation and each owner associated with a diving operation shall ensure that the Ministry is given notice of the diving operation.

(2) Notice under subsection (1) shall be given,

- (a) in writing before the diving operation begins; or
- (b) orally before the diving operation begins and in writing within 30 days after the day on which the diving operation begins.

(3) Despite subsection (2), where a breathing mixture other than air is expected to be used in the diving operation, the notice shall be given in writing before the diving operation begins.

(4) Written notice under subsection (1) shall be given on a form obtained for the purpose from the Ministry and shall include the following:

1. Information sufficient to permit an inspector to locate the dive site.
2. The expected starting date and duration of the diving operation.
3. The dates when and times of day during which the diving operation is expected to be carried out.
4. The name, mailing address and telephone number of an owner, constructor or employer who is associated with the diving operation.
5. The name of the diving supervisor appointed under section 6.
6. The expected maximum depth of any dive in the diving operation.
7. A description of the tasks expected to be performed in the diving operation.
8. The breathing mixtures expected to be used in the diving operation.
9. A statement whether the diving operation is to be offshore or onshore.
10. A statement whether recirculating S.C.U.B.A. is to be used in the diving operation.
11. A statement whether the diving operation is one to which Part XI applies.

(5) Oral notice under subsection (1) shall include the following:

1. Information sufficient to permit an inspector to locate the dive site.
2. The expected starting date and duration of the diving operation.
3. The dates when and times of day during which the diving operation is expected to be carried out.
4. The name, mailing address and telephone number of an owner, constructor or employer who is associated with the diving operation.

5. A statement whether the diving operation is to be offshore or onshore.

(6) Each person responsible for ensuring that notice of a diving operation is given under subsection (1) shall also ensure that notice is given in writing to the Ministry of any departure from the plans described in the notice under subsection (1).

(7) Notice under subsection (6) shall be given before the departure where reasonably possible and, in any event, as soon as reasonably possible.

6. Each person responsible for ensuring that notice of a diving operation is given under subsection 5 (1) shall also ensure,

(a) that one or more competent persons are appointed as diving supervisors for the diving operation; and

(b) that one of the persons appointed under clause (a) is present at the dive site or, where required by clause 49 (3) (b), in the lock-out submersible, and is acting as diving supervisor whenever the diving operation is being carried out.

7. (1) Each person responsible for ensuring that notice of a diving operation is given under subsection 5 (1) shall also ensure that a written operational plan and a written contingency plan for the diving operation are prepared, with input from one or more of the diving supervisors appointed for the diving operation under section 6.

(2) An operational plan shall,

- (a) describe the tasks to be performed in the diving operation;
- (b) state how the tasks referred to in clause (a) are to be performed;
- (c) state how the hazards that could be encountered in the diving operation are to be identified and handled; and
- (d) state which agencies, plants and facilities will be given notice under section 9.

(3) A contingency plan shall,

- (a) include instructions for communicating with medical assistance in the event of an emergency;
- (b) outline emergency procedures for the evacuation of an injured diver from the dive site;
- (c) outline emergency procedures for responding to any significant failure of a component of any diving equipment;
- (d) outline emergency procedures for responding to a loss of communications with a diver;
- (e) outline emergency procedures for responding to hazardous weather or ice conditions;
- (f) outline emergency procedures for aborting a dive; and
- (g) outline emergency procedures for responding to any inability of an offshore dive site to maintain station.

8. Each person responsible for ensuring that notice of a diving operation is given under subsection 5 (1) shall also ensure that each of the following is available for inspection by an inspector at the dive site whenever the diving operation is being carried out:

1. A copy of any written notice that has been given in respect of the diving operation under subsection 5 (1).

2. Where written notice has not yet been given in respect of the diving operation under subsection 5 (1), a written statement including the date of the oral notice given in respect of the diving operation and the name of the person to whom the oral notice was given.

3. A copy of the operational plan prepared for the diving operation under section 7.

4. A copy of the contingency plan prepared for the diving operation under section 7.

5. A copy of this Regulation.

6. A copy of any standard published by the Canadian Standards Association and referred to in this Regulation that may apply to the diving operation.

9. (1) Each person responsible for ensuring that notice of a diving operation is given under subsection 5 (1) shall also ensure that notice of the diving operation is given to,

(a) each law enforcement agency that,

(i) has responsibilities in relation to the area in which the dive site is located, and

(ii) would need to know about the diving operation in order to ensure that it is carried out safely and in a manner that takes into account other activities and events in the area;

(b) each industrial plant that is within two kilometres of the dive site and might discharge effluent that would be harmful to the health or safety of a worker associated with the diving operation; and

(c) each water control facility, such as a hydro-electric authority, or water intake plant that is within one kilometre of the dive site.

(2) For the purposes of clause (1) (a), examples of law enforcement agencies include harbour commissions, harbour masters, navigable water authorities and police departments.

(3) For the purposes of subsection (1), notice is given to an agency, plant or facility when it is given to a person with control over or responsibility for the agency, plant or facility.

(4) Notice under subsection (1) shall include the following:

1. Information sufficient to permit the person receiving the notice to locate the dive site.

2. The expected starting date and duration of the diving operation.

3. The dates when and times of day during which the diving operation is expected to be carried out.

4. The name, mailing address and telephone number of an owner, constructor or employer who is associated with the diving operation.

(5) Notice under subsection (1) shall be given before the diving operation begins and may be given orally or in writing.

10. (1) Each person responsible for ensuring that notice of a diving operation is given under subsection 5 (1) shall also ensure that the Ministry is given written notice if any of the following incidents occur in connection with the diving operation:



1. A diver becoming trapped underwater.
2. A diver failing to comply with the decompression requirements of this Regulation.
3. Failure of any diving equipment posing a risk to the health or safety of a diver.
4. Emergency rescue of a diver in a submersible compression chamber or atmospheric diving system.
5. Emergency use of a recompression chamber.
6. A person becoming unconscious.
7. A diver suffering from decompression sickness.

(2) A notice under subsection (1) shall be given within two days of the incident and shall include the following:

1. The name, mailing address and telephone number of an owner, constructor or employer associated with the diving operation.
2. The nature and circumstances of the incident and the injury or illness, if any, sustained by any person as a result of the incident.
3. The time and place of the incident.
4. The name and address of any person who sustained injury or illness as a result of the incident.
5. The steps taken to prevent a recurrence.

#### NOTICES AND REPORTS

11. (1) A written report under subsection 51 (1) of the Act respecting an occurrence in which a person is killed or critically injured shall set out,

- (a) the name and address of the person submitting the report;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained by the person;
- (c) a description of any machinery, equipment or procedure involved;
- (d) the time and place of the occurrence;
- (e) the name and address of the person who was killed or critically injured;
- (f) the names and addresses of all witnesses to the occurrence;
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury; and
- (h) the steps taken to prevent a recurrence.

(2) A written notice under subsection 52 (1) of the Act respecting an occurrence shall set out,

- (a) the name and address of the person submitting the notice;
- (b) the nature and the circumstances of the occurrence and the injury or illness sustained by any person as a result of the occurrence;

- (c) a description of any machinery, equipment or procedure involved;
- (d) the time and place of the occurrence;
- (e) the name and address of any person who sustained injury or illness as a result of the occurrence;
- (f) the names and addresses of all witnesses to the occurrence;
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury or illness; and
- (h) the steps taken to prevent a recurrence.

(3) A written notice under subsection 52 (2) of the Act respecting an illness shall set out,

- (a) the name and address of the person submitting the notice;
- (b) the nature of the occupational illness;
- (c) the name and address of the worker involved;
- (d) the name and address of the physician or surgeon, if any, by whom the worker was or is being attended for the illness; and
- (e) the steps taken to prevent a recurrence.

#### DUTIES OF DIVING SUPERVISORS

12. (1) The diving supervisor for a diving operation shall have his or her diving log book or equivalent statement of diving experience at the dive site and available for inspection by an inspector.

(2) The diving supervisor for a diving operation shall be present at the dive site or, where required by clause 49 (3) (b), in the lock-out submersible and shall be in direct control of the diving operation whenever the diving operation is being carried out.

- (3) The diving supervisor for a diving operation shall,
  - (a) ensure that the operational plan and the contingency plan for the diving operation are followed;
  - (b) brief the workers associated with the diving operation on the operational plan, the contingency plan and the procedures to be followed during the diving operation;
  - (c) ensure that each diver participating in the diving operation is competent and fit to perform the work;
  - (d) ensure that each diver has his or her diving log book at the dive site and available for inspection by an inspector;
  - (e) immediately before each dive, review the nature of the hazards that could be encountered in the underwater work site and brief divers on those hazards;
  - (f) ensure that any diving equipment to be used in the diving operation is examined by a competent person at least once on each day on which it is to be used, before the use, and is tested and repaired as appropriate;
  - (g) ensure that, whenever the diving operation is being carried out, adequate warning devices are displayed to indicate the area around the dive site that is to be kept clear of any equipment other than that associated with the diving operation;

- (h) except in the case of a health or safety emergency, ensure that a diver is not permitted to remain at any depth longer than the maximum time planned for the depth of the dive;
  - (i) supervise all decompression and therapeutic recompression in strict accordance with adequate decompression procedures and tables;
  - (j) terminate or interrupt the diving operation if, in the diving supervisor's opinion, continuance of the operation is likely to endanger the health or safety of any worker.
- (4) The diving supervisor for a diving operation shall supervise the standby divers associated with the diving operation and, in particular, shall,
- (a) ensure that an adequate number of standby divers are present and properly positioned at the dive site so that each submerged diver can be reached as quickly as possible in the event that he or she needs to be rescued;
  - (b) ensure that no person is permitted to act as a standby diver unless he or she is adequately trained, having regard to the depths and circumstances in which the standby diver would have to operate should a rescue become necessary;
  - (c) ensure that each standby diver is adequately dressed and has adequate diving and communication equipment checked, ready and at hand, having regard to the depths and circumstances in which the standby diver would have to operate should a rescue become necessary;
  - (d) ensure that each standby diver who uses S.C.U.B.A. is equipped with a lifeline that is at least 10 feet longer than the lifeline of any submerged diver whom the standby diver might need to rescue;
  - (e) ensure that each standby diver who uses surface-supplied diving equipment is equipped with an umbilical bundle that is at least 10 feet longer than the umbilical bundle of any submerged diver whom the standby diver might need to rescue;
  - (f) ensure that no standby diver is assigned to any duties other than,
    - (i) duties of standby diver,
    - (ii) where the standby diver is also acting as diving supervisor, duties of diving supervisor, and
    - (iii) duties of communicating with a submerged diver;
  - (g) ensure that no standby diver dives except in the event of a health or safety emergency;
  - (h) ensure that each standby diver has his or her diving log book at the dive site and available for inspection by an inspector; and
  - (i) ensure that no person is permitted to act as a standby diver unless he or she is knowledgeable about,
    - (i) the operational plan and the contingency plan for the diving operation,
    - (ii) the diving equipment to be used in the diving operation,
    - (iii) the diving signals to be used in the diving operation,
    - (iv) the in-water decompression procedures to be used in the diving operation, and
    - (v) any emergency procedures that might have to be used in the diving operation.
- (5) The diving supervisor for a diving operation shall supervise the divers' tenders associated with the diving operation and, in particular, shall,
- (a) ensure that a diver's tender is acceptable to each diver to be tended by him or her;
  - (b) ensure that no diver's tender is assigned to any duties other than,
    - (i) duties of diver's tender,
    - (ii) where the diver's tender is also acting as diving supervisor, duties of diving supervisor, and
    - (iii) duties permitted to be performed by a diver's tender under clause 30 (1) (d);
  - (c) ensure that no person is permitted to act as a diver's tender unless he or she is knowledgeable about the matters mentioned in clause (4) (i).
- (6) The diving supervisor for a diving operation shall supervise the submersible compression chamber attendants associated with the diving operation and, in particular, shall,
- (a) ensure that, whenever a submersible compression chamber is being used to carry out the diving operation, a submersible compression chamber attendant is present in the chamber;
  - (b) ensure that no person is permitted to act as a submersible compression chamber attendant unless he or she is adequately trained, having regard to the depths and circumstances in which the attendant would have to operate should a rescue become necessary;
  - (c) ensure that each submersible compression chamber attendant is adequately dressed and has adequate diving and communication equipment checked, ready and at hand, having regard to the depths and circumstances in which the attendant would have to operate should a rescue become necessary;
  - (d) ensure that each submersible compression chamber attendant is equipped with a lifeline that is at least 10 feet longer than the lifeline of any diver who has exited the submersible compression chamber and whom the attendant might need to rescue;
  - (e) ensure that each submersible compression chamber attendant is equipped with an umbilical bundle that is at least 10 feet longer than the umbilical bundle, if any, of any diver who has exited the submersible compression chamber and whom the attendant might need to rescue;
  - (f) ensure that no submersible compression chamber attendant is assigned to any duties other than those of submersible compression chamber attendant;
  - (g) ensure that no submersible compression chamber attendant exits the submersible compression chamber underwater except in the event of a health or safety emergency;
  - (h) ensure that each submersible compression chamber attendant has his or her diving log book at the dive site and available for inspection by an inspector;
  - (i) ensure that a submersible compression chamber attendant is acceptable to each diver to be attended by him or her;

- (j) ensure that no person is permitted to act as a submersible compression chamber attendant unless he or she is knowledgeable about the matters mentioned in clause (4) (i).

(7) Except in the event of a health or safety emergency or where required by subsection (2), a person acting as a diving supervisor for a diving operation shall not dive.

#### DUTIES OF DIVERS AND STANDBY DIVERS

13. (1) Before participating in a diving operation, a diver or standby diver shall ensure that he or she,

- (a) understands the operational plan and the contingency plan for the diving operation;
- (b) is aware of the hazards that could be encountered in the underwater work site;
- (c) has his or her diving log book at the dive site and available for inspection by an inspector;
- (d) has undergone a medical examination in accordance with section 32;
- (e) has a physician's statement, obtained in accordance with section 32, at the dive site and available for inspection by an inspector;
- (f) is not fatigued;
- (g) is not impaired in his or her diving ability because of consumption of alcohol or drugs; and
- (h) is satisfied that all workers associated with the diving operation have an adequate understanding of the operational plan and the contingency plan.

(2) A diver or standby diver who is unfit to dive shall promptly inform the diving supervisor of that fact and shall refrain from diving or from acting as standby diver.

(3) Immediately before diving, while at the dive site, a diver or standby diver shall check that he or she has all the necessary personal diving equipment and that it is all functioning properly.

(4) At the onset of any sign of equipment malfunction or distress on the part of any submerged diver, a diver shall, if possible, notify the diver's tender, the diving supervisor and any diving partner and terminate the dive.

(5) On completion of any dive for which this Regulation does not require decompression, a diver, other than an atmospheric diving system operator, shall remain under observation in the presence of the diving supervisor for a period set by the diving supervisor.

(6) On completion of any dive for which this Regulation requires decompression, a diver, other than an atmospheric diving system operator, shall remain under observation at the dive site for at least one hour.

(7) Where the diving supervisor is of the opinion that, because of the nature of a dive to which subsection (6) applies, a diver should remain under observation for a period longer than one hour, the diver shall remain under observation at the dive site for such longer period as the diving supervisor sets.

(8) A diver, other than an atmospheric diving system operator, shall not fly at an altitude greater than 1,000 feet above the dive site during,

- (a) the 12-hour period following a no-decompression dive;

- (b) the 24-hour period following an air dive requiring decompression;

- (c) the 24-hour period following a mixed gas dive requiring decompression with a bottom time of less than two hours;

- (d) the 48-hour period following a mixed gas dive requiring decompression with a bottom time of two hours or longer;

- (e) the 72-hour period following a saturation dive; and

- (f) any period set by an attending physician following treatment for decompression sickness.

(9) A standby diver shall ensure that he or she,

- (a) does not dive except in the event of a health or safety emergency;

(b) does not perform any duties other than,

- (i) duties of standby diver,

- (ii) where he or she is also acting as diving supervisor, duties of diving supervisor, and

- (iii) duties of communicating with a submerged diver; and

- (c) is adequately dressed and has adequate diving and communication equipment checked, ready and at hand, having regard to the depths and circumstances in which the standby would have to operate should a rescue become necessary.

(10) A submersible compression chamber attendant shall ensure that he or she,

- (a) does not exit the submersible compression chamber except in the event of a health or safety emergency;

- (b) does not perform any duties other than those of a submersible compression chamber attendant; and

- (c) is adequately dressed and has adequate diving and communication equipment checked, ready and at hand, having regard to the depths and circumstances in which the attendant would have to operate should a rescue become necessary.

#### DUTIES OF DIVER'S TENDERS

14. A diver's tender shall ensure that he or she does not perform any duties other than,

- (a) duties of diver's tender;

- (b) where he or she is also acting as diving supervisor, duties of diving supervisor; and

- (c) duties permitted to be performed by a diver's tender under clause 30 (1) (d).

### PART III EQUIPMENT

#### DIVING EQUIPMENT—GENERAL

15. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that all diving equipment to be used in the diving operation is adequate.

(2) Without limiting the generality of subsection (1), each employer associated with a diving operation and the diving supervisor for a

diving operation shall ensure that all diving equipment to be used in the diving operation,

- (a) is of sound construction and adequate strength and is free from patent defects;
- (b) is adequately maintained;
- (c) is tested and repaired by a competent person in accordance with the manufacturer's recommended procedures; and
- (d) is constructed in a way that ensures against malfunctions caused by low air or water temperatures or by the expansion of air or gas.

(3) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that all written material necessary for adequate dive site maintenance and operation of all diving equipment to be used in the diving operation is available at the dive site.

(4) For the purposes of subsection (3), examples of written material include operation manuals, field manuals, maintenance manuals, alerts and safety checklists.

(5) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any compressed gas cylinder to be used in the diving operation is hydrostatically tested and visually inspected in accordance with the Canadian Standards Association Standard, Z275.2-92, "Occupational Safety Code for Diving Operations".

#### PERSONAL DIVING EQUIPMENT

16. (1) A diver participating in a diving operation and the diving supervisor for the diving operation shall ensure that the diver is adequately equipped.

(2) A standby diver participating in a diving operation and the diving supervisor for the diving operation shall ensure that the standby diver is adequately equipped.

(3) Without limiting the generality of subsection (1), a diver, other than an atmospheric diving system operator, participating in a diving operation and the diving supervisor for the diving operation shall ensure that the diver is equipped with,

- (a) a knife that is adequately strong and sharp;
- (b) adequate weights;
- (c) an adequate diving suit or, where a diving suit is not necessary because of the circumstances of the dive, other adequate protective clothing;
- (d) an adequate diving harness that,
  - (i) is strong enough to lift the diver and his or her personal equipment from the water in an emergency,
  - (ii) is equipped with a positive buckling device, and
  - (iii) where the diver wears an umbilical bundle, is equipped with an attachment point for the lifeline that adequately ensures against strain on the diver's hose, mask and helmet.

(4) Without limiting the generality of subsection (2), a standby diver participating in a diving operation and the diving supervisor for the diving operation shall ensure that the standby diver is equipped with the things mentioned in subsection (3).

#### DIVE SITE EQUIPMENT

17. (1) The diving supervisor for a diving operation shall ensure that, whenever diving is in progress, the dive site is adequately equipped.

(2) Without limiting the generality of subsection (1), the diving supervisor for a diving operation shall ensure, whenever diving is in progress, that the dive site is equipped with,

- (a) an adequate quantity of oxygen for use for therapeutic purposes in the event of an emergency;
- (b) a first-aid kit that is adequate having regard to the nature and circumstances of the diving operation;
- (c) a set of adequate decompression tables;
- (d) where appropriate because of temperature conditions, an adequate climate-controlled facility for the use of workers that is located at or adequately near to the dive site;
- (e) an adequate two-way communication system connecting the dive site with medical assistance;
- (f) adequate means to facilitate the entry and exit of divers to and from the water;
- (g) adequate means to facilitate the immediate exit from the water of an unconscious diver; and
- (h) any other equipment that may be required to protect the health and safety of workers, having regard to the nature and circumstances of the diving operation.

(3) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that the dive site is of sufficient size to accommodate all workers and equipment needed for the diving operation without overcrowding.

(4) Where a diving operation is to be conducted from an offshore dive site, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that, whenever there are workers present at the dive site,

- (a) there are at least two adequate means of evacuating workers from the dive site; or
- (b) a boat equipped with an adequate primary motor and an adequate back-up motor is available at the dive site as a means of evacuating workers from the dive site.

(5) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any vessel used in the diving operation is capable of maintaining station or of being anchored or moored without risk to any diver.

#### LIFELINES

18. (1) The diving supervisor for a diving operation shall ensure that an adequate lifeline is attached to each diver, other than an atmospheric diving system operator, participating in the diving operation at all times when he or she is in the water.

(2) Without limiting the generality of subsection (1), the diving supervisor for a diving operation shall ensure that any lifeline used in the diving operation,

- (a) is of sound construction and adequate strength and is free from patent defects;

- (b) is adequately maintained;
- (c) is free of knots, other than knots necessary to attach the lifeline to the diver and the dive site, is free of splices and has a breaking strength of not less than 2,450 kilograms;
- (d) is securely attached to the diver's harness;
- (e) is no longer than is reasonably required to perform the work;
- (f) where the diver is using surface-supplied diving techniques, is attached securely to the dive site;
- (g) where the diver is using S.C.U.B.A., is attached securely to the dive site or to a float visible to the diver's tender;
- (h) where the diver is operating from a submersible compression chamber or a lock-out submersible, is attached securely to the chamber or submersible;
- (i) where the diver is using surface-supplied diving techniques, is tended at all times by a diver's tender by continuously holding the lifeline;
- (j) where the diver is using S.C.U.B.A., is tended at all times by a diver's tender, by continuously holding the lifeline or, in the case of a lifeline attached to a float, by continuously observing the float;
- (k) where the diver is operating from a submersible compression chamber, is attended at all times by a submersible compression chamber attendant by continuously holding the lifeline; and
- (l) where the diver is using an umbilical bundle, is incorporated in the umbilical bundle.

(3) Despite subsection (1) and clauses (2) (g) and (j), where, because of the nature of the work, a diver using S.C.U.B.A. cannot operate safely while tethered by a lifeline to the dive site or a float, the diving supervisor may permit the diver to operate untethered, so long as the diver is accompanied by another diver who,

- (a) is using a lifeline in accordance with clauses (2) (g) and (j); and
- (b) is in continuous visual contact with the untethered diver.

#### COMMUNICATIONS

19. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that each submerged diver is connected to the dive site or, where the diving supervisor is in the one atmosphere chamber of a lock-out submersible, to the diving supervisor, by a two-way communication system that is adequate and that meets the requirements of subsections (2) to (5).

(2) Subject to subsection (3), the two-way communication system may be by voice or by pre-arranged line signals.

- (3) The two-way communication system must be by voice where,
  - (a) the depth of the dive exceeds 100 feet;
  - (b) a diver uses any power tool, explosive, burning equipment or welding equipment;
  - (c) a diver directs the use of any hoisting device to place any materials underwater while the diver is underwater;

- (d) a diver works in or near a pipe, tunnel, duct, underwater intake or other confined space or in or near a water control structure;
- (e) a diver places any materials underwater in a way that poses a risk to the health or safety of the diver;
- (f) an atmospheric diving system is used;
- (g) a wet bell is used;
- (h) a submersible compression chamber is used; or
- (i) the diving operation is one to which Part XI applies.

(4) For the purposes of clause (3) (d), a diver works near a thing where the proximity of the thing to the diver poses a health or safety risk to the diver.

- (5) The two-way voice communication system must,
  - (a) afford sound reproduction that enables the diver's breathing to be heard clearly; and
  - (b) where a breathing mixture containing helium or any other gas that significantly distorts voice transmission is used, unscramble voices effectively.

(6) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that,

- (a) all communication through a two-way voice communication system used for a dive to a depth greater than 165 feet or for a dive using an atmospheric diving system is continuously recorded; and
- (b) the recordings referred to in clause (a) are saved for at least 48 hours after they are made.

(7) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that each submerged diver operating at a depth greater than 100 feet is connected to the dive site by an adequate back-up two-way communications system that is independent of the primary communications system required by subsection (1).

(8) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any atmospheric diving system or submersible compression chamber used in a diving operation is provided with an adequate back-up two-way communications system that is independent of the primary communications system required by subsection (1).

#### CRANES AND HOISTING DEVICES

20. (1) Where a crane or other hoisting device is used to lower a stage carrying a diver into the water, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that,

- (a) the crane or other hoisting device remains available throughout the dive for the immediate recovery of the diver if required in the event of an emergency; and
- (b) except in the event of an emergency, all directions to the operator of the crane or other hoisting device are given, throughout the dive, by the diver, the diver's tender or the diving supervisor.

(2) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that a diver who is being lowered in a stage into the water by means of a crane or other hoisting

device is continuously able to communicate with the diving supervisor by using pre-arranged visual or line signals or a two-way voice communication system.

(3) Each employer associated with a diving operation shall ensure that any crane or other hoisting device used in a diving operation is adequate.

(4) Without limiting the generality of subsection (3), each employer associated with a diving operation shall ensure that any crane or other hoisting device used in a diving operation,

- (a) is of sound construction and adequate strength and is free from patent defects;
- (b) is equipped with a failsafe mechanism that will prevent the boom from descending or telescoping in the event of a power source failure or hoisting system failure;
- (c) is equipped with a brake or mechanical locking device that is applied automatically when the control lever, handle or switch is not held in the operating position;
- (d) is equipped with brakes that can stop and hold 100 per cent of the maximum working load with the outermost layer of wire on the drum;
- (e) is so constructed that any brakes that are power released will be applied automatically on loss of power;
- (f) is so constructed that the lowering and raising of loads is controlled by power drives that are independent of the brake mechanism;
- (g) is not fitted with a pawl-and-ratchet gear on which the pawl has to be disengaged before commencing the lowering or raising of the load; and
- (h) is constructed in a way that ensures against malfunctions at low temperatures.

(5) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any crane or other hoisting device to be used in the diving operation is adequately maintained and is examined by a competent person at least once on each day on which it is to be used.

(6) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any cable used with a crane or other hoisting device in the diving operation is used in accordance with the Code for Cable, Slings and Rigging, dated July 4, 1994 and issued by the Ministry.

(7) Where a crane or other hoisting device is used to lower a submersible compression chamber or atmospheric diving system into the water, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that, except in the event of an emergency, all directions to the operator of the crane or other hoisting device are given, throughout the dive, by the diving supervisor.

(8) Where a crane or other hoisting device is used to lower a submersible compression chamber or atmospheric diving system into the water, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that the crane or other hoisting device is equipped with,

- (a) a primary lifting cable that permits the chamber or system to be lowered safely to the maximum depth of the dive and to be

returned safely to the surface, without undue lateral, vertical or rotational movement;

- (b) a secondary lifting cable that is,

- (i) readily available at the dive site, and

- (ii) compatible with the secondary lifting eye or similar device.

(9) Where a crane or other hoisting device is used to lower a submersible compression chamber that is not part of a lock-out submersible into the water, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that, during any air-water interface transfer, the crane or other hoisting device is equipped with a safety rope that will, in the event of the primary cable breaking, cause the chamber to stop immediately below the turbulent wave zone.

#### FALL ARREST SYSTEMS

21. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that an adequate system to arrest the fall of a stage is used whenever a diver is being lowered into the water by a stage and there is a possibility that the stage might fall,

- (a) a distance of more than 10 feet;
- (b) into or onto operating machinery; or
- (c) into or onto a hazardous substance or object.

(2) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that the fall arrest system,

- (a) is adequately secured to a fixed support at the dive site or to a line that is securely fastened to a fixed support at the dive site;
- (b) is so designed that if the stage falls, the stage will be suspended not more than five feet below the location it occupied before the fall; and
- (c) is attached to a secondary lifting eye or similar device that is of at least the same strength as the primary lifting eye for the stage.

(3) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that the fixed support referred to in clause (2) (a) is capable of resisting any arrest forces in the event of a fall and is free of sharp edges that might cut or chafe the connection between the fall arrest system and the fixed support.

#### STAGES

22. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any stage used in the diving operation is adequate.

(2) Without limiting the generality of subsection (1), each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any stage used in the diving operation,

- (a) is of sufficient size to accommodate all workers and equipment needed for the diving operation without overcrowding;
- (b) is secure against tipping and spinning;
- (c) does not contain any equipment that might interfere with an occupant's foothold or handhold;

- (d) is so constructed or equipped that the occupants are secure against falling out of the stage;
- (e) is equipped with hand and foot holds arranged so that crushed hand and foot injuries are avoided;
- (f) is designed in accordance with good engineering practice; and
- (g) is so constructed that it is adequate for the purpose for which it is to be used.

#### HYPERBARIC CHAMBERS

**23.** (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that a hyperbaric chamber is at the dive site during any dive that exceeds,

- (a) the no-decompression limit given by the decompression tables used for the dive; or
- (b) a depth of 100 feet.

(2) Subsection (1) does not apply in relation to a dive where the diver is always at one atmosphere.

(3) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that a hyperbaric chamber is at the dive site during any dive where that would be reasonable in the circumstances for the protection of the diver.

(4) Each employer associated with a diving operation shall ensure that any hyperbaric chamber used on land in the diving operation has been registered with the Ministry of Consumer and Commercial Relations, Technical Standards Division, for use in Ontario.

(5) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any hyperbaric chamber used in the diving operation, other than as a submersible compression chamber or saturation chamber, conforms to and is operated in accordance with the requirements specified in clauses 1 to 9 of the Canadian Standards Association Standard, Z275.1-93, "Hyperbaric Facilities".

(6) Each employer associated with a diving operation and the diving supervisor for a diving operation shall, in the case of a dive for which a hyperbaric chamber is used other than as a submersible compression chamber or saturation chamber, ensure that a quantity of air or adequate mixed gas is available with the hyperbaric chamber that is twice the quantity required,

- (a) to pressurize the hyperbaric chamber to a pressure equivalent to the pressure at the greatest depth in respect of which the hyperbaric chamber is used in the dive or to the pressure at 165 feet, whichever is greater; and
- (b) to ventilate the hyperbaric chamber at this pressure.

#### GAUGES AND METERING EQUIPMENT

**24.** (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any gauge or metering equipment to be used in the diving operation is adequate and has been tested by a competent person within the 12-month period immediately preceding any use of it.

(2) Where it appears, whether from inconsistent readings or otherwise, that any gauge or metering equipment to be used in a diving operation may be malfunctioning, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that the gauge or metering equipment is examined and

repaired by a competent person so that it operates adequately before its next use.

(3) Where the examination and repair required by subsection (2) do not occur immediately after it appears that a gauge or metering equipment may be malfunctioning, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that, until the examination and repair occur, the gauge or metering equipment is clearly labelled in a way that states that it is not to be used until repaired.

#### PART IV BREATHING MIXTURES

##### GENERAL REQUIREMENTS

**25.** (1) The diving supervisor for a diving operation shall ensure that no diver participating in the diving operation is permitted to dive without a breathing mixture and breathing mixture supply system that are adequate, having regard to the depths and circumstances in which the diver will be operating.

(2) The diving supervisor for a diving operation shall ensure that any breathing mixture used in the diving operation conforms to Canadian Standards Association Standard, Z275.2-92, "Occupational Safety Code for Diving Operations".

(3) Except for decompression or therapeutic purposes, the diving supervisor for a diving operation shall ensure that no diver participating in the diving operation is given pure oxygen as a breathing mixture unless notice is given under paragraph 10 of subsection 5 (4).

(4) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any breathing mixture supply system used in the diving operation is designed to ensure that,

- (a) an interruption of the breathing mixture supply to one diver will not affect the supply of breathing mixture to any other diver; and
- (b) an interruption of the primary breathing mixture supply to a diver will not affect the delivery of breathing mixture from,
  - (i) any emergency bail-out system worn by the diver,
  - (ii) any emergency reserve system worn by the diver, or
  - (iii) any secondary breathing mixture supply;
- (c) an interruption of the primary breathing mixture supply to a submersible compression chamber will not affect the delivery of breathing mixture from any emergency reserve system attached to the chamber; and
- (d) an interruption of the primary breathing mixture supply in an atmospheric diving system will not affect delivery of breathing mixture from any secondary breathing mixture supply in the atmospheric diving system.

##### QUANTITIES OF PRIMARY AND SECONDARY BREATHING MIXTURE SUPPLIES

**26.** (1) The diving supervisor for a diving operation shall ensure that the total supply of breathing mixture that is available at the dive site at any time during a dive consists of,

- (a) an adequate primary supply to complete the dive as planned; and
- (b) an adequate secondary supply.

(2) The secondary supply referred to in clause (1) (b) shall at the start of a dive consist of,

- (a) in the case of a dive in which S.C.U.B.A. is used, one complete S.C.U.B.A. unit, including regulator and fully charged cylinder, in addition to the sets required for the divers and standby divers;
- (b) in the case of a dive in which surface-supplied diving techniques are used, an adequate supply of breathing mixture to allow the diver to return to the surface and undergo any in-water decompression that might be required;
- (c) in the case of a dive in which a submersible compression chamber or atmospheric diving system is used, an adequate supply of breathing mixture to enable the occupants of the chamber or system to return to the surface;
- (d) in the case of a dive in which an on-line gas blender or diver's gas recovery system is used, an adequate supply of pre-mixed breathing mixture to allow the divers to return to the surface and undergo any in-water decompression that might be required; and
- (e) in the case of a dive in which a hyperbaric chamber is used, an adequate supply of breathing mixture to allow the diver to undergo any decompression that might be required and undergo any treatment that might be required for decompression sickness.

#### EMERGENCY RESERVE AND BAIL-OUT SYSTEMS

27. A diver participating in a diving operation and the diving supervisor for the diving operation shall ensure that, when an emergency bail-out system or an emergency reserve system is used in the diving operation,

- (a) an adequate breathing mixture is provided in the system; and
- (b) the total quantity of the breathing mixture in the system is,
  - (i) when carried by the diver, sufficient to enable the diver to safely reach the surface, submersible compression chamber, lock-out submersible or wet bell, as the case may be,
  - (ii) when carried by a submersible compression chamber that is not part of a lock-out submersible, sufficient to meet the needs of the occupants of the chamber for a minimum of 24 hours, and
  - (iii) when carried by a lock-out submersible or atmospheric diving system, sufficient to meet the needs of the occupants of the submersible or system for a minimum of 48 hours.

#### BREATHING MIXTURES CONTAINING NITROGEN

28. Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that, when nitrogen is a component of any breathing mixture used in the diving operation, the mixture is not used at depths where the nitrogen partial pressure in the breathing mixture exceeds 4.8 bars.

#### PURITY OF BREATHING MIXTURES

29. Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that the purity of any breathing mixture used in the diving operation conforms to the Canadian Standards Association Standard, Z275.2-92 "Occupational Safety Code for Diving Operations".

#### COMPRESSOR REQUIREMENTS

30. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that,

- (a) any compressor and associated equipment used in the diving operation to supply a breathing mixture conforms to the requirements of the Canadian Standards Association Standard Z275.1-93 "Hyperbaric Facilities" and the Canadian Standards Association Standard B-51 "Code for the Construction and Inspection of Boilers and Pressure Vessels";
- (b) any compressor used in the diving operation to supply a breathing mixture directly to a diver,
  - (i) is capable of maintaining a supply of breathing mixture at least equal to double the volume of breathing mixture required by the diver, at a pressure at least 25 per cent greater than the maximum pressure required to supply the breathing mixture to the diver, and
  - (ii) operates automatically and without undue fluctuation of pressure in the receiver;
- (c) any compressor used in the diving operation to supply a breathing mixture directly to a diver discharges the mixture through purification filters and into a receiver of adequate volume; and
- (d) any compressor and associated equipment used in the diving operation is operated by a competent person, who may be the diver's tender.

(2) The operator of a compressor shall ensure that the compressor and associated equipment, including valves, stop valves, drain-cocks, gauges and filters, are operating adequately throughout the dive.

#### OXYGEN SUPPLY SYSTEMS

31. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any oxygen supply system used in the diving operation,

- (a) is designed specifically to supply oxygen;
- (b) is adequate having regard to the circumstances of the diving operation;
- (c) is designed so that the possibility of contamination of the oxygen by hazardous elements, including other gases, is minimized;
- (d) is designed so that the possibility of contamination of other breathing mixtures being used in the diving operation by oxygen is minimized;
- (e) does not include quick-opening valves, such as ball valves, except for emergency shut-off;
- (f) is adequately clean; and
- (g) is designed so that it will not deliver oxygen at a pressure greater than 150 pounds per square inch above the pressure of the maximum diving depth.

(2) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any area where oxygen is stored is,

- (a) adequately ventilated;
- (b) adequately posted with warning signs;
- (c) equipped with an adequate fire extinguishing apparatus;



- (d) adequately maintained; and
- (e) located as far as practicable from combustible materials.

## PART V MEDICAL PROCEDURES

### MEDICAL EXAMINATIONS

32. (1) No person shall dive, other than as an atmospheric diving system operator, unless he or she,

- (a) has undergone a medical examination to determine fitness to dive during the 24-month period preceding the dive or during such shorter period preceding the dive as has been recommended by the person's examining physician; and
- (b) has obtained a written statement from the examining physician who performed the most recent examination under clause (a), indicating whether the diver is fit to dive or fit to dive with limitations.

(2) An examination under subsection (1) shall be performed by a physician who is knowledgeable in diving and hyperbaric medicine and shall follow the Code for Medical Examination of Divers, dated July 4, 1994, and issued by the Ministry.

(3) No person shall dive as an atmospheric diving system operator unless he or she,

- (a) has undergone a medical examination to determine fitness to operate an atmospheric diving system during the 24-month period preceding the dive or during such shorter period preceding the dive as has been recommended by the person's examining physician; and
- (b) has obtained a written statement from the examining physician that meets the requirements of subsection (4) and that indicates that the diver is fit to operate an atmospheric diving system or fit to operate an atmospheric diving system with limitations.

(4) A written statement under clause (1) (b) or (3) (b) shall include the examining physician's name and address and shall be signed by the physician.

### EMERGENCY TRAINING

33. (1) Each employer associated with a diving operation shall ensure that up-to-date certification in cardio-pulmonary resuscitation and basic first aid is held by,

- (a) each person appointed as diving supervisor for the diving operation;
- (b) each diver participating in the diving operation; and
- (c) whenever the diving operation is being carried out, at least one worker at the dive site in addition to the people mentioned in clauses (a) and (b).

(2) For the purposes of subsection (1), certification may be from St. John Ambulance, Canadian Red Cross Society or an equivalent organization.

### MEDICAL ASSISTANCE

34. Each employer associated with a diving operation shall ensure that arrangements are made with one or more physicians who are

knowledgeable in diving and hyperbaric medicine so that any medical advice or support that may be required is available whenever,

- (a) a dive that involves decompression is carried out; or
- (b) a dive to a depth greater than 100 feet is carried out using techniques other than those of atmospheric diving.

### DECOMPRESSION PROCEDURES AND TABLES

35. The diving supervisor for a diving operation shall ensure that dives that involve decompression are carried out in accordance with adequate decompression procedures and tables.

## PART VI S.C.U.B.A. DIVING

### PROHIBITIONS ON S.C.U.B.A. USE

36. (1) The diving supervisor for a diving operation shall ensure that S.C.U.B.A. is not used by,

- (a) a diver working near or in an operating underwater intake;
- (b) a diver working near or in a pipe, tunnel, duct or other confined space;
- (c) a diver working at a water control structure;
- (d) a diver using any power tool, hoisting device, explosive, burning equipment or welding equipment;
- (e) a diver placing any materials underwater in a way that poses a risk to the health or safety of the diver;
- (f) a diver operating at depths in excess of 100 feet; or
- (g) a diver working in a diving operation to which Part XI applies.

(2) For the purposes of clauses (1) (a) and (b), a diver works near a thing where the proximity of the thing to the diver poses a health or safety risk to the diver.

### MINIMUM CREW

37. (1) Whenever S.C.U.B.A. is used, each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that,

- (a) an adequate number of diver's tenders, and in any event at least one diver's tender, is present at the dive site;
- (b) an adequate number of standby divers, and in any event at least one standby diver, is present at the dive site;
- (c) an adequate number of divers, and in any event at least one diver, is present at the dive site; and
- (d) one person does not act at the same time both as diver's tender and as standby diver for one or more divers.

(2) Whenever S.C.U.B.A. is used, the diving supervisor may also function either as a standby diver or as a diver's tender.

### S.C.U.B.A. DIVING EQUIPMENT

38. (1) A diver using open circuit S.C.U.B.A. in a diving operation and the diving supervisor for the diving operation shall ensure that the open circuit S.C.U.B.A. is equipped with,

- (a) a demand regulator;
  - (b) a tank with a quick release harness; and
  - (c) an emergency reserve system or emergency bail-out system.
- (2) A diver using S.C.U.B.A. in a diving operation and the diving supervisor for the diving operation shall ensure that the diver is equipped with,
- (a) an adequate face mask;
  - (b) an adequate pair of fins;
  - (c) an adequate submersible pressure gauge; and
  - (d) where the S.C.U.B.A. is to be used during hours of darkness, an adequate locator device, such as a rescue beacon or strobe.

## PART VII SURFACE-SUPPLIED DIVING

### MINIMUM CREW

39. (1) Whenever surface-supplied diving is being carried out, each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that,

- (a) an adequate number of diver's tenders, and in any event at least one diver's tender, is present at the dive site;
- (b) an adequate number of standby divers, and in any event at least one standby diver, is present at the dive site;
- (c) an adequate number of divers, and in any event at least one diver, is present at the dive site;
- (d) except in a health or safety emergency, there is a separate diver's tender for each diver engaged in surface-supplied diving; and
- (e) one person does not act at the same time both as a diver's tender and as a standby diver for one or more divers engaged in surface-supplied diving.

(2) For the purposes of subsection (1), the diving supervisor may also function either as a standby diver or as a diver's tender.

(3) Whenever a hyperbaric chamber is required by subsection 23 (1) or (3) and surface-supplied diving is being carried out, each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that,

- (a) the requirements of subsection (1) are met; and
- (b) a competent worker who does not have any duties that would interfere with his or her adequate operation of the chamber is available to operate the chamber.

(4) For the purposes of subsection (3), the diving supervisor may also function as one of the following:

1. A standby diver.
2. A diver's tender.
3. A chamber operator.

(5) Whenever surface supplied diving is carried out in a diving operation to which Part XI applies, each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that,

- (a) the requirements of subsection (1) or (3), as the case may be, are met; and
- (b) the diving supervisor does not have any duties other than the duties of a diving supervisor.

### BREATHING MIXTURE SUPPLY LINES

40. (1) The diving supervisor for a diving operation shall ensure that any breathing mixture supply line used in surface-supplied diving,

- (a) is adequate;
- (b) has an internal diameter sufficient to permit adequate flow rates and pressures;
- (c) is protected in a way that ensures against damage at the dive site; and
- (d) is protected against kinking.

(2) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that each breathing mixture supply line used in surface-supplied diving is fitted with an adequate breathing mixture supply valve.

(3) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that the breathing mixture supply valve of any diver engaged in surface-supplied diving is,

- (a) readily accessible to dive site personnel;
- (b) protected in a way that ensures against damage at the dive site;
- (c) clearly marked to permit dive site personnel to identify the diver whose breathing mixture supply it controls; and
- (d) under the care and control of a competent person.

(4) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that each breathing mixture supply line used in surface-supplied diving is fitted with an adequate pressure gauge installed,

- (a) downstream of the diver's supply valve, except where the diver's supply valve is a position indicating valve; and
- (b) in a way that permits dive site personnel a clear and unobstructed view of its dial and figures.

### HELMETS, MASKS AND HOOKAH

41. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any diver engaged in surface-supplied diving wears a diving helmet or full face mask or uses a hookah that meets the requirements of subsections (2) to (4).

- (2) A helmet, face mask or hookah must be,
  - (a) adequate;
  - (b) fitted with an adequate non-return valve; and
  - (c) attached by a hose to an adequate emergency bail-out system that is,

- (i) worn by the diver, and
- (ii) not used for suit-inflation.

(3) A helmet or mask shall be fitted with an adequate locking or fastening device.

(4) A helmet shall be fitted with an adequate and compatible attachment system for securing and sealing the helmet in place.

### PART VIII DEEP DIVING

#### GENERAL REQUIREMENTS

42. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any diver engaged in deep diving, other than atmospheric diving, is provided with an adequate breathing mixture that is mixed gas.

(2) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that deep diving is not carried out unless,

- (a) an adequate stage, downline, structure or other means is available to enable the diver to maintain the decompression stop depths and times specified in the decompression tables used for the dive without undue exertion and movement; and
- (b) the diving supervisor has a means of,
  - (i) monitoring the depth of each diver,
  - (ii) controlling the pressures at which breathing mixtures are being supplied to each diver, and
  - (iii) analysing the breathing mixtures being supplied to each diver.

(3) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that a submersible compression chamber that meets the requirements of Part IX is used to transfer personnel under pressure greater than one atmosphere to and from the underwater work site during any dive where,

- (a) bottom time exceeds 30 minutes and depth is greater than 165 feet;
- (b) bottom time exceeds 25 minutes and depth is greater than 195 feet; or
- (c) depth exceeds 230 feet.

#### EXPOSURE LIMITS AND REST PERIODS

43. (1) The diving supervisor for a diving operation shall ensure that a diver who has engaged in deep diving using non-saturation diving techniques does not work at a pressure greater than one atmosphere during the 24-hour period immediately following completion of decompression.

(2) The diving supervisor for a diving operation shall ensure that a diver who has engaged in deep diving using saturation diving techniques does not work at a pressure greater than one atmosphere during the 14-day period immediately following completion of decompression, except as permitted by a physician who is knowledgeable in diving and hyperbaric medicine.

(3) The diving supervisor for a diving operation shall ensure that a diver who has engaged in deep diving using saturation diving techniques observes the following limits:

1. In the case of a dive to a depth of 500 feet or less using a submersible compression chamber, no diver shall spend, seal to seal,
  - i. more than four hours in the water, or
  - ii. more than 10 hours in the submersible compression chamber.
2. In the case of a dive to a depth greater than 500 feet using a submersible compression chamber, no diver shall spend, seal to seal,
  - i. more than three hours in the water, or
  - ii. more than eight hours in the chamber.
3. A diver shall not work for at least 12 continuous hours immediately after reaching a limit set out in subparagraph i or ii of paragraph 1 or subparagraph i or ii of paragraph 2 and, in any event, a diver shall not work for at least 12 continuous hours in any 24-hour period.

### PART IX SUBMERSIBLE COMPRESSION CHAMBERS, SATURATION CHAMBERS AND ATMOSPHERIC DIVING SYSTEMS

#### SUBMERSIBLE COMPRESSION CHAMBER CONSTRUCTION AND EQUIPMENT

44. Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any submersible compression chamber used in the diving operation,

- (a) conforms to and is operated in accordance with the requirements specified in clauses 1 to 9 and 13 of the Canadian Standards Association Standard, Z275.1-93, "Hyperbaric Facilities";
- (b) is capable of mating to a hyperbaric chamber that conforms to the requirements specified in clauses 1 to 9 and, in the case of saturation diving, clause 12 of the Canadian Standards Association Standard, Z275.1-93, "Hyperbaric Facilities";
- (c) is adequately equipped to permit the transfer of persons under pressure into and out of a hyperbaric chamber;
- (d) is of adequate size and design to accommodate the number of occupants that it is to carry during the diving operation without overcrowding;
- (e) is designed in a way that permits divers to enter and exit with ease;
- (f) is designed to permit a diver to disconnect or shear the umbilical bundle of the chamber in the event of a health or safety emergency;
- (g) is provided with an adequate mechanism for shedding ballast weights that,
  - (i) can be operated from within the chamber, and
  - (ii) is designed in a way that ensures against accidental shedding of the weights;
- (h) is equipped with,

- (i) adequate doors and hatches that act as pressure seals and that may be opened from either side,
- (ii) adequate valves, gauges and other fittings to control pressure within the chamber and to clearly indicate internal and external pressures,
- (iii) adequate pressurization valves and main exhaust valves that are spring-loaded so as to close when not held in the open position,
- (iv) adequate primary lighting equipment and emergency back-up lighting equipment,
- (v) adequate first aid equipment,
- (vi) adequate hoisting equipment to recover an unconscious or injured diver into the chamber,
- (vii) adequate heating equipment,
- (viii) adequate emergency thermal protection for all occupants,
- (ix) an adequate emergency stroboscope light,
- (x) an adequate emergency locating device,
- (xi) adequate instruments to monitor temperature, oxygen and carbon dioxide levels within the chamber,
- (xii) adequate primary and emergency carbon dioxide scrubbers,
- (xiii) adequate hull shut-off valves on all gas and water penetrations into the chamber,
- (xiv) a secondary lifting eye or similar device that is at least as strong as the primary lifting eye,
- (xv) a blind port, and
- (xvi) an adequate tool kit;
- (i) is designed in a way that ensures against inadvertent operation of the secondary breathing mixture supply system; and
- (j) is designed in a way that permits the secondary breathing mixture supply to be brought on-line from within the chamber.

#### SATURATION CHAMBER CONSTRUCTION AND EQUIPMENT

45. Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any saturation chamber used in the diving operation conforms to and is operated in accordance with the requirements specified in clauses 1 to 9 and 12 of the Canadian Standards Association Standard, Z275.1-93, "Hyperbaric Facilities".

#### ATMOSPHERIC DIVING SYSTEM CONSTRUCTION AND EQUIPMENT

46. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any atmospheric diving system used in the diving operation,

- (a) is designed to permit a diver to disconnect or shear the umbilical bundle of the system in the event of a health or safety emergency;
- (b) is provided with an adequate mechanism for shedding ballast weights that,

- (i) can be operated from within the system, and
- (ii) is designed in a way that ensures against accidental shedding of the weights;
- (c) is designed in a way that ensures against inadvertent operation of the secondary breathing mixture supply system;
- (d) is designed in a way that permits the secondary breathing mixture supply to be brought on-line from within the system;
- (e) is equipped with the things mentioned in subclauses 44 (h) (i), (ii), (iv), (v) and (vii) to (xvi); and
- (f) conforms to the requirements for registration set out in,
  - (i) Det Norske Veritas, "Rules For Certification of Diving Systems", 1988,
  - (ii) Lloyd's Register, "Rules and Regulations For the Construction and Classification of Submersibles and Underwater Systems", 1989, Notice No. 1, July 17, 1991, or
  - (iii) American Bureau of Shipping, "Rules For Building and Classing Underwater Vehicles, Systems and Hyperbaric Facilities", 1990.

(2) For the purposes of clause (1) (e), a reference in clause 44 (h) to "chamber" shall be deemed to be a reference to "system".

#### LOCK-OUT SUBMERSIBLE CONSTRUCTION AND EQUIPMENT

47. (1) The submersible compression chamber part of a lock-out submersible and the atmospheric diving system part of the lock-out submersible may have in common the weight-shedding mechanism required for submersible compression chambers by clause 44 (g) and for atmospheric diving systems by clause 46 (1) (b), so long as the mechanism can be operated from within the atmospheric diving system.

(2) The submersible compression chamber part of a lock-out submersible and the atmospheric diving system part of the lock-out submersible may have in common,

- (a) the stroboscope required for submersible compression chambers by subclause 44 (h) (ix) and for atmospheric diving systems by clause 46 (1) (e); and
- (b) the locating device required for submersible compression chambers by subclause 44 (h) (x) and for atmospheric diving systems by clause 46 (1) (e).

(3) Where a submersible compression chamber and atmospheric diving system together form a lock-out submersible, each employer associated with a diving operation and the diving supervisor for a diving operation need not comply with clause 44 (f) or 46 (1) (a), if the lock-out submersible as a whole is designed to permit a diver to disconnect or shear the umbilical bundle of the lock-out submersible in the event of a health or safety emergency.

(4) Where a submersible compression chamber and atmospheric diving system together form a lock-out submersible, each employer associated with a diving operation and the diving supervisor for a diving operation need not comply with subclause 44 (h) (xiv) or with the requirement in clause 46 (1) (e) relating to secondary lifting eyes or similar devices, if the lock-out submersible as a whole has a secondary lifting eye or similar device that is at least as strong as the primary lifting eye of the lock-out submersible.

#### WHEN SUBMERSIBLE COMPRESSION CHAMBER ATTENDANT REQUIRED

48. Except in the event of a health or safety emergency, the diving supervisor for a diving operation shall ensure that any diver who exits

from a submersible compression chamber is attended continuously by a submersible compression chamber attendant until the diver re-enters the chamber.

#### UNDERWATER EXIT FROM SUBMERSIBLE COMPRESSION CHAMBER

49. (1) The diving supervisor for a diving operation shall ensure that any diver, other than a submersible compression chamber attendant, who exits underwater from a submersible compression chamber is equipped with an umbilical bundle that is no longer than 100 feet.

(2) The diving supervisor for a diving operation shall ensure that any submersible compression chamber attendant who exits underwater from a submersible compression chamber is equipped with an umbilical bundle that meets the requirements of clause 12 (6) (e).

(3) The diving supervisor for a diving operation shall ensure that no diver exits underwater from the submersible compression chamber of a lock-out submersible unless,

- (a) the lock-out submersible is negatively buoyant on the bottom or adequately secured to the underwater work site; and
- (b) the diving supervisor is in the one atmosphere chamber of the lock-out submersible.

#### BREATHING MIXTURES FOR ATMOSPHERIC DIVING

50. Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that any diver engaged in atmospheric diving is provided with an adequate breathing mixture that has the same proportions of gases as are found in air.

#### BACK-UP ATMOSPHERIC DIVING SYSTEM

51. Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that, whenever an atmospheric diving system is used to carry out the diving operation, a back-up atmospheric diving system with adequate depth capability is available and can be deployed quickly enough to effect a rescue within 48 hours of an emergency arising.

#### MINIMUM CREW

52. (1) Whenever a submersible compression chamber or an atmospheric diving system is used to carry out a diving operation, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that an adequate number of workers is present at the dive site and in the chamber or system.

(2) Whenever a submersible compression chamber is used to carry out non-saturation diving, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that there are at least two workers, not including the diving supervisor and any divers, available at the dive site to assist,

- (a) in the launch and recovery of the submersible compression chamber; and
- (b) in the operation of the hyperbaric chamber.

(3) Whenever a submersible compression chamber is used to carry out saturation diving, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that there are at least three workers, not including the diving supervisor and any divers, available at the dive site to assist,

- (a) in the launch and recovery of the submersible compression chamber;

(b) in the operation of the hyperbaric chamber; and

(c) in the operation of the life-support systems.

(4) Whenever a submersible compression chamber or an atmospheric diving system is used to carry out a diving operation, each employer associated with the diving operation and the diving supervisor for the diving operation shall ensure that at least one of the workers at the dive site is available to render any in-water assistance in the launch or recovery of the chamber or system that may be needed in the event of a health or safety emergency.

### PART X SPECIAL HAZARDS

#### LIVEBOATING

53. (1) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that liveboating is not conducted,

- (a) after sunset and before sunrise;
- (b) in sea-state that poses a risk to the health or safety of a diver; or
- (c) from vessels with manoeuvrability that is not adequate.

(2) The diving supervisor for a diving operation shall not permit in-water decompression procedures to be used in conjunction with liveboating.

(3) Each employer associated with a diving operation and the diving supervisor for a diving operation shall ensure that, whenever a diver participates in liveboating, a procedure or device that ensures against the diver's umbilical bundle becoming entangled in the propellers is employed.

(4) The diving supervisor for a diving operation shall ensure that any diver's tender participating in liveboating has a continuous unobstructed view of the vessel's captain.

(5) Each employer associated with a diving operation shall ensure that any boat captain participating in liveboating is competent to perform the duties of boat captain during liveboating.

(6) The boat captain and the diving supervisor for a diving operation shall co-operate in carrying out their responsibilities as needed to protect the health and safety of the divers.

#### WATER FLOW HAZARDS

54. (1) The diving supervisor for a diving operation shall ensure that diving is not conducted in hazardous water flow conditions.

(2) Each employer and each owner associated with a diving operation and the diving supervisor for the diving operation shall ensure that, before any dive is begun, any water flow that is a potential hazard to a diver,

- (a) is identified and described to the diver; and
- (b) is locked-out or controlled in a manner that,
  - (i) is satisfactory to the diver and diving supervisor, and
  - (ii) ensures that the water flow poses no safety hazard to the diver.

(3) In complying with subsection (2), each employer and each owner associated with a diving operation and the diving supervisor for the

diving operation shall take account of water flow hazards that tend to arise when a diver works,

- (a) near or in an operating underwater intake;
- (b) near or in a pipe, tunnel, duct or other confined space; or
- (c) at a water control structure.

#### UNDERWATER MECHANISMS

55. Each employer and each owner associated with a diving operation and the diving supervisor for a diving operation shall ensure that, before any dive is begun, any mechanism that is a potential hazard to a diver,

- (a) is identified and described to the diver; and
- (b) is locked-out in a manner that is,
  - (i) satisfactory to the diver and diving supervisor, and
  - (ii) adequate to protect the health and safety of the diver.

#### USE OF EXPLOSIVES

56. Each employer associated with a diving operation and the diving supervisor for the diving operation shall ensure that,

- (a) any transportation, handling, storage or use of explosives is carried out in a manner that does not endanger any worker;
- (b) any initiation of explosives is subject to the direct control of the diving supervisor;
- (c) the blasting initiator and its operating key or operating mechanism are kept physically separated from each other until initiation of the explosive is to take place; and
- (d) no diver is in the water when an underwater explosive is initiated.

### PART XI CONTAMINATED ENVIRONMENTS

#### DEFINITION

57. In this Part, "contaminant" has the same meaning as in the *Environmental Protection Act*.

#### APPLICATION

58. This Part applies to,

- (a) any diving operation that poses a significant risk to the health or safety of a worker because it is carried out at or near the point of discharge of effluent from an industrial plant, sewage treatment plant or water treatment plant;
- (b) any diving operation that poses a significant risk to the health or safety of a worker because the purpose of the operation is to clean up or contain a contaminant; and
- (c) any diving operation that poses a significant risk to the health or safety of a worker because it is carried out at or near the site of a spill within the meaning of Part X of the *Environmental Protection Act*.

#### IDENTIFICATION AND PRECAUTIONS

59. (1) Each constructor of a project where a diving operation is to take place, each employer associated with a diving operation, each owner associated with a diving operation and the diving supervisor for a diving operation shall ensure that, before any dive is begun, a competent person identifies each contaminant that is or is likely to be present during the diving operation, at or near the dive site or underwater work site, at a concentration that would pose a significant risk to the health or safety of a worker.

(2) Each constructor of a project where a diving operation is to take place, each employer associated with a diving operation and each owner associated with a diving operation shall ensure that a written contaminant management plan is prepared, with input from one or more of the diving supervisors appointed for the diving operation under section 6.

(3) A contaminant management plan shall,

- (a) name the contaminants identified under subsection (1);
- (b) describe the potential known health or safety risks that the contaminants identified under subsection (1) pose to humans;
- (c) describe the equipment and apparel required to be used by section 60;
- (d) specify the location of the exclusion zone, contaminated reduction zone and support zone required by section 62;
- (e) outline the procedures to be followed by personnel in moving from one zone to another;
- (f) describe the special emergency measures associated with exposure to the contaminants identified under subsection (1), where appropriate; and
- (g) outline procedures for obtaining, within an adequately short time, information relating to,
  - (i) the handling of the contaminants identified under subsection (1), and
  - (ii) the administering of any emergency treatment that may become necessary as a result of exposure to a contaminant identified under subsection (1).

(4) The diving supervisor for the diving operation shall ensure that a copy of the plan is prominently posted at the dive site.

#### EQUIPMENT—GENERAL

60. (1) Each employer associated with a diving operation and the diving supervisor for the diving operation shall ensure that,

- (a) adequate precautions are taken to ensure that the breathing mixture supply used is not adversely affected by a contaminant identified under subsection 59 (1);
- (b) adequate breathing equipment for surface support personnel is provided if there is a risk to their health or safety from inhaling a contaminant identified under subsection 59 (1) during the diving operation;
- (c) adequate apparel and equipment is worn to prevent exposing surface support personnel to a contaminant identified under subsection 59 (1);
- (d) an adequate means of decontaminating personnel exposed to a contaminant identified under subsection 59 (1) is provided at the dive site;

- (e) diving equipment used in the diving operation is not used in any subsequent diving operation unless it is free of all contaminants identified under subsection 59 (1); and
  - (f) diving equipment that is not for reuse is adequately disposed of.
- (2) The diving supervisor for the diving operation shall ensure that,
- (a) diving equipment that has been or may have been exposed to a contaminant identified under subsection 59 (1) is examined before each dive to ensure that it has not deteriorated in a way that would result, if it were used in the dive, in a worker being exposed to a contaminant identified under subsection 59 (1); and
  - (b) diving equipment that has been or may have been exposed to a contaminant identified under subsection 59 (1) is not removed from the dive site except as authorized by a competent person.

#### SURFACE-SUPPLIED DIVING

61. Each employer associated with a diving operation and the diving supervisor for the diving operation shall ensure that a diver engaged in surface-supplied diving wears, in addition to the equipment required by section 41,

- (a) an adequate diving helmet designed to protect divers from exposure to contaminants; and
- (b) an adequate, totally enclosed diving suit that mates to the helmet with a positive seal and locking device and that does not permit contact between the contaminated environment and the diver.

#### WORK ZONES

62. (1) Each employer associated with a diving operation and the diving supervisor for the diving operation shall ensure that the dive site has a clearly marked contamination reduction zone that is adequately designed and equipped to permit,

- (a) personnel who have been or may have been exposed to a contaminant identified under subsection 59 (1) to dress and undress; and
- (b) equipment and personnel that have been or may have been exposed to a contaminant identified under subsection 59 (1) to be cleaned.

(2) Each employer associated with a diving operation and the diving supervisor for the diving operation shall ensure that the dive site has a clearly marked support zone that is adequately designed and equipped to permit the further cleaning or the disposal of equipment that has been or may have been exposed to a contaminant identified under subsection 59 (1).

(3) Each employer associated with a diving operation and the diving supervisor for the diving operation shall ensure that the dive site has a clearly marked exclusion zone that is adequately designed and equipped for the purpose set out in subsection (4).

(4) Each employer associated with a diving operation and the diving supervisor for the diving operation shall ensure that all handling of contaminants identified under subsection 59 (1) that occurs at the dive site and that is not of a sort described in subsection (2) or (3) shall occur in the exclusion zone.

(5) The diving supervisor for the diving operation shall ensure that,

- (a) no person enters the exclusion zone unless he or she is wearing adequate personal protective equipment;

- (b) personnel enter and leave the exclusion zone only through the contamination reduction zone or the support zone;
- (c) no person cleans contaminated equipment in the contamination reduction zone or the support zone unless he or she is wearing adequate personal protective clothing;
- (d) no food, drink or tobacco is taken into, left or consumed in the contamination reduction zone, the support zone or the exclusion zone; and
- (e) no person enters the contamination reduction zone, the support zone or the exclusion zone without the authorization of the diving supervisor.

## PART XII DIVING RECORDS

### DIVER'S LOGBOOK

63. (1) No person shall dive in a diving operation unless he or she has a diving log book that,

- (a) is permanently bound;
- (b) has numbered pages;
- (c) contains the diver's signature and photograph;
- (d) has attached to it or entered into it a record of any qualifications obtained by the diver that relate to diving; and
- (e) has attached to it or entered into it a record of the certification referred to in section 33.

(2) Each person who dives in a diving operation shall make an entry, in accordance with subsections (4) to (7), in the diving log book in respect of each dive, each medical recompression and each hyperbaric exposure carried out or undergone by the person in connection with the diving operation.

(3) No person shall dive in a diving operation unless he or she has made an entry, in accordance with subsections (6) and (7), in the diving log book in respect of any dive of a type described in clause 2 (2) (a), (c) or (d) that the person carried out during the 48 hours preceding the dive that is part of a diving operation.

(4) Entries under subsection (2) shall be made within 48 hours of the dive, medical recompression or hyperbaric exposure and shall appear in the log book in chronological order.

(5) An entry under subsection (2) in respect of a dive shall be signed by the diving supervisor and an entry under subsection (2) in respect of a medical recompression or a hyperbaric exposure shall be signed by the diving supervisor or presiding physician.

(6) An entry under subsection (2) or (3) in respect of a dive shall state,

- (a) the type of diving equipment used;
- (b) the breathing mixture used;
- (c) the time the diver left the surface;
- (d) the maximum depth attained;
- (e) the time the diver left the bottom;
- (f) the time the diver reached the surface;

- (g) the time of the surface interval, if a repetitive dive was undertaken;
- (h) the decompression table used;
- (i) the date;
- (j) any unusual incidents; and
- (k) the environmental conditions.

(7) In addition, an entry under subsection (2) or (3) in respect of a dive originating from a submersible compression chamber or other submerged base shall state,

- (a) the depth at the base;
- (b) the maximum and minimum depths attained; and
- (c) the duration of the excursions from the base.

(8) A person who is required to have a diving log book shall retain the log book for five years after the date of the last entry in it.

#### DAILY RECORD

**64.** (1) The diving supervisor for a diving operation shall make a record in accordance with subsections (2) to (4) in respect of each day of the diving operation.

(2) A daily record shall include an entry in respect of each dive undertaken during the day, stating,

- (a) the type of diving equipment used;
- (b) whether a hyperbaric chamber was used;
- (c) the breathing mixture used;
- (d) the time the diver left the surface;
- (e) the maximum depth attained;
- (f) the time the diver left the bottom;
- (g) the time the diver reached the surface;
- (h) the time of the surface interval, if a repetitive dive was undertaken;
- (i) the decompression table used;
- (j) the name of the diver;
- (k) the name of the tenders;
- (l) the name of the standby diver;
- (m) any unusual incidents;
- (n) the location of the dive site;
- (o) the environmental conditions;
- (p) the purpose of the dive; and
- (q) any underwater work site hazards.

(3) A daily record shall also include,

- (a) a record of equipment examinations, tests and repairs performed during the day under clause 12 (3) (f);
- (b) a record of hoisting device maintenance and examinations performed during the day under subsection 20 (5);
- (c) a record of oxygen supply system cleaning performed during the day under clause 31 (1) (f);
- (d) any arrangements for medical advice or support made under section 34 in respect of the day;
- (e) a description of any diving vessel used during the day;
- (f) a record of any disposal of equipment undertaken during the day under clause 60 (1) (f);
- (g) the name of any client on whose behalf the diving operation is being carried out on the day; and
- (h) a general description of the purpose of the diving operation on the day.

(4) A daily record shall state the date in respect of which it is made and shall include the name and signature of the diving supervisor.

(5) A diving supervisor who makes a daily record under this section shall file the record with his or her employer within a reasonable time.

(6) An employer with whom a daily record is filed shall retain the record for a period of five years from the day in respect of which it is made, together with the attachments described in subsection (7).

(7) An employer shall attach to the daily record a copy of any notice relating to the day that was given under section 10 or 11.

### PART XIII REVOCATION AND COMMENCEMENT

#### REVOCATION

**65. Regulation 848 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 514/92 are revoked.**

#### COMMENCEMENT

**66. This Regulation comes into force on December 19, 1994.**

44/94

### ONTARIO REGULATION 630/94 made under the OCCUPATIONAL HEALTH AND SAFETY ACT

Made: October 7, 1994  
Filed: October 11, 1994

Amending Reg. 851 of R.R.O. 1990  
(Industrial Establishments)

Note: Regulation 851 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 42 of Regulation 851 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**



42. (1) The power supply to electrical installations, equipment or conductors shall be disconnected, locked out of service and tagged before any work is done, and while it is being done, on or near live exposed parts of the installations, equipment or conductors.

(2) Before beginning the work, each worker shall determine if the requirements of subsection (1) have been complied with.

(3) Locking out is not required,

(a) if the conductors are adequately grounded with a visible grounding mechanism; or

(b) if the voltage is less than 300 volts and there is no locking device for the circuit breakers or fuses and procedures are in place adequate to ensure that the circuit is not inadvertently energized.

(4) If locking out is not required for the reason set out in clause (3) (b), the employer shall ensure that the procedures required by that clause are carried out.

(5) If more than one worker is involved in the work referred to in subsection (1), the worker who disconnected and locked out the power supply shall communicate the purpose and status of the disconnecting and locking out.

(6) If a tag is used as a means of communication, the tag,

(a) shall be made of non-conducting material;

(b) shall be secured to prevent its inadvertent removal;

(c) shall be placed in a conspicuous location;

(d) shall state the reason the switch is disconnected and locked out;

(e) shall show the name of the worker who disconnected and locked out the switch; and

(f) shall show the date on which the switch was disconnected and locked out.

(7) The employer shall establish and implement written procedures for compliance with this section.

42.1 (1) This section applies and section 42 does not apply if it is not practical to disconnect electrical installations, equipment or conductors from the power supply before working on, or near, live exposed parts of the installations, equipment or conductors.

(2) The worker shall use rubber gloves, mats, shields and other protective equipment and procedures adequate to ensure protection from electrical shock and burns while performing the work.

(3) If the installation, equipment or conductor is operating at a nominal voltage of 300 volts or more, a suitably equipped competent person who is able to recognize the hazards and perform rescue operations, including artificial respiration, shall be available and able to see the worker who is performing the work.

(4) Subsection (3) does not apply to equipment testing and trouble-shooting operations.

42.2 Work performed on electrical transmission systems or outdoor distribution systems rated at more than 750 volts shall be performed in accordance with,

(a) the *Rule Book, Electric Utility Operations* published in 1990 by the Electrical Utilities Association of Ontario, Incorporated; or

(b) the *Ontario Hydro Corporate Safety Rules*, dated 1979.

2. Section 44 of the Regulation is revoked and the following substituted:

44. (1) Cord-connected electrical equipment and tools shall have a casing that is adequately grounded.

(2) Subsection (1) does not apply to cord-connected electrical equipment or tools that are adequately double-insulated and whose insulated casing shows no evidence of cracks or defects.

(3) Subsection (1) does not apply to a portable electrical generator in which the equipment is not exposed to an external electric power source if the casings of portable electrical tools connected to the generator are bonded to a non-current-carrying part of the generator.

44.1 When used outdoors or in wet locations, portable electrical tools shall be protected by a ground fault circuit interrupter installed at the receptacle or on the circuit at the panel.

44.2 A ground fault that may pose a hazard shall be investigated and removed without delay.

3. (1) Subsection 60 (1) of the Regulation is amended by striking out "subsection 42 (3)" in the first line and substituting "section 42.2".

(2) Subsection 60 (2) of the Regulation is amended by striking out "subsection 42 (3)" in the first line and substituting "section 42.2".

4. The definition of "chicot" in section 103 of the Regulation is revoked and the following substituted:

"chicot" means,

(a) a dead tree, or

(b) a dead limb of a tree that may endanger a worker;

5. This Regulation comes into force on December 15, 1994.

44/94

ONTARIO REGULATION 631/94  
made under the  
OCCUPATIONAL HEALTH AND SAFETY ACT

Made: October 7, 1994

Filed: October 11, 1994

Amending O. Reg. 213/91

(Construction Projects)

Note: There are no prior amendments to Ontario Regulation 213/91.

1. The definitions of "full body harness" and "shaft" in subsection 1 (1) of Ontario Regulation 213/91 are revoked and the following substituted:

"full body harness" means a device that can arrest an accidental vertical or near vertical fall of a worker and which can guide and distribute the impact forces of the fall by means of leg and shoulder strap supports and an upper dorsal suspension assembly which, after the arrest, will not by itself permit the release or further lowering of the worker;

"shaft" means an excavation with a longitudinal axis at an angle greater than 45 degrees from the horizontal that is used to pass people or

materials into or out of a tunnel or that leads to a tunnel or that is used as an access to a boring or augering operation;

**2. Section 84 of the Regulation is revoked and the following substituted:**

**84.** (1) Subject to subsection (2), an access ladder fixed in position,

- (a) shall be vertical;
- (b) shall have rest platforms at not more than nine metre intervals;
- (c) shall be offset at each rest platform;
- (d) where the ladder extends over three metres above grade, floor or landing, shall have a safety cage commencing not more than 2.2 metres above grade, floor or landing and continuing at least 90 centimetres above the top landing with openings to permit access by a worker to rest platforms or to the top landing;
- (e) shall have side rails that extend 90 centimetres above the landing; and
- (f) shall have rungs that are at least 15 centimetres from the wall and spaced at regular intervals.

(2) Subsection (1) does not apply to an access ladder on a tower, water tank, chimney or similar structure that has a safety device that will provide protection should a worker using the ladder fall.

**3. Subsection 150 (1) of the Regulation is revoked and the following substituted:**

**150.** (1) No worker shall operate a crane or similar hoisting device that is capable of raising, lowering or moving material that weighs more than 7,260 kilograms unless the worker is certified as a hoisting engineer under the *Trades Qualification and Apprenticeship Act*.

(1.1) Subsection (1) does not apply when a worker is using excavation equipment to place pipes into a trench.

**4. Section 153 of the Regulation is revoked and the following substituted:**

**153.** (1) No worker shall use as a workplace a platform, bucket, basket, load, hook, sling or similar device that is capable of moving and is supported by a cable attached to the boom of a crane or similar hoisting device, except in accordance with this section.

(2) A crane may be used to raise, support or lower a worker only if,

- (a) conventional access equipment cannot be used;
- (b) the platform that the worker is on,
  - (i) is designed by a professional engineer in accordance with good engineering practice,
  - (ii) is constructed in accordance with the design drawings,
  - (iii) is equipped with more than one means of suspension or support,
  - (iv) is equipped with anchor points for the attachment of the worker's fall arrest systems,
  - (v) is equipped with a guardrail in accordance with sections 85 and 86,

(vi) is suspended from, or supported by, a direct attachment to the boom of the crane,

(vii) is designed, constructed and maintained so that the failure of one means of support or suspension will not cause the collapse of all or part of the platform, and

(viii) has its maximum rated load capacity legibly and permanently marked in a conspicuous place on it; and

(c) the crane,

(i) is equipped with fail-safe mechanisms that will prevent the boom and the suspended platform from free falling in the event of a power source or system failure or the inadvertent release of any operating controls,

(ii) is not used to hoist material while the platform is being used to support a worker,

(iii) is not loaded in excess of 25 per cent of its maximum rated load,

(iv) has a revised load rating chart prepared by a professional engineer in accordance with good engineering practice and affixed in a conspicuous place on the crane,

(v) has, on its hoist line, hooks equipped with self-closing safety catches at the point where the platform is suspended, and

(vi) is equipped with an automatic limit switch that prevents the platform and load from reaching beyond the highest permissible position specified by the crane manufacturer.

(3) Any modifications or repairs to the boom of the crane shall be made in accordance with the instructions of the crane manufacturer or a professional engineer.

(4) Every worker on the platform shall wear a full body harness connected independently to anchor points on the platform and used in conjunction with a lanyard fitted with a shock absorber.

(5) The design drawings of the platform shall,

(a) set out the size and specifications of all components of the platform, including the type and grade of materials used for it;

(b) state the maximum live load of the platform;

(c) specify the model and type of crane to be used in conjunction with the platform;

(d) include a statement that, in the opinion of the professional engineer who designed the platform, the design meets the requirements of clauses (a), (b) and (c); and

(e) be signed and sealed by the professional engineer who designed the platform.

(6) Before the platform is used, a competent worker shall inspect it and verify in writing that it has been constructed in accordance with the design drawings.

(7) No person shall use the platform until the verification required under subsection (6) is given.

(8) A professional engineer or a competent worker designated by the professional engineer shall inspect the crane to ensure its structural integrity using non-destructive testing methods approved by the

Canadian General Standards Board before the crane is used to lift persons and then at least once every 12 months after that.

(9) A competent worker shall visually inspect the crane's structural elements and the rigging equipment for defects before each use of the crane.

(10) The employer shall ensure that an adequate means of communication between the worker on the platform and the crane operator is established, maintained and used.

(11) Before beginning any hoisting operation under this section, the constructor shall notify by telephone an inspector in the office of the Ministry of Labour nearest to the project.

(12) The employer shall ensure that every worker involved with the hoisting operation receives adequate instructions about the requirements, restrictions and hazards associated with the hoisting operation.

(13) The employer shall develop adequate emergency rescue procedures and communicate these in writing to all workers involved with the hoisting operation.

(14) The constructor shall keep all design drawings, test reports, written statements and certification documents required under this section with the crane at all times during the hoisting operation.

(15) On request, the constructor shall provide an inspector with copies of any document described in subsection (14).

5. Subsection 158 (1) of the Regulation is amended by striking out "Canadian Government Specifications Board" in the fourth and fifth lines and substituting "Canadian General Standards Board".

6. Subsection 181 (1) of the Regulation is amended by striking out "Trades Qualification Act" in the second line and substituting "Trades Qualification and Apprenticeship Act".

7. Subsection 235 (2) of the Regulation is amended by striking out "three metres" in the second line and substituting "3.6 metres".

8. Section 237 of the Regulation is revoked and the following substituted:

237. (1) Subject to subsection (2),

(a) no prefabricated or hydraulic support system shall be used in type 4 soil;

(b) the space between the walls of a prefabricated support system and the walls of the excavation shall be restricted to the minimum clearance required for the forward progression of the support system; and

(c) the walls of a hydraulic support system shall touch the walls of the excavation.

(2) A prefabricated or hydraulic support system may be used for repairing underground pipe breaks if the system,

(a) meets the requirements of section 236;

(b) has four side walls;

(c) is designed for a maximum depth of 3.6 metres;

(d) is not used at a greater depth than 3.6 metres;

(e) is designed to resist all hydrostatic and earth pressures found in type 3 and type 4 soils;

(f) is installed so as to extend to the bottom of the excavation;

(g) is installed so that the walls of the system touch the walls of the excavation; and

(h) is not pulled forward after being installed in the excavation.

(3) Before a support system is used as described in subsection (2), the constructor shall submit two copies of its design drawings and specifications to the office of the Ministry of Labour nearest to the project.

9. The Table to section 238 of the Regulation is amended by striking out Column 4 and substituting the following:

COLUMN 4
WALES
* 200 mm x 200 mm * 200 mm x 200 mm 250 mm x 250 mm 300 mm x 300 mm
200 mm x 200 mm 250 mm x 250 mm 250 mm x 250 mm
300 mm x 300 mm
200 mm x 200 mm 250 mm x 250 mm 300 mm x 300 mm

10. Section 267 of the Regulation is revoked and the following substituted:

267. Every worker who is in, or may be required to enter, a tunnel or a shaft leading to it shall be provided with a self-rescue respirator for the worker's exclusive use which is suitable for protection against hazardous gases.

11. Subsection 281 (1) of the Regulation is amended by striking out "three metres" in the second line and substituting "3.6 metres".

12. Section 286 of the Regulation is amended by adding the following subsection:

(3) Every opening and ladderway shall be wide enough to permit the passage of a worker wearing rescue equipment and shall be at least 750 cm by 750 cm.

13. (1) Subsection 359 (2) of the Regulation is amended by striking out "Trades Qualification Act" in the third line and substituting "Trades Qualification and Apprenticeship Act".

(2) Clause 359 (4) (c) of the Regulation is amended by striking out "Trades Qualification Act" in the second line and substituting "Trades Qualification and Apprenticeship Act".

14. This Regulation comes into force on November 15, 1994.

44/94

ONTARIO REGULATION 632/94  
made under the  
CAPITAL INVESTMENT PLAN ACT, 1993

Made: October 7, 1994  
Filed: October 11, 1994

PUBLIC BODIES

1. The Law Society of Upper Canada is a public body for the purposes of the Act.

44/94

**ONTARIO REGULATION 633/94**  
made under the  
**SOCIAL CONTRACT ACT, 1993**

Made: October 7, 1994  
Filed: October 11, 1994

Amending O. Reg. 454/93  
(Exemptions and Additions)

Note: Since January 1, 1994, Ontario Regulation 454/93 has been amended by Ontario Regulations 71/94 and 72/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 2 of Ontario Regulation 454/93 is amended by adding the following paragraphs:**

11. Booth Avenue Hospital Laundry Inc.
12. Centennial Hospital Linen Services
13. Cornwall Regional Hospital Linen Service
14. Kawartha Hospital Linen Services
15. Kingston Regional Hospital Laundry Incorporated
16. London Hospital Linen Service Incorporated
17. Mohawk Hospital Services Incorporated
18. Nipissing Area Joint Hospitals Laundry Incorporation
19. Ottawa Regional Hospital Linen Services Incorporated
20. Sudbury Hospital Services

**2. This Regulation shall be deemed to have come into force on June 14, 1993.**

44/94

**ONTARIO REGULATION 634/94**  
made under the  
**SOCIAL CONTRACT ACT, 1993**

Made: October 7, 1994  
Filed: October 11, 1994

**PAYMENTS BY DESIGNATED EMPLOYERS  
UNDER SECTION 43 OF THE ACT**

1. (1) Every employer listed in Column I of Schedule 1 shall pay into the Consolidated Revenue Fund the amount listed opposite the employer's name in Column II of Schedule 1 no later than March 15, 1995.

(2) The payments shall be delivered to the Ministry named in Column III of Schedule 1 and shall be paid by cheque or by such other method of payment or transfer as is authorized in writing by an official of that Ministry.

(3) Subject to the approval in writing by an official of the Ministry, the employer may pay the amount by instalments, the last of which is payable no later than March 15, 1995.

2. (1) Every employer listed in Column I of Schedule 2 shall pay into the Consolidated Revenue Fund the amounts listed opposite the employer's name in Columns II and III of Schedule 2 on or before the dates listed in those columns.

(2) The payments shall be delivered to the Ministry of Education and Training and shall be paid by cheque or by such other method of payment or transfer as is authorized in writing by an official of the Ministry.

3. (1) The Ontario Clean Water Agency shall pay into the Consolidated Revenue Fund the amount of \$650,000 on or before December 30, 1994 and the amount of \$1,250,000 on or before March 15, 1995.

(2) The payments shall be delivered to the Ministry of Environment and Energy and shall be paid by cheque or by such other method as is authorized in writing by an official of that Ministry.

4. The amounts paid under sections 1, 2 and 3 relate only to the period commencing April 1, 1994 and ending on March 31, 1995.

5. (1) Every employer listed in Column I of Schedule 3 shall pay into the Consolidated Revenue Fund the amounts listed opposite the employer's name in Columns II and III of Schedule 3 on or before the dates listed in those columns.

(2) The payments shall be delivered to the Ministry of Health and shall be paid by cheque or by such other method of payment or transfer as is authorized in writing by an official of the Ministry.

(3) The amounts paid under Column II of Schedule 3 relate only to the period commencing June 14, 1993 and ending on March 31, 1994, and the amounts paid under Column III of Schedule 3 relate only to the period commencing April 1, 1994 and ending on March 31, 1995.

## Schedule 1

COLUMN I	COLUMN II	COLUMN III
Ontario Lottery Corporation	\$ 1,543,208	Ministry of Culture, Tourism and Recreation
Niagara Parks Commission	415,611	Ministry of Culture, Tourism and Recreation
Metropolitan Toronto Convention Centre Corporation	161,412	Ministry of Culture, Tourism and Recreation
Algonquin Forestry Authority	40,601	Ministry of Natural Resources
Ontario Energy Corporation	22,818	Ministry of Environment and Energy
Ontario Municipal Employees Retirement Board	520,000	Ministry of Municipal Affairs
Toronto District Heating Corporation	79,048	Ministry of Municipal Affairs
St. Clair Parkway Commission	35,460	Ministry of Culture, Tourism and Recreation
Ontario Food Terminal Board	71,799	Ministry of Agriculture and Food
Liquor Control Board of Ontario	7,712,000	Ministry of Consumer and Commercial Relations
Ontario Public Service Pension Board	156,797	Management Board Secretariat
Hospital Food Services—Ontario, Incorporated	61,913	Ministry of Health
Ontario Share and Deposit Insurance Corporation	121,000	Ministry of Finance

## Schedule 2

COLUMN I	COLUMN II October 31, 1994	COLUMN III March 15, 1995
The Metropolitan Toronto School Board	\$ 22,405,791	\$ 33,608,686
The Ottawa Board of Education	2,431,070	3,646,604

## Schedule 3

COLUMN I	COLUMN II October 31, 1994	COLUMN III March 15, 1995
Booth Avenue Hospital Laundry Inc.	\$ 46,224	\$ 46,224
Centennial Hospital Linen Services	85,842	85,842
Cornwall Regional Hospital Linen Service	—	11,051
Kawartha Hospital Linen Services	11,403	11,403
Kingston Regional Hospital Laundry Incorporated	—	15,623
London Hospital Linen Service Incorporated	63,884	63,884
Mohawk Hospital Services Incorporated	65,143	65,143
Nipissing Area Joint Hospitals Laundry Incorporation	—	14,334
Ottawa Regional Hospital Linen Services Incorporated	41,009	41,009
Sudbury Hospital Services	—	21,078

**ONTARIO REGULATION 635/94**  
made under the  
**INSURANCE ACT**

Made: October 7, 1994  
Filed: October 12, 1994

Amending O. Reg. 776/93  
(Statutory Accident Benefits Schedule—  
Accidents on or After January 1, 1994)

Note: There are no prior amendments to Ontario Regulation 776/93.

1. Ontario Regulation 776/93 is amended by adding the following French version:

**RÈGLEMENT DE L'ONTARIO 635/94**  
pris en application de la  
**LOI SUR LES ASSURANCES**

pris le 7 octobre 1994  
déposé le 12 octobre 1994

modifiant le Règl. de l'Ont. 776/93  
(Annexe sur les indemnités d'accident légales —  
accidents survenus depuis le 1<sup>er</sup> janvier 1994)

Remarque : Aucune modification antérieure n'a été apportée au Règlement de l'Ontario 776/93.

1. Le Règlement de l'Ontario 776/93 est modifié par adjonction de la version française suivante :

**ANNEXE SUR LES INDEMNITÉS D'ACCIDENT LÉGALES —  
ACCIDENTS SURVENUS DEPUIS LE 1<sup>ER</sup> JANVIER 1994**

**SOMMAIRE**

**PARTIE I  
INTERPRÉTATION**

1. Définitions
2. Empêchement partiel de mener une vie normale
3. Empêchement total de mener une vie normale
4. Personnes à charge
5. Emploi
6. Paiements pour perte de revenu

**PARTIE II  
INDEMNITÉS DE REMPLACEMENT DE REVENU**

7. Droit aux indemnités
8. Période d'indemnisation
9. Revenu annuel brut
10. Montant de l'indemnité
11. Retrait de la population active
12. Indemnités versées après l'âge de soixante-cinq ans
13. Obligation de chercher un emploi
14. Reprise temporaire d'un emploi

**PARTIE III  
INDEMNITÉS POUR INCAPACITÉ À POURSUIVRE  
SES ÉTUDES**

15. Indemnités hebdomadaires
16. Indemnités forfaitaires
17. Retour temporaire aux études

**PARTIE IV  
INDEMNITÉS DE SOIGNANT**

18. Indemnités de soignant

**PARTIE V  
AUTRES INDEMNITÉS D'INVALIDITÉ**

19. Autres indemnités d'invalidité

**PARTIE VI  
INDEMNITÉS POUR PERTE DE CAPACITÉ DE GAIN**

20. Droit aux indemnités
21. Offre de l'assureur
22. Réponse de la personne assurée à l'offre
23. Procédure en cas d'absence d'entente
24. Conclusion d'une entente avant l'offre
25. Évaluation avant l'offre
26. Centres d'évaluation désignés (capacité de gain résiduelle)
27. Évaluation
28. Montant de l'indemnité
29. Détermination de la capacité de gain avant l'accident
30. Détermination de la capacité de gain résiduelle
31. Cessation du versement des autres indemnités
32. Supplément temporaire d'indemnité
33. Révision obligatoire du montant de l'indemnité
34. Aggravation de la déficience
35. Rajustement à l'âge de soixante-cinq ans

**PARTIE VII  
INDEMNITÉS COMPLÉMENTAIRES  
POUR FRAIS MÉDICAUX**

36. Droit aux indemnités
37. Certificat
38. Centres d'évaluation désignés (soins médicaux et réadaptation)
39. Évaluation

**PARTIE VIII  
INDEMNITÉS DE RÉADAPTATION**

40. Droit aux indemnités
41. Rénovation du domicile
42. Modification du véhicule
43. Certificat
44. Centres d'évaluation désignés (soins médicaux et réadaptation)
45. Évaluation

**PARTIE IX  
MONTANT MAXIMAL DES INDEMNITÉS  
COMPLÉMENTAIRES POUR FRAIS MÉDICAUX  
ET DES INDEMNITÉS DE RÉADAPTATION**

46. Montant maximal des indemnités complémentaires pour frais médicaux et des indemnités de réadaptation

**PARTIE X  
INDEMNITÉS DE SOINS AUXILIAIRES**

- 47. Droit aux indemnités
- 48. Certificat
- 49. Centres d'évaluation désignés (soins auxiliaires)
- 50. Évaluation

**PARTIE XI  
PRESTATIONS DE DÉCÈS**

- 51. Prestations de décès

**PARTIE XII  
INDEMNITÉS FUNÉRAIRES**

- 52. Indemnités funéraires

**PARTIE XIII  
AUTRES INDEMNITÉS POUR PERTES PÉCUNIAIRES**

- 53. Frais des personnes en visite
- 54. Frais engagés pour les personnes à charge
- 55. Frais engagés pour les travaux ménagers et l'entretien du domicile
- 56. Dommages causés aux vêtements, aux verres, aux appareils auditifs et autres
- 57. Frais d'examen

**PARTIE XIV  
EXCLUSIONS**

- 58. Exclusions

**PARTIE XV  
PROCÉDURE**

- 59. Avis et demande d'indemnités ou de prestations
- 60. Certificat initial relatif aux indemnités hebdomadaires
- 61. Choix de l'indemnité hebdomadaire
- 62. Versement des indemnités hebdomadaires
- 63. Centres d'évaluation désignés (invalidité)
- 64. Interruption du versement des indemnités hebdomadaires
- 65. Examen relatif aux indemnités complémentaires pour frais médicaux, aux indemnités de réadaptation ou aux indemnités de soins auxiliaires
- 66. Versement des indemnités complémentaires pour frais médicaux, des indemnités de réadaptation et des indemnités de soins auxiliaires
- 67. Versement d'autres indemnités ou prestations
- 68. Intérêts sur les indemnités ou les prestations en souffrance
- 69. Approbation préalable des frais
- 70. Remboursement à l'assureur
- 71. Droit de contestation
- 72. Délai pour engager une procédure

**PARTIE XVI  
DEVOIR DE SE SOUMETTRE AU TRAITEMENT  
ET DE PARTICIPER À LA RÉADAPTATION**

- 73. Devoir de se soumettre au traitement et de participer à la réadaptation

**PARTIE XVII  
INTERACTION AVEC D'AUTRES RÉGIMES**

- 74. Paiements au titre de l'aide sociale
- 75. Indemnités accessoires
- 76. Indemnisation des accidents du travail
- 77. Accidents qui surviennent au Québec
- 78. Non-résidents

**PARTIE XVIII  
INDEXATION**

- 79. Indemnités hebdomadaires
- 80. Indexation des montants visés par le présent règlement

**PARTIE XIX  
CALCUL DU REVENU**

- 81. Formule de calcul du revenu hebdomadaire net
- 82. Tables de revenu hebdomadaire net
- 83. Revenu tiré d'un emploi à son compte
- 84. Détermination à l'avance du revenu tiré d'un emploi à son compte
- 85. Calcul de l'impôt sur le revenu
- 86. Conversion du revenu à temps partiel en revenu à temps plein
- 87. Indemnité de cessation d'emploi et indemnité de licenciement

**PARTIE XX  
DISPOSITIONS DIVERSES**

- 88. Application
- 89. Mode de paiement
- 90. Cession d'indemnités ou de prestations
- 91. Automobile d'entreprise et automobile de location
- 92. Copies du règlement
- 93. Avis
- 94. Formules
- 95. Titre

**PARTIE I  
INTERPRÉTATION**

**DÉFINITIONS**

- 1. Les définitions qui suivent s'appliquent au présent règlement.

«accident» Incident au cours duquel, soit directement ou indirectement, l'usage ou la conduite d'une automobile cause une déficience ou endommage un appareil médical ou dentaire, notamment des verres d'ordonnance, un dentier, un appareil auditif ou une prothèse. («accident»)

«automobile assurée» À l'égard d'une police de responsabilité automobile, s'entend de toute automobile couverte par la police. («insured automobile»)

«caractéristiques personnelles et professionnelles» S'entend notamment de ce qui suit :

- a) les antécédents professionnels,
- b) les études et la formation,
- c) les aptitudes et les intérêts professionnels,
- d) les compétences professionnelles,
- e) les capacités physiques,
- f) les capacités cognitives,
- g) les capacités linguistiques. («personal and vocational characteristics»)

«chiropraticien» Personne que la loi autorise à exercer la chiropratique. («chiropractor»)

«conjoint» L'un ou l'autre de l'homme et de la femme qui, selon le cas :

- a) sont mariés ensemble,

- b) ont contracté, de bonne foi selon la personne qui fait valoir un droit en vertu du présent règlement, un mariage nul de nullité relative ou absolue,
- c) ont vécu ensemble dans une union conjugale hors du mariage à un moment donné au cours de l'année précédente et ont vécu ensemble dans une union conjugale hors du mariage :
- (i) soit de façon continue pendant au moins un an,
- (ii) soit dans une relation d'une certaine permanence, s'ils sont les parents naturels ou adoptifs d'un enfant ou ont manifesté l'intention bien arrêtée de traiter un enfant comme un enfant de leur famille. («spouse»)

«déficience» Perte ou anomalie d'une structure ou d'une fonction psychique, physiologique ou anatomique. («impairment»)

«dentiste» Personne que la loi autorise à exercer la dentisterie. («dentist»)

«indemnités d'invalidité temporaires» S'entend, selon le cas :

- a) des indemnités versées aux termes de la partie II, III ou IV du présent règlement,
- b) des indemnités versées aux termes de la partie V du présent règlement, sauf si elles sont versées plus de 104 semaines après le début de l'invalidité,
- c) des indemnités versées aux termes de l'article 32 du présent règlement,
- d) des indemnités versées aux termes de la partie IV du Règlement 672 des Règlements refondus de l'Ontario de 1990, sauf si elles ont été versées pour plus de 156 semaines,
- e) des indemnités versées aux termes de la subdivision II de la division 2 de l'annexe C de la *Loi sur les assurances*, telle qu'elle existait avant le 22 juin 1990, sauf si elles ont été versées pour plus de 104 semaines,
- f) des indemnités versées aux termes de l'article 37, du paragraphe 43 (9) ou du paragraphe 147 (2) de la *Loi sur les accidents du travail*,
- g) des autres indemnités périodiques temporaires versées aux termes d'une loi ou d'un régime de maintien du revenu, autres que :
- (i) les prestations d'assurance-chômage,
- (ii) les indemnités versées aux termes de la partie V du présent règlement plus de 104 semaines après le début de l'invalidité,
- (iii) les indemnités versées aux termes de la partie IV du Règlement 672 des Règlements refondus de l'Ontario de 1990 pour plus de 156 semaines,
- (iv) les indemnités versées aux termes de la subdivision II de la division 2 de l'annexe C de la *Loi sur les assurances*, telle qu'elle existait avant le 22 juin 1990, pour plus de 104 semaines. («temporary disability benefits»)

«médecin» Personne que la loi autorise à exercer la médecine. («physician»)

«membre d'une profession de la santé» Membre d'un ordre au sens de la *Loi de 1991 sur les professions de la santé réglementées*. («member of a health profession»)

«optométriste» Personne que la loi autorise à exercer l'optométrie. («optometrist»)

«personne assurée» À l'égard d'une police de responsabilité automobile, s'entend de l'une ou l'autre des personnes suivantes :

- a) l'assuré nommément désigné, toute personne mentionnée dans la police comme conducteur de l'automobile assurée, le conjoint de l'assuré nommément désigné et toute personne à charge de l'assuré ou de son conjoint, si l'assuré, la personne mentionnée comme conducteur, le conjoint ou la personne à charge, selon le cas :

(i) est impliqué dans un accident survenu en Ontario ou ailleurs dans lequel est aussi impliquée l'automobile assurée ou une autre automobile,

(ii) n'est pas impliqué dans un accident, mais subit une lésion psychique ou mentale à la suite d'un accident survenu en Ontario ou ailleurs qui a causé une lésion physique à son conjoint, son enfant, son petit-enfant, sa mère, son père, sa grand-mère, son grand-père, son frère, sa sœur, une personne à sa charge ou à la charge de son conjoint,

b) dans le cas des accidents survenus en Ontario, une personne qui est impliquée dans un accident dans lequel est aussi impliquée l'automobile assurée,

c) dans le cas des accidents survenus hors de l'Ontario, une personne qui est une personne transportée dans l'automobile assurée et qui réside en Ontario ou y résidait à un moment donné au cours des soixante jours qui ont précédé l'accident. («insured person»)

«praticien de la santé» À l'égard d'une déficience, s'entend d'un médecin ou, si la loi l'autorise à traiter cette déficience :

- a) d'un chiropraticien,
- b) d'un dentiste,
- c) d'un optométriste,
- d) d'un psychologue. («health practitioner»)

«psychologue» Personne que la loi autorise à exercer la psychologie. («psychologist»)

#### EMPÊCHEMENT PARTIEL DE MENER UNE VIE NORMALE

2. Pour l'application du présent règlement, une personne souffre d'un empêchement partiel de mener une vie normale à la suite d'un accident seulement si, à la suite de celui-ci, elle souffre d'une déficience qui se traduit par un empêchement sérieux de s'adonner à l'une ou l'autre des activités suivantes :

- a) les soins personnels qu'elle se donnait habituellement avant l'accident;
- b) les activités qui font appel à sa mobilité et auxquelles elle s'adonnait habituellement avant l'accident;
- c) les travaux ménagers qu'elle faisait habituellement avant l'accident;
- d) les activités auxquelles elle s'adonnait habituellement avant l'accident et qui font appel à ses facultés cognitives;



- e) les activités auxquelles elle s'adonnait habituellement avant l'accident et qui font appel à sa capacité de maîtriser ses émotions ou son comportement;
- f) les activités auxquelles elle s'adonnait habituellement avant l'accident et qui font appel à sa capacité de communiquer.

#### EMPÊCHEMENT TOTAL DE MENER UNE VIE NORMALE

3. Pour l'application du présent règlement, une personne souffre d'un empêchement total de mener une vie normale à la suite d'un accident seulement si, à la suite de celui-ci, elle souffre d'une déficience qui l'empêche de façon continue de s'adonner à la quasi-totalité des activités auxquelles elle s'adonnait habituellement avant l'accident.

#### PERSONNES À CHARGE

4. Pour l'application du présent règlement, une personne est à la charge d'une autre si elle dépend essentiellement pour sa subsistance de l'aide financière ou des soins de cette autre personne ou du conjoint de celle-ci.

#### EMPLOI

5. Pour l'application du présent règlement, une personne est employée si, en échange d'un traitement, d'un salaire ou d'une autre forme de rémunération ou d'avantage, elle occupe une charge ou un emploi, y compris un emploi à son compte. Le terme «emploi» a un sens correspondant.

#### PAIEMENTS POUR PERTE DE REVENU

6. Pour l'application du présent règlement, le versement d'une indemnité de cessation d'emploi ou d'une indemnité de licenciement ne constitue pas un paiement pour perte de revenu.

## PARTIE II INDEMNITÉS DE REMPLACEMENT DE REVENU

### DROIT AUX INDEMNITÉS

7. (1) La personne assurée qui souffre d'une déficience à la suite d'un accident a droit à une indemnité hebdomadaire de remplacement de revenu si elle répond à l'un ou l'autre des critères d'admissibilité suivants :

1. Elle était employée au moment de l'accident et souffre, dans les deux ans de cet accident l'ayant occasionné, d'un empêchement sérieux d'accomplir les tâches essentielles de l'emploi.
2. Elle :
  - i. n'était pas employée au moment de l'accident,
  - ii. était employée à un moment donné au cours des 156 semaines qui ont précédé l'accident,
  - iii. était âgée d'au moins seize ans ou était dispensée de la fréquentation scolaire sous le régime de la *Loi sur l'éducation* au moment de l'accident,
  - iv. souffre, dans les deux ans de l'accident l'ayant occasionné, d'un empêchement sérieux d'accomplir les tâches essentielles de l'emploi auquel elle a consacré le plus de temps pendant la période désignée aux termes du paragraphe (2).

3. Elle :

- i. avait le droit, au moment de l'accident, de commencer à travailler dans l'année aux termes d'un contrat de travail conclu avant l'accident,
- ii. souffre, dans les deux ans de l'accident l'ayant occasionné, d'un empêchement sérieux d'accomplir les tâches essentielles de l'emploi qu'elle avait le droit de commencer à occuper aux termes du contrat.

4. Elle :

- i. était, au moment de l'accident, en grève ou en lock-out relativement à un emploi, ou encore mise en disponibilité relativement à un emploi auquel elle avait le droit d'être rappelée conformément à une convention collective.
- ii. souffre, dans les deux ans de l'accident l'ayant occasionné, d'un empêchement sérieux d'accomplir les tâches essentielles de l'emploi.

5. Elle :

- i. a reçu, à la suite de l'accident, des indemnités hebdomadaires de soignant aux termes de la partie IV, mais n'en reçoit plus car plus personne ne répond aux critères d'admissibilité énoncés au paragraphe 18 (5), ou elle aurait été admissible aux indemnités hebdomadaires de soignant à la suite de l'accident, si ce n'était, selon le cas :

A. le décès, à la suite de l'accident, de la personne dont elle était le soignant principal,

B. l'application du paragraphe 18 (3),

- ii. était employée à un moment donné pendant la période qui a commencé 156 semaines avant qu'elle ne devienne pour la première fois un soignant principal et qui s'est terminée le jour de l'accident,
- iii. souffre, dans les deux ans de l'accident l'ayant occasionné, d'un empêchement sérieux d'accomplir les tâches essentielles de l'emploi auquel elle a consacré le plus de temps pendant la période désignée aux termes du paragraphe (4).

6. Elle :

- i. était, au moment de l'accident, en congé de maternité ou en congé parental relativement à un emploi,
- ii. souffre, dans les deux ans de l'accident l'ayant occasionné, d'un empêchement sérieux d'accomplir les tâches essentielles de l'emploi.

(2) Sous réserve du paragraphe (3), la personne qui présente une demande d'indemnités aux termes de la disposition 1 ou 2 du paragraphe (1) désigne une des périodes suivantes :

1. Les quatre semaines qui ont précédé l'accident.
2. Les cinquante-deux semaines qui ont précédé l'accident.
3. Les 156 semaines qui ont précédé l'accident.

(3) La personne qui était employée à son compte à un moment donné au cours des quatre semaines qui ont précédé l'accident ne doit pas désigner la période de quatre semaines visée à la disposition 1 du paragraphe (2).

(4) La personne qui présente une demande d'indemnités aux termes de la disposition 5 du paragraphe (1) désigne une période de

cinquante-deux semaines consécutives à l'intérieur de la période qui a commencé 156 semaines avant qu'elle ne devienne pour la première fois un soignant principal et qui s'est terminée le jour de l'accident.

#### PÉRIODE D'INDEMNISATION

8. (1) Sous réserve des paragraphes (2) à (4), l'indemnité hebdomadaire de remplacement de revenu prévue à l'article 7 est payable pendant la période au cours de laquelle la personne assurée souffre d'un empêchement sérieux d'accomplir les tâches essentielles de l'emploi à l'égard duquel elle est admissible à cette indemnité aux termes de l'article 7.

(2) L'assureur n'est pas tenu de verser une indemnité hebdomadaire de remplacement de revenu :

- a) aux termes de la disposition 3 du paragraphe 7 (1), avant la date à laquelle la personne aurait eu le droit de commencer à occuper l'emploi aux termes du contrat;
- b) aux termes de la disposition 4 du paragraphe 7 (1), avant la date à laquelle la personne aurait eu le droit de reprendre l'emploi;
- c) aux termes de la disposition 5 du paragraphe 7 (1), avant la date à laquelle plus personne ne répond aux critères d'admissibilité énoncés au paragraphe 18 (5);
- d) aux termes de la disposition 6 du paragraphe 7 (1), avant la date à laquelle la personne aurait repris l'emploi.

(3) Aucune indemnité hebdomadaire de remplacement de revenu n'est payable aux termes de la présente partie pour la première semaine d'invalidité.

(4) Le paragraphe (3) ne s'applique pas à l'indemnité hebdomadaire de remplacement de revenu payable aux termes de la disposition 5 du paragraphe 7 (1), si la personne qui y a droit a reçu, à la suite de l'accident, des indemnités hebdomadaires de soignant aux termes de la partie IV.

#### REVENU ANNUEL BRUT

9. (1) Aux fins de la détermination du montant de l'indemnité hebdomadaire de remplacement de revenu auquel a droit une personne aux termes de la disposition 1 ou 2 du paragraphe 7 (1), son revenu annuel brut tiré d'un emploi est réputé le montant suivant :

1. Dans le cas de la personne qui a désigné les quatre semaines qui ont précédé l'accident aux termes de la disposition 1 du paragraphe 7 (2), son revenu brut tiré d'un emploi pour cette période, multiplié par treize.
2. Dans le cas de la personne qui a désigné les cinquante-deux semaines qui ont précédé l'accident aux termes de la disposition 2 du paragraphe 7 (2), son revenu brut tiré d'un emploi pour cette période.
3. Dans le cas de la personne qui a désigné les 156 semaines qui ont précédé l'accident aux termes de la disposition 3 du paragraphe 7 (2), son revenu brut tiré d'un emploi pour cette période, divisé par trois.

(2) Pour l'application du paragraphe (1), la personne qui :

- a) a droit aux indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 1 du paragraphe 7 (1);
- b) a désigné les quatre semaines qui ont précédé l'accident aux termes de la disposition 1 du paragraphe 7 (2);

- c) a commencé à occuper l'emploi qu'elle occupait au moment de l'accident au cours des quatre semaines qui ont précédé celui-ci,

peut choisir que son revenu brut tiré d'un emploi pour les quatre semaines qui ont précédé l'accident soit réputé le montant déterminé en prenant son revenu brut tiré d'un emploi pour la partie de la période de quatre semaines pour laquelle elle a tiré un revenu de l'emploi qu'elle occupait au moment de l'accident et en extrapolant ce revenu à l'autre partie de la période de quatre semaines.

(3) Pour l'application du paragraphe (1), la personne qui :

- a) a droit aux indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 1 du paragraphe 7 (1);
- b) a désigné les cinquante-deux semaines qui ont précédé l'accident aux termes de la disposition 2 du paragraphe 7 (2);
- c) était employée à son compte au moment de l'accident;
- d) a commencé à occuper l'emploi à son compte qu'elle occupait au moment de l'accident pendant les cinquante-deux semaines qui ont précédé celui-ci,

peut choisir que son revenu brut tiré d'un emploi pour les cinquante-deux semaines qui ont précédé l'accident soit réputé le montant déterminé en prenant son revenu tiré de l'emploi à son compte qu'elle occupait au moment de l'accident pour la partie de la période de cinquante-deux semaines pour laquelle elle a tiré un revenu de cet emploi, et en extrapolant ce revenu à l'autre partie de la période de cinquante-deux semaines.

(4) Aux fins de la détermination du montant de l'indemnité hebdomadaire de remplacement de revenu auquel a droit une personne aux termes de la disposition 5 du paragraphe 7 (1), son revenu annuel brut tiré d'un emploi est réputé son revenu brut tiré d'un emploi pour la période désignée aux termes du paragraphe 7 (4).

(5) Aux fins de la détermination du montant de l'indemnité hebdomadaire de remplacement de revenu auquel a droit une personne aux termes de la disposition 3, 4 ou 6 du paragraphe 7 (1), son revenu annuel brut tiré d'un emploi est réputé le plus élevé des montants suivants :

1. Si la personne répond aux critères d'admissibilité énoncés à la disposition 3 du paragraphe 7 (1), le revenu brut payable aux termes du contrat de travail, extrapolé de façon à obtenir un revenu annuel.
2. Si la personne répond aux critères d'admissibilité énoncés à la disposition 4 du paragraphe 7 (1), le revenu brut payable pour l'emploi à l'égard duquel elle a été en grève, en lock-out ou mise en disponibilité, extrapolé de façon à obtenir un revenu annuel.
3. Si la personne répond aux critères d'admissibilité énoncés à la disposition 6 du paragraphe 7 (1), le revenu brut payable pour l'emploi à l'égard duquel elle a été en congé, extrapolé de façon à obtenir un revenu annuel.
4. Si la personne répond également aux critères d'admissibilité énoncés à la disposition 1 ou 2 du paragraphe 7 (1), son revenu annuel brut, déterminé conformément aux paragraphes (1) et (2).

(6) La détermination, prévue au paragraphe (1) ou (4), du revenu brut que la personne a tiré d'un emploi pour une période comprend les indemnités d'invalidité temporaires ainsi que les prestations prévues par la *Loi sur l'assurance-chômage* (Canada) que la personne a reçues à l'égard de cette période.

(7) Si une personne a droit aux indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 1 du paragraphe

7 (1) mais qu'elle n'y a pas droit aux termes de la disposition 4 ou 6 du même paragraphe, la détermination, prévue au paragraphe (1), de son revenu brut tiré d'un emploi pour une période s'effectue en prenant son revenu brut tiré d'un emploi pour la partie de cette période pour laquelle elle a tiré un revenu d'un emploi et en extrapolant ce revenu à une partie de la période pour laquelle la personne remplit les conditions suivantes :

- a) elle n'a pas reçu d'indemnités d'invalidité temporaires ni de prestations prévues par la *Loi sur l'assurance-chômage* (Canada);
- b) elle n'a pas tiré de revenu d'un emploi pour l'une des raisons suivantes :
  1. Elle n'était pas employée.
  2. Elle était en congé non payé.
  3. Elle était mise en disponibilité relativement à un emploi.
  4. Elle était en grève ou en lock-out.

#### MONTANT DE L'INDEMNITÉ

10. (1) Le montant d'une indemnité hebdomadaire de remplacement de revenu est égal à 90 pour cent du revenu hebdomadaire net que la personne assurée a tiré d'un emploi, déterminé conformément à l'article 81 ou 82.

(2) Sous réserve du paragraphe (3) et de l'article 75, le montant d'une indemnité hebdomadaire de remplacement de revenu ne doit pas être inférieur à 185 \$ si, pendant la semaine à l'égard de laquelle l'indemnité est payable, selon le cas :

- a) la personne assurée souffre d'un empêchement partiel ou total de mener une vie normale à la suite de l'accident, si au plus 104 semaines se sont écoulées depuis qu'elle a été pour la première fois admissible aux indemnités hebdomadaires de remplacement de revenu ou aux indemnités hebdomadaires de soignant;
- b) la personne assurée souffre d'un empêchement total de mener une vie normale à la suite de l'accident, si plus de 104 semaines se sont écoulées depuis qu'elle a été pour la première fois admissible aux indemnités hebdomadaires de remplacement de revenu ou aux indemnités hebdomadaires de soignant.

(3) L'assureur peut déduire du montant des indemnités hebdomadaires de remplacement de revenu payables à une personne assurée un pourcentage du revenu net que la personne assurée a reçu à l'égard d'un emploi après l'accident.

(4) Le pourcentage visé au paragraphe (3) correspond à :

- a) 75 pour cent si, d'une part, la personne assurée a commencé à occuper l'emploi plus de vingt-six semaines après le début de l'invalidité à l'égard de laquelle les indemnités hebdomadaires de remplacement de revenu sont versées et, d'autre part, elle a occupé cet emploi pendant moins de vingt-six semaines;
- b) 90 pour cent, dans les autres cas.

(5) Sous réserve de l'article 82 et pour l'application du paragraphe (3), le revenu net qu'une personne a reçu à l'égard d'un emploi après l'accident est déterminé en soustrayant du revenu brut qu'elle a reçu à l'égard de l'emploi après l'accident les montants suivants :

1. La cotisation payable par la personne sur le revenu brut sous le régime de la *Loi sur l'assurance-chômage* (Canada).

2. La cotisation payable par la personne sur le revenu brut dans le cadre du *Régime de pensions du Canada*.

3. L'impôt sur le revenu payable par la personne sur le revenu brut sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario).

(6) Pour l'application du paragraphe (3), le revenu net qu'une personne a tiré d'un emploi à son compte qu'elle occupait au moment de l'accident est déterminé sans déduire les dépenses suivantes :

- a) les dépenses qui n'étaient pas raisonnables ou nécessaires pour éviter une perte de revenu;
- b) les dépenses salariales qui ont été payées pour remplacer la participation active de la personne à l'entreprise, sauf dans la mesure où elles étaient raisonnables à cette fin;
- c) les dépenses non salariales de nature autre que les dépenses non salariales engagées avant l'accident ou qui leur étaient supérieures, sauf dans la mesure où elles étaient nécessaires pour éviter ou réduire les pertes résultant de l'accident.

(7) Si la personne assurée était employée à son compte au moment de l'accident et qu'elle subit, à la suite de l'accident, des pertes relatives à l'emploi à son compte, l'assureur ajoute au montant des indemnités hebdomadaires de remplacement de revenu payables à la personne un montant égal à 90 pour cent de ces pertes.

(8) Pour l'application du paragraphe (7), les pertes relatives à l'emploi à son compte sont déterminées de la même manière que les pertes relatives à l'entreprise dans laquelle la personne était employée à son compte seraient déterminées aux termes du paragraphe 9 (2) de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario), sans déduire les dépenses et pertes suivantes :

- a) les dépenses qui n'étaient pas raisonnables ou nécessaires pour éviter une perte de revenu;
- b) les dépenses salariales qui ont été payées pour remplacer la participation active de la personne à l'entreprise, sauf dans la mesure où elles étaient raisonnables à cette fin;
- c) les dépenses non salariales de nature autre que les dépenses non salariales engagées avant l'accident ou qui leur étaient supérieures, sauf dans la mesure où elles étaient nécessaires pour éviter ou réduire les pertes résultant de l'accident;
- d) les dépenses admissibles à titre de déductions pour amortissement ou de déductions relatives aux biens en immobilisation admissibles;
- e) les pertes déductibles en vertu de l'article 111 de la *Loi de l'impôt sur le revenu* (Canada).

(9) Le montant hebdomadaire versé à une personne aux termes de la présente partie ne doit pas dépasser 1 000 \$ après les déductions permises par le paragraphe 75 (1).

#### RETRAIT DE LA POPULATION ACTIVE

11. (1) Si la personne assurée qui reçoit des indemnités hebdomadaires de remplacement de revenu aux termes de la présente partie s'était retirée de façon permanente de la population active au moment de l'accident, l'assureur peut, sous réserve des paragraphes (2) à (9), en interrompre le versement.

(2) L'assureur avise la personne assurée de son intention d'interrompre le versement des indemnités s'il croit avoir ce droit en vertu du paragraphe (1). L'avis contient les renseignements prévus aux paragraphes (3) et (4).

(3) Si, dans les trente jours qui suivent la remise de l'avis, la personne assurée ne conteste pas l'interruption du versement des indemnités conformément aux articles 279 à 283 de la *Loi sur les assurances*, l'assureur peut interrompre le versement.

(4) Si, dans les trente jours qui suivent la remise de l'avis, la personne assurée conteste l'interruption du versement des indemnités conformément aux articles 279 à 283 de la *Loi sur les assurances*, l'assureur continue de les verser jusqu'au règlement du différend.

(5) Le paragraphe (4) ne s'applique pas si la personne assurée avise l'assureur par écrit qu'elle ne souhaite pas recevoir les indemnités en attendant le règlement du différend.

(6) Si le différend fait l'objet soit d'une instance devant un tribunal soit d'une procédure d'arbitrage, il incombe à l'assureur de démontrer, sur la foi de preuves claires et convaincantes, que la personne assurée s'était retirée de façon permanente de la population active au moment de l'accident.

(7) Lorsqu'un différend est réglé et qu'il est déterminé que l'assureur n'a pas le droit d'interrompre le versement des indemnités, ce dernier effectue les versements qui ont été retenus aux termes du paragraphe (5) et paie les intérêts sur ceux-ci.

(8) Les intérêts payables aux termes du paragraphe (7) sont calculés à compter de la date à laquelle chaque versement aurait été effectué si ce n'était le paragraphe (5), au taux d'escompte en vigueur à la date à laquelle le premier versement a été retenu aux termes du paragraphe (5).

(9) Au paragraphe (8), l'expression «taux d'escompte» s'entend du taux d'escompte que fixe la Banque du Canada comme le taux d'intérêt minimal sur les avances à court terme qu'elle accorde aux banques mentionnées à l'annexe 1 de la *Loi sur les banques* (Canada).

(10) Lorsqu'un différend est réglé et qu'il est déterminé que l'assureur a le droit d'interrompre le versement des indemnités, la personne assurée lui rembourse le montant des indemnités qu'elle a reçues aux termes de la présente partie après la remise de l'avis visé au paragraphe (2).

#### INDEMNITÉS VERSÉES APRÈS L'ÂGE DE SOIXANTE-CINQ ANS

12. (1) Sous réserve du paragraphe (2), aucune indemnité hebdomadaire de remplacement de revenu n'est payable aux termes de la présente partie à une personne qui a atteint l'âge de soixante-cinq ans.

(2) Si la personne qui a droit aux indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 1, 3 ou 4 du paragraphe 7 (1) a atteint l'âge de soixante-cinq ans avant l'accident, le montant déterminé aux termes du paragraphe 10 (1) au cours de chacune des 208 premières semaines de l'invalidité à l'égard de laquelle l'indemnité est payable est réputé le montant qui serait déterminé si ce n'était le présent article, multiplié par le facteur qui figure à la colonne 2 du tableau prévu au présent paragraphe, en regard de la tranche qui comprend le nombre de semaines pendant lesquelles la personne a souffert de l'invalidité à l'égard de laquelle l'indemnité est payable.

TABLEAU

NOMBRE DE SEMAINES D'INVALIDITÉ	FACTEUR
Moins de 52	1,0
52 ou plus, mais moins de 104	0,8
104 ou plus, mais moins de 156	0,6
156 ou plus, mais moins de 208	0,3

(3) Aucune autre indemnité de remplacement de revenu n'est payable aux termes de la présente partie à une personne à laquelle s'applique le paragraphe (2), si plus de 208 semaines se sont écoulées depuis le début de l'invalidité à l'égard de laquelle l'indemnité est versée.

(4) Le paragraphe 10 (2) s'applique aux indemnités hebdomadaires de remplacement de revenu versées à la personne à laquelle s'applique le paragraphe (2).

(5) Les paragraphes 10 (3) à (8) ne s'appliquent pas aux indemnités hebdomadaires de remplacement de revenu versées à la personne à laquelle s'applique le paragraphe (2).

(6) Les paragraphes (1) et (3) n'ont pas pour effet d'empêcher une personne d'être admissible aux indemnités d'invalidité hebdomadaires prévues par la partie V.

#### OBLIGATION DE CHERCHER UN EMPLOI

13. (1) La personne assurée qui a droit aux indemnités hebdomadaires de remplacement de revenu aux termes de la présente partie est tenue de faire des efforts raisonnables :

- a) soit pour reprendre l'emploi qu'elle occupait au moment de l'accident;
- b) soit pour obtenir un emploi qui répond aux critères énoncés au paragraphe 30 (2).

(2) Le paragraphe (1) ne s'applique pas si, selon le cas :

- a) un emploi nuirait au traitement ou au rétablissement de la personne;
- b) la personne assurée participe à un programme de réadaptation professionnelle.

(3) Si la personne assurée ne se conforme pas au paragraphe (1), l'assureur peut l'aviser de son intention de réduire le montant de l'indemnité hebdomadaire conformément au paragraphe (4). L'avis contient les renseignements prévus aux paragraphes (4) et (5).

(4) Si au moins trente jours se sont écoulés depuis la réception de l'avis et que la personne assurée ne se conforme toujours pas au paragraphe (1), l'assureur peut, malgré le paragraphe 10(2) mais sous réserve du paragraphe (5), déduire du revenu hebdomadaire net utilisé pour déterminer le montant de l'indemnité aux termes du paragraphe 10 (1) un montant égal à 90 pour cent du revenu hebdomadaire net, déterminé conformément à l'article 81 ou 82, que la personne pourrait tirer d'un emploi qui répond aux critères énoncés au paragraphe 30 (2).

(5) Si, dans les trente jours qui suivent la réception de l'avis, la personne assurée conteste la réduction conformément aux articles 279 à 283 de la *Loi sur les assurances* et fournit à l'assureur un certificat, délivré par un praticien de la santé, indiquant qu'un emploi nuirait au traitement ou au rétablissement de la personne ou que la personne assurée participe à un programme de réadaptation professionnelle, l'assureur continue de verser l'indemnité sans la réduire, jusqu'au règlement du différend.

(6) Les paragraphes (3) et (4) ne s'appliquent pas si l'assureur procède à la réduction visée au paragraphe 73 (4).

#### REPRISE TEMPORAIRE D'UN EMPLOI

14. (1) La personne qui reçoit des indemnités hebdomadaires de remplacement de revenu aux termes de la présente partie peut reprendre ou commencer à occuper un emploi à n'importe quel moment au cours des 104 semaines qui suivent le début de l'invalidité à l'égard de laquelle les indemnités sont versées, sans qu'il soit porté atteinte à son

droit de recevoir de nouveau des indemnités aux termes de la présente partie si, à la suite de l'accident, elle est incapable de continuer à occuper l'emploi.

(2) Après la période de 104 semaines mentionnée au paragraphe (1), la personne qui reçoit des indemnités hebdomadaires de remplacement de revenu aux termes de la présente partie peut reprendre ou commencer à occuper un emploi pour des périodes d'au plus quatre-vingt-dix jours, sans qu'il soit porté atteinte à son droit de recevoir de nouveau des indemnités aux termes de la présente partie si, à la suite de l'accident, elle est incapable de continuer à occuper l'emploi.

### PARTIE III INDEMNITÉS POUR INCAPACITÉ À POURSUIVRE SES ÉTUDES

#### INDEMNITÉS HEBDOMADAIRES

15. (1) La personne assurée qui souffre d'une déficience à la suite d'un accident a droit à une indemnité hebdomadaire pour incapacité à poursuivre ses études si elle répond aux critères d'admissibilité suivants :

1. La personne assurée, selon le cas :
  - i. était âgée de moins de seize ans au moment de l'accident,
  - ii. était inscrite à un programme d'études élémentaire, secondaire ou postsecondaire à temps plein au moment de l'accident,
  - iii. a terminé ses études moins d'un an avant l'accident et, après avoir terminé ses études et avant l'accident, n'était pas employée dans un emploi qui correspondait à ses études et à sa formation.
2. Dans les deux ans de l'accident l'ayant occasionné, la personne assurée souffre, selon le cas :
  - i. d'un empêchement sérieux de poursuivre ses études, dans le cas d'une personne assurée qui répond aux critères d'admissibilité énoncés à la sous-disposition i ou ii de la disposition 1,
  - ii. d'un empêchement sérieux d'occuper un emploi qui correspond à ses études et à sa formation, dans le cas d'une personne assurée qui répond aux critères d'admissibilité énoncés à la sous-disposition iii de la disposition 1,
  - iii. d'un empêchement partiel ou total de mener une vie normale, dans le cas d'une personne assurée qui répond aux critères d'admissibilité énoncés à la sous-disposition i, ii ou iii de la disposition 1.

(2) Sous réserve des paragraphes (3) et (4), l'indemnité hebdomadaire pour incapacité à poursuivre ses études est payable pendant la période au cours de laquelle la personne assurée souffre, selon le cas :

- a) d'un empêchement sérieux de poursuivre ses études, dans le cas d'une personne assurée qui répond aux critères d'admissibilité énoncés à la sous-disposition i de la disposition 2 du paragraphe (1);
- b) d'un empêchement sérieux d'occuper un emploi qui correspond à ses études et à sa formation, dans le cas d'une personne assurée qui répond aux critères d'admissibilité énoncés à la sous-disposition ii de la disposition 2 du paragraphe (1);

c) d'un empêchement partiel ou total de mener une vie normale, dans le cas d'une personne assurée qui répond aux critères d'admissibilité énoncés à la sous-disposition iii de la disposition 2 du paragraphe (1).

(3) Aucune indemnité hebdomadaire pour incapacité à poursuivre ses études n'est payable aux termes du présent article, selon le cas :

- a) pour une période antérieure à la date à laquelle la personne assurée atteint l'âge de seize ans;
- b) pour la première semaine d'invalidité.

(4) Si la personne assurée est admissible aux indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de la sous-disposition iii de la disposition 2 du paragraphe (1), mais qu'elle n'y est pas admissible aux termes de la sous-disposition i ou ii de cette disposition, aucune indemnité hebdomadaire pour incapacité à poursuivre ses études n'est payable aux termes du présent article plus de 104 semaines après le moment où la personne assurée a été pour la première fois admissible à une telle indemnité, à moins qu'elle ne souffre d'un empêchement total de mener une vie normale à la suite de l'accident.

(5) Le montant d'une indemnité hebdomadaire pour incapacité à poursuivre ses études est égal à la moitié du revenu hebdomadaire net déterminé conformément à l'article 81 ou 82 en utilisant un revenu annuel brut tiré d'un emploi égal à 52 multiplié par la rémunération hebdomadaire moyenne des salariés par activité économique pour l'Ontario, pour le mois de juin de l'année qui précède immédiatement l'année au cours de laquelle l'indemnité est payable pour la première fois, publiée par Statistique Canada sous le régime de la *Loi sur la statistique* (Canada).

#### INDEMNITÉS FORFAITAIRES

16. (1) Sous réserve des paragraphes (2) et (3), la personne assurée qui souffre d'une déficience à la suite d'un accident a droit aux indemnités forfaitaires suivantes pour incapacité à poursuivre ses études :

- a) 2 000 \$ pour chaque année d'études élémentaires que la personne est incapable, à la suite de l'accident, de faire ou de terminer avec succès;
- b) 4 000 \$ pour chaque année ou, si la personne est inscrite à une école secondaire dont le programme est divisé en semestres, 2 000 \$ pour chaque semestre, jusqu'à concurrence de 4 000 \$ par année, d'études secondaires que la personne est incapable, à la suite de l'accident, de faire ou de terminer avec succès;
- c) 8 000 \$ pour chaque année ou, si la personne est inscrite à un établissement d'enseignement postsecondaire dont le programme est divisé en semestres, 4 000 \$ pour chaque semestre, jusqu'à concurrence de 8 000 \$ par année, d'études postsecondaires que la personne est incapable, à la suite de l'accident, de faire ou de terminer avec succès.

(2) La personne qui était âgée d'au moins seize ans au moment de l'accident a droit à des indemnités forfaitaires pour incapacité à poursuivre ses études aux termes du présent article, à l'égard d'au plus, selon le cas :

- a) une année d'études élémentaires;
- b) une année ou, si la personne est inscrite à une école secondaire dont le programme est divisé en semestres, deux semestres d'études secondaires;
- c) une année ou, si la personne est inscrite à un établissement d'enseignement postsecondaire dont le programme est divisé en semestres, deux semestres d'études postsecondaires.

(3) Si l'accident est survenu avant que la personne n'atteigne l'âge de seize ans, une seule indemnité forfaitaire pour incapacité à poursuivre ses études est payable aux termes du présent article après que la personne a atteint l'âge de seize ans.

(4) Une indemnité forfaitaire pour incapacité à poursuivre ses études prévue au présent article est versée à la fin de l'année ou du semestre à l'égard duquel elle est payable.

(5) Si une personne est incapable de faire ou de terminer avec succès une année ou un semestre d'études à la suite d'un accident, la question de savoir, pour l'application du présent article, si les études étaient de niveau élémentaire, secondaire ou postsecondaire est déterminée en supposant que, si l'accident n'était pas survenu, la personne aurait fait et terminé avec succès toutes les années et tous les semestres d'études antérieurs qu'elle a été incapable de faire ou de terminer avec succès à la suite de l'accident.

#### RETOUR TEMPORAIRE AUX ÉTUDES

17. (1) La personne qui reçoit des indemnités pour incapacité à poursuivre ses études aux termes de la présente partie peut retourner aux études au niveau élémentaire, secondaire ou postsecondaire à n'importe quel moment au cours des 104 semaines qui suivent le début de l'invalidité à l'égard de laquelle les indemnités sont versées, sans qu'il soit porté atteinte à son droit de recevoir de nouveau des indemnités aux termes de la présente partie, si, à la suite de l'accident, elle est incapable de poursuivre ses études au niveau élémentaire, secondaire ou postsecondaire.

(2) Après la période de 104 semaines mentionnée au paragraphe (1), la personne qui reçoit des indemnités pour incapacité à poursuivre ses études aux termes de la présente partie peut retourner aux études au niveau élémentaire, secondaire ou postsecondaire pour des périodes d'au plus quatre-vingt-dix jours, sans qu'il soit porté atteinte à son droit de recevoir de nouveau des indemnités aux termes de la présente partie, si, à la suite de l'accident, elle est incapable de poursuivre ses études au niveau élémentaire, secondaire ou postsecondaire.

#### PARTIE IV INDEMNITÉS DE SOIGNANT

18. (1) La personne assurée qui souffre d'une déficience à la suite d'un accident a droit à une indemnité hebdomadaire de soignant si elle répond aux critères d'admissibilité suivants :

1. Au moment de l'accident, elle résidait avec une personne dont elle était le soignant principal, et la personne recevant les soins était âgée de moins de seize ans ou avait besoin des soins en raison d'une incapacité physique ou mentale.
2. La personne assurée n'était pas employée à temps plein ni à son compte au moment de l'accident.
3. La personne assurée souffre, dans les deux ans de l'accident l'ayant occasionné :
  - i. soit d'un empêchement sérieux de dispenser les soins qu'elle dispensait au moment de l'accident,
  - ii. soit d'un empêchement partiel ou total de mener une vie normale.

(2) Sous réserve des paragraphes (3) et (4), l'indemnité hebdomadaire de soignant prévue au présent article est payable pendant la période au cours de laquelle la personne assurée souffre :

- a) soit d'un empêchement sérieux de dispenser les soins qu'elle dispensait au moment de l'accident;

b) soit d'un empêchement partiel ou total de mener une vie normale.

(3) Aucune indemnité hebdomadaire de soignant n'est payable aux termes du présent article pour la première semaine d'invalidité.

(4) Si la personne assurée est admissible aux indemnités hebdomadaires de soignant aux termes de la sous-disposition ii de la disposition 3 du paragraphe (1), mais qu'elle n'y est pas admissible aux termes de la sous-disposition i de cette disposition, aucune indemnité hebdomadaire de soignant n'est payable aux termes du présent article plus de 104 semaines après le moment où la personne assurée a été pour la première fois admissible à une telle indemnité, à moins qu'elle ne souffre d'un empêchement total de mener une vie normale à la suite de l'accident.

(5) Le montant d'une indemnité hebdomadaire de soignant est de 250 \$ pour la première personne qui répond aux critères d'admissibilité suivants, plus 50 \$ par personne supplémentaire qui répond aux mêmes critères :

1. La personne résidait avec la personne assurée au moment de l'accident.
2. La personne assurée était le soignant principal de la personne au moment de l'accident.
3. Au moment du versement de l'indemnité, la personne, selon le cas :
  - i. est âgée de moins de seize ans,
  - ii. a besoin de recevoir des soins en raison d'une incapacité physique ou mentale.

#### PARTIE V AUTRES INDEMNITÉS D'INVALIDITÉ

19. (1) La personne assurée qui souffre d'une déficience à la suite d'un accident a droit à une indemnité hebdomadaire d'invalidité si elle souffre, dans les deux ans de l'accident l'ayant occasionné, d'un empêchement partiel ou total de mener une vie normale et, selon le cas :

- a) elle n'a jamais répondu aux critères d'admissibilité à une indemnité prévus au paragraphe 7 (1), 15 (1) ou 18 (1), ou à la partie VI, à l'égard de l'accident;
- b) elle a reçu des indemnités hebdomadaires de remplacement de revenu aux termes de la partie II à la suite de l'accident, et les versements ont cessé aux termes de l'article 11 ou 12;
- c) elle a reçu des indemnités hebdomadaires de soignant aux termes de la partie IV à la suite de l'accident, et plus personne ne répond aux critères d'admissibilité énoncés au paragraphe 18 (5).

(2) Sous réserve du paragraphe (3), le montant de l'indemnité hebdomadaire d'invalidité prévue au présent article est de 185 \$.

(3) L'assureur peut déduire du montant des indemnités hebdomadaires d'invalidité payables à une personne assurée aux termes du présent article un pourcentage du revenu net que la personne assurée a reçu à l'égard d'un emploi après l'accident.

(4) Le pourcentage visé au paragraphe (3) correspond à :

- a) 75 pour cent si, d'une part, la personne assurée a commencé à occuper l'emploi plus de vingt-six semaines après le début de l'invalidité à l'égard de laquelle les indemnités hebdomadaires d'invalidité sont versées et, d'autre part, elle a occupé cet emploi pendant moins de vingt-six semaines;

b) 90 pour cent, dans les autres cas.

(5) Sous réserve de l'article 82 et pour l'application du paragraphe (3), le revenu net qu'une personne a reçu à l'égard d'un emploi après l'accident est déterminé en soustrayant du revenu brut qu'elle a reçu à l'égard de l'emploi après l'accident les montants suivants :

1. La cotisation payable par la personne sur le revenu brut sous le régime de la *Loi sur l'assurance-chômage* (Canada).
2. La cotisation payable par la personne sur le revenu brut dans le cadre du *Régime de pensions du Canada*.
3. L'impôt sur le revenu payable par la personne sur le revenu brut sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario).

(6) Sous réserve du paragraphe (7), l'indemnité hebdomadaire d'invalidité est payable pendant la période au cours de laquelle la personne assurée souffre d'un empêchement partiel ou total de mener une vie normale.

(7) Aucune indemnité hebdomadaire d'invalidité n'est payable aux termes du présent article, selon le cas :

- a) pour une période antérieure à la date à laquelle la personne assurée atteint l'âge de seize ans;
- b) pour la première semaine d'invalidité;
- c) plus de 104 semaines après le moment où la personne assurée a été pour la première fois admissible aux indemnités hebdomadaires d'invalidité, aux indemnités hebdomadaires de remplacement de revenu ou aux indemnités hebdomadaires de soignant, à moins qu'elle ne souffre d'un empêchement total de mener une vie normale à la suite de l'accident.

partie II, elle ne l'était plus 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois, mais elle acquiert par la suite le droit de les recevoir de nouveau aux termes de l'article 14.

3. La personne assurée était admissible aux indemnités hebdomadaires de soignant aux termes de la partie IV, elle a choisi par la suite, en vertu de l'article 61, de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la partie II et, 104 semaines après le début de l'invalidité à l'égard de laquelle elle a été admissible pour la première fois aux indemnités hebdomadaires de soignant, elle continue d'être admissible aux indemnités hebdomadaires de remplacement de revenu.
4. La personne assurée était admissible aux indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15 et, 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois ou à la date de ses seize ans, selon le dernier de ces événements, elle continue d'y être admissible.
5. La personne assurée était admissible aux indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15, elle ne l'est plus 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois ou à la date de ses seize ans, selon le dernier de ces événements, mais elle acquiert par la suite le droit de les recevoir de nouveau aux termes de l'article 17.
6. La personne assurée était admissible aux indemnités hebdomadaires de soignant aux termes de la partie IV, elle est incapable à la suite de l'accident de gagner ce qu'elle aurait pu raisonnablement gagner au moment de l'accident, elle choisit, au moins 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois, d'être régie par la présente partie au lieu de la partie IV ou V et, selon le cas :

i. elle continue d'être admissible aux indemnités hebdomadaires de soignant,

ii. elle cesse d'être admissible aux indemnités hebdomadaires de soignant car plus personne ne répond aux critères d'admissibilité énoncés au paragraphe 18 (5).

7. La personne assurée était admissible aux indemnités hebdomadaires d'invalidité aux termes de la partie V, elle continue de l'être 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois et :

i. elle est incapable à la suite de l'accident de gagner ce qu'elle aurait pu raisonnablement gagner au moment de l'accident,

ii. elle se serait jointe à la population active ou aurait réintégré celle-ci à un moment donné après l'accident,

iii. elle choisit d'être régie par la présente partie au lieu de la partie V.

(2) Si une personne est admissible aux indemnités hebdomadaires de soignant aux termes de la partie IV 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois, l'assureur lui donne promptement un avis portant qu'elle peut avoir le droit d'exercer le choix visé à la disposition 6 du paragraphe (1).

(3) Si une personne est admissible aux indemnités hebdomadaires d'invalidité aux termes de la partie V 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois, l'assureur lui donne promptement un avis portant qu'elle peut

## PARTIE VI

### INDEMNITÉS POUR PERTE DE CAPACITÉ DE GAIN

#### DROIT AUX INDEMNITÉS

20. (1) Si la présente partie autorise le versement de telles indemnités, l'assureur verse à la personne assurée des indemnités hebdomadaires pour perte de capacité de gain, au lieu des indemnités hebdomadaires de remplacement de revenu prévues à la partie II, des indemnités hebdomadaires pour incapacité à poursuivre ses études prévues à l'article 15, des indemnités hebdomadaires de soignant prévues à la partie IV ou des indemnités hebdomadaires d'invalidité prévues à la partie V.

(2) L'indemnité hebdomadaire pour perte de capacité de gain prévue par la présente partie est payable du vivant de la personne assurée et son montant est assujéti aux rajustements que prévoit le présent règlement.

#### OFFRE DE L'ASSUREUR

21. (1) Sous réserve des paragraphes (7) à (9), l'assureur remet promptement à la personne assurée une offre écrite portant sur le versement d'indemnités hebdomadaires pour perte de capacité de gain, si une ou plusieurs des situations suivantes se présentent :

1. La personne assurée était admissible aux indemnités hebdomadaires de remplacement de revenu aux termes de la partie II et elle continue de l'être 104 semaines après le début de l'invalidité à l'égard de laquelle elle y a été admissible pour la première fois.
2. La personne assurée était admissible aux indemnités hebdomadaires de remplacement de revenu aux termes de la

avoir le droit d'exercer le choix visé à la disposition 7 du paragraphe (1).

(4) Le choix exercé aux termes de la disposition 6 ou 7 du paragraphe (1) ne peut être changé.

(5) L'offre prévue au paragraphe (1) comporte les précisions suivantes :

- a) la capacité de gain de la personne assurée avant l'accident, déterminée conformément à l'article 29;
- b) le type d'emploi qui répond le mieux aux critères énoncés au paragraphe 30 (2);
- c) la capacité de gain résiduelle de la personne assurée, déterminée conformément à l'article 30;
- d) le montant de l'indemnité hebdomadaire pour perte de capacité de gain, le cas échéant, déterminé conformément à l'article 28.

(6) L'offre comprend un avis selon lequel en cas de non-acceptation de l'offre dans les quarante-cinq jours qui suivent sa réception ou dans le délai plus long dont conviennent l'assureur et la personne assurée, celle-ci est réputée avoir rejeté l'offre à l'égard tant de sa capacité de gain résiduelle que de sa capacité de gain avant l'accident et devra se soumettre à l'évaluation prévue à l'article 27.

(7) Le paragraphe (1) ne s'applique pas si la personne assurée est âgée de soixante-cinq ans ou plus.

(8) Le délai de remise de l'offre visé au paragraphe (1) peut être prorogé si l'assureur et la personne assurée s'entendent à cet égard.

(9) Si la personne assurée souffre d'une déficience à la suite d'un accident qui survient après l'accident à l'égard duquel une offre aurait été faite aux termes du paragraphe (1) si ce n'était le présent paragraphe, et que ce dernier accident entraîne une invalidité à l'égard de laquelle des indemnités hebdomadaires sont payables aux termes de la partie II, de l'article 15 ou de la partie IV ou V, l'application du paragraphe (1) est reportée après la période de 104 semaines qui suit le dernier accident.

#### RÉPONSE DE LA PERSONNE ASSURÉE À L'OFFRE

22. (1) La personne assurée qui reçoit l'offre de l'assureur prévue à l'article 21 peut lui donner une réponse écrite selon laquelle :

- a) elle accepte l'offre;
- b) elle rejette l'offre à l'égard de sa capacité de gain avant l'accident ou de sa capacité de gain résiduelle, ou des deux.

(2) Le fait de rejeter une offre en vertu de l'alinéa (1) b) n'a pas pour effet d'empêcher l'assureur et la personne assurée d'engager des négociations en vue de conclure une entente sur le versement d'indemnités pour perte de capacité de gain.

(3) L'entente prévoyant le versement d'indemnités hebdomadaires pour perte de capacité de gain conclue aux termes de la présente partie est formulée par écrit et comporte les précisions énoncées au paragraphe 21 (5).

(4) Si la personne assurée et l'assureur concluent, aux termes de la présente partie, une entente qui autorise le versement d'indemnités pour perte de capacité de gain, l'assureur commence à verser des indemnités hebdomadaires pour perte de capacité de gain conformément à cette entente.

#### PROCÉDURE EN CAS D'ABSENCE D'ENTENTE

23. (1) La personne assurée qui n'accepte pas l'offre de l'assureur dans les quarante-cinq jours qui suivent sa réception est réputée l'avoir

rejetée à l'égard tant de sa capacité de gain résiduelle que de sa capacité de gain avant l'accident.

(2) La personne assurée qui rejette l'offre de l'assureur à l'égard de sa capacité de gain résiduelle est soumise à l'évaluation prévue à l'article 27. L'assureur l'avise de cette exigence.

(3) Si la personne assurée rejette l'offre de l'assureur à l'égard de sa capacité de gain avant l'accident, le différend peut être réglé conformément aux articles 279 à 283 de la *Loi sur les assurances*, en se fondant sur l'article 29 du présent règlement.

(4) Si la personne assurée rejette l'offre de l'assureur à l'égard tant de sa capacité de gain avant l'accident que de sa capacité de gain résiduelle, le différend peut être réglé conformément aux articles 279 à 283 de la *Loi sur les assurances*, en se fondant sur les articles 29 et 30 du présent règlement. Toutefois, aucune mesure ne doit être prise en vertu des articles 279 à 283 de la *Loi sur les assurances*, à l'exception du dépôt d'une requête en médiation, en attendant de recevoir le rapport du centre d'évaluation désigné prévu à l'article 27.

(5) Quarante-cinq jours après avoir reçu le rapport du centre d'évaluation désigné prévu au paragraphe 27 (5), l'assureur commence à verser les indemnités hebdomadaires pour perte de capacité de gain fondées, d'une part, sur l'offre qu'il a faite aux termes de l'article 21 à l'égard de la capacité de gain avant l'accident et, d'autre part, sur le revenu annuel brut déterminé par le centre à l'égard de la capacité de gain résiduelle, à moins que la personne assurée ne conteste le rapport dans les trente jours de sa réception conformément aux articles 279 à 283 de la *Loi sur les assurances* ou qu'elle n'ait contesté l'offre de l'assureur à l'égard de sa capacité de gain avant l'accident conformément à ces articles.

(6) Si, après que six mois se sont écoulés depuis que le centre a avisé la personne assurée aux termes du paragraphe 27 (2), aucun rapport n'a été présenté aux termes du paragraphe 27 (5) et le centre a informé l'assureur que le rapport n'a pas été présenté en raison du manque de collaboration de la personne assurée, l'assureur peut, sur avis à la personne et jusqu'à ce qu'un rapport soit présenté aux termes du paragraphe 27 (5), lui verser des indemnités hebdomadaires pour perte de capacité de gain fondées sur l'offre qu'il lui a faite aux termes de l'article 21.

(7) Si l'assureur et la personne assurée concluent une entente à cet égard :

- a) le délai de quarante-cinq jours visé au paragraphe (1) peut être prorogé;
- b) l'évaluation visée au paragraphe (2) peut être reportée;
- c) le délai de quarante-cinq jours visé au paragraphe (5) peut être prorogé;
- d) le délai de trente jours visé au paragraphe (5) peut être prorogé.

(8) Sous réserve des paragraphes (5) et (6) et du paragraphe 281 (4) de la *Loi sur les assurances*, l'assureur continue de verser les indemnités prévues à la partie II, à l'article 15 ou à la partie IV ou V, en attendant que le différend soit réglé en vertu du paragraphe (3) ou (4), si la personne y est toujours admissible.

#### CONCLUSION D'UNE ENTENTE AVANT L'OFFRE

24. La personne qui n'a pas reçu l'offre visée à l'article 21 et qui a le droit de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la partie II, des indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15, des indemnités hebdomadaires de soignant aux termes de la partie IV ou des indemnités hebdomadaires d'invalidité aux termes de la partie V peut conclure une entente écrite avec l'assureur selon laquelle ce dernier lui versera des indemnités hebdomadaires pour perte de capacité de gain au lieu des indemnités hebdomadaires auxquelles elle aurait par ailleurs droit.



## ÉVALUATION AVANT L'OFFRE

25. La personne qui n'a pas reçu l'offre visée à l'article 21 et qui a le droit de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la partie II, des indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15, des indemnités hebdomadaires de soignant aux termes de la partie IV ou des indemnités hebdomadaires d'invalidité aux termes de la partie V peut conclure une entente écrite avec l'assureur selon laquelle elle se soumet à l'évaluation prévue à l'article 27.

CENTRES D'ÉVALUATION DÉSIGNÉS  
(CAPACITÉ DE GAIN RÉSIDUELLE)

26. (1) Pour l'application de la présente partie, le commissaire aux assurances peut :

- a) désigner des centres d'évaluation;
- b) préciser les types de déficiences que chaque centre d'évaluation désigné est autorisé à évaluer.

(2) Pour l'application de la présente partie, le comité consultatif sur les indemnités d'accidents constitué aux termes de l'article 7 de la *Loi sur les assurances* peut établir des marches à suivre, des normes et des lignes directrices devant être suivies par les centres d'évaluation désignés lors d'évaluations.

## ÉVALUATION

27. (1) Si la personne assurée accepte de se soumettre à une évaluation aux termes de l'article 25 ou est tenue aux termes du paragraphe 23 (2) de se soumettre à l'évaluation prévue au présent article, l'assureur envoie, dans un délai de quinze jours, un avis au centre d'évaluation désigné qui est situé le plus proche de l'endroit où se trouve la personne assurée et qui est autorisé à évaluer les déficiences du type de celle dont elle souffre.

(2) Le centre avise promptement la personne assurée et prend des dispositions pour l'évaluation.

(3) Aux fins de l'évaluation :

- a) d'une part, la personne assurée et l'assureur fournissent au centre les renseignements raisonnablement nécessaires qu'il demande;
- b) d'autre part, la personne assurée se soumet aux examens physiques, psychologiques et mentaux raisonnables que demande le centre.

(4) Le centre désigne le type d'emploi qui répond le mieux aux critères énoncés au paragraphe 30 (2), sans prendre en considération la déficience qui :

- a) si l'application du paragraphe 21 (1) n'a pas été reportée aux termes du paragraphe 21 (9), s'est produite après l'accident sans toutefois en résulter;
- b) si l'application du paragraphe 21 (1) a été reportée aux termes du paragraphe 21 (9), s'est produite après le premier accident, à moins qu'elle n'ait résulté d'un accident.

(5) Le centre présente à la personne assurée et à l'assureur un rapport où figurent les renseignements suivants :

- a) la mention de l'emploi que désigne le centre aux termes du paragraphe (4);

b) la détermination par le centre du revenu annuel brut que la personne pourrait tirer du type d'emploi qu'il désigne aux termes du paragraphe (4);

c) les motifs des conclusions mentionnées aux alinéas a) et b) auxquelles le centre est parvenu, notamment :

- (i) d'une part, la description d'une aggravation possible de la déficience de la personne assurée dont le centre a tenu compte aux termes de la disposition 3 du paragraphe 30 (2),
- (ii) d'autre part, la description des caractéristiques personnelles et professionnelles de la personne assurée au moment de l'évaluation dont le centre a tenu compte aux termes de la disposition 3 du paragraphe 30 (2);

d) des copies des rapports préparés par les personnes qui ont examiné la personne assurée aux termes de l'alinéa (3) b).

(6) Si le centre parvient à la conclusion qu'aucun emploi ne répond aux critères énoncés au paragraphe 30 (2), la capacité de gain résiduelle de la personne est réputée nulle.

(7) L'assureur acquitte les honoraires que demande le centre pour l'évaluation.

## MONTANT DE L'INDEMNITÉ

28. (1) Le montant de l'indemnité hebdomadaire pour perte de capacité de gain à verser à une personne assurée est déterminé selon la formule suivante :

$$A = 0,90 \times (B - C)$$

où :

A = le montant de l'indemnité hebdomadaire pour perte de capacité de gain,

B = la capacité de gain de la personne avant l'accident, déterminée conformément à l'article 29,

C = la capacité de gain résiduelle de la personne, déterminée conformément à l'article 30.

(2) Malgré le paragraphe (1), le montant de l'indemnité hebdomadaire pour perte de capacité de gain à verser à la personne assurée qui a reçu des indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15 est déterminé selon la formule suivante :

$$A = B - (0,90 \times C)$$

où :

A = le montant de l'indemnité hebdomadaire pour perte de capacité de gain,

B = la capacité de gain de la personne avant l'accident, déterminée conformément à l'article 29,

C = la capacité de gain résiduelle de la personne, déterminée conformément à l'article 30.

(3) Sous réserve de l'article 75, le montant de l'indemnité hebdomadaire pour perte de capacité de gain ne doit pas être inférieur à 185 \$ si, pendant la semaine à l'égard de laquelle l'indemnité est payable, la personne assurée souffre d'un empêchement total de mener une vie normale à la suite de l'accident.

(4) Le montant hebdomadaire versé à une personne aux termes de la présente partie ne doit pas dépasser 1 000 \$ après les déductions permises par le paragraphe 75 (1).

## DÉTERMINATION DE LA CAPACITÉ DE GAIN AVANT L'ACCIDENT

29. (1) Pour déterminer le montant d'une indemnité hebdomadaire pour perte de capacité de gain aux termes de la présente partie, la capacité de gain avant l'accident de la personne qui a le droit de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 1, 3, 4 ou 6 du paragraphe 7 (1) est réputée son revenu hebdomadaire net tiré d'un emploi qui est utilisé à l'article 10 pour déterminer le montant des indemnités hebdomadaires de remplacement de revenu immédiatement avant que les indemnités hebdomadaires pour perte de capacité de gain commencent à être versées, converti en un revenu hebdomadaire net à temps plein conformément à l'article 86, si cet article s'applique.

(2) Malgré le paragraphe (1), la capacité de gain avant l'accident de la personne qui a le droit de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 1 du paragraphe 7 (1) et qui était employée à son compte au moment de l'accident est le revenu hebdomadaire net déterminé conformément à l'article 81 ou 82 en utilisant le revenu annuel brut tiré d'un emploi que la personne aurait pu raisonnablement gagner au moment de l'accident, compte tenu de ses caractéristiques personnelles et professionnelles à ce moment-là.

(3) Pour déterminer le montant d'une indemnité hebdomadaire pour perte de capacité de gain aux termes de la présente partie, la capacité de gain avant l'accident de la personne qui a le droit de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 2 ou 5 du paragraphe 7 (1), des indemnités hebdomadaires de soignant aux termes de la partie IV ou des indemnités hebdomadaires d'invalidité aux termes de la partie V est réputée son revenu hebdomadaire net déterminé conformément à l'article 81 ou 82 en utilisant le revenu annuel brut tiré d'un emploi que la personne aurait pu raisonnablement gagner au moment de l'accident, compte tenu de ses caractéristiques personnelles et professionnelles à ce moment-là.

(4) Le montant de la capacité de gain d'une personne avant l'accident, déterminé aux termes des paragraphes (1), (2) et (3), ne doit pas être inférieur :

- a) soit au revenu hebdomadaire net déterminé conformément à l'article 81 ou 82 en utilisant un revenu annuel brut tiré d'un emploi qui correspond au revenu brut que la personne a tiré d'un emploi, y compris les indemnités d'invalidité temporaires ainsi que les prestations prévues par la *Loi sur l'assurance-chômage* (Canada) qu'elle a reçues, pour une période, que précise la personne, de cinquante-deux semaines consécutives au cours de la période de 156 semaines qui a précédé l'accident, dans le cas de la personne qui a le droit de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 1, 2, 3, 4 ou 6 du paragraphe 7 (1), ou de la personne qui était employée à son compte au moment de l'accident;
- b) soit au revenu hebdomadaire net déterminé conformément à l'article 81 ou 82 en utilisant un revenu annuel brut tiré d'un emploi qui correspond au revenu brut que la personne a tiré d'un emploi, y compris les indemnités d'invalidité temporaires ainsi que les prestations prévues par la *Loi sur l'assurance-chômage* (Canada) qu'elle a reçues, pour une période, que précise la personne, de cinquante-deux semaines consécutives au cours de la période qui a commencé 156 semaines avant que la personne ne devienne pour la première fois un soignant principal et qui s'est terminée le jour de l'accident, dans le cas de la personne qui a le droit de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la disposition 5 du paragraphe 7 (1) ou des indemnités hebdomadaires de soignant aux termes de la partie IV.

(5) Pour déterminer le montant d'une indemnité hebdomadaire pour perte de capacité de gain aux termes de la présente partie, la capacité de gain avant l'accident de la personne qui a droit aux indemnités

hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15 est déterminée selon la formule suivante :

$$B = D \times E$$

où :

B = la capacité de gain avant l'accident,

D = le facteur qui figure au tableau prévu au présent paragraphe en regard de la tranche qui comprend l'âge de la personne au moment où doit être versée l'indemnité hebdomadaire pour perte de capacité de gain,

E = le revenu hebdomadaire net déterminé conformément à l'article 81 ou 82 en utilisant un revenu annuel brut tiré d'un emploi égal à 52 multiplié par la rémunération hebdomadaire moyenne des salariés par activité économique pour l'Ontario, pour le mois de juin de l'année qui précède immédiatement l'année au cours de laquelle la capacité de gain avant l'accident est déterminée pour la première fois aux termes du présent article, publiée par Statistique Canada sous le régime de la *Loi sur la statistique* (Canada).

TABLEAU

TRANCHES D'ÂGE (ANNÉES)	FACTEUR
16 ou plus, mais moins de 18	0,55
18 ou plus, mais moins de 20	0,60
20 ou plus, mais moins de 22	0,65
22 ou plus, mais moins de 24	0,70
24 ou plus, mais moins de 26	0,75
26 ou plus, mais moins de 28	0,80
28 ou plus, mais moins de 30	0,85
30 ou plus	0,90

(6) Pour l'application des paragraphes (2) et (3), une invalidité temporaire dont souffrait la personne au moment de l'accident ne doit pas être prise en considération pour déterminer le revenu annuel brut tiré d'un emploi que la personne aurait pu raisonnablement gagner à ce moment-là.

## DÉTERMINATION DE LA CAPACITÉ DE GAIN RÉSIDUELLE

30. (1) Pour l'application de la présente partie, la capacité de gain résiduelle d'une personne est réputée le revenu hebdomadaire net déterminé conformément à l'article 81 ou 82 en utilisant le revenu annuel brut que la personne pourrait tirer du type d'emploi qui répond le mieux aux critères énoncés au paragraphe (2).

(2) Les critères visés au paragraphe (1) sont les suivants :

1. La personne :

- i. est en mesure d'accomplir les tâches essentielles de l'emploi et a les qualités requises pour le faire,
- ii. serait en mesure d'accomplir les tâches essentielles de l'emploi et aurait les qualités requises pour le faire, si elle n'avait pas refusé de recevoir un traitement ou de participer à un programme de réadaptation qui était raisonnable, disponible et nécessaire pour lui permettre d'occuper l'emploi.

2. L'emploi se trouve dans le secteur où vit la personne et lui est accessible.

3. Il serait raisonnable de s'attendre à ce que la personne occupe l'emploi, compte tenu de l'aggravation possible de sa déficience, ainsi que de ses caractéristiques personnelles et professionnelles.

(3) Pour l'application du paragraphe (2), une personne est en mesure d'accomplir les tâches essentielles d'un emploi et a les qualités requises pour le faire si :

- a) d'une part, elle ne souffre pas d'une déficience qui l'empêche de façon permanente d'accomplir ces tâches;
- b) d'autre part, elle a les compétences professionnelles ainsi qu'un permis ou une licence ou tout autre titre requis pour accomplir ces tâches, ou pourrait les obtenir sans grands efforts.

#### CESSATION DU VERSEMENT DES AUTRES INDEMNITÉS

31. Aucune indemnité hebdomadaire de remplacement de revenu n'est payable à une personne aux termes de la partie II, aucune indemnité hebdomadaire pour incapacité à poursuivre ses études n'est payable à une personne aux termes de l'article 15, aucune indemnité hebdomadaire de soignant n'est payable à une personne aux termes de la partie IV et aucune indemnité hebdomadaire d'invalidité n'est payable à une personne aux termes de la partie V dans l'un ou l'autre des cas suivants :

- a) des indemnités pour perte de capacité de gain ont commencé à lui être versées aux termes de la présente partie;
- b) le montant des indemnités hebdomadaires pour perte de capacité de gain qui lui est payable a été déterminé, conformément à la présente partie, comme étant égal à zéro.

#### SUPPLÉMENT TEMPORAIRE D'INDEMNITÉ

32. (1) Si la personne qui a le droit de recevoir des indemnités hebdomadaires pour perte de capacité de gain à la suite d'un accident et qui occupe un emploi devient incapable pour une période temporaire, à la suite de l'accident, d'occuper un emploi dont elle pourrait tirer le revenu annuel brut qui a été utilisé pour déterminer sa capacité de gain résiduelle aux fins de la détermination du montant de l'indemnité hebdomadaire pour perte de capacité de gain qui lui est payable, l'assureur lui verse, pendant cette période, un supplément hebdomadaire en plus des indemnités pour perte de capacité de gain.

(2) Le paragraphe (1) s'applique seulement si la personne fournit à l'assureur un certificat, délivré par un praticien de la santé, indiquant qu'elle est devenue incapable pour une période temporaire, à la suite de l'accident, d'occuper un emploi dont elle pourrait tirer le revenu annuel brut qui a été utilisé pour déterminer sa capacité de gain résiduelle aux fins de la détermination du montant de l'indemnité hebdomadaire pour perte de capacité de gain qui lui est payable.

(3) Le paragraphe (2) n'a pas pour effet d'empêcher l'assureur de contester une demande de supplément hebdomadaire présentée aux termes du présent article, conformément aux articles 279 à 283 de la *Loi sur les assurances*. Il verse toutefois le supplément hebdomadaire en attendant le règlement du différend.

(4) Sous réserve des paragraphes (5) et (6), le montant du supplément hebdomadaire est égal au moindre des montants suivants :

1. 90 pour cent de la capacité de gain résiduelle de la personne qui a été utilisée avant la période temporaire pour déterminer le montant de l'indemnité hebdomadaire pour perte de capacité de gain qui lui est payable.
2. 90 pour cent du revenu hebdomadaire net, déterminé conformément à l'article 81 ou 82, tiré du type d'emploi que la personne est incapable d'occuper pendant la période temporaire.

(5) La somme des indemnités hebdomadaires pour perte de capacité de gain et du supplément hebdomadaire ne doit pas dépasser 1 000 \$ après les déductions permises par l'article 75.

(6) Aucun supplément ne doit être versé aux termes du présent article pour une période de plus d'un an ou après que la personne a atteint l'âge de soixante-cinq ans.

(7) Le paragraphe (1) s'applique peu importe si la personne occupe ou non le type d'emploi qui répond aux critères énoncés au paragraphe 30 (2) au moment où la détermination a lieu.

#### RÉVISION OBLIGATOIRE DU MONTANT DE L'INDEMNITÉ

33. (1) L'assureur révisé le montant de l'indemnité hebdomadaire pour perte de capacité de gain :

- a) d'une part, trois ans après que les indemnités pour perte de capacité de gain ont été versées pour la première fois à une personne;
- b) d'autre part, huit ans après que les indemnités pour perte de capacité de gain ont été versées pour la première fois à la personne.

(2) Le paragraphe (1) ne s'applique pas après que la personne a atteint l'âge de soixante-cinq ans.

(3) Après chaque révision, l'assureur procède de la façon suivante :

- a) s'il croit qu'il n'y a pas eu de changement important dans la capacité de la personne de gagner le montant qui est utilisé pour déterminer sa capacité de gain résiduelle, il offre de continuer à lui verser une indemnité hebdomadaire pour perte de capacité de gain selon le même montant que l'indemnité courante de la personne;
- b) dans les autres cas, il offre de verser à la personne une indemnité hebdomadaire pour perte de capacité de gain selon le montant déterminé aux termes de l'article 28, fondé sur l'estimation, faite par l'assureur, de la capacité de gain résiduelle courante de la personne, déterminée conformément à l'article 30 et précisée dans l'offre.

(4) L'offre prévue au présent article est faite par écrit et comprend les précisions énoncées aux alinéas 21 (5) b) à d).

(5) Les articles 21 à 30 s'appliquent, avec les adaptations nécessaires, lorsqu'il s'agit de rajuster le montant des indemnités hebdomadaires pour perte de capacité de gain qui est payable à la personne.

#### AGGRAVATION DE LA DÉFICIENCE

34. (1) La personne qui reçoit des indemnités hebdomadaires pour perte de capacité de gain peut exiger que l'assureur révisé le montant de l'indemnité si elle lui fournit un certificat, délivré par un praticien de la santé, indiquant qu'elle souffre d'une aggravation permanente de sa déficience à la suite de l'accident qui la rend incapable d'occuper un emploi dont elle pourrait tirer le revenu annuel brut qui a été utilisé pour déterminer sa capacité de gain résiduelle aux fins de la détermination du montant de l'indemnité hebdomadaire pour perte de capacité de gain qui lui est payable.

(2) Le paragraphe (1) ne s'applique pas après que la personne a atteint l'âge de soixante-cinq ans.

(3) Le paragraphe (1) s'applique peu importe si la personne occupe ou non le type d'emploi qui répond aux critères énoncés au paragraphe 30 (2) au moment où l'aggravation se produit.

(4) Le paragraphe (1) s'applique seulement dans l'un ou l'autre des cas suivants :

- a) plus d'un an s'est écoulé depuis que les indemnités pour perte de capacité de gain ont été versées pour la première fois à la

personne à l'égard de l'accident et une révision n'est pas encore exigée par l'alinéa 33 (1) a);

- b) plus d'un an s'est écoulé depuis la révision exigée par l'alinéa 33 (1) a) et une révision n'est pas encore exigée par l'alinéa 33 (1) b);
- c) plus d'un an s'est écoulé depuis la révision exigée par l'alinéa 33 (1) b).

(5) Aucune révision ne peut être exigée en vertu du paragraphe (1) dans la période d'un an qui suit une révision faite en vertu du présent article.

(6) Les paragraphes 33 (3) à (5) s'appliquent, avec les adaptations nécessaires, à une révision exigée en vertu du présent article.

#### RAJUSTEMENT À L'ÂGE DE SOIXANTE-CINQ ANS

35. (1) Lorsque la personne qui reçoit des indemnités hebdomadaires pour perte de capacité de gain aux termes de la présente partie atteint l'âge de soixante-cinq ans, le montant des indemnités est rajusté selon la formule suivante :

$$A = B \times 0,02 \times C$$

où :

A = le montant auquel est rajusté le montant des indemnités hebdomadaires pour perte de capacité de gain,

B = le montant de l'indemnité hebdomadaire pour perte de capacité de gain que la personne avait le droit de recevoir immédiatement avant d'atteindre l'âge de soixante-cinq ans, sans faire les déductions permises par l'article 75,

C = le moindre des nombres suivants :

- i. 35,
- ii. le nombre d'années au cours desquelles la personne était, avant d'atteindre l'âge de soixante-cinq ans, admissible aux indemnités hebdomadaires de remplacement de revenu aux termes de la partie II, aux indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15, aux indemnités hebdomadaires de soignant aux termes de la partie IV, aux indemnités hebdomadaires d'invalidité aux termes de la partie V ou aux indemnités hebdomadaires pour perte de capacité de gain aux termes de la présente partie.

(2) Le montant d'une indemnité hebdomadaire pour perte de capacité de gain qui a été rajusté aux termes du paragraphe (1) ne doit pas être inférieur à 185 \$ si, au cours de la semaine à l'égard de laquelle l'indemnité est payable, la personne assurée souffre d'un empêchement total de mener une vie normale à la suite de l'accident.

### PARTIE VII INDEMNITÉS COMPLÉMENTAIRES POUR FRAIS MÉDICAUX

#### DROIT AUX INDEMNITÉS

36. (1) Si la personne assurée souffre d'une déficience à la suite d'un accident, l'assureur paie tous les frais raisonnables engagés par elle ou pour son compte à la suite de l'accident pour ce qui suit :

- a) les soins médicaux, chirurgicaux ou dentaires, les services d'optométrie, de soins infirmiers, d'ambulance, d'audiométrie ou d'orthophonie et les services hospitaliers;
- b) les services de chiropratique, de psychologie, d'ergothérapie et de physiothérapie;
- c) tout médicament;
- d) les verres d'ordonnance;
- e) les dentiers et autres appareils dentaires;
- f) les appareils auditifs, les fauteuils roulants et les autres aides à la mobilité, et les appareils médicaux, notamment les prothèses et les appareils orthétiques;
- g) le transport aller-retour de la personne assurée et d'un aide aux séances de traitement;
- h) les autres biens et services de nature médicale dont la personne assurée a besoin.

(2) L'assureur n'est pas tenu de payer de frais aux termes du paragraphe (1) dans le cas de biens ou de services de nature expérimentale.

(3) Les frais de transport visés à l'alinéa (1) g) se limitent, dans le cas de l'automobile de la personne assurée, aux frais pour l'essence, l'huile, l'entretien, les pneus et le stationnement.

(4) Sous réserve du paragraphe (5), de l'alinéa 39 (11) b) et du paragraphe 39 (12), l'assureur paie les frais visés au paragraphe (1) en attendant le règlement de tout différend à cet égard conformément aux articles 279 à 283 de la *Loi sur les assurances*.

(5) L'assureur n'est pas tenu de verser plus de 3 000 \$ à l'égard de tous frais visés à l'alinéa (1) d), e) ou f) en attendant le règlement d'un différend à cet égard conformément aux articles 279 à 283 de la *Loi sur les assurances*.

#### CERTIFICAT

37. (1) L'assureur peut exiger que l'auteur d'une demande de paiement de frais visés à l'article 36 fournisse un certificat, délivré par son praticien de la santé, indiquant que les frais sont raisonnables et nécessaires au traitement de la personne.

(2) Dans le cas des frais engagés périodiquement, l'assureur peut exiger qu'un certificat lui soit fourni aux termes du paragraphe (1) aussi souvent que cela est raisonnablement nécessaire.

#### CENTRES D'ÉVALUATION DÉSIGNÉS (SOINS MÉDICAUX ET RÉADAPTATION)

38. (1) Pour l'application de la présente partie, le commissaire aux assurances peut :

- a) désigner des centres d'évaluation;
- b) préciser les types de déficiences que chaque centre d'évaluation désigné est autorisé à évaluer.

(2) Pour l'application de la présente partie, le comité consultatif sur les indemnités d'accidents constitué aux termes de l'article 7 de la *Loi sur les assurances* peut établir des marches à suivre, des normes et des lignes directrices devant être suivies par les centres d'évaluation désignés lors d'évaluations.

## ÉVALUATION

39. (1) L'assureur qui reçoit le certificat visé à l'article 37 relativement à des frais peut donner à la personne assurée un avis exigeant qu'elle se soumette à l'évaluation prévue au présent article.

(2) Le paragraphe (1) ne s'applique aux frais visés à l'alinéa 36 (1) b) ou c) que si, selon le cas :

- a) les frais ont été engagés plus de huit semaines après l'accident;
- b) l'assureur a déjà versé à l'égard de la personne assurée à la suite de l'accident plus de 2 000 \$ pour des frais visés aux alinéas 36 (1) b) et c).

(3) Le paragraphe (1) ne s'applique pas aux frais visés à l'alinéa 36 (1) d), e) ou g).

(4) Le paragraphe (1) ne s'applique pas aux frais visés à l'alinéa 36 (1) f) si le ministère de la Santé paie une partie du coût de l'article pour lequel les frais ont été engagés.

(5) L'assureur qui donne l'avis visé au paragraphe (1) et la personne assurée s'efforcent de s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation. Au moins l'une d'elles est un praticien de la santé.

(6) Si l'assureur et la personne assurée ne peuvent, dans les quatorze jours qui suivent la réception par celle-ci de l'avis visé au paragraphe (1), s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de l'endroit où se trouve la personne assurée et qui est autorisé à évaluer les déficiences du type de celle dont elle souffre procède à l'évaluation.

(7) Si l'évaluation doit être faite par un centre d'évaluation désigné :

- a) d'une part, l'assureur avise le centre d'évaluation désigné dans les quinze jours;
- b) d'autre part, le centre avise promptement la personne assurée et prend des dispositions pour l'évaluation.

(8) Aux fins de l'évaluation :

- a) d'une part, la personne assurée et l'assureur fournissent les renseignements raisonnablement nécessaires aux personnes qui procèdent à l'évaluation;
- b) d'autre part, la personne assurée se soumet aux examens physiques, psychologiques et mentaux raisonnables que demandent les personnes qui procèdent à l'évaluation.

(9) Les personnes qui ont procédé à l'évaluation dressent un rapport et en remettent une copie aux personnes suivantes :

- a) l'assureur;
- b) la personne assurée;
- c) le praticien de la santé de la personne assurée.

(10) Le rapport comprend les renseignements suivants :

- a) une mention indiquant si, de l'avis des personnes qui ont procédé à l'évaluation, les frais demandés sont raisonnables et nécessaires au traitement de la personne assurée;
- b) des recommandations sur la fourniture ultérieure à la personne assurée de biens et de services visés à l'article 36.

(11) Sous réserve du règlement d'un différend portant sur les frais conformément aux articles 279 à 283 de la *Loi sur les assurances* :

- a) si le rapport de l'évaluation indique que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires au traitement de la personne assurée, l'assureur paie les frais;
- b) si le rapport de l'évaluation n'indique pas que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires au traitement de la personne assurée, l'assureur n'est pas tenu de payer les frais, sauf si l'alinéa c) s'applique;
- c) si l'évaluation portait sur des frais visés à l'alinéa 36 (1) b) ou c) qui ont été engagés dans les douze semaines suivant l'accident, l'assureur paie les frais.

(12) Si la personne assurée omet ou refuse de se rendre raisonnablement disponible pour l'évaluation prévue au présent article, l'assureur n'est pas tenu de payer les frais tant qu'elle ne s'y est pas soumise.

## PARTIE VIII INDEMNITÉS DE RÉADAPTATION

### DROIT AUX INDEMNITÉS

40. (1) Si la personne assurée souffre d'une déficience à la suite d'un accident, l'assureur paie pour des mesures raisonnables visant :

- a) d'une part, à réduire ou à éliminer les effets de toute invalidité résultant de la déficience;
- b) d'autre part, à faciliter la réintégration de la personne assurée dans sa famille, le marché du travail et la société.

(2) Les paiements exigés par le paragraphe (1) pour faciliter la réintégration de la personne assurée dans le marché du travail comprennent des paiements pour des mesures de réadaptation professionnelle raisonnablement nécessaires pour permettre à la personne :

- a) soit d'occuper un emploi le plus similaire possible à celui qu'elle occupait avant l'accident;
- b) soit de mener une vie professionnelle aussi normale que possible.

(3) Il est tenu compte des caractéristiques personnelles et professionnelles de la personne assurée dans la détermination des paiements exigés par le paragraphe (2).

(4) Les paiements exigés par le paragraphe (1) pour faciliter la réintégration de la personne assurée dans sa famille et dans la société comprennent des paiements pour des mesures de réadaptation sociale qui sont raisonnablement nécessaires :

- a) pour qu'elle retrouve le plus possible les situations familiales et sociales dans lesquelles elle vivait avant l'accident;
- b) pour l'aider à s'ajuster aux situations familiales et sociales à la suite de l'accident;
- c) pour maintenir son niveau fonctionnel au foyer et dans sa famille.

(5) Les paiements exigés par le présent article comprennent le paiement de tous les frais raisonnables engagés par la personne assurée ou pour son compte à la suite de l'accident à l'une des fins visées à l'alinéa (1) a) ou b) pour ce qui suit :

- a) la réadaptation sociale, notamment l'initiation à la vie quotidienne, la consultation en matière familiale ou financière ou en matière de réadaptation sociale, les rénovations du domicile et les appareils qui y sont installés afin de répondre aux besoins de la personne assurée, les véhicules, y compris les modifications apportées à ceux-ci afin de répondre à ses besoins, ainsi que les appareils de communication installés à son domicile;
- b) la réadaptation professionnelle, notamment la consultation en matière d'emploi, l'évaluation des aptitudes professionnelles, la formation professionnelle, la formation scolaire, la modification du lieu de travail et les appareils qui y sont installés afin de répondre aux besoins de la personne assurée, ainsi que les appareils de communication utiles dans son emploi;
- c) les services fournis par le gestionnaire des cas relativement à la coordination des soins médicaux, des services de réadaptation et des soins auxiliaires à l'intention de la personne assurée;
- d) le transport aller-retour de la personne assurée et d'un aide aux séances de consultation et de formation, et aux évaluations;
- e) les autres biens et services dont la personne assurée a besoin.

(6) Les frais de transport visés à l'alinéa (5) d) se limitent, dans le cas de l'automobile de la personne assurée, aux frais pour l'essence, l'huile, l'entretien, les pneus et le stationnement.

(7) Sous réserve du paragraphe (8), de l'alinéa 45 (11) b) et du paragraphe 45 (12), l'assureur paie les frais visés au paragraphe (5) en attendant le règlement de tout différend à cet égard conformément aux articles 279 à 283 de la *Loi sur les assurances*.

(8) L'assureur n'est tenu de payer les frais visés à l'alinéa (5) c) en attendant le règlement d'un différend à cet égard conformément aux articles 279 à 283 de la *Loi sur les assurances* que s'il a consenti à la nomination du gestionnaire des cas avant que les frais n'aient été engagés.

#### RÉNOVATION DU DOMICILE

41. (1) S'il est plus raisonnable, afin de répondre aux besoins de la personne assurée, d'acheter un nouveau domicile que de rénover son domicile actuel, l'assureur contribue à l'acquisition du nouveau domicile selon un montant égal à la valeur des rénovations que le domicile actuel aurait exigées afin de répondre aux besoins de la personne assurée.

(2) Sont réputés des frais déraisonnables pour l'application de la présente partie les frais engagés uniquement pour permettre à la personne assurée d'accéder à des parties de son domicile auxquelles l'accès n'est pas nécessaire à des fins ordinaires d'habitation.

#### MODIFICATION DU VÉHICULE

42. (1) S'il est plus raisonnable, afin de répondre aux besoins de la personne assurée, d'acheter un nouveau véhicule que de modifier un véhicule actuel, l'assureur contribue à l'achat du nouveau véhicule selon un montant égal au coût du nouveau véhicule, moins la valeur de rachat du véhicule actuel.

(2) Sont réputés des frais déraisonnables pour l'application de la présente partie les frais engagés pour l'achat ou la modification d'un véhicule, afin de répondre aux besoins de la personne assurée, dans les cinq ans qui suivent la dernière fois où des frais ont été engagés à cet égard pour le même accident.

#### CERTIFICAT

43. (1) L'assureur peut exiger que l'auteur d'une demande de paiement de frais visés à l'article 40 fournisse, à son choix, l'un des certificats suivants :

1. Un certificat, délivré par son médecin, indiquant que les frais sont raisonnables et nécessaires à sa réadaptation.
2. Un certificat, délivré par son chiropraticien ou son psychologue, indiquant que les frais sont raisonnables et nécessaires à sa réadaptation, si la loi autorise le chiropraticien ou le psychologue à traiter la déficience.
3. Un certificat, délivré par son médecin, ou, si la loi autorise un psychologue à traiter la déficience, par son psychologue, indiquant ce qui suit :
  - i. un membre d'une profession de la santé qui n'est ni médecin ni psychologue a exprimé par écrit l'opinion que les frais sont raisonnables et nécessaires à sa réadaptation,
  - ii. il n'est pas en désaccord avec cette opinion.

(2) Le paragraphe (1) ne s'applique ni aux frais visés à l'alinéa 40 (5) c) ni aux frais pour un programme de réadaptation professionnelle visés au paragraphe 76 (4).

(3) Le médecin ou le psychologue qui signe le certificat visé à la disposition 3 du paragraphe (1) y joint l'opinion écrite du membre d'une profession de la santé.

(4) Dans le cas des frais engagés périodiquement, l'assureur peut exiger qu'un certificat lui soit fourni aux termes du paragraphe (1) aussi souvent que cela est raisonnablement nécessaire.

#### CENTRES D'ÉVALUATION DÉSIGNÉS (SOINS MÉDICAUX ET RÉADAPTATION)

44. Les centres d'évaluation désignés pour l'application de la partie VII sont réputés avoir été désignés pour l'application de la présente partie et, pour l'application de celle-ci :

- a) le commissaire aux assurances peut préciser les types de déficiences que chaque centre d'évaluation désigné est autorisé à évaluer;
- b) le comité consultatif sur les indemnités d'accidents constitué aux termes de l'article 7 de la *Loi sur les assurances* peut établir des marches à suivre, des normes et des lignes directrices devant être suivies par les centres d'évaluation désignés lors d'évaluations.

#### ÉVALUATION

45. (1) L'assureur qui reçoit un certificat visé à l'article 43 relativement à des frais peut donner à la personne assurée un avis exigeant qu'elle se soumette à l'évaluation prévue au présent article.

(2) Le paragraphe (1) ne s'applique ni aux frais visés à l'alinéa 40 (5) c) ou d) ni aux frais pour un programme de réadaptation professionnelle visés au paragraphe 76 (4).

(3) L'assureur qui donne l'avis visé au paragraphe (1) et la personne assurée s'efforcent de s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation.

(4) Si l'évaluation porte sur des frais visés à l'alinéa 40 (5) a) ou e), au moins une des personnes sur lesquelles les parties se sont entendues pour procéder à l'évaluation est un praticien de la santé.

(5) Si l'évaluation porte sur des frais visés à l'alinéa 40 (5) b), au moins une des personnes sur lesquelles les parties se sont entendues pour procéder à l'évaluation est une personne qui a des compétences en matière de réadaptation professionnelle.

(6) Si l'évaluation porte sur des frais visés à l'alinéa 40 (5) a), b) ou e) et que l'assureur et la personne assurée ne peuvent, dans les quatorze jours qui suivent la réception par celle-ci de l'avis visé au paragraphe (1), s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de l'endroit où se trouve la personne assurée et qui est autorisé à évaluer les déficiences du type de celle dont elle souffre procède à l'évaluation.

(7) Si l'évaluation doit être faite par un centre d'évaluation désigné :

a) d'une part, l'assureur avise le centre d'évaluation désigné dans les quinze jours;

b) d'autre part, le centre avise promptement la personne assurée et prend des dispositions pour l'évaluation.

(8) Aux fins de l'évaluation prévue au présent article :

a) d'une part, la personne assurée et l'assureur fournissent les renseignements raisonnablement nécessaires aux personnes qui procèdent à l'évaluation;

b) d'autre part, la personne assurée se soumet aux examens physiques, psychologiques et mentaux raisonnables que demandent les personnes qui procèdent à l'évaluation.

(9) Les personnes qui ont procédé à l'évaluation dressent un rapport et en remettent une copie aux personnes suivantes :

a) l'assureur;

b) la personne assurée;

c) le praticien de la santé de la personne assurée.

(10) Le rapport comprend les renseignements suivants :

a) une mention indiquant si, de l'avis des personnes qui ont procédé à l'évaluation, les frais demandés sont raisonnables et nécessaires à la réadaptation de la personne assurée;

b) des recommandations sur la fourniture ultérieure à la personne assurée de biens et de services visés à l'article 40.

(11) Sous réserve du règlement d'un différend portant sur les frais conformément aux articles 279 à 283 de la *Loi sur les assurances* :

a) l'assureur paie les frais si le rapport de l'évaluation indique que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires au traitement de la personne assurée;

b) l'assureur n'est pas tenu de payer les frais si le rapport de l'évaluation n'indique pas que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires au traitement de la personne assurée.

(12) Si la personne assurée omet ou refuse de se rendre raisonnablement disponible pour l'évaluation prévue au présent article, l'assureur n'est pas tenu de payer les frais tant qu'elle ne s'y est pas soumise.

## PARTIE IX MONTANT MAXIMAL DES INDEMNITÉS COMPLÉMENTAIRES POUR FRAIS MÉDICAUX ET DES INDEMNITÉS DE RÉADAPTATION

46. (1) Le total de toutes les indemnités versées aux termes des parties VII et VIII à l'égard de la personne assurée ne peut dépasser 1 000 000 \$ par accident.

(2) Le montant maximal applicable aux termes du paragraphe (1) est celui qui était en vigueur à la date de l'accident, même s'il a été redressé aux termes de l'article 80.

## PARTIE X INDEMNITÉS DE SOINS AUXILIAIRES

### DROIT AUX INDEMNITÉS

47. (1) Si la personne assurée souffre d'une déficience à la suite d'un accident, l'assureur paie tous les frais raisonnables engagés par elle ou pour son compte à la suite de l'accident :

a) soit pour des soins fournis par un aide;

b) soit pour des soins fournis par un établissement de soins prolongés, notamment une maison de soins infirmiers, un foyer pour personnes âgées ou un hôpital pour malades chroniques.

(2) Pour l'application de l'alinéa (1) a), l'aide peut être toute personne, y compris un membre de la famille de la personne assurée, qui est capable de fournir les soins, même si l'aide ne possède pas de compétences particulières.

(3) Le paragraphe (1) ne s'applique pas aux frais dont le paiement peut être obtenu en vertu de l'alinéa 36 (1) g) ou 40 (5) d).

(4) Sous réserve des paragraphes (5) à (7), le montant maximal payable aux termes du présent article à l'égard de la personne assurée est de 3 000 \$ par mois.

(5) Si, à la suite de l'accident, la personne assurée subit des lésions médullaires cervicales, de graves lésions au cerveau ou l'amputation bilatérale des membres supérieurs ou toutes autres lésions causant la perte totale de l'usage des deux mains ou des deux bras, le montant maximal payable aux termes du présent article à l'égard de la personne assurée est de 6 000 \$ par mois.

(6) Si, à la suite de l'accident, la personne assurée subit des lésions mentionnées au paragraphe (5) ainsi qu'une autre lésion qui aurait par elle-même exigé les soins visés au paragraphe (1), le montant maximal payable aux termes du présent article à l'égard de la personne assurée est de 10 000 \$ par mois.

(7) Si, à la suite de l'accident, la personne assurée subit de graves lésions au cerveau qui entraînent un comportement violent susceptible de blesser la personne assurée ou toute autre personne, le montant maximal payable aux termes du présent article à l'égard de la personne assurée est de 10 000 \$ par mois.

(8) Pour l'application du présent article, les lésions au cerveau ne sont graves que si, dans un délai raisonnable après l'accident, la personne a ou aurait obtenu un résultat inférieur ou égal à neuf sur l'échelle appelée «Glasgow Coma Scale» publiée dans l'ouvrage intitulé «*Management of Head Injuries*», volume 20 dans la série «*Contemporary Neurology*» (F.A. Davis Company, 1981).

### CERTIFICAT

48. (1) L'assureur peut exiger que l'auteur d'une demande de paiement de frais visés à l'article 47 fournisse un certificat, délivré par un membre d'une profession de la santé que la loi autorise à traiter la déficience de la personne assurée, indiquant que les frais sont raisonnables et nécessaires pour prendre soin de la personne assurée.

(2) Dans le cas des frais engagés périodiquement, l'assureur peut exiger qu'un certificat lui soit fourni aux termes du paragraphe (1) aussi souvent que cela est raisonnablement nécessaire.

CENTRES D'ÉVALUATION DÉSIGNÉS  
(SOINS AUXILIAIRES)

49. (1) Pour l'application de la présente partie, le commissaire aux assurances peut :

- a) désigner des centres d'évaluation;
- b) préciser les types de déficiences que chaque centre d'évaluation désigné est autorisé à évaluer.

(2) Pour l'application de la présente partie, le comité consultatif sur les indemnités d'accidents constitué aux termes de l'article 7 de la *Loi sur les assurances* peut établir des marches à suivre, des normes et des lignes directrices devant être suivies par les centres d'évaluation désignés lors d'évaluations.

ÉVALUATION

50. (1) La personne assurée peut, au moyen d'un avis écrit adressé à l'assureur, choisir d'être évaluée aux termes du présent article.

(2) L'assureur peut donner à la personne assurée un avis exigeant qu'elle se soumette à l'évaluation prévue au présent article.

(3) Si plus de deux ans se sont écoulés depuis la date de l'accident, la personne assurée ne doit pas être évaluée aux termes du présent article dans les douze mois de la dernière évaluation faite aux termes de celui-ci.

(4) Si la personne assurée donne l'avis visé au paragraphe (1) ou que l'assureur donne l'avis visé au paragraphe (2), ils s'efforcent de s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation.

(5) Si l'assureur et la personne assurée ne peuvent, dans les quatorze jours qui suivent la réception par l'assureur ou la personne assurée de l'avis visé au paragraphe (1) ou (2), s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de l'endroit où se trouve la personne assurée et qui est autorisé à évaluer les déficiences du type de celle dont elle souffre procède à l'évaluation.

(6) Si l'évaluation doit être faite par un centre d'évaluation désigné :

- a) d'une part, l'assureur avise le centre d'évaluation désigné dans les quinze jours;
- b) d'autre part, le centre avise promptement la personne assurée et prend des dispositions pour l'évaluation.

(7) Aux fins de l'évaluation :

- a) d'une part, la personne assurée et l'assureur fournissent les renseignements raisonnablement nécessaires aux personnes qui procèdent à l'évaluation;
- b) d'autre part, la personne assurée se soumet aux examens physiques, psychologiques et mentaux raisonnables que demandent les personnes qui procèdent à l'évaluation.

(8) Les personnes qui ont procédé à l'évaluation dressent un rapport rédigé selon la formule 1 et en remettent une copie aux personnes suivantes :

- a) l'assureur;
- b) la personne assurée;
- c) le praticien de la santé de la personne assurée.

(9) Le rapport comprend les renseignements suivants :

- a) des recommandations sur la fourniture ultérieure à la personne assurée de soins visés à l'article 47;
- b) la détermination du montant à verser par l'assureur pour la fourniture ultérieure à la personne assurée de soins visés à l'article 47.

(10) La détermination visée à l'alinéa (9) b) est faite selon la formule 1 et est fondée sur les taux horaires suivants pour les soins :

1. 14 \$ l'heure, dans le cas de soins auxiliaires spécialisés.
2. 8,75 \$ l'heure, dans le cas de soins auxiliaires d'hygiène personnelle.
3. Le salaire horaire minimum fixé par la disposition 4 du paragraphe 10 (1) du Règlement 325 des Règlements refondus de l'Ontario de 1990, dans le cas de soins auxiliaires élémentaires et de surveillance.

(11) Au paragraphe (10), les expressions «soins auxiliaires spécialisés», «soins auxiliaires d'hygiène personnelle» et «soins auxiliaires élémentaires et de surveillance» s'entendent au sens de la formule 1.

(12) Sous réserve du règlement d'un différend, conformément aux articles 279 à 283 de la *Loi sur les assurances*, portant sur le montant à verser par l'assureur pour la fourniture à la personne assurée de soins visés à l'article 47, la détermination visée à l'alinéa (9) b) lie la personne assurée et l'assureur.

(13) Si la personne assurée omet ou refuse de se rendre raisonnablement disponible pour l'évaluation prévue au présent article, l'assureur n'est pas tenu de payer les frais tant qu'elle ne s'y est pas soumise.

PARTIE XI  
PRESTATIONS DE DÉCÈS

51. (1) Si la personne assurée décède à la suite d'un accident, l'assureur verse au conjoint qui était le conjoint de la personne assurée au moment de l'accident et qui lui a survécu :

- a) si la personne assurée répondait à l'un des critères d'admissibilité énoncés au paragraphe 7 (1), un montant égal au revenu hebdomadaire net que la personne assurée a tiré d'un emploi, déterminé conformément à l'article 81 ou 82 et multiplié par 187,2;
- b) 50 000 \$, si la personne assurée ne répondait à aucun des critères d'admissibilité énoncés au paragraphe 7 (1).

(2) Si la personne assurée décède à la suite d'un accident, l'assureur verse aux personnes à charge qui étaient des personnes à charge de la personne assurée au moment de l'accident et qui lui ont survécu, si aucune prestation n'est payable au conjoint aux termes du paragraphe (1), un montant égal à celui qui aurait été payable au conjoint aux termes du paragraphe (1) si la personne assurée avait eu un conjoint qui y avait droit.

(3) Si la personne assurée répondait à l'un des critères d'admissibilité énoncés au paragraphe 7 (1) :

- a) d'une part, son revenu annuel brut est réputé, pour l'application des paragraphes (1) et (2), le revenu annuel brut qui aurait été utilisé pour déterminer le montant de ses indemnités hebdomadaires de remplacement de revenu aux termes de la partie II si elle avait survécu et y avait eu droit;



- b) d'autre part, elle est réputée, pour l'application des paragraphes (1) et (2), avoir effectué les désignations et les choix prévus aux paragraphes 7 (2) et (4) et à l'article 9 qui donneraient au conjoint ou aux personnes à charge de la personne assurée la prestation la plus élevée possible aux termes du paragraphe (1) ou (2).

(4) Si la personne assurée décède à la suite d'un accident, l'assureur verse, en plus de la prestation payable aux termes du paragraphe (1) ou (2), les montants suivants :

- a) 10 000 \$ à chacune des personnes qui étaient à la charge de la personne assurée au moment de l'accident;
- b) 10 000 \$ à chaque ancien conjoint de la personne assurée si celle-ci était tenue, au moment de l'accident, de lui fournir des aliments aux termes d'un contrat familial ou d'une ordonnance judiciaire.

(5) Si la personne assurée qui décède à la suite d'un accident était, au moment de l'accident, une personne à charge, l'assureur verse 10 000 \$ :

- a) soit à la personne qui l'avait à sa charge ou, si cette personne est décédée ou décède dans les trente jours du décès de la personne assurée, au conjoint survivant de cette personne s'il était le soignant principal de la personne assurée;
- b) soit aux personnes à charge survivantes de la personne qui avait la personne assurée à sa charge, si cette personne est décédée et qu'aucun versement n'est exigé par l'alinéa a).

(6) Les prestations visées aux paragraphes (1) à (5) ne sont payables que si la personne assurée décède, selon le cas :

- a) dans les 180 jours de la date de l'accident, sauf si l'alinéa b) s'applique;
- b) dans les 156 semaines de la date de l'accident, si, à la suite de l'accident, il y a eu invalidité ininterrompue pendant cette période.

(7) Si, au moment de l'accident, plus d'une personne avait le droit de présenter une demande de prestations à titre de conjoint de la personne assurée, le versement prévu au paragraphe (1) est divisé en parts égales entre les personnes qui ont survécu à la personne assurée et qui, au moment de son décès, étaient encore ses conjoints.

(8) Le versement prévu au paragraphe (1) ou (2) ne doit pas être inférieur à 50 000 \$ ni supérieur à 200 000 \$.

(9) Les versements prévus au paragraphe (2) ou à l'alinéa (5) b) sont divisés en parts égales entre les personnes à charge survivantes.

(10) Aucun montant n'est payable aux termes du présent article aux personnes qui décèdent dans les trente jours du décès de la personne assurée.

(11) Le montant de tout versement prévu au présent article est déterminé à la date du décès de la personne assurée, même s'il a été redressé aux termes de l'article 80.

(12) La personne qui procède à l'autopsie du défunt fournit une copie de son rapport à l'assureur et à la personne qui présente une demande d'indemnités ou de prestations aux termes du présent règlement.

## PARTIE XII INDEMNITÉS FUNÉRAIRES

52. (1) Si la personne assurée décède à la suite d'un accident, l'assureur paie les frais funéraires engagés à son égard.

(2) Le montant maximal payable aux termes du présent article à l'égard de la personne assurée est de 6 000 \$.

(3) Le montant maximal applicable aux termes du paragraphe (2) est celui qui était en vigueur le jour des funérailles, même s'il a été redressé aux termes de l'article 80.

## PARTIE XIII AUTRES INDEMNITÉS POUR PERTES PÉCUNIAIRES

### FRAIS DES PERSONNES EN VISITE

53. (1) Si la personne assurée souffre d'une déficience à la suite d'un accident, toutes les personnes visées au paragraphe (2) ont droit à une indemnité raisonnable, compte tenu de toutes les circonstances, pour les frais réellement engagés pour rendre visite à la personne assurée pendant son traitement ou sa convalescence.

(2) Les personnes visées au paragraphe (1) sont les suivantes :

- a) le conjoint, les enfants, les petits-enfants, la mère, le père, la grand-mère, le grand-père et les frères et sœurs de la personne assurée;
- b) toute personne vivant avec la personne assurée au moment de l'accident;
- c) toute personne qui a manifesté l'intention bien arrêtée de traiter la personne assurée comme un enfant de sa famille;
- d) toute personne, lorsque la personne assurée a manifesté l'intention bien arrêtée de la traiter comme un enfant de sa famille.

### FRAIS ENGAGÉS POUR LES PERSONNES À CHARGE

54. (1) Si la personne assurée souffre d'une déficience à la suite d'un accident, l'assureur paie les frais supplémentaires raisonnables engagés par elle ou pour son compte pour s'occuper des personnes à la charge de celle-ci à la suite de l'accident.

(2) Le paragraphe (1) ne s'applique qu'à l'égard de la personne assurée qui était employée au moment de l'accident et qui ne reçoit pas d'indemnités hebdomadaires de soignant aux termes de la partie IV.

(3) Aucune indemnité n'est payable aux termes du présent article après le décès de la personne assurée.

(4) Sous réserve du paragraphe (5), le montant maximal payable aux termes du paragraphe (1) est de 75 \$ par semaine pour la première personne à charge et de 25 \$ par semaine pour chaque personne à charge supplémentaire.

(5) Le montant maximal total payable aux termes du présent article est de 150 \$ par semaine.

### FRAIS ENGAGÉS POUR LES TRAVAUX MÉNAGERS ET L'ENTRETIEN DU DOMICILE

55. Si la personne assurée souffre d'une déficience à la suite d'un accident, l'assureur paie les frais supplémentaires raisonnables engagés par elle ou pour son compte à la suite de l'accident pour les travaux ménagers et l'entretien du domicile.

DOMMAGES CAUSÉS AUX VÊTEMENTS, AUX VERRES,  
AUX APPAREILS AUDITIFS ET AUTRES

56. L'assureur paie tous les frais raisonnables engagés par la personne assurée ou pour son compte pour réparer ou remplacer, selon le cas :

- a) les vêtements que la personne assurée portait au moment de l'accident;
- b) les appareils médicaux ou dentaires, notamment les verres d'ordonnance, les dentiers, les appareils auditifs et les prothèses, et tout autre objet personnel appartenant à la personne assurée, qui sont perdus ou endommagés dans l'accident.

FRAIS D'EXAMEN

57. (1) L'assureur paie tous les frais raisonnables engagés par la personne assurée ou pour son compte pour l'obtention d'un examen ou d'une évaluation et pour sa présence à ceux-ci pour l'application du présent règlement, ainsi que pour l'obtention d'un certificat ou d'un rapport pour l'application du présent règlement, notamment :

- a) les droits exigés par toute personne qui procède à un examen ou à une évaluation, ou qui fournit un certificat ou un rapport;
- b) les frais de transport engagés pour se soumettre à un examen, y compris ceux d'un aide.

(2) Les frais de transport visés à l'alinéa (1) b) se limitent, dans le cas de l'automobile de la personne assurée, aux frais pour l'essence, l'huile, l'entretien, les pneus et le stationnement.

PARTIE XIV  
EXCLUSIONS

58. (1) L'assureur n'est pas tenu de verser d'indemnités de remplacement de revenu aux termes de la partie II, d'indemnités pour incapacité à poursuivre ses études aux termes de la partie III, d'indemnités d'invalidité aux termes de la partie V ni d'indemnités pour perte de capacité de gain aux termes de la partie VI à l'égard d'une personne qui était le conducteur d'une automobile au moment de l'accident :

- a) si, à la suite de l'accident, elle est déclarée coupable d'avoir conduit l'automobile lorsque sa capacité de conduire l'automobile était affaiblie par l'effet de l'alcool ou d'une drogue ou d'avoir conduit avec une alcoolémie plus élevée que la limite permise par la loi, ou d'avoir commis un acte criminel lié à la conduite de l'automobile;
- b) si elle est déclarée coupable d'avoir omis de fournir un échantillon d'haleine qu'on lui a demandé de fournir à la suite de l'accident;
- c) si, à la suite de l'accident, elle est déclarée coupable d'avoir conduit l'automobile lorsque celle-ci n'était pas assurée aux termes d'une police de responsabilité automobile;
- d) si elle n'était pas autorisée par la loi à conduire l'automobile;
- e) si elle est un conducteur exclu aux termes du contrat d'assurance-automobile;
- f) si elle savait ou aurait dû raisonnablement savoir qu'elle conduisait l'automobile sans le consentement de son propriétaire.

(2) L'alinéa (1) d) ne s'applique pas au conducteur qui n'est pas autorisé par la loi à conduire une automobile du seul fait de la suspension d'un permis pour non-paiement d'une amende.

(3) L'assureur n'est pas tenu de verser d'indemnités de remplacement de revenu aux termes de la partie II, d'indemnités pour incapacité à poursuivre ses études aux termes de la partie III, d'indemnités d'invalidité aux termes de la partie V ni d'indemnités pour perte de capacité de gain aux termes de la partie VI :

- a) à l'égard d'une personne qui a fait une déclaration inexacte importante ayant amené l'assureur à conclure le contrat d'assurance-automobile ou qui a connaissance d'une telle déclaration, ou qui a intentionnellement omis d'aviser l'assureur d'une modification importante des circonstances constitutives du risque;
- b) à l'égard d'une personne transportée dans une automobile au moment de l'accident, qui savait ou qui aurait dû raisonnablement savoir que le conducteur conduisait l'automobile sans le consentement de son propriétaire.

(4) L'alinéa (3) b) n'a pas pour effet d'empêcher un conducteur exclu ni toute autre personne transportée dans une automobile conduite par le conducteur exclu d'obtenir des indemnités d'accident légales aux termes d'une police de responsabilité automobile à l'égard de laquelle le conducteur exclu ou l'autre personne transportée est un assuré nommément désigné.

PARTIE XV  
PROCÉDURE

AVIS ET DEMANDE D'INDEMNITÉS OU DE PRESTATIONS

59. (1) La personne qui souhaite présenter une demande d'indemnités ou de prestations aux termes du présent règlement avise l'assureur dans les trente jours suivant le fait générateur du droit aux indemnités ou aux prestations, ou le plus tôt possible après ce délai.

(2) L'assureur fournit promptement à la personne ce qui suit :

- a) les formules de demande appropriées;
- b) des explications écrites sur les indemnités ou les prestations prévues par le présent règlement;
- c) des renseignements écrits pour aider la personne à présenter une demande d'indemnités ou de prestations, notamment pour l'aider à faire des choix.

(3) La personne présente à l'assureur une demande d'indemnités ou de prestations dans les quatre-vingt-dix jours de la réception des formules de demande.

(4) Le fait de ne pas se conformer aux délais énoncés au paragraphe (1) ou (3) ne prive pas la personne qui a une excuse raisonnable de son droit aux indemnités ou aux prestations.

CERTIFICAT INITIAL RELATIF AUX INDEMNITÉS HEBDOMADAIRES

60. L'assureur peut exiger que la personne ayant présenté une demande d'indemnités hebdomadaires aux termes de la partie II, de l'article 15 ou de la partie IV ou V fournisse un certificat, délivré par un praticien de la santé choisi par la personne assurée, qui indique la cause et la nature de la déficience faisant l'objet de la demande, ainsi qu'une estimation de la durée de l'invalidité découlant de l'accident et un plan de traitement.

CHOIX DE L'INDEMNITÉ HEBDOMADAIRE

61. (1) Une seule indemnité hebdomadaire peut être payée à la personne assurée aux termes du présent règlement pour une période donnée.

(2) Si la demande d'indemnités présentée aux termes du présent règlement semble indiquer que, si ce n'était le paragraphe (1), une personne aurait le droit de recevoir plus d'une indemnité hebdomadaire aux termes de la partie II, de l'article 15 et de la partie IV, l'assureur avise la personne qu'elle doit choisir, dans les trente jours de la réception de l'avis, laquelle des indemnités hebdomadaires elle souhaite recevoir.

(3) Dans les trente jours de la réception de l'avis, la personne choisit laquelle des indemnités hebdomadaires elle souhaite recevoir.

(4) En attendant d'être avisé du choix de la personne, l'assureur lui verse l'une des indemnités hebdomadaires auxquelles elle a droit. Après avoir été avisé du choix, l'assureur rajuste le montant des indemnités hebdomadaires rétroactivement à la date à laquelle a pris naissance le droit de la personne aux indemnités hebdomadaires qu'elle a choisies.

(5) Si elle ne choisit pas, dans la période de trente jours visée au paragraphe (3), laquelle des indemnités elle souhaite recevoir, la personne est réputée avoir choisi l'indemnité hebdomadaire la plus élevée.

(6) Si une personne cesse de recevoir des indemnités hebdomadaires de soignant aux termes de la partie IV parce que plus personne ne répond aux critères d'admissibilité énoncés au paragraphe 18 (5) et que la personne répond aux critères d'admissibilité énoncés à la disposition 5 du paragraphe 7 (1), la personne assurée a le droit de choisir de recevoir des indemnités hebdomadaires de remplacement de revenu aux termes de la partie II. L'assureur avise la personne de ce droit.

(7) Sous réserve du paragraphe (6), le choix prévu au présent article est définitif.

#### VERSEMENT DES INDEMNITÉS HEBDOMADAIRES

62. (1) L'assureur envoie par la poste ou remet à la personne assurée une indemnité hebdomadaire payable aux termes de la partie II, de l'article 15 ou de la partie IV ou V au plus tard quatorze jours après en avoir reçu la demande.

(2) L'assureur envoie par la poste ou remet à la personne assurée les indemnités hebdomadaires visées à la partie II, à l'article 15 ou à la partie IV, V ou VI au moins une fois toutes les deux semaines tant que la personne assurée a le droit de les recevoir.

(3) Le paragraphe (2) ne s'applique pas si l'assureur verse par anticipation les indemnités exigibles.

(4) Le montant payable aux termes de la partie II, de l'article 15 ou de la partie IV, V ou VI est en souffrance si l'assureur omet de se conformer au paragraphe (1) ou (2).

(5) Malgré le paragraphe (4), un versement n'est pas en souffrance si l'assureur a exigé qu'un certificat lui soit fourni aux termes de l'article 60 à l'égard du versement et que plus de six semaines se sont écoulées sans que le certificat ne lui ait été fourni.

(6) Si le paragraphe (5) s'applique et que le certificat est fourni par la suite, le versement devient en souffrance si l'assureur n'envoie pas par la poste ou ne remet pas autrement le montant payable au plus tard quatorze jours après avoir reçu le certificat.

(7) Lorsqu'une indemnité hebdomadaire est initialement payée aux termes de la partie II, de l'article 15 ou de la partie IV ou V, ou en cas de modification du montant de l'indemnité hebdomadaire, l'assureur fournit à la personne assurée des explications écrites sur la façon dont le montant de l'indemnité hebdomadaire a été déterminé.

(8) L'assureur qui refuse de verser des indemnités hebdomadaires visées à la partie II, à l'article 15 ou à la partie IV ou V donne à la personne assurée un avis précisant les motifs du refus.

#### CENTRES D'ÉVALUATION DÉSIGNÉS (INVALIDITÉ)

63. (1) Pour l'application de la présente partie, le commissaire aux assurances peut :

- a) désigner des centres d'évaluation;
- b) préciser les types de déficiences que chaque centre d'évaluation désigné est autorisé à évaluer.

(2) Pour l'application de la présente partie, le comité consultatif sur les indemnités d'accidents constitué aux termes de l'article 7 de la *Loi sur les assurances* peut établir des marches à suivre, des normes et des lignes directrices devant être suivies par les centres d'évaluation désignés lors d'évaluations.

#### INTERRUPTION DU VERSEMENT DES INDEMNITÉS HEBDOMADAIRES

64. (1) L'assureur ne peut interrompre le versement des indemnités hebdomadaires visées à la partie II, à l'article 15 ou à la partie IV ou V pour le motif que la personne assurée ne souffre plus de l'invalidité pour laquelle les indemnités sont versées, si ce n'est conformément au présent article.

(2) L'assureur peut, aussi souvent que cela est raisonnablement nécessaire, donner à la personne assurée un avis exigeant qu'elle lui présente un certificat, délivré par un praticien de la santé choisi par la personne assurée, qui indique qu'elle souffre toujours de l'invalidité pour laquelle les indemnités hebdomadaires sont versées aux termes de la partie II, de l'article 15 ou de la partie IV ou V.

(3) L'assureur peut interrompre le versement des indemnités hebdomadaires trente jours après la réception de l'avis par la personne assurée, sauf si, avant cette date, la personne assurée lui présente un certificat, délivré par un praticien de la santé choisi par la personne assurée, qui indique qu'elle souffre toujours de l'invalidité pour laquelle les indemnités sont versées. L'avis visé au paragraphe (2) donne ces renseignements à la personne assurée.

(4) S'il interrompt les versements en vertu du paragraphe (3) et que la personne assurée lui présente par la suite un certificat, délivré par un praticien de la santé, indiquant qu'elle souffre toujours de l'invalidité pour laquelle les indemnités ont été versées, l'assureur :

- a) d'une part, reprend le versement des indemnités;
- b) d'autre part, verse toute indemnité non versée.

(5) Si la personne assurée lui présente un certificat aux termes du paragraphe (3) ou (4), l'assureur peut, sur avis donné à la personne assurée, exiger qu'elle soit examinée :

- a) soit par un praticien de la santé choisi par l'assureur;
- b) soit par une personne choisie conformément aux paragraphes (11) et (12).

(6) L'assureur fixe la date et l'heure de l'examen visé à l'alinéa (5) a) et, à cette fin, fait des efforts raisonnables pour que la date et l'heure conviennent à la personne assurée. Il en donne à celle-ci un avis raisonnable.

(7) Le praticien de la santé qui procède à l'examen visé à l'alinéa (5) a) dresse un rapport et en remet une copie à l'assureur et à la personne assurée.

(8) Si le rapport visé au paragraphe (7) indique que la personne assurée ne souffre plus de l'invalidité pour laquelle les indemnités sont

versées, l'assureur peut lui donner un avis selon lequel il interrompra le versement des indemnités à la date précisée dans l'avis. L'avis contient les renseignements prévus aux paragraphes (9) à (12).

(9) L'assureur peut interrompre le versement des indemnités hebdomadaires à la date précisée dans l'avis, ou après cette date, sauf si la personne assurée lui donne un avis écrit indiquant qu'elle souhaite être examinée par une personne choisie conformément aux paragraphes (11) et (12).

(10) Malgré le paragraphe (9), l'assureur ne peut interrompre les versements moins de quatorze jours après que la personne assurée a reçu l'avis visé au paragraphe (8).

(11) Si l'assureur donne l'avis visé à l'alinéa (5) b) ou que la personne assurée donne l'avis visé au paragraphe (9), ils s'efforcent de s'entendre sur un praticien de la santé pour procéder à l'examen.

(12) Si l'assureur et la personne assurée ne peuvent, dans les quatorze jours qui suivent la réception par la personne assurée ou l'assureur de l'avis visé à l'alinéa (5) b) ou au paragraphe (9), selon le cas, s'entendre sur un praticien de la santé pour procéder à l'examen, le centre d'évaluation désigné qui est situé le plus proche de l'endroit où se trouve la personne assurée et qui est autorisé à évaluer les déficiences du type de celle dont elle souffre procède à l'examen.

(13) Si l'examen doit être fait par un centre d'évaluation désigné :

- a) d'une part, l'assureur avise le centre d'évaluation désigné dans les quinze jours;
- b) d'autre part, le centre avise promptement la personne assurée et prend des dispositions pour l'examen.

(14) Aux fins de l'examen :

- a) d'une part, la personne assurée et l'assureur fournissent les renseignements raisonnablement nécessaires aux personnes qui procèdent à l'examen;
- b) d'autre part, la personne assurée se soumet aux examens physiques, psychologiques et mentaux raisonnables que demandent les personnes qui procèdent à l'examen.

(15) Les personnes qui ont procédé à l'examen dressent un rapport et en remettent une copie à l'assureur et à la personne assurée.

(16) Si le rapport indique que la personne assurée ne souffre plus de l'invalidité pour laquelle les indemnités hebdomadaires sont versées, l'assureur peut en interrompre le versement.

(17) Si le rapport indique que la personne assurée souffre toujours de l'invalidité pour laquelle les indemnités hebdomadaires sont versées, l'assureur peut contester son obligation de verser les indemnités conformément aux articles 279 à 283 de la *Loi sur les assurances*. En attendant le règlement du différend, l'assureur verse les indemnités.

(18) Le présent article n'a pas pour effet d'empêcher la personne assurée de contester l'interruption de versement des indemnités hebdomadaires conformément aux articles 279 à 283 de la *Loi sur les assurances*. Si la décision définitive est que le versement des indemnités n'aurait pas dû être interrompu, l'assureur :

- a) d'une part, reprend le versement des indemnités;
- b) d'autre part, verse toute indemnité non versée.

(19) Si la personne assurée omet ou refuse de se soumettre à l'examen visé au paragraphe (5) ou (9), l'assureur peut retenir le

versement des indemnités hebdomadaires jusqu'à ce que la personne assurée s'y soumette. Lorsqu'elle s'y soumet, l'assureur :

- a) d'une part, reprend le versement des indemnités;
- b) d'autre part, verse toute indemnité non versée.

EXAMEN RELATIF AUX INDEMNITÉS COMPLÉMENTAIRES POUR  
FRAIS MÉDICAUX, AUX INDEMNITÉS DE RÉADAPTATION  
OU AUX INDEMNITÉS DE SOINS AUXILIAIRES

65. (1) Pour l'application de la partie VII, VIII ou X, et aussi souvent que cela est raisonnablement nécessaire, l'assureur peut donner à la personne assurée un avis exigeant qu'elle se fasse examiner par une ou plusieurs personnes précisées par l'assureur. Chacune de ces personnes est soit un membre d'une profession de la santé, soit une personne qui a des compétences en matière de réadaptation professionnelle.

(2) L'assureur fixe la date et l'heure de l'examen visé au paragraphe (1) et, à cette fin, fait des efforts raisonnables pour que la date et l'heure conviennent à la personne assurée. Il en donne à celle-ci un avis raisonnable.

(3) Les personnes qui procèdent à l'examen dressent un rapport et en remettent une copie à l'assureur et à la personne assurée.

(4) L'avis visé au paragraphe (1) indique les frais auxquels l'examen se rapporte.

(5) Si la personne assurée omet ou refuse de se rendre raisonnablement disponible pour l'examen visé au paragraphe (1), l'assureur n'est pas tenu de payer les frais mentionnés dans l'avis visé au paragraphe (1) tant qu'elle ne s'y est pas soumise.

VERSEMENT DES INDEMNITÉS COMPLÉMENTAIRES POUR  
FRAIS MÉDICAUX, DES INDEMNITÉS DE RÉADAPTATION  
ET DES INDEMNITÉS DE SOINS AUXILIAIRES

66. (1) Sous réserve du paragraphe 65 (5), l'assureur envoie par la poste ou remet à la personne qui y a droit l'indemnité payable aux termes de la partie VII, VIII ou X dans les quatorze jours qui suivent la réception par l'assureur de la demande d'indemnités.

(2) Le montant payable aux termes de la partie VII, VIII ou X est en souffrance si l'assureur omet de se conformer au paragraphe (1).

(3) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes du paragraphe (2), qu'un certificat lui soit fourni aux termes du paragraphe 37 (1), 43 (1) ou 48 (1) à l'égard de l'indemnité :

- a) les paragraphes (1) et (2) ne s'appliquent pas;
- b) l'assureur envoie par la poste ou remet l'indemnité à la personne qui y a droit, dans les quatorze jours qui suivent la réception du certificat par l'assureur;
- c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(4) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes de l'alinéa (3) b) à l'égard de frais visés à l'alinéa 36 (1) a), b) ou c) pour des services ou des médicaments qu'on a choisis de recevoir à l'extérieur du Canada, soit de frais visés à l'alinéa 36 (1) f) pour un article dont le ministère de la Santé n'assume aucune partie du coût, soit de frais visés à l'alinéa 36 (1) h), qu'une évaluation soit faite en vertu de l'article 39 :

- a) les paragraphes (1), (2) et (3) ne s'appliquent pas;

b) l'assureur envoie par la poste ou remet à la personne qui y a droit le montant des frais dans les quatorze jours qui suivent la réception par l'assureur du rapport prévu à l'article 39 et portant que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires au traitement de la personne assurée;

c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(5) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes de l'alinéa (3) b) à l'égard de frais visés à l'article 40, qu'une évaluation soit faite en vertu de l'article 45 :

a) les paragraphes (1), (2) et (3) ne s'appliquent pas;

b) l'assureur envoie par la poste ou remet à la personne qui y a droit le montant des frais dans les quatorze jours qui suivent la réception par l'assureur du rapport prévu à l'article 45 et portant que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires à la réadaptation de la personne assurée;

c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(6) Lorsqu'une indemnité est versée aux termes de la partie VII, VIII ou X, l'assureur fournit à la personne assurée des explications écrites sur la façon dont le montant de l'indemnité a été déterminé.

(7) L'assureur qui refuse de verser une indemnité visée à la partie VII, VIII ou X donne à la personne assurée un avis précisant les motifs du refus.

#### VERSEMENT D'AUTRES INDEMNITÉS OU PRESTATIONS

67. (1) L'assureur envoie par la poste ou remet à la personne qui y a droit l'indemnité ou la prestation payable aux termes de l'article 16 ou de la partie XI, XII ou XIII dans les trente jours qui suivent la réception par l'assureur de la demande d'indemnités ou de prestations.

(2) Le montant payable aux termes de l'article 16 ou de la partie XI, XII ou XIII est en souffrance si l'assureur omet de se conformer au paragraphe (1).

(3) Lorsqu'une indemnité ou une prestation est versée aux termes de l'article 16 ou de la partie XI, XII ou XIII, l'assureur fournit à la personne assurée des explications écrites sur la façon dont le montant de l'indemnité ou de la prestation a été déterminé.

(4) L'assureur qui refuse de verser une indemnité ou une prestation visée à l'article 16 ou à la partie XI, XII ou XIII donne à la personne assurée un avis précisant les motifs du refus.

#### INTÉRÊTS SUR LES INDEMNITÉS OU LES PRESTATIONS EN SOUFFRANCE

68. L'assureur verse des intérêts sur le montant de toute indemnité ou prestation prévue par le présent règlement qui est en souffrance, pour chaque jour où le montant est en souffrance, à compter de la date à laquelle il le devient, au taux de 2 pour cent par mois composé mensuellement.

#### APPROBATION PRÉALABLE DES FRAIS

69. (1) Toute personne peut, avant d'engager des frais visés à la partie VII, VIII, X ou XIII, demander à l'assureur, selon le cas :

a) de confirmer à l'avance qu'il les paiera;

b) de l'autoriser à faire envoyer la facture directement à l'assureur, sous réserve des conditions raisonnables établies par ce dernier.

(2) L'assureur ne peut refuser d'accéder à la demande que s'il y a des motifs raisonnables de croire que les frais ne sont pas des frais qu'il serait tenu de payer.

(3) L'assureur répond à la demande :

a) dans les quatorze jours qui suivent la date à laquelle l'auteur de la demande lui fournit les renseignements raisonnablement nécessaires pour pouvoir déterminer si les frais sont des frais qu'il serait tenu de payer, dans le cas de frais demandés aux termes de la partie VII, VIII ou X;

b) dans les trente jours qui suivent la date à laquelle l'auteur de la demande lui fournit les renseignements raisonnablement nécessaires pour pouvoir déterminer si les frais sont des frais qu'il serait tenu de payer, dans le cas de frais demandés aux termes de la partie XIII.

(4) L'assureur qui refuse d'accéder à la demande donne à l'auteur de la demande un avis précisant les motifs du refus.

#### REMBOURSEMENT À L'ASSUREUR

70. (1) La personne qui reçoit par erreur ou obtient par des moyens frauduleux ou à la suite d'une déclaration délibérément fautive une indemnité ou une prestation aux termes du présent règlement la rembourse à l'assureur.

(2) L'obligation de rembourser une indemnité ou une prestation reçue par erreur aux termes du présent règlement ne s'applique que si un avis est donné aux termes du paragraphe (5) dans les douze mois qui suivent le versement de l'indemnité ou de la prestation.

(3) La personne qui reçoit une indemnité aux termes de la partie II, III, V ou VI la rembourse à l'assureur si elle-même ou la personne à l'égard de laquelle le versement a été effectué n'y avait pas droit aux termes de la partie XIV.

(4) La personne qui reçoit une indemnité aux termes des parties II à VI et qui reçoit également des versements déductibles de cette indemnité aux termes du présent règlement rembourse le montant déductible à l'assureur.

(5) Si une personne est tenue de rembourser un montant à l'assureur aux termes du présent article, l'assureur :

a) donne à la personne un avis du montant qu'elle doit rembourser;

b) peut, si la personne reçoit des indemnités hebdomadaires aux termes du présent règlement, lui donner avis de son intention de percevoir le montant en déduisant de chaque versement d'indemnité hebdomadaire jusqu'à 20 pour cent du montant de celle-ci.

(6) L'assureur qui a donné l'avis visé à l'alinéa (5) b) peut percevoir le montant en déduisant de chaque versement d'indemnité hebdomadaire jusqu'à 20 pour cent du montant de celle-ci.

(7) L'assureur peut exiger des intérêts sur le montant remboursable aux termes du présent article, à compter du quinzième jour qui suit la remise de l'avis visé au paragraphe (5), au taux d'escompte alors en vigueur.

(8) Au paragraphe (7), l'expression «taux d'escompte» s'entend du taux d'escompte que fixe la Banque du Canada comme le taux d'intérêt minimal sur les avances à court terme qu'elle accorde aux banques mentionnées à l'annexe 1 de la *Loi sur les banques* (Canada).

## DROIT DE CONTESTATION

71. S'il refuse de payer une indemnité ou une prestation qu'une personne a demandée aux termes du présent règlement ou s'il réduit le montant d'une indemnité ou d'une prestation qu'une personne a reçue aux termes du présent règlement, l'assureur renseigne la personne par écrit sur la procédure de règlement de différends relatifs aux indemnités ou aux prestations qui est prévue aux articles 279 à 283 de la *Loi sur les assurances*.

## DÉLAI POUR ENGAGER UNE PROCÉDURE

72. (1) La procédure de médiation prévue à l'article 280 de la *Loi sur les assurances* ou la procédure d'arbitrage ou l'instance devant un tribunal prévue à l'article 281 de la *Loi* relativement à une indemnité ou à une prestation prévue par le présent règlement doit être engagée dans les deux ans de la date à laquelle l'assureur a refusé de verser le montant demandé ou, si la personne a occupé un emploi comme le lui permet l'article 14 ou est retournée aux études au niveau élémentaire, secondaire ou postsecondaire comme le lui permet l'article 17, dans les deux ans de la date à laquelle l'assureur a refusé de continuer à verser des indemnités.

(2) Malgré le paragraphe (1), la procédure d'arbitrage ou l'instance devant un tribunal prévue à l'article 281 de la *Loi sur les assurances* peut être engagée dans les quatre-vingt-dix jours qui suivent la remise du rapport du médiateur aux parties aux termes du paragraphe 280 (8) de la *Loi*.

**PARTIE XVI**  
**DEVOIR DE SE SOUMETTRE AU TRAITEMENT ET DE PARTICIPER À LA RÉADAPTATION**

73. (1) La personne qui a droit aux indemnités hebdomadaires de remplacement de revenu aux termes de la partie II, aux indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15, aux indemnités hebdomadaires de soignant aux termes de la partie IV ou aux indemnités hebdomadaires d'invalidité aux termes de la partie V doit se soumettre au traitement et participer à la réadaptation qui sont raisonnables, disponibles et nécessaires :

- a) soit pour lui permettre d'occuper un emploi qui répond aux critères énoncés au paragraphe 30 (2), dans le cas de la personne qui a droit aux indemnités hebdomadaires de remplacement de revenu aux termes de la partie II;
- b) soit pour abrégier la période pendant laquelle les indemnités hebdomadaires sont payables, dans les autres cas.

(2) Le paragraphe (1) ne s'applique pas si le fait de s'y conformer nuirait au traitement ou au rétablissement de la personne.

(3) Si la personne refuse de se conformer au paragraphe (1), l'assureur peut l'aviser de son intention de réduire le montant de l'indemnité hebdomadaire conformément au paragraphe (4). L'avis contient les renseignements prévus aux paragraphes (4) et (5).

(4) Si au moins trente jours se sont écoulés depuis la remise de l'avis et que la personne refuse toujours de se conformer au paragraphe (1), l'assureur peut, sous réserve du paragraphe (5), réduire de moitié le montant de l'indemnité hebdomadaire.

(5) Si, dans les trente jours qui suivent la remise de l'avis, la personne conteste la réduction conformément aux articles 279 à 283 de la *Loi sur les assurances* et fournit à l'assureur un certificat, délivré par un médecin ou un autre membre d'une profession de la santé, indiquant que la personne se conforme au paragraphe (1) ou que le fait de s'y conformer nuirait à son traitement ou à son rétablissement, l'assureur continue de verser l'indemnité hebdomadaire sans la réduire, jusqu'au règlement du différend.

(6) Le paragraphe (5) ne s'applique pas si des recommandations faites à la suite de l'évaluation prévue à l'article 39 ou 45 n'ont pas encore été mises en application, sauf si le certificat visé au paragraphe (5) indique que la personne se conforme au paragraphe (1).

(7) Les paragraphes (3) et (4) ne s'appliquent pas si l'assureur procède à la réduction visée au paragraphe 13 (4).

**PARTIE XVII**  
**INTERACTION AVEC D'AUTRES RÉGIMES**

PAIEMENTS AU TITRE DE L'AIDE SOCIALE

74. (1) L'assureur verse des indemnités ou des prestations aux termes du présent règlement même si la personne assurée a droit à des indemnités ou prestations aux termes d'une loi dont le ministère des Services sociaux et communautaires de l'Ontario assure l'application ou d'une loi semblable d'une autre compétence législative, ou même si la personne a reçu des indemnités ou prestations aux termes d'une telle loi.

(2) Pour l'application du paragraphe (1), les services, indemnités, prestations ou droits prévus par une loi dont l'application est passée par décret du ministère des Services sociaux et communautaires au ministère de la Santé, sont, tant qu'ils préservent essentiellement les mêmes caractéristiques à la suite de ce changement, réputés prévus par une loi dont le ministère des Services sociaux et communautaires de l'Ontario assure l'application.

INDEMNITÉS ACCESSOIRES

75. (1) L'assureur peut déduire les montants qui suivent du montant des indemnités hebdomadaires de remplacement de revenu payables à la personne assurée aux termes de la partie II ou du montant des indemnités hebdomadaires pour perte de capacité de gain payables à la personne assurée aux termes de la partie VI :

1. Les paiements nets pour perte de revenu que la personne assurée a reçus à la suite de l'accident en vertu des lois d'une compétence législative ou d'un régime de maintien du revenu.
2. Les paiements nets pour perte de revenu que la personne assurée n'a pas reçus mais qu'elle peut toucher à la suite de l'accident en vertu des lois d'une compétence législative ou d'un régime de maintien du revenu, à moins qu'elle n'ait présenté une demande pour recevoir les paiements pour perte de revenu.

(2) Malgré le paragraphe (1), l'assureur ne peut déduire de montants à l'égard :

- a) des prestations d'assurance-chômage que la personne assurée a reçues ou qu'elle peut toucher;
- b) des prestations prévues par un régime de congés de maladie que la personne assurée n'a pas reçues mais qu'elle peut toucher;
- c) des paiements prévus par une loi ou un régime d'indemnisation des accidents du travail que la personne assurée n'a pas reçus et auxquels elle n'a pas droit parce qu'elle a choisi d'intenter une action aux termes de cette loi ou de ce régime.

(3) Le paragraphe (1) ne s'applique pas :

- a) aux indemnités hebdomadaires de remplacement de revenu versées à la personne visée au paragraphe 12 (2);
- b) aux indemnités pour perte de capacité de gain qui ont été rajustées aux termes du paragraphe 35 (1).

(4) L'assureur peut déduire les montants qui suivent des indemnités hebdomadaires de remplacement de revenu payables à la personne

assurée aux termes de la partie II, des indemnités hebdomadaires pour incapacité à poursuivre ses études payables à la personne assurée aux termes de l'article 15, des indemnités hebdomadaires de soignant payables à la personne assurée aux termes de la partie IV ou des indemnités hebdomadaires d'invalidité payables à la personne assurée aux termes de la partie V :

1. Les indemnités d'invalidité temporaires que la personne assurée reçoit pour une période qui suit l'accident à l'égard d'une déficience survenue avant l'accident.
2. Toute autre indemnité périodique que la personne assurée reçoit pour une période qui suit l'accident à l'égard d'une déficience survenue avant l'accident, si elle recevait cette autre indemnité au moment où elle a été pour la première fois admissible aux indemnités hebdomadaires de remplacement de revenu prévues à la partie II, aux indemnités hebdomadaires pour incapacité à poursuivre ses études prévues à l'article 15, aux indemnités hebdomadaires de soignant prévues à la partie IV ou aux indemnités hebdomadaires d'invalidité prévues à la partie V et que cette autre indemnité était alors une indemnité d'invalidité temporaire.

(5) Le paragraphe (4) ne s'applique pas aux indemnités hebdomadaires de remplacement de revenu versées à la personne visée au paragraphe 12 (2).

(6) L'assureur peut déduire les montants qui suivent du montant du supplément hebdomadaire payable à la personne aux termes de l'article 32 :

1. Les paiements nets pour perte de revenu que la personne assurée a reçus à la suite de l'accident en vertu des lois d'une compétence législative ou d'un régime de maintien du revenu à l'égard de l'emploi qu'elle n'est pas en mesure d'occuper pendant la période donnée, sauf dans la mesure où ces paiements ont été déduits en vertu du paragraphe (1) du montant des indemnités hebdomadaires pour perte de capacité de gain payables à la personne assurée.
2. Les paiements nets pour perte de revenu que la personne assurée n'a pas reçus mais qu'elle peut toucher à la suite de l'accident en vertu des lois d'une compétence législative ou d'un régime de maintien du revenu à l'égard de l'emploi qu'elle n'est pas en mesure d'occuper pendant la période donnée, à moins qu'elle n'ait présenté une demande pour recevoir les paiements pour perte de revenu, sauf dans la mesure où les paiements nets pour perte de revenu ont été déduits en vertu du paragraphe (1) du montant des indemnités hebdomadaires pour perte de capacité de gain payables à la personne assurée.

(7) Malgré le paragraphe (6), l'assureur ne peut déduire de montants à l'égard :

- a) des prestations d'assurance-chômage que la personne assurée a reçues ou qu'elle peut toucher;
- b) des prestations prévues par un régime de congés de maladie que la personne assurée n'a pas reçues mais qu'elle peut toucher.

(8) Pour l'application du présent article, les paiements nets pour perte de revenu sont calculés en déduisant du montant brut des paiements pour perte de revenu l'impôt sur le revenu payable par la personne sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario) sur ce montant.

(9) Malgré le paragraphe (8), l'assureur peut choisir que tout calcul des paiements nets pour perte de revenu exigé par le présent article soit effectué conformément à la publication de la Commission des

assurances de l'Ontario datée du 25 novembre 1993 et intitulée «Net Payments for Loss of Income (Collateral Benefits) Table».

(10) Sous réserve du paragraphe (11), le choix prévu au paragraphe (9) s'applique à toutes les personnes à l'égard desquelles le présent article exige des calculs des paiements nets pour perte de revenu.

(11) Le choix prévu au paragraphe (9) ne s'applique pas au calcul des paiements nets pour perte de revenu si les paiements bruts pour perte de revenu dépassent 1 850 \$ par semaine.

(12) Le choix prévu au paragraphe (9) peut être annulé.

(13) Aucun versement n'est exigé à l'égard de la fraction des frais visés à la partie VII, VIII, X ou XIII dont le paiement peut être raisonnablement obtenu à l'égard de la personne assurée aux termes d'un régime ou d'une loi en matière d'assurance ou autre.

#### INDEMNISATION DES ACCIDENTS DU TRAVAIL

76. (1) L'assureur n'est pas tenu de verser d'indemnités ni de prestations aux termes du présent règlement à l'égard de la personne assurée qui, à la suite d'un accident, a le droit de recevoir des indemnités ou des prestations aux termes d'une loi ou d'un régime d'indemnisation des accidents du travail.

(2) Le paragraphe (1) ne s'applique pas à l'égard de la personne assurée qui choisit d'intenter une action visée à l'article 10 de la *Loi sur les accidents du travail*, si ce choix n'a pas essentiellement pour but de demander des indemnités ou prestations prévues par le présent règlement.

(3) Si le droit qu'a une personne de recevoir des indemnités ou des prestations aux termes du présent règlement découle du choix qu'elle a fait en vertu de l'article 10 de la *Loi sur les accidents du travail*, aucune indemnité n'est payable à la personne aux termes de la partie II, III, IV ou V pour la période précédant ce choix.

(4) Si la personne qui aurait droit, si ce n'était le paragraphe (1), à des indemnités ou à des prestations aux termes du présent règlement choisit d'intenter une action visée à l'article 10 de la *Loi sur les accidents du travail* et qu'il y a un différend portant sur l'obligation de l'assureur de payer des frais à l'égard d'un programme de réadaptation professionnelle auquel la personne participait lorsqu'elle a fait son choix et auquel elle continue de participer, l'assureur paie les frais en attendant le règlement du différend.

(5) Malgré le paragraphe (1), s'il y a un différend concernant l'application ou non du paragraphe (1) à une personne, l'assureur verse à celle-ci les indemnités ou prestations intégrales aux termes du présent règlement en attendant le règlement du différend si :

- a) d'une part, elle lui cède les indemnités et les prestations prévues par une loi ou un régime d'indemnisation des accidents du travail auxquelles elle a ou peut avoir droit à la suite de l'accident;
- b) d'autre part, l'administrateur ou la commission chargé de l'application de la loi d'indemnisation des accidents du travail ou de l'administration du régime d'indemnisation des accidents du travail approuve la cession.

#### ACCIDENTS QUI SURVIENNENT AU QUÉBEC

77. (1) L'assureur verse au choix de la personne, à l'égard d'une personne qui est assurée au Québec et qui souffre d'une déficience ou décède à la suite d'un accident survenu au Québec, ou qui engage des frais visés à l'article 36 ou 40 :

- a) soit des indemnités ou des prestations comme le prévoit le présent règlement, à l'exception de celles visées à l'alinéa b);

b) soit des indemnités ou des prestations selon le même montant et aux mêmes conditions que si cette personne était une personne qui réside au Québec (au sens de la *Loi sur l'assurance automobile* (Québec) et de ses règlements d'application) et avait droit à des paiements aux termes de cette loi et de ces règlements.

(2) La personne qui choisit de demander une indemnité ou une prestation prévue à l'alinéa (1) a) n'a droit par la suite qu'aux indemnités ou prestations visées à cet alinéa.

(3) La personne qui choisit de demander une indemnité ou une prestation prévue à l'alinéa (1) b) n'a plus droit par la suite aux indemnités ou prestations visées à l'alinéa (1) a).

(4) Pour l'application de la présente partie, une personne est assurée au Québec si, au moment de l'accident, elle satisfaisait aux conditions suivantes :

- a) elle était autorisée par la loi à être ou à rester au Canada et elle vivait en Ontario et y était ordinairement présente;
- b) elle répondait aux critères de recouvrement établis en vertu de la *Loi sur l'assurance automobile* (Québec);
- c) elle n'était pas le propriétaire ni le conducteur d'une automobile immatriculée au Québec ni une personne transportée dans une telle automobile;
- d) elle était, selon le cas :
  - (i) une personne transportée dans l'automobile assurée,
  - (ii) l'assuré nommément désigné, son conjoint ou une personne à la charge de l'une ou l'autre de ces personnes, et était une personne transportée dans une automobile,
  - (iii) une personne qui n'était pas une personne transportée dans une automobile et qui a été heurtée par l'automobile assurée,
  - (iv) l'assuré nommément désigné, son conjoint ou une personne à la charge de l'une ou l'autre de ces personnes, et a été heurtée par une automobile,
  - (v) si l'assuré nommément désigné est une personne morale, une association sans personnalité morale, une société en nom collectif ou une entreprise à propriétaire unique, une personne à la disposition de laquelle a été mise, sur une base régulière, l'automobile assurée, son conjoint ou une personne à la charge de l'une ou l'autre de ces personnes, et a été atteinte d'une déficience :
    - (A) alors qu'elle était une personne transportée dans une automobile,
    - (B) imputable à une automobile, alors qu'elle n'était pas une personne transportée dans l'automobile,
  - (vi) une personne qui a été heurtée par une automobile conduite par une personne visée au sous-alinéa (i), (ii) ou (v).

#### NON-RÉSIDENTS

78. (1) Les indemnités ou prestations prévues par le présent règlement qui sont versées à l'égard d'une personne qui ne vivait pas et n'était pas ordinairement présente en Ontario au moment de l'accident sont réduites, si elles sont prévues par un contrat constaté par une police de responsabilité automobile établie en Ontario ou par la *Loi sur l'indemnisation des victimes d'accidents de véhicules automobiles*, dans la mesure de la faute ou de la négligence de la personne lors de l'accident.

(2) Le paragraphe (1) ne s'applique pas aux indemnités ou prestations versées à la personne qui, au moment de l'accident, était :

- a) soit une personne transportée dans une automobile assurée;
- b) soit un assuré nommément désigné dans un contrat constaté par une police de responsabilité automobile;
- c) soit le conjoint d'une personne visée à l'alinéa b) ou une personne à la charge de celle-ci ou du conjoint de celle-ci.

## PARTIE XVIII INDEXATION

### INDEMNITÉS HEBDOMADAIRES

79. (1) Chacun des montants qui suivent est redressé, au 1<sup>er</sup> janvier de chaque année qui suit 1994, en rajustant le montant selon le taux d'indexation publié aux termes de l'article 268.1 de la *Loi sur les assurances* :

1. Le revenu hebdomadaire net tiré d'un emploi qui est utilisé pour déterminer le montant de l'indemnité hebdomadaire de remplacement de revenu payable à une personne aux termes de la partie II.
2. Le montant de l'indemnité hebdomadaire pour incapacité à poursuivre ses études payable à une personne aux termes de l'article 15.
3. Le montant de l'indemnité hebdomadaire de soignant payable à une personne aux termes de la partie IV.
4. Les revenus hebdomadaires nets qui sont utilisés pour déterminer le montant de l'indemnité hebdomadaire pour perte de capacité de gain payable à une personne aux termes de la partie VI, si la personne est âgée de moins de soixante-cinq ans.
5. Le montant de l'indemnité hebdomadaire pour perte de capacité de gain payable à une personne aux termes de la partie VI, si la personne est âgée de soixante-cinq ans ou plus et ne reçoit pas une indemnité hebdomadaire de 185 \$ aux termes du paragraphe 35 (2).

(2) Le paragraphe (1) ne s'applique pas au montant visé à la disposition 1 de ce paragraphe si la personne reçoit les indemnités hebdomadaires de remplacement de revenu depuis moins d'un an après le début de l'invalidité à l'égard de laquelle les indemnités sont payables.

(3) Aucun montant ne doit être réduit du fait de l'application du paragraphe (1).

(4) Le montant de l'indemnité hebdomadaire pour perte de capacité de gain visée à la partie VI qui est payable à la personne qui reçoit une indemnité hebdomadaire de 185 \$ aux termes du paragraphe 28 (3) ou 35 (2) est redressé conformément au paragraphe (1), comme si le paragraphe 28 (3) ou 35 (2) ne s'était jamais appliqué à la personne, au 1<sup>er</sup> janvier de l'année dans laquelle, si le paragraphe 28 (3) ou 35 (2) ne s'était jamais appliqué, le montant de l'indemnité hebdomadaire payable à la personne aurait été redressé à un montant supérieur à 185 \$.

### INDEXATION DES MONTANTS VISÉS PAR LE PRÉSENT RÈGLEMENT

80. (1) Tout montant visé par le présent règlement est redressé, au 1<sup>er</sup> janvier de chaque année qui suit 1994, en rajustant le montant selon le taux d'indexation publié aux termes de l'article 268.1 de la *Loi sur les assurances*.

(2) Au plus tard le 1<sup>er</sup> janvier de chaque année, le ministre fait publier dans la *Gazette de l'Ontario* les chiffres redressés, conformément au paragraphe (1), des montants visés par le présent règlement.

(3) Les paragraphes (1) et (2) ne s'appliquent pas aux montants suivants :



1. Le montant de 185 \$ visé au paragraphe 10 (2).
2. Le montant de 185 \$ visé au paragraphe 19 (2).
3. Le montant de 185 \$ visé au paragraphe 28 (3).
4. Le montant de 185 \$ visé au paragraphe 35 (2).
5. Le montant de 185 \$ visé à la disposition 5 du paragraphe 79 (1).
6. Les montants de 185 \$ visés au paragraphe 79 (4).

### PARTIE XIX CALCUL DU REVENU

#### FORMULE DE CALCUL DU REVENU HEBDOMADAIRE NET

81. (1) Pour l'application du présent règlement, le revenu hebdomadaire net qu'une personne a tiré d'un emploi est calculé selon la formule suivante :

$$A = \frac{B - C - D - E}{52}$$

où :

- A = le revenu hebdomadaire net que la personne a tiré d'un emploi,
- B = le revenu annuel brut que la personne a tiré d'un emploi,
- C = la cotisation annuelle payable par la personne sous le régime de la *Loi sur l'assurance-chômage* (Canada) sur son revenu annuel brut tiré d'un emploi,
- D = la cotisation annuelle payable par la personne dans le cadre du *Régime de pensions du Canada* sur son revenu annuel brut tiré d'un emploi,
- E = l'impôt sur le revenu payable par la personne sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario) sur son revenu annuel brut tiré d'un emploi.

(2) Pour l'application du paragraphe (1), la personne dont le revenu hebdomadaire net tiré d'un emploi doit être calculé est réputée un résident de l'Ontario.

#### TABLES DE REVENU HEBDOMADAIRE NET

82. (1) Malgré les paragraphes 10 (5) et 19 (5) et l'article 81, l'assureur peut choisir :

- a) dans le cas d'une personne dont le revenu tiré d'un emploi ne comprend pas de revenu tiré d'un emploi à son compte, que tout calcul, exigé par le présent règlement, du revenu hebdomadaire net qu'elle a tiré d'un emploi ou du revenu net qu'elle a reçu à l'égard d'un emploi après l'accident soit effectué conformément à la publication de la Commission des assurances de l'Ontario datée du 25 novembre 1993 et intitulée «Net Weekly Income Table — Other than Self-Employment»;
- b) dans le cas d'une personne dont le revenu tiré d'un emploi consiste uniquement en un revenu tiré d'un emploi à son compte, que tout calcul, exigé par le présent règlement, du revenu hebdomadaire net qu'elle a tiré d'un emploi ou du revenu net qu'elle a reçu à l'égard d'un emploi après l'accident soit effectué conformément à la publication de la Commission des assurances de l'Ontario datée du 25 novembre 1993 et intitulée «Net Weekly Income Table — Self-Employment».

(2) Sous réserve du paragraphe (3), le choix prévu au paragraphe (1) s'applique à toutes les personnes visées au paragraphe (1) à l'égard desquelles le présent règlement exige le calcul du revenu hebdomadaire net tiré d'un emploi et du revenu net reçu à l'égard d'un emploi après l'accident.

(3) Le choix prévu au paragraphe (1) ne s'applique pas, selon le cas :

- a) au calcul du revenu hebdomadaire net tiré d'un emploi d'une personne dont le revenu annuel brut tiré d'un emploi dépasse 96 200 \$;
- b) au calcul du revenu net reçu à l'égard d'un emploi après l'accident si le revenu hebdomadaire brut reçu à l'égard de l'emploi dépasse 1 850 \$.

(4) Le choix prévu au paragraphe (1) peut être annulé.

#### REVENU TIRÉ D'UN EMPLOI À SON COMPTE

83. Pour l'application du présent règlement, le revenu qu'une personne a tiré d'un emploi à son compte est calculé de la même manière que ses bénéfices provenant de l'entreprise dans laquelle elle était employée à son compte seraient calculés sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario), sans tenir compte toutefois de ce qui suit :

- a) les dépenses admissibles à titre de déductions pour amortissement ou de déductions relatives aux biens en immobilisation admissibles;
- b) les gains ou les pertes en capital;
- c) les pertes déductibles en vertu de l'article 111 de la *Loi de l'impôt sur le revenu* (Canada).

#### DÉTERMINATION À L'AVANCE DU REVENU TIRÉ D'UN EMPLOI À SON COMPTE

84. Malgré l'article 83, l'assureur et l'assuré nommément désigné qui est employé à son compte et qui n'est pas employé par ailleurs peuvent convenir, dans un contrat constaté par une police de responsabilité automobile, qu'aux fins du calcul des indemnités ou prestations prévues par le présent règlement relativement à un accident qui survient pendant la période visée par le contrat, le revenu brut tiré d'un emploi à son compte par l'assuré nommément désigné pour chaque semaine est réputé le revenu hebdomadaire précisé dans le contrat si, au moment de l'accident, la personne continue d'occuper l'emploi à son compte qu'elle occupait au moment de la conclusion du contrat et qu'elle n'est pas employée par ailleurs.

#### CALCUL DE L'IMPÔT SUR LE REVENU

85. (1) Pour l'application du présent règlement, l'impôt sur le revenu payable par une personne sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario) est calculé en ne tenant compte que des déductions et crédits d'impôt suivants qui s'appliquent à la personne aux termes de ces lois :

1. Les déductions pour pension alimentaire et prestation alimentaire.
2. Le crédit d'impôt personnel de base.
3. Le crédit d'impôt de marié ou le crédit d'impôt équivalent.
4. Le crédit d'impôt de personne âgée.
5. Le crédit d'impôt pour personnes handicapées.

6. Le crédit d'impôt pour cotisations d'assurance-chômage.
7. Le crédit d'impôt pour cotisations au Régime de pensions du Canada.
8. Le crédit d'impôt pour cotisations au Régime de rentes du Québec.

(2) Si le calcul de l'impôt sur le revenu payable par une personne sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario) est nécessaire pour déterminer le montant d'une indemnité ou prestation prévue par le présent règlement, l'auteur de la demande d'indemnités ou de prestations fournit à l'assureur les renseignements raisonnablement nécessaires pour lui permettre de calculer l'impôt sur le revenu payable par la personne assurée sous le régime de ces deux lois.

(3) L'omission de se conformer au paragraphe (2) ne dégage pas l'assureur de son obligation de respecter les délais prévus par le présent règlement à l'égard du versement de l'indemnité ou de la prestation. Toutefois, l'assureur détermine le montant de l'indemnité ou de la prestation en estimant du mieux qu'il peut l'impôt sur le revenu payable par la personne sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario), sous réserve du rajustement du montant de l'indemnité ou de la prestation une fois satisfaite l'exigence prévue au paragraphe (2).

#### CONVERSION DU REVENU À TEMPS PARTIEL EN REVENU À TEMPS PLEIN

86. (1) Pour l'application du paragraphe 29 (1), le revenu hebdomadaire net d'une personne qui est utilisé pour déterminer sa capacité de gain avant l'accident est converti en revenu hebdomadaire net à temps plein conformément au présent article si les conditions suivantes sont réunies :

- a) la personne était employée à temps partiel à un moment donné pendant la période utilisée aux termes de l'article 9 pour déterminer le montant de ses indemnités hebdomadaires de remplacement de revenu;
- b) elle aurait travaillé à temps plein à un moment donné après l'accident;
- c) le revenu brut utilisé aux termes de l'article 9 pour déterminer le montant de ses indemnités hebdomadaires de remplacement de revenu comprend un revenu tiré d'un emploi autre qu'un emploi à son compte.

(2) Le revenu hebdomadaire net à temps plein est déterminé conformément à l'article 81 ou 82 en utilisant un revenu annuel brut déterminé selon la formule suivante :

$$A = B \times C \times 52$$

où :

A = le revenu annuel brut,

B = le taux horaire du salaire ou du traitement que reçoit la personne de l'emploi désigné aux termes du paragraphe (3),

C = le nombre d'heures, déterminé conformément au paragraphe (4), dans la semaine normale de travail des personnes employées à temps plein à l'emploi désigné aux termes du paragraphe (3).

(3) Pour l'application du paragraphe (2), la personne désigne un emploi, autre qu'un emploi à son compte, qu'elle a occupé à temps partiel pendant la période utilisée aux termes de l'article 9 pour

déterminer le montant de ses indemnités hebdomadaires de remplacement de revenu.

(4) Pour l'application du paragraphe (2), le nombre d'heures dans la semaine normale de travail des personnes employées à temps plein à l'emploi désigné aux termes du paragraphe (3) est déterminé conformément aux règles suivantes :

1. Si le nombre d'heures dans la semaine normale de travail des personnes employées à temps plein est fixé par une convention collective ou par une loi pour les personnes occupant le poste qu'occupait la personne dont le revenu hebdomadaire net à temps plein fait l'objet du calcul, ce nombre d'heures est utilisé pour l'application du paragraphe (2).
2. Si la règle 1 ne s'applique pas mais qu'est établi un nombre fixe d'heures dans la semaine normale de travail des personnes employées à temps plein pour le poste qu'occupait la personne dont le revenu hebdomadaire net à temps plein fait l'objet du calcul, ce nombre d'heures est utilisé pour l'application du paragraphe (2).
3. Si les règles 1 et 2 ne s'appliquent pas mais qu'est établi un nombre fixe d'heures dans la semaine normale de travail des autres personnes employées à temps plein au lieu de travail où la personne dont le revenu hebdomadaire net à temps plein fait l'objet du calcul était employée, ce nombre d'heures est utilisé pour l'application du paragraphe (2).
4. Si les règles 1 à 3 ne s'appliquent pas mais qu'est établi un nombre fixe d'heures dans la semaine normale de travail des personnes employées à temps plein dans le secteur ou la profession dans lequel la personne dont le revenu hebdomadaire net à temps plein fait l'objet du calcul était employée, ce nombre d'heures est utilisé pour l'application du paragraphe (2).
5. Si les règles 1 à 4 ne s'appliquent pas mais qu'une méthode raisonnable permet d'établir le nombre d'heures dans la semaine normale de travail des personnes employées à temps plein pour l'application du paragraphe (2), cette méthode est utilisée.
6. Si les règles 1 à 5 ne s'appliquent pas, le nombre d'heures dans la semaine normale de travail des personnes employées à temps plein est réputé être de 36,5 heures pour l'application du paragraphe (2).

#### INDEMNITÉ DE CESSATION D'EMPLOI ET INDEMNITÉ DE LICENCIEMENT

87. Pour l'application du présent règlement, le montant d'une indemnité de cessation d'emploi ou d'une indemnité de licenciement ne doit pas être compris dans le calcul du revenu d'une personne.

#### PARTIE XX DISPOSITIONS DIVERSES

##### APPLICATION

88. (1) Les indemnités ou prestations énoncées au présent règlement sont prévues par tout contrat constaté par une police de responsabilité automobile à l'égard des accidents qui surviennent le 1<sup>er</sup> janvier 1994 ou après cette date.

(2) Les indemnités ou prestations payables aux termes du présent règlement à l'égard d'une personne assurée sont versées par l'assureur tenu au paiement en application du paragraphe 268 (2) de la *Loi sur les assurances*.

(3) Sous réserve de la partie XIV, l'assureur verse les indemnités ou prestations prévues par le présent règlement malgré l'article 225, le paragraphe 233 (1), l'article 240 et le paragraphe 265 (3) de la *Loi sur les assurances*.

## MODE DE PAIEMENT

## FORMULES

**89.** Malgré toute directive à l'effet contraire et sous réserve de l'alinéa 69 (1) b) et de l'article 271 de la *Loi sur les assurances*, le versement d'une indemnité ou d'une prestation prévue par le présent règlement se fait par chèque libellé au nom de la personne y ayant droit.

## CESSION D'INDEMNITÉS OU DE PRESTATIONS

**90.** (1) La cession d'une indemnité ou d'une prestation prévue par le présent règlement est nulle.

(2) Le paragraphe (1) ne s'applique :

- a) ni à la cession d'une indemnité ou d'une prestation au ministère des Services sociaux et communautaires;
- b) ni à la cession d'une indemnité ou d'une prestation au ministère de la Santé à l'égard de services, d'indemnités, de prestations ou de droits prévus par une loi dont l'application est passée par décret du ministère des Services sociaux et communautaires au ministère de la Santé.

## AUTOMOBILE D'ENTREPRISE ET AUTOMOBILE DE LOCATION

**91.** (1) Si une entité, notamment une personne morale, une association sans personnalité morale, une société en nom collectif ou une entreprise à propriétaire unique, met, sur une base régulière, une automobile assurée à la disposition d'un particulier qui vit et est ordinairement présent en Ontario, ou si une automobile assurée est louée à un particulier qui vit et est ordinairement présent en Ontario, le particulier est réputé l'assuré nommément désigné pour l'application du présent règlement.

(2) Si une entité, notamment une personne morale, une association sans personnalité morale, une société en nom collectif ou une entreprise à propriétaire unique, met, sur une base régulière, une automobile assurée à la disposition d'un particulier qui ne vit pas et n'est pas ordinairement présent en Ontario, le particulier est réputé l'assuré nommément désigné pour l'application du présent règlement, lorsque lui-même, son conjoint ou une personne à la charge de l'une ou l'autre de ces personnes est une personne transportée dans l'automobile assurée.

## COPIES DU RÈGLEMENT

**92.** Sur demande, l'assureur fournit sans frais une copie du présent règlement à l'assuré nommément désigné ou à la personne ayant droit aux indemnités ou aux prestations prévues par le présent règlement.

## AVIS

**93.** Les avis que l'assureur doit ou peut donner à la personne assurée aux termes du présent règlement sont donnés par écrit.

**94.** Les documents qui suivent sont rédigés selon la formule approuvée par le commissaire aux assurances :

1. Le certificat visé au paragraphe 13 (5).
2. Le certificat visé au paragraphe 32 (2).
3. Le certificat visé au paragraphe 34 (1).
4. Le rapport visé au paragraphe 39 (9).
5. Le rapport visé au paragraphe 45 (10).
6. Les formules de demande visées à l'alinéa 59 (2) a).
7. Les explications exigées par l'alinéa 59 (2) b).
8. Le certificat visé à l'article 60.
9. Le choix visé au paragraphe 61 (3) ou (6).
10. Les explications visées au paragraphe 62 (7).
11. L'avis visé au paragraphe 62 (8).
12. Le certificat visé au paragraphe 64 (2), (3) ou (4).
13. Le rapport visé au paragraphe 64 (15).
14. Les explications visées au paragraphe 66 (6).
15. L'avis visé au paragraphe 66 (7).
16. Les explications visées au paragraphe 67 (3).
17. L'avis visé au paragraphe 67 (4).
18. L'entente visée à l'article 84.

## TITRE

**95.** Le présent règlement peut être cité sous le nom de *Annexe sur les indemnités d'accident légales — accidents survenus depuis le 1<sup>er</sup> janvier 1994*.

## Formule 1

## Évaluation des besoins en soins auxiliaires

### *Loi sur les assurances*

Envoyez la présente formule à :

N° de la police :

N° de la demande de règlement :

Servez-vous de la présente formule pour faire rapport sur les soins auxiliaires futurs dont le client aura besoin à la suite d'un accident d'automobile. Elle se compose de cinq parties :

- Partie 1 : Soins auxiliaires d'hygiène personnelle
- Partie 2 : Soins auxiliaires élémentaires et de surveillance
- Partie 3 : Soins auxiliaires spécialisés
- Partie 4 : Calcul du coût des soins auxiliaires
- Partie 5 : Signature du ou des évaluateurs

Veillez remplir toutes les parties pertinentes. Vous devrez faire des copies et en remettre une :

- au client
- au praticien de la santé du client
- à la compagnie d'assurance du client

Nom du client

Nom du client	Date de naissance
Numéro et rue	Date de l'accident
Ville	Province
	Code postal
Nom du titulaire de la police (s'il ne s'agit pas du client)	N° de la police

Date de la présente évaluation :

S'agit-il de la première évaluation de ce client? Oui  Non

Date de la dernière évaluation

Indemnité mensuelle actuelle

Praticien de la santé du client

Nom du praticien de la santé	N° de téléphone
Établissement	
Numéro et rue	
Ville	Province
	Code postal

Compagnie d'assurance

Nom	N° de téléphone
Numéro et rue	
Ville	Province
	Code postal
Nom du titulaire de la police	N° de la police

**Partie 1 :  
Soins  
auxiliaires  
d'hygiène  
personnelle**

Les soins auxiliaires d'hygiène personnelle sont consacrés aux soins personnels ordinaires. Veuillez évaluer les besoins du client pour chaque activité de la liste. Estimez la durée de chacune et le nombre de fois par semaine qu'elle devrait être accomplie. Multipliez le nombre de minutes par le nombre de fois par semaine pour obtenir le nombre total de minutes par semaine à consacrer à chacune des activités.

		Nombre de minutes X	Nombre de fois par semaine =	Total des minutes par semaine
S'habiller	Haut du corps (par exemple : sous-vêtement, chemise ou blouse, chandail, cravate, veste, gants, bijoux)			
	Bas du corps (par exemple : sous-vêtement, slip jetable, jupe ou pantalon, chaussettes, collant, pantoufles, chaussures)			
	Total partiel			
Se déshabiller	Haut du corps (par exemple : sous-vêtement, chemise ou blouse, chandail, cravate, veste, gants, bijoux)			
	Bas du corps (par exemple : sous-vêtement, slip jetable, jupe ou pantalon, chaussettes, collant, pantoufles, chaussures)			
	Total partiel			
Prothèses	Fixer la prothèse de membre supérieur ou inférieur et les chaussettes prothétiques			
	Changer les accessoires terminaux et ajuster la prothèse, au besoin			
	S'assurer du bon entretien et du bon fonctionnement de la prothèse			
	Total partiel			
Orthèses	Aider le client à revêtir les orthèses prescrites (par exemple : vêtements pour brûlés, attelles, supports, gouttières ou bes à varices)			
	Total partiel			

Suite de la partie 1 ...

Nombre de minutes X	Nombre de fois par semaine =	Total des minutes par semaine
---------------------------	------------------------------------	--

Toilette			
Visage : laver, rincer, sécher matin et soir			
Mains : laver, rincer, sécher matin et soir, avant et après les repas ainsi qu'après élimination			
Rasage : raser le client au moyen d'un rasoir électrique ou de sûreté			
Maquillage : appliquer le maquillage sur demande ou au besoin			
Cheveux :			
brosser et peigner au besoin			
laver et sécher à l'aide d'un séchoir ou d'une serviette			
faire la mise en plis, coiffer ou donner un coup de peigne			
Ongles des mains : nettoyer et manucurer au besoin			
Ongles des orteils : nettoyer et couper au besoin			
		Total partiel	

Alimentation			
Préparer le client pour les repas (y compris l'amener au lieu du repas)			
Servir le client et le faire manger, ou aider à ce faire			
		Total partiel	

Mobilité (changements de pièces, comme aller à la chambre à coucher pour la sieste et en revenir)			
Aider le client à se lever d'une position assise (par exemple d'un fauteuil roulant, d'une chaise, d'un sofa)			
Superviser ses pas ou l'aider à marcher			
L'aider dans ses déplacements au besoin (par exemple pour passer du lit au fauteuil roulant, et vice-versa)			
		Total partiel	

Suite de la partie 1 ...

	Nombre de minutes X	Nombre de fois par semaine =	Total des minutes par semaine
Lessive additionnelle	Laver la literie du client et ses vêtements à la suite d'incontinence ou si celui-ci renverse quelque chose		
	Laver ou nettoyer le matériel orthétique qui demande un entretien particulier		
Total partiel			
Total de la partie 1 : Additionnez tous les totaux partiels de la partie 1. Inscrivez le total ici et à la partie 4, page 9.			

**Partie 2 :  
Soins  
auxiliaires  
élémentaires  
et de  
surveillance**

Ces soins auxiliaires sont consacrés aux fonctions élémentaires et de surveillance qui exigent un personnel fiable. Veuillez évaluer les besoins du client pour chaque activité de la liste. Estimez la durée de chacune et le nombre de fois par semaine qu'elle devrait être accomplie. Multipliez le nombre de minutes par le nombre de fois par semaine pour obtenir le nombre total de minutes par semaine à consacrer à chacune des activités.

**Hygiène**

Salle de bains			
Nettoyer la baignoire, la douche, le lavabo ou la toilette après usage			
Chambre à coucher			
Changer la literie du client, faire le lit, nettoyer la chambre, y compris les lève-malades, les barres aériennes, les tables de nuit			
S'assurer du confort et de la sécurité de la pièce			
Soin des vêtements			
Aider à préparer l'habillement quotidien			
Pendre les vêtements et trier les vêtements pour la lessive ou le nettoyage			
Total partiel			

**Ventilation  
assistée  
(quadruplé-  
gique au  
niveau  
supérieur ou  
presque)**

Le client n'est pas capable de raccorder le tube à la trachée s'il s'en détache			
Le client n'est pas physiquement capable d'être autonome en cas d'urgence			
Total partiel			

Page 4 de 9

Suite de la partie 2 ...

		Nombre de minutes X	Nombre de fois par semaine =	Total des minutes par semaine
Lésions de la moëlle épineière (paraplégique ou quadriplé- gique)	Le client a besoin d'aide pour passer du lit au fauteuil roulant, pour changer de position à intervalles réguliers, pour les soins généto-urinaires			
	Le client n'est pas physiquement capable d'être autonome en cas d'urgence			
	Total partiel			
Traumatismes crâniens graves	Le client est incapable de réagir à une urgence ou a besoin de soins en milieu surveillé en raison de changements de comportement			
	Total partiel			
Soins auxiliaires occasionnels	Le client vit seul ou reste seul pendant la journée. Précisez à quel point il dépend d'autres personnes (par exemple pour les repas, la lessive, le ménage)			
	Pendant la journée, le client peut s'occuper de lui-même quand il est en fauteuil roulant ou porte une prothèse, mais il a besoin d'aide pour les repas, la lessive			
	Total partiel			
Amputé de plus d'un membre (des membres supérieurs, de trois ou de quatre membres)	Le client est incapable de s'asseoir dans un fauteuil roulant et d'en sortir sans aide ou d'être autonome en cas d'urgence			
	Total partiel			
Finances	Le client a besoin d'aide pour gérer ses finances (1 heure par semaine au maximum)			
	Total partiel			
Total de la partie 2 : Additionnez tous les totaux partiels de la partie 2. Inscrivez le total ici et à la partie 4, page 9.				

**Partie 3 :**  
**Soins**  
**auxiliaires**  
**spécialisés**

Les soins auxiliaires spécialisés sont consacrés aux fonctions complexes en matière de soins de santé ou d'hygiène qui exigent un personnel spécialisé ou qualifié. Veuillez évaluer les besoins du client pour chaque activité de la liste. Estimez la durée de chacune et le nombre de fois par semaine qu'elle devrait être accomplie. Multipliez le nombre de minutes par le nombre de fois par semaine pour obtenir le nombre total de minutes par semaine à consacrer à chacune des activités.



Suite de la partie 3 ...

		Nombre de minutes X	Nombre de fois par semaine =	Total des minutes par semaine
Appareil génito- urinaire	Effectuer des cathétérismes			
	Installer, vider et nettoyer les systèmes de drainage			
	Laver le client et nettoyer l'équipement après l'avoir utilisé, ou en cas d'incontinence			
	Se servir de slips jetables au besoin			
	S'occuper des besoins rattachés au cycle menstruel au besoin			
	Surveiller les résidus			
	Total partiel			
Soins intestinaux	Administer les lavements ou introduire les suppositoires et exécuter des stimulations ou disimpactions			
	Administer des soins post-colostomie ou post-iléostomie			
	Installer, vider et nettoyer les systèmes de drainage, y compris les anses iliales			
	Se servir de slips jetables au besoin			
	Laver le client et nettoyer l'équipement après l'avoir utilisé, ou en cas d'élimination			
	Total partiel			
Soins post- trachéotomie	Changer les cathéters internes et externes au besoin et les nettoyer			
	Changer le sparadrap au besoin			
	Exécuter des aspirations au besoin			
	Nettoyer et entretenir l'aspirateur			
	Total partiel			
Contrôle du ventilateur	S'assurer que la pression et le volume sont maintenus de la façon prescrite			
	Maintenir l'humidification selon les indications			
	Changer et nettoyer les tubes et les filtres au besoin			
	Nettoyer le système d'humidification au besoin			
	Régler l'appareil selon les besoins du client (par exemple les rhumes, la congestion)			
	Total partiel			

Suite de la partie 3 ...

		Nombre de minutes X	Nombre de fois par semaine =	Total des minutes par semaine
Exercice	Aider le client à faire ses exercices ou ses étirements selon le programme prescrit			
	Aider le client à marcher avec des béquilles, des cannes, des attelles ou un déambulateur			
	Total partiel			
Soins de la peau (sauf le bain)	S'occuper des soins de la peau : plaies, lésions, éruptions (cas d'amputations, de brûlures profondes, de lésions de la moëlle épinière, etc.)			
	Appliquer des médicaments et les pansements prescrits			
	Appliquer les crèmes, lotions, pâtes, pommades, poudres de la façon prescrite ou au besoin			
	Examiner les parties du corps pour repérer les plaies de pression, les ruptures de l'épiderme ou les éruptions			
	Changements de position à intervalles réguliers pour éviter ou réduire les plaies de pression ainsi que les ruptures de l'épiderme et les déchirures de la peau			
Total partiel				
Médicaments	Par voie orale			
	Administer les médicaments prescrits			
	Surveiller la prise des médicaments et leur effet			
	Assurer l'approvisionnement en médicaments et leur contrôle			
	Par injection			
	Administer les médicaments prescrits			
	Surveiller la prise des médicaments et leur effet			
	Assurer l'approvisionnement en médicaments et leur contrôle			
	Par inhalothérapie ou oxygénothérapie			
	Administer la dose prescrite au besoin			
	Assurer l'approvisionnement en fournitures et leur contrôle			
	Nettoyer et entretenir l'équipement			
	Total partiel			

suite de la partie 3 ...

		Nombre de minutes X	Nombre de fois par semaine =	Total des minutes par semaine
Bain	Baignoire ou douche			
	Faire passer le client du lit, du fauteuil roulant ou des lève-malades à la baignoire ou à la douche, et vice-versa			
	Laver et essuyer le client			
	Appliquer les crèmes, lotions, pâtes, pommades, poudres de la façon prescrite ou au besoin			
	Bassin hygiénique			
	Préparer le matériel			
	Laver et essuyer le client			
	Appliquer les crèmes, lotions, pâtes, pommades, poudres de la façon prescrite ou au besoin			
	Nettoyer et entretenir le matériel, notamment le bassin hygiénique			
	Hygiène bucco-dentaire			
	Brosser les dents et passer la soie dentaire			
	Désinfecter la bouche au besoin			
	Nettoyer les dentiers au besoin			
	Total partiel			
Autres traitements	Stimulation électrique nerveuse percutanée			
	Préparer l'appareil			
	Administrer le traitement de la façon prescrite ou au besoin			
	Stimulation de la colonne vertébrale			
	Examiner la peau			
	Entretien de l'appareil			
	Total partiel			

Suite de la partie 3 ...

	Nombre de minutes x	Nombre de fois par semaine =	Total des minutes par semaine
Entretien des fournitures et de l'équipement			
Surveiller, commander et entretenir les fournitures ainsi que l'équipement nécessaires			
S'assurer que les fauteuils roulants, appareils prothétiques, lève-malades, chaises de douche et autre équipement médical spécialisé ainsi que les appareils et accessoires fonctionnels sont sans danger			
Total partiel			

Total de la partie 3 : Additionnez tous les totaux partiels de la partie 3. Inscrivez le total ici et ci-dessous.

**Partie 4 :  
Calcul du coût des soins auxiliaires**

L'évaluateur doit remplir la présente partie. Calculez l'indemnité mensuelle de soins auxiliaires pour les parties 1, 2 et 3. La somme des trois parties représentera le montant total évalué de l'indemnité mensuelle de soins auxiliaires.

	Total des minutes par semaine	Total des heures par semaine	Total des heures par mois	Taux horaire	Indemnité mensuelle de soins auxiliaires
Partie 1 (à partir de la p.2)	<input type="text"/> + 60 = <input type="text"/>	<input type="text"/> x 4,3 = <input type="text"/>	<input type="text"/> x <input type="text"/>	<input type="text"/> \$ = <input type="text"/>	\$
Partie 2 (à partir de la p.4)	<input type="text"/> + 60 = <input type="text"/>	<input type="text"/> x 4,3 = <input type="text"/>	<input type="text"/> x <input type="text"/>	<input type="text"/> \$ = <input type="text"/>	\$
Partie 3 (à partir de la p.5)	<input type="text"/> + 60 = <input type="text"/>	<input type="text"/> x 4,3 = <input type="text"/>	<input type="text"/> x <input type="text"/>	<input type="text"/> \$ = <input type="text"/>	\$

Montant total évalué de l'indemnité mensuelle de soins auxiliaires  
(Ce montant est assujéti aux limites permises par l'Annexe sur les indemnités d'accident légales)

\$

**Partie 5 :  
Signature du ou des évaluateurs**

Nom		Signature
Titre	Date	
Nom de l'établissement chargé de l'évaluation		N° de téléphone
Numéro et rue		N° de télécopieur
Ville	Province	Code postal

**ONTARIO REGULATION 636/94**  
made under the  
**AMUSEMENT DEVICES ACT**

Made: October 7, 1994  
Filed: October 12, 1994

Amending Reg. 20 of R.R.O. 1990  
(General)

Note: Regulation 20 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The English version of sub-subparagraph A of subparagraph ii of item 5 of the Schedule to Regulation 20 of the Revised Regulations of Ontario, 1990 is amended by adding at the end "or a water slide".

2. The French version of item 11 of the Schedule to the Regulation is amended by striking out "par personne-heure" at the end and substituting "par personne-jour".

44/94

**ONTARIO REGULATION 637/94**  
made under the  
**BUSINESS CORPORATIONS ACT**

Made: October 7, 1994  
Filed: October 12, 1994

Amending Reg. 62 of R.R.O. 1990  
(General)

Note: Regulation 62 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 18 (3) of Regulation 62 of the Revised Regulations of Ontario, 1990 is revoked.

2. Subsection 57 (2) of the Regulation is revoked and the following substituted:

(2) Articles under subsection (1) shall be accompanied by,

(a) a consent from the Corporations Tax Branch of the Ministry of Finance to the revival of the corporation if the corporation was dissolved by order under subsection 241 (1) of the Act or a predecessor thereof;

(b) a consent from the Ontario Securities Commission to the revival of the corporation if the corporation was dissolved by order under subsection 241 (2) of the Act or a predecessor thereof.

(3) If a corporation was dissolved by order under subsection 241 (3) of the Act or a predecessor thereof, the Director may require that articles under subsection (1) be accompanied by a consent from the Corporations Tax Branch of the Ministry of Finance to the revival of the corporation.

(4) If a corporation was dissolved by order under section 241 of the Act or a predecessor thereof, the Director may require that articles under subsection (1) be accompanied by a statement in writing by the Public Trustee that he or she has no objection to the revival of the corporation.

3. Item 4 of Schedule 1 to the Regulation is revoked.

4. Form 15 of the Regulation is revoked and the following substituted:

**RÈGLEMENT DE L'ONTARIO 636/94**  
pris en application de la  
**LOI SUR LES ATTRACTIONS**

pris le 7 octobre 1994  
déposé le 12 octobre 1994

modifiant le Règl. 20 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Le Règlement 20 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. La version anglaise de la sous-sous-disposition A de la sous-disposition ii du numéro 5 de l'annexe du Règlement 20 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction de «or a water slide».

2. La version française du numéro 11 de l'annexe du Règlement est modifiée par substitution, à «par personne-heure» à la fin, de «par personne-jour».

**RÈGLEMENT DE L'ONTARIO 637/94**  
pris en application de la  
**LOI SUR LES SOCIÉTÉS PAR ACTIONS**

pris le 7 octobre 1994  
déposé le 12 octobre 1994

modifiant le Règl. 62 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Le Règlement 62 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. Le paragraphe 18 (3) du Règlement 62 des Règlements refondus de l'Ontario de 1990 est abrogé.

2. Le paragraphe 57 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) Les statuts visés au paragraphe (1) s'accompagnent :

a) du consentement à la reconstitution de la société, émanant de la Direction de l'imposition des corporations du ministère des Finances, si la société a été dissoute par un ordre donné en vertu du paragraphe 241 (1) de la Loi ou d'une disposition que celui-ci remplace;

b) du consentement à la reconstitution de la société, émanant de la Commission des valeurs mobilières de l'Ontario, si la société a été dissoute par un ordre donné en vertu du paragraphe 241 (2) de la Loi ou d'une disposition que celui-ci remplace.

(3) Si la société a été dissoute par un ordre donné en vertu du paragraphe 241 (3) de la Loi ou d'une disposition que celui-ci remplace, le directeur peut exiger que les statuts visés au paragraphe (1) s'accompagnent du consentement à la reconstitution de la société, émanant de la Direction de l'imposition des corporations du ministère des Finances.

(4) Si la société a été dissoute par un ordre donné en vertu de l'article 241 de la Loi ou d'une disposition que celui-ci remplace, le directeur peut exiger que les statuts visés au paragraphe (1) s'accompagnent d'une déclaration écrite du curateur public indiquant qu'il ne s'oppose pas à la reconstitution de la société.

3. Le point 4 de l'annexe 1 du Règlement est abrogé.

4. La formule 15 du Règlement est abrogée et remplacée par ce qui suit :

This space is for  
Ministry Use Only  
Espace réservé à l'usage  
exclusif du ministère

Ontario Corporation Number Numéro de la société en Ontario
--

Form 15  
Business  
Corporations  
Act  
Formule 15  
Loi sur les  
sociétés par  
actions

**ARTICLES OF REVIVAL  
STATUTS DE RECONSTITUTION**

1. Name of dissolved corporation/Dénomination sociale de la société dissoute :


2. The name under which the corporation is to be revived if other than name at dissolution:  
Dénomination sociale après la reconstitution si elle est différente de celle de la société lors de la dissolution :


3. Date of incorporation/amalgamation:  
Date de la constitution ou de la fusion:

4. Date of dissolution:  
Date de la dissolution:

\_\_\_\_\_ (day/jour          month/mois          year/année)

\_\_\_\_\_ (day/jour          month/mois          year/année)

5. The address of the registered office is/Adresse du siège social :

\_\_\_\_\_  
(Street & No., or R.R. No. & if Multi-Office Building give Room No.)  
(Rue et numéro ou numéro de la R.R. et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

\_\_\_\_\_  
(Name of Municipality or Post Office)

\_\_\_\_\_  
(Nom de la municipalité ou du bureau de poste)

--	--	--	--	--	--	--	--

(Postal Code/Code postal)

6. The following terms and conditions have been complied with:

- (a) all notices and returns required to be filed by the corporation under the Corporations Information Act have been filed and all other defaults of the corporation to the date of dissolution have been remedied.
- (b) all documents required to be filed by the corporation under Ontario tax statutes have been filed and all defaults of the corporation under the tax statutes have been remedied.
- (c) the consent of the Corporations Tax Branch of the Ministry of Finance to the requested revival (if applicable) is enclosed.
- (d) the consent of the Public Trustee to the requested revival (if applicable) is attached.
- (e) the consent of the Ontario Securities Commission to the requested revival (if applicable) is attached.

Les conditions suivantes ont été respectées:

- (a) tous les avis exigés par la Loi sur les renseignements exigés des personnes morales ont été déposés et toutes autres omissions de la société à la date de la dissolution ont été corrigées.
- (b) tous les documents exigés par les lois d'imposition de l'Ontario ont été déposés et toutes les omissions commises par la société à l'égard de ces lois ont été corrigées;
- (c) la Direction de l'imposition des corporations du ministère des Finances a approuvé (le cas échéant) la reconstitution. Son consentement est annexé;
- (d) le curateur public a approuvé (le cas échéant) la reconstitution. Son consentement est annexé;
- (e) la Commission des valeurs mobilières de l'Ontario a approuvé (le cas échéant) la reconstitution. Son consentement est annexé.

7. Immediately before dissolution the interest of the applicant in the corporation was:

L'intérêt de l'auteur de la demande dans la société immédiatement avant la dissolution était le suivant :

8. The reasons for requesting revival of the corporation are:

La reconstitution se fonde sur les motifs suivants :

These articles are signed in duplicate.

Les présents statuts sont signés en double exemplaire.

First name, initials and surname, signature and full residence address of applicant

Prénom, initiales et nom de famille, signature et adresse personnelle au complet de l'auteur de la demande.

**ONTARIO REGULATION 638/94**  
made under the  
**CORPORATIONS ACT**

Made: October 7, 1994  
Filed: October 12, 1994

Amending Reg. 181 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 181 has been amended by Ontario Regulation 177/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 1 (1) of Regulation 181 of the Revised Regulations of Ontario, 1990 is amended by striking out "revival under section 317 of the Act" in the second and third lines.**

**2. Subsection 24 (2) of the Regulation is revoked and the following substituted:**

(2) The Minister may require that an application referred to in subsection (1) be accompanied by,

- (a) a statement in writing by the Public Trustee that he or she has no objection to the revival of the corporation; and
- (b) in the case of a company, a consent from the Corporations Tax Branch of the Ministry of Finance to the revival of the corporation.

**3. (1) Item 1 of the Schedule to the Regulation is revoked and the following substituted:**

1. On an application for letters patent incorporating a company ..... \$315.00

**(2) Item 5 of the Schedule to the Regulation is revoked.**

**4. Form 10 of the Regulation is revoked and the following substituted:**

**RÈGLEMENT DE L'ONTARIO 638/94**  
pris en application de la  
**LOI SUR LES PERSONNES MORALES**

pris le 7 octobre 1994  
déposé le 12 octobre 1994

modifiant le Règl. 181 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 181 a été modifié par le Règlement de l'Ontario 177/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. Le paragraphe 1 (1) du Règlement 181 des Règlements refondus de l'Ontario de 1990 est modifié par suppression de «une reconstitution en vertu de l'article 317 de la Loi,» à la troisième ligne.**

**2. Le paragraphe 24 (2) du Règlement est abrogé et remplacé par ce qui suit :**

(2) Le ministre peut exiger que la demande visée au paragraphe (1) s'accompagne des documents suivants :

- a) une déclaration écrite du curateur public indiquant qu'il ne s'oppose pas à la reconstitution de la personne morale;
- b) dans le cas d'une compagnie, le consentement à la reconstitution de la personne morale, émanant de la Direction de l'imposition des corporations du ministère des Finances.

**3. (1) Le point 1 de l'annexe du Règlement est abrogé et remplacé par ce qui suit :**

1. Requête présentée en vue d'obtenir des lettres patentes constituant une compagnie ..... 315,00 \$

**(2) Le point 5 de l'annexe du Règlement est abrogé.**

**4. La formule 10 du Règlement est abrogée et remplacée par ce qui suit :**





6. The following terms and conditions have been complied with:
- (a) all notices and returns required to be filed by the corporation under the Corporations Information Act have been filed and all other defaults of the corporation to the date of dissolution have been remedied.
  - (b) the consent of the Public Trustee to the requested revival (if applicable) accompanies this application.
  - (c) the consent of the Corporations Tax Branch of the Ministry of Finance (if applicable) accompanies this application.
  - (d) all documents required to be filed by the corporation under Ontario tax statutes have been filed and all defaults of the corporation under the tax statutes have been remedied (if applicable).

- Les conditions suivantes ont été observées :
- (a) tous les avis exigés par la Loi sur les renseignements exigés des personnes morales ont été déposés et toutes autres omissions de la personne morale à la date de la dissolution ont été corrigées.
  - (b) le consentement du curateur public à la reconstitution de la personne morale (le cas échéant) est joint à la présente requête.
  - (c) le consentement de la Direction de l'imposition des corporations du ministère des Finances (le cas échéant) est joint à la présente requête.
  - (d) tous les documents exigés par les lois d'imposition de l'Ontario ont été déposés et toutes les omissions commises par la personne morale à l'égard de ces lois ont été corrigées (le cas échéant).

7. Immediately before dissolution the interest of the applicant in the corporation was:

Immédiatement avant la dissolution l'intérêt du requérant dans la personne morale était le suivant :

8. The reasons for requesting revival of the corporation are:

La reconstitution de la personne morale est demandée pour les motifs suivants :

9. It is requested that the corporation be revived under the provisions of subsection 317(10) of the Corporations Act.

La reconstitution de la personne morale est demandée aux termes du paragraphe 317(10) de la Loi sur les personnes morales.

This application is executed in duplicate.

La présente requête est faite en double exemplaire.

Full name and signature of the applicant	Nom au complet et signature du requérant
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**ONTARIO REGULATION 639/94**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: October 7, 1994  
Filed: October 12, 1994

Amending Reg. 949 of R.R.O. 1990  
(Parking Infractions)

Note: Since January 1, 1994, Regulation 949 has been amended by Ontario Regulations 494/94, 506/94, 538/94 and 581/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. The Table to section 16 of Regulation 949 of the Revised Regulations of Ontario, 1990 is amended by adding the following:**

Township of Manitowadge

44/94

**ONTARIO REGULATION 640/94**  
made under the  
**GENERAL WELFARE ASSISTANCE ACT**

Made: October 7, 1994  
Filed: October 12, 1994

Amending Reg. 537 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 537 has been amended by Ontario Regulations 197/94, 319/94, 421/94 and 602/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 11 of Regulation 537 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:**

(3) A person administering or enforcing this Act on behalf of any of the following bodies shall not disclose the identity of a person who is eligible for or receives assistance to the head or a member of that body without the prior approval of the Director:

1. The council of a municipality, including a regional, district or metropolitan municipality.
2. The council of an approved band.
3. A district welfare administration board.

44/94

**ONTARIO REGULATION 641/94**  
made under the  
**PLANNING ACT**

Made: October 11, 1994  
Filed: October 13, 1994

**ZONING AREAS—UNORGANIZED TERRITORIES  
OF LAKE OF THE WOODS, TERRITORIAL  
DISTRICT OF KENORA**

INTERPRETATION

1. In this Order,

"accessory", when used to describe a use, building or structure, means a use, building or structure that is normally incidental or subordinate to the principal use, building or structure on the same lot;

"dwelling unit" means one or more habitable rooms occupied or capable of being occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants;

"lot" means a parcel of land shown as a lot on a plan registered in the Land Registry Office for the Land Titles Division of Kenora (No. 23);

"seasonal dwelling" means a building containing only one dwelling unit used for recreation and not occupied as a permanent residence;

"single dwelling" means a building containing only one dwelling unit occupied or capable of being occupied as a permanent residence.

2. This Order applies to that parcel of land on Hare Island in the unorganized territories of Lake of the Woods, in the Territorial District of Kenora, composed of all of Location G-1541, Hare Island, described as lots 1-11, inclusive, and Block 12, on Plan 23M-897 registered in the Land Registry Office for the Land Titles Division of Kenora (No. 23).

GENERAL

3. Every use of land and every erection, location or use of buildings or structures is prohibited on Lot 1 on Plan 23M-897 except one single dwelling existing on the date this section comes into force and uses, buildings and structures accessory to a single dwelling.

4. Every use of land and every erection, location or use of buildings or structures is prohibited on lots 2 to 11 on Plan 23M-897 except one seasonal dwelling for each lot and uses, buildings and structures accessory to a seasonal dwelling.

5. Every use of land and every erection, location or use of buildings or structures is prohibited on Block 12 on Plan 23M-897 except uses for the purpose of private or public recreation including parks, playing fields, playgrounds and conservation areas.

6. No land to which this Order applies shall hereafter be used and no building or structure shall hereafter be erected or used except in accordance with the terms of this Order but nothing in this Order prevents the use of any land, building or structure for a purpose prohibited by this Order if the land, building or structure is lawfully used for such purpose on the day this Order comes into force.

REBUILDING AND REPAIRS

7. (1) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(2) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure or part of any such building or structure.

BRIAN DOUGLAS RIDDELL  
Assistant Deputy Minister  
Municipal Operations Division  
Ministry of Municipal Affairs

Dated at Toronto on October 11, 1994.

44/94

**ONTARIO REGULATION 642/94**made under the  
**PLANNING ACT**

Made: October 13, 1994

Filed: October 14, 1994

Revoking O. Reg. 674/89  
(Zoning Areas—Municipality of Metropolitan Toronto,  
City of Toronto)

Note: Ontario Regulation 674/89 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Ontario Regulations 674/89, 37/91, 38/91, 39/91 and 362/93 are revoked.**

DIANA LINN JARDINE  
*Director*  
*Plans Administration Branch*  
*Central and Southwest*  
*Ministry of Municipal Affairs*

Dated at Toronto on October 13, 1994.

44/94

**ONTARIO REGULATION 643/94**made under the  
**RENT CONTROL ACT, 1992**Made: July 20, 1994  
Filed: October 14, 1994Amending O. Reg. 375/92  
(General)

Note: Ontario Regulation 375/92 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 47 of Ontario Regulation 375/92 is amended by adding at the end of the third line "or a statement of care home information".**

**2. Section 51 of the Regulation is revoked and the following substituted:**

**51. (1) The Registrar may provide, under section 116 of the Act, any information from the rent registry including the following:**

1. Information about the current maximum rents for the units in a residential complex.
2. Information about the current maximum rents for the rental units in a residential complex and a list of the rents for each unit from the documents that the Registrar used in order to calculate the current maximum rent for each of the rental units.
3. Information set out in paragraph 2 and copies of the documents that the Registrar used in order to calculate the current maximum rent for each of the rental units.

**RÈGLEMENT DE L'ONTARIO 643/94**  
pris en application de la  
**LOI DE 1992 SUR LE CONTRÔLE DES LOYERS**pris le 20 juillet 1994  
déposé le 14 octobre 1994modifiant le Règl. de l'Ont. 375/92  
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 375/92 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. L'article 47 du Règlement de l'Ontario 375/92 est modifié par insertion, à la fin de la troisième ligne, de «ou une déclaration de renseignements sur la maison de soins».**

**2. L'article 51 du Règlement est abrogé et remplacé par ce qui suit :**

**51. (1) Le registrateur peut fournir, en vertu de l'article 116 de la Loi, tout renseignement inscrit dans le registre des loyers, y compris les renseignements suivants :**

1. Des renseignements sur les loyers maximaux en vigueur des logements d'un ensemble d'habitation.
2. Des renseignements sur les loyers maximaux en vigueur des logements locatifs d'un ensemble d'habitation et la liste des loyers de chaque logement établie à partir des documents que le registrateur a utilisés pour calculer le loyer maximal en vigueur de chacun des logements locatifs.
3. Les renseignements énoncés à la disposition 2 et des copies des documents que le registrateur a utilisés pour calculer le loyer maximal en vigueur de chacun des logements locatifs.

## 4. Names and addresses of landlords of residential complexes.

(2) The information in paragraph 1 of subsection (1) is provided without fee to tenants of the residential complex, but in all other cases the fee is,

- (a) \$5 for a residential complex with fewer than seven rental units; and
- (b) \$15 for a residential complex with seven or more rental units.

(3) The fee for the information and material in paragraph 2 of subsection (1) is,

- (a) \$20 for a residential complex with fewer than seven rental units; and
- (b) \$30 for a residential complex with seven or more rental units.

(4) The fee for the information and material in paragraph 3 of subsection (1) is,

- (a) \$35 for a residential complex with fewer than seven rental units; and
- (b) \$45 for a residential complex with seven or more rental units.

(5) The fee for the information in paragraph 4 of subsection (1) is,

- (a) \$10 for 10 or fewer residential complexes; and
- (b) for more than 10 complexes, \$1 for each of the first 3,000 complexes plus 25 cents for each additional complex.

(6) Clause (5) (a) does not apply to a request by,

- (a) a tenant for the name and address of the tenant's own landlord; or
- (b) a prospective tenant relating to three complexes or less.

(7) In addition to any fees payable for information and material, the following fees are payable for information or material not set out in paragraphs 1 to 4 of subsection (1):

1. For photocopies and computer printouts, 20 cents per page.
2. For floppy disks, \$10 for each disk.
3. For manually searching for a record after two hours have been spent searching, \$7.50 for each 15 minutes spent by any person.
4. For preparing a record for disclosure, including severing a part of the record, \$7.50 for each 15 minutes spent by any person.
5. For developing a computer program or other method of producing a record from a machine readable record, \$15 for each 15 minutes spent by a person.
6. For any costs, including computer costs, incurred in locating, retrieving, processing and copying the record if those costs are specified in an invoice received by the institution.

## 4. Le nom et l'adresse des locataires d'ensembles d'habitation.

(2) Les renseignements visés à la disposition 1 du paragraphe (1) sont fournis gratuitement aux locataires de l'ensemble d'habitation. Dans tous les autres cas, les droits à payer sont les suivants :

- a) 5 \$ pour un ensemble d'habitation comprenant moins de sept logements locatifs;
- b) 15 \$ pour un ensemble d'habitation comprenant sept logements locatifs ou plus.

(3) Les droits à payer pour les renseignements et la liste visés à la disposition 2 du paragraphe (1) sont les suivants :

- a) 20 \$ pour un ensemble d'habitation comprenant moins de sept logements locatifs;
- b) 30 \$ pour un ensemble d'habitation comprenant sept logements locatifs ou plus.

(4) Les droits à payer pour les renseignements et les pièces visés à la disposition 3 du paragraphe (1) sont les suivants :

- a) 35 \$ pour un ensemble d'habitation comprenant moins de sept logements locatifs;
- b) 45 \$ pour un ensemble d'habitation comprenant sept logements locatifs ou plus.

(5) Les droits à payer pour les renseignements visés à la disposition 4 du paragraphe (1) sont les suivants :

- a) 10 \$ pour 10 ensembles d'habitation ou moins;
- b) pour plus de 10 ensembles, 1 \$ pour chacun des 3 000 premiers ensembles plus 0,25 \$ pour chaque ensemble supplémentaire.

(6) L'alinéa (5) a) ne s'applique pas à ce qui suit :

- a) la demande d'un locataire qui veut obtenir le nom et l'adresse de son locateur;
- b) la demande d'un locataire éventuel concernant trois ensembles ou moins.

(7) En plus des droits à payer pour l'obtention de renseignements et de pièces, les droits suivants doivent être payés pour l'obtention de renseignements ou de pièces qui ne sont pas énoncés aux dispositions 1 à 4 du paragraphe (1) :

1. Pour les photocopies et les imprimés d'ordinateur, 0,20 \$ la page.
2. Pour les disques souples, 10 \$ le disque.
3. Pour la recherche manuelle d'un dossier au-delà de deux heures, 7,50 \$ pour chaque période de 15 minutes qui y est consacrée par quiconque.
4. Pour la préparation d'un dossier en vue de sa divulgation, y compris l'extraction d'une partie de celui-ci, 7,50 \$ pour chaque période de 15 minutes qui y est consacrée par quiconque.
5. Pour l'élaboration d'un programme d'ordinateur ou d'un autre moyen en vue de constituer un dossier à partir d'un dossier lisible par machine, 15 \$ pour chaque période de 15 minutes qui y est consacrée par quiconque.
6. Pour les frais, y compris les frais d'ordinateur, engagés pour le repérage, la récupération, le traitement et la duplication d'un dossier si ces frais sont précisés dans une facture reçue par l'institution.



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—11—5

## ONTARIO REGULATION 644/94 made under the PLANNING ACT

Made: October 14, 1994  
Filed: October 17, 1994

### DELEGATION OF AUTHORITY OF MINISTER UNDER SECTION 4 OF THE PLANNING ACT— CONDOMINIUM PLANS—LONDON

1. Subject to sections 2 and 3, all authority of the Minister under section 50 of the *Condominium Act* is hereby delegated to the council of the City of London in respect of land situate within the City of London's boundary prior to the passing of the *London-Middlesex Act, 1992*.

2. The delegation made in section 1 does not apply to,

- (a) any application for approval or exemption of a description received by the Minister before the day this Order comes into force; or
- (b) any matter referred to in subsections 51 (20), (21) and (22) of the *Planning Act*, unless the matter relates to land that is within a draft plan approved by the council under subsection 51 (13) of the Act.

3. (1) The council, in exercising the authority delegated by section 1, shall comply with the following conditions:

- 1. The council shall adopt an application form that is approved by the Ministry of Municipal Affairs for the receipt of applications under subsection 51 (1) of the Act.
- 2. The council shall assign to each application received a file number consisting of the appropriate code used by the Ministry of Municipal Affairs, the letters "CDM", the last two figures of the year in which the application is received and a number corresponding to the order in which the application is received, commencing with "501", and a new series of numbers shall be commenced each year.
- 3. If the council decides to confer, as referred to in subsection 51 (3) of the Act, in respect of an application for approval of a description, the council shall send a copy of the application and of the draft plan to which it relates to such officials, commissions, authorities and other persons as the council considers appropriate.
- 4. If the council decides not to confer in respect of an application for approval of a description, the council shall send notice in writing to the applicant giving the reasons why it has decided not to confer.

5. In conferring, the council shall allow 60 days for the making of written comments in respect of the application, commencing from the date that a copy of the application is sent to the party conferred with, but the time for making comments may be extended by the council if it is satisfied that there is good reason to do so.

6. If the council has not given or refused approval to an application for approval of a description or for exemption of a description or part thereof within 90 days of receipt of the application, the council shall immediately provide the applicant with a report on the status of the application.

7. If the council gives approval to a draft plan under subsection 51 (13) of the *Planning Act* and section 50 of the *Condominium Act*, the approval shall be shown on the draft plan in the following form:

Subject to the conditions, if any, set forth in our letter dated....., 19.., this draft plan is approved under section 51 of the *Planning Act* and section 50 of the *Condominium Act*, this ..... day of....., 19..

.....  
.....

8. If the council gives approval to a final plan under subsection 51 (20) of the *Planning Act* and section 50 of the *Condominium Act*, the approval shall be shown on the final plan in the following form:

Parts ..... approved and Part ..... exempted under section 50 of the *Condominium Act* and section 51 of the *Planning Act* by the council of the ..... this..... day of....., 19..

.....  
.....

9. The original of the final plan as approved together with all copies required for registration under the *Registry Act* or the *Land Titles Act*, as the case may be, shall be forwarded by the council to the appropriate land registry office.

(2) The delegation of authority set out in this Order is not terminated by reason only that the council has failed to comply with a condition set out in subsection (1).

4. If the council proposes to, in turn, delegate to a committee of council or an appointed officer under subsection 5 (1) of the Act any of the authority delegated by section 1, the council shall give notice to the Minister of the proposed delegating by-law at least 30 days before the date that the delegating by-law is passed.

**5. This Order comes into force on October 17, 1994.**

ED PHILIP  
Minister of Municipal Affairs

Dated at Toronto on October 14, 1994.

45/94

ONTARIO REGULATION 645/94
made under the
PLANNING ACT

Made: October 14, 1994
Filed: October 17, 1994

DELEGATION OF AUTHORITY OF MINISTER
UNDER SECTION 4 OF THE PLANNING ACT—
SUBDIVISION PLANS

1. Subject to sections 2 and 3, all authority of the Minister under section 51 of the Act is hereby delegated to the council of the City of London in respect of land situate within the City of London's boundary prior to the passing of the London-Middlesex Act, 1992.

2. The delegation made in section 1 does not apply to,

- (a) any application for approval under subsection 51 (1) of the Act or a predecessor thereof received by the Minister before the day this Order comes into force; or
(b) any matter referred to in subsections 51 (20), (21) and (22) of the Act, unless the matter relates to lands that are within a draft plan approved by the council under subsection 51 (13) of the Act.

3. (1) The council, in exercising the authority delegated by section 1, shall comply with the following conditions:

- 1. The council shall adopt an application form that is approved by the Ministry of Municipal Affairs for the receipt of applications under subsection 51 (1) of the Act.
2. The council shall assign to each application received under subsection 51 (1) of the Act a file number consisting of the appropriate code used by the Ministry of Municipal Affairs, the letter "T", the last two figures of the year in which the application is received and a number corresponding to the order in which the application is received, commencing with "501", and a new series of numbers shall be commenced each year.
3. The council shall send to the Ministry of Municipal Affairs one copy of each application received by the council under subsection 51 (1) of the Act and one copy of the draft plan that is the subject of the application, and the copies shall be sent not later than 10 days after the receipt of the completed application.
4. If the council decides to confer, as referred to in subsection 51 (3) of the Act, in respect of an application, the council shall send to the Ministry of Municipal Affairs a list of the officials of municipalities and ministries of the public service, commissions, authorities or other persons conferred with or to be conferred with on the application, and shall send a copy of the application and of the draft plan to which it relates to such officials of municipalities and ministries of the public service, commissions, authorities and other persons as the Minister may direct.
5. If the council decides not to confer, as referred to in subsection 51 (3) of the Act, in respect of an application, the council shall send notice in writing to the applicant and the Ministry of Municipal Affairs giving the reason or reasons why the council has decided not to confer.
6. If an application under subsection 51 (1) of the Act is withdrawn, the council shall send notice, in writing, to the Ministry of Municipal Affairs giving the reason or reasons why the application was withdrawn, if known.

- 7. If an application is revised or altered, a copy of the revised or altered application shall be sent to the applicant and the Ministry of Municipal Affairs.
8. In conferring, as referred to in paragraph 4, the council shall allow 60 days for the making of written comments in respect of the application for approval, commencing from the date that a copy of the application is sent to the party conferred with, but the time for making comments may be extended by the council where the council is satisfied that there is good reason to do so.
9. If the council has not given or refused approval of an application made under subsection 51 (1) of the Act within 90 days of receipt of the application, the council shall promptly provide the applicant and the Ministry of Municipal Affairs with a report on the status of the application.
10. If the council gives approval or proposes to refuse to give approval to a draft plan under subsection 51 (13) or (14) of the Act, the council shall send notice to the applicant, the Ministry of Municipal Affairs and any other person or agency that has requested notification and, where approval is given to a draft plan, the notice shall be accompanied by a copy of the draft plan and of the conditions imposed on the approval thereof.
11. If land that is the subject of an application made under subsection 51 (1) of the Act is affected by a proposed amendment to an official plan incorporating policies and designations relating to the land, the council shall not make any unconditional decision concerning the application until the amendment to the official plan has been approved or not approved by the Minister or the Municipal Board, as the case may be.
12. If a matter is referred to the Municipal Board under subsection 51 (15) or (17) of the Act, the council shall notify the applicant and the Ministry of Municipal Affairs.
13. If the council gives approval to a draft plan under subsection 51 (13) of the Act, the approval shall be shown on the draft plan in the following form:

Subject to the conditions, if any, set forth in our letter dated
....., 19.., this draft
plan is approved under section 51 of the Planning Act, this
..... day of ....., 19...

- 14. If, after approval of a draft plan and before approval of a final plan, the council varies substantially any condition of the draft plan or withdraws its approval of the draft plan, the council shall send notice thereof within 15 days to all parties that were sent notice under paragraph 10.
15. If the council gives approval to a final plan under subsection 51 (20) of the Act, the approval shall be shown on the final plan in the following form:

Approved under section 51 of the Planning Act
this..... day of....., 19...

- 16. The original of the final plan, as approved, together with all copies required for registration under the Registry Act or the Land Titles Act, as the case may be, shall be forwarded by the council to the appropriate Land Registry Office.



17. The council shall forward one copy of each final plan approved for registration to the Ministry of Municipal Affairs.

(2) The Director of the Plans Administration Branch, Central and Southwest, of the Ministry of Municipal Affairs may waive in writing any requirement imposed by paragraph 3, 4, 5, 6, 7, 9, 10, 14 or 18 in so far as it applies to the Ministry of Municipal Affairs.

(3) The delegation of authority set out in this Order is not terminated by reason only that a council has failed to comply with a condition set out in subsection (1).

4. If the council proposes to, in turn, delegate under subsection 5 (1) of the Act any of the authority delegated by section 1 of this Order, the council shall give notice to the Minister of the proposed delegating by-law at least 30 days before the date that the delegating by-law is passed.

5. This Order comes into force on October 17, 1994.

ED PHILIP  
*Minister of Municipal Affairs*

Dated at Toronto on October 14, 1994.

45/94

**ONTARIO REGULATION 646/94**  
made under the  
**ONTARIO MUNICIPAL BOARD ACT**

Made: October 13, 1994  
Filed: October 17, 1994

Amending Reg. 889 of R.R.O. 1990  
(Rules of Procedure)

Note: Regulation 889 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The definition of "hearing" in Rule 1.03 of the Schedule to Regulation 889 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"hearing" includes a hearing of a motion, a prehearing conference and an informal hearing;

2. Rule 12.04 of the Schedule to the Regulation is revoked and the following substituted:

**Media Coverage of Hearings**

12.04 (1) No person shall take or attempt to take a photograph, motion picture, video or audio recording or other record capable of producing an aural or visual reproduction by electronic or other means at a Board hearing unless authorized by the Board.

(2) Nothing in this Rule,

- (a) prohibits a duly certified court reporter retained by the Board or a party from recording the hearing for the purpose of providing an accurate transcript;
- (b) prohibits a person from unobtrusively making handwritten notes or sketches at a hearing; or
- (c) prohibits a solicitor, a party, or a journalist from unobtrusively making an audio recording at a hearing, in a manner approved by

the presiding member, for the sole purpose of supplementing or replacing that person's handwritten notes.

(3) A request for authorization under subrule (1) may be made to the chair prior to the hearing or to the presiding member of the Board at the commencement of the hearing or, after a hearing has commenced, to the presiding member of the Board, as soon as practicable after knowledge of the hearing comes to the attention of the person wishing to make the electronic recording.

(4) The Board shall afford the parties and the participants an opportunity to make representations to the Board in respect of any request for authorization under subrule (1) or to vary any authorization granted previously by the Board.

(5) On an application for authorization under subrule (1), the Board shall consider,

- (a) the likelihood of disturbance or disruption of the hearing;
  - (b) the likelihood of undue discomfort for any participant;
  - (c) whether there is a public interest in having procedures which are accessible to all those interested or affected; and
  - (d) such other matters as the Board deems appropriate.
- (6) In making a recording authorized by the Board under subrule (1),
- (a) no equipment which produces a distracting sound or light shall be used during the hearing;
  - (b) the person authorized to make the recording shall not move about the hearing room unnecessarily to do so while the hearing is in progress;
  - (c) recording equipment shall be positioned unobtrusively in one location approved by the Board and shall not be moved while the hearing is in progress; and
  - (d) the authorized recording or photographic activity will occur only within the times and portions of the hearing determined by the Board.

(7) Any authorization of recording and media coverage may be withdrawn by the Board before or during the hearing,

- (a) if the Board's rules are breached;
- (b) if any unforeseen circumstances interfere with the ability and duty of the Board to conduct a full and fair hearing; or
- (c) if the Board considers it appropriate after reconsidering any of the factors set out in subrule (5).

(8) A withdrawal of authorization may be temporary or limited to accommodate any witnesses who may suffer undue discomfort or prejudice if recording or media coverage is permitted.

3. Rule 14 of the Regulation is revoked and the following substituted:

**RULE 14 LANGUAGE OF HEARINGS**

**Use of English and French**

14.01 The Board may conduct a hearing in English or French or partly in English and partly in French.

### Where French is Used

14.02 A person who wishes a hearing to be conducted in French or to give evidence or make submissions in French must, at least 25 days before the hearing, request that the Board provide a bilingual panel at the hearing.

ONTARIO MUNICIPAL BOARD:

H. C. COOPER  
Chair

Dated at Toronto on October 13, 1994.

45/94

### ONTARIO REGULATION 647/94 made under the ENVIRONMENTAL ASSESSMENT ACT

Approved: October 7, 1994

Filed: October 18, 1994

#### EXEMPTION—THE CORPORATION OF THE CITY OF BRANTFORD

Having received a request from The Corporation of the City of Brantford (Brantford) that an undertaking, namely:

the activity of carrying out the planning, design and rehabilitation of Mohawk Lake and the planning, design, rehabilitation and construction of Mohawk Park, in the City of Brantford,

be exempt from the application of the Act pursuant to section 29; and

Having been advised by Brantford that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

- A. Brantford will be subject to delay and expense if it is required to prepare an environmental assessment for the undertaking.
- B. Brantford has provincial funds available to assist it with the development of the Mohawk Lake area. These funds may be lost if the project is not completed in an expeditious fashion.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:

- A. It is the intention of Brantford that a Mohawk Lake Master Plan be prepared using the planning requirements of the Ministry of Natural Resources *Class Environmental Assessment for Small Scale MNR Projects* and the Municipal Engineers Association *Class Environmental Assessment For Municipal Water and Wastewater Projects and Municipal Road Projects*.
- B. Brantford will consider alternatives, determine environmental impacts and mitigation and consult the public and Government agencies.
- C. The area has been the subject of numerous studies that have examined the concept of the rehabilitation of Mohawk Lake. Further, a committee was struck in 1990 to examine reports and

prepare recommendations on possible options for the rehabilitation of Mohawk Lake and the surrounding areas.

This exemption is subject to the following terms and conditions:

1. Where any activity which otherwise would be exempt under this order is being carried out as, or is part of, an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms or conditions in the approval to proceed as well as the conditions of this order.
2. Where any activity which is the subject of this order is being carried out as, or is part of, another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms or conditions in the other exemption order as well as the conditions in this order.
3. The improvements to the existing facilities described in the letter to Derek Doyle, dated August 31, 1994, on the north side of Mohawk Lake which are exempt from the *Environmental Assessment Act* are not part of the Mohawk Lake Rehabilitation Project.
4. Before proceeding to the first notice in Phase 1 of the planning process outlined in the request for this order and the chart which accompanies it (copies of which are available in the public record), Brantford will assemble a technical Steering Committee comprised of interested individuals from the Ministry of Environment and Energy, the Ministry of Natural Resources, the Mohawk Lake Committee, the Grand River Conservation Authority and any other interested members of municipal, provincial or federal ministries and agencies.
5. The inventories identified in phases 2 and 3 of the planning process outlined in the request for this order and chart which accompanies it will include, in addition to the social, natural, economic environments identified, inventories of the cultural and technical environment.
6. Except as otherwise provided by these conditions, Brantford will carry out the planning process outlined in the request for this order and the chart which accompanies it, copies of which are in the public record.
7. Before proceeding to Phase 5 of the planning process outlined in the request for this order and the chart which accompanies it (copies of which are in the public record), Brantford will file the Master Plan and the notice of its completion with the Municipal Clerk and place it on the public record for at least 30 days for review by the public and affected agencies. The notice shall include notification of the bump-up provisions.
8. Before proceeding to Phase 5 of the planning process outlined in the request for this order and the chart which accompanies it (copies of which are in the public record), Brantford will be subject to the bump-up provisions set out in the Municipal Engineers Association *Class Environmental Assessment for Municipal Road Projects* and shall not proceed under this exemption order if a request for bump-up is made to the Minister of Environment and Energy except pursuant to those provisions.
9. Before commencement of construction of any projects identified in the Master Plan, Brantford must provide a copy of the Master Plan to the Directors of the Environmental Assessment Branch and West Central Region.
10. Within six months after the approval of this order, Brantford shall advise the Directors of the Environmental Assessment Branch and West Central Region on how the conditions of the

exemption have been met. Should there be outstanding work, Brantford will continue to advise the Directors of the Environmental Assessment Branch and West Central Region on how the conditions of exemption have been met.

11. All other applicable approvals and permits will be obtained for the project.

12. Commencement of construction of any of the projects identified in the Master Plan must begin within five years of the date that this order is approved.

BUD WILDMAN  
Minister of Environment and Energy

45/94

**ONTARIO REGULATION 648/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: July 14, 1994  
Approved: October 7, 1994  
Filed: October 19, 1994

Amending Reg. 223 of R.R.O. 1990  
(Crop Insurance Plan—Cucumbers)

Note: Since January 1, 1994, Regulation 223 has been amended by Ontario Regulation 471/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Clause 6 (1) (e) of the Schedule to Regulation 223 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Sections 10, 11 and 12 of the Schedule to the Regulation are revoked and the following substituted:

10. (1) The coverage per acre provided in the crop year under a contract of insurance is the Value of Production of the insured person multiplied by the appropriate percentage as set out in subsections (3) and (4).

(2) The "Value of Production" is the average farm yield in tons per acre multiplied by 50 per cent of the negotiated price of cucumbers for the current crop year as negotiated by the processors and the Ontario Vegetable Growers' Marketing Board on an annual basis and does not include harvesting costs.

(3) For a person who is covered for the first time, the appropriate percentage for the purposes of subsection (1) is 75 per cent.

(4) After the first time, the appropriate percentage for the purpose of subsection (1) is set out in Column 2 of the following Table opposite the percentage used in the previous year as set out in Column 1:

TABLE

COLUMN 1	COLUMN 2
Percentage used in previous year	Percentage to be used in current year
75	77
77	78
78	79
79	80
80	80

**RÈGLEMENT DE L'ONTARIO 648/94**  
pris en application de la  
**LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)**

pris le 14 juillet 1994  
approuvé le 7 octobre 1994  
déposé le 19 octobre 1994

modifiant le Règl. 223 des R.R.O. de 1990  
(Régime d'assurance-récolte sur les concombres)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 223 a été modifié par le Règlement de l'Ontario 471/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. (1) L'alinéa 6 (1) e) de l'annexe du Règlement 223 des Règlements refondus de l'Ontario de 1990 est abrogé.

(2) Les articles 10, 11 et 12 de l'annexe du Règlement sont abrogés et remplacés par ce qui suit :

10. (1) La garantie par acre fournie pendant la campagne agricole aux termes du contrat d'assurance est égale à la valeur de la production de l'assuré multipliée par le pourcentage approprié prévu aux paragraphes (3) et (4).

(2) La «valeur de la production» correspond au montant obtenu en multipliant le rendement moyen de l'exploitation agricole, calculé en tonnes par acre, par 50 pour cent du prix convenu des concombres pour la campagne agricole en cours, à la suite des négociations qui ont lieu chaque année entre les transformateurs et l'organisme nommé Ontario Vegetable Growers' Marketing Board, à l'exclusion des frais de récolte.

(3) Lorsque la personne bénéficie d'une garantie pour la première fois, le pourcentage approprié pour l'application du paragraphe (1) est de 75 pour cent.

(4) Par la suite, le pourcentage approprié pour l'application du paragraphe (1) est celui qui figure à la colonne 2 du tableau suivant en regard du pourcentage utilisé l'année précédente et figurant à la colonne 1 :

TABLEAU

COLONNE 1	COLONNE 2
Pourcentage utilisé l'année précédente	Pourcentage à utiliser pendant l'année en cours
75	77
77	78
78	79
79	80
80	80

11. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance is the lesser of,

- (a) the amount obtained by multiplying the amount in dollars per acre as determined under section 10 by the number of insured acres; or
- (b) the contracted tonnage multiplied by 50 per cent of the negotiated price of cucumbers for the current crop year.

**(3) Subsection 13 (3) of the Schedule to the Regulation is revoked and the following substituted:**

(3) The premium rate is determined by the following formula:

$$\text{Premium Rate} = \$70.40 \text{ per acre} \times (1+A)$$

**2. (1) Subparagraph 2 (5) of Form 1 of the Regulation is revoked.**

**(2) Paragraph 3 of Form 1 of the Regulation is revoked and the following substituted:**

3. The loss to be taken into account in the final adjustment or loss is the amount by which the amount determined under section 11 of the Schedule exceeds the sum of,

- (a) 50 per cent of the total gross income of the insured person from the insured crop as evidenced by the processor's statement of production;
- (b) the value as determined by the Commission of the potential production of acreage unharvested for reasons other than the insured perils; and
- (c) any loss sustained by reason of a peril other than the perils designated in the plan.

**(3) Paragraph 4 of Form 1 of the Regulation is revoked and the following substituted:**

4. (1) If the actual planted acreage of cucumbers in a crop year is less than that stated in the final acreage report, the maximum amount of indemnity is reduced proportionately.

(2) If the actual planted acreage of cucumbers in a crop year is more than that stated in the final acreage report, the maximum amount of indemnity and the premium payable is increased but 50 per cent of the income from the total planted acreage is included in establishing the income of the insured person unless the processor increases the contract acreage accordingly.

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
*Chair*

MATT TULLOCH  
*Secretary*

Dated at Toronto on July 14, 1994.

45/94

11. Le montant maximal auquel la Commission est tenue à l'égard d'une perte de production aux termes du contrat d'assurance correspond au moins élevé des montants suivants :

- a) le montant obtenu en multipliant le prix fixé à l'acre en vertu de l'article 10 par le nombre d'acres assurés;
- b) le nombre de tonnes déterminé multiplié par 50 pour cent du prix des concombres convenu pour la campagne agricole en cours.

**(3) Le paragraphe 13 (3) de l'annexe du Règlement est abrogé et remplacé par ce qui suit :**

(3) Le taux de prime est déterminé selon la formule suivante :

$$\text{Taux de prime} = 70,40 \$ \text{ l'acre} \times (1 + A)$$

**2. (1) La sous-disposition 2 (5) de la formule 1 du Règlement est abrogée.**

**(2) La disposition 3 de la formule 1 du Règlement est abrogée et remplacée par ce qui suit :**

3. La valeur de la perte à retenir pour l'évaluation définitive ou de la perte correspond à l'excédent du montant déterminé aux termes de l'article 11 de l'annexe sur le total de ce qui suit :

- a) 50 pour cent du revenu brut total de l'assuré provenant de la récolte assurée selon la déclaration de production du transformateur;
- b) la valeur, établie par la Commission, de la production potentielle de la superficie non récoltée pour des motifs autres que les risques assurés;
- c) toute perte découlant d'un risque autre que ceux désignés aux termes du régime.

**(3) La disposition 4 de la formule 1 du Règlement est abrogée et remplacée par ce qui suit :**

4. (1) Lorsque la superficie réelle où sont plantés des concombres au cours d'une campagne agricole est inférieure à la superficie plantée qui est déclarée dans le rapport final sur la superficie, le montant maximal de l'indemnité est réduit de façon proportionnelle.

(2) Lorsque la superficie réelle où sont plantés des concombres au cours d'une campagne agricole est supérieure à la superficie plantée qui est déclarée dans le rapport final sur la superficie, le montant maximal de l'indemnité et la prime payable sont augmentés, mais 50 pour cent du revenu provenant de la superficie totale plantée est retenu dans l'établissement du revenu de l'assuré à moins que le transformateur n'augmente la superficie assurée en conséquence.

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
*Président*

MATT TULLOCH  
*Secrétaire*

Fait à Toronto le 14 juillet, 1994.

**ONTARIO REGULATION 649/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: July 14, 1994  
Approved: October 7, 1994  
Filed: October 19, 1994

Amending Reg. 224 of R.R.O. 1990  
(Crop Insurance Plan—Flue-Cured Tobacco)

Note: Regulation 224 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) The definition of "average farm yield" in section 3 of the Schedule to Regulation 224 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"average farm yield" means the average yield of the planted acreage,

- (a) for a 10-year period computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for 10 years; ("rendement moyen de l'exploitation agricole")

(2) Subsection 8 (2) of the Schedule to the Regulation is revoked and the following substituted:

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before May 15 in the crop year during which the cancellation is to be effective.

(3) The Schedule to the Regulation is amended by adding the following section:

8.1 (1) The Commission shall, by March 15 in each year, forward to the insured person a renewal notice and a change notice.

(2) The renewal notice must confirm the details of the insured person's previous year's crop insurance elections and describe any amendments to the contract of insurance.

(3) The insured person's previous year's elections as described in the renewal notice apply.

(4) Despite subsection (3), the Commission may supercede the insured person's previous year's election and indicate another election on the renewal notice and this election forms part of the insured person's contract.

(5) Despite subsections (3) and (4), the insured person may forward the change notice signifying a different election to the Commission and that different election forms part of the insured person's contract.

(6) The renewal notice and the change notice may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(7) The change notice must be received by the Commission on or before May 1 in each year if delivered personally or if mailed, postmarked on or before May 1, in each year.

(4) Clauses 9 (a) and (b) of the Schedule to the Regulation are revoked and the following substituted:

**RÈGLEMENT DE L'ONTARIO 649/94**  
pris en application de la  
**LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)**

pris le 14 juillet 1994  
approuvé le 7 octobre 1994  
déposé le 19 octobre 1994

modifiant le Règl. 224 des R.R.O. de 1990  
(Régime d'assurance-récolte sur le tabac jaune)

Remarque : Le Règlement 224 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des Règlements qui figure dans les Lois de l'Ontario de 1993.

1. (1) La définition de «rendement moyen de l'exploitation agricole» à l'article 3 de l'annexe du Règlement 224 des Règlements refondus de l'Ontario de 1990 est abrogée et remplacée par ce qui suit :

«rendement moyen de l'exploitation agricole» Le rendement moyen de la superficie plantée :

- a) calculé, pour une période de 10 ans, sur la base des registres de production de superficie de l'assuré,
- b) calculé, pour le nombre d'années d'inscription au régime, sur la base des registres de production de superficie de l'assuré ou sur une autre base qui est raisonnable dans les circonstances, si l'assuré n'a pas été inscrit au régime pour 10 ans. («average farm yield»)

(2) Le paragraphe 8 (2) de l'annexe du Règlement est abrogé et remplacé par ce qui suit :

(2) L'assuré ou la Commission peut annuler le contrat d'assurance en avisant par écrit l'autre partie au plus tard le 15 mai de la campagne agricole pendant laquelle l'annulation doit prendre effet.

(3) L'annexe du Règlement est modifiée par adjonction de l'article suivant :

8.1 (1) Au plus tard le 15 mars de chaque année, la Commission fait parvenir à l'assuré un avis de renouvellement et un avis de changement.

(2) L'avis de renouvellement doit confirmer le détail des choix relatifs à l'assurance-récolte exercés par l'assuré pour l'année précédente et décrire les modifications apportées au contrat d'assurance.

(3) Les choix exercés par l'assuré pour l'année précédente, tels qu'ils sont décrits dans l'avis de renouvellement, s'appliquent.

(4) Malgré le paragraphe (3), la Commission peut remplacer le choix exercé par l'assuré pour l'année précédente et indiquer un autre choix sur l'avis de renouvellement et ce choix fait alors partie du contrat de l'assuré.

(5) Malgré les paragraphes (3) et (4), l'assuré peut faire parvenir à la Commission un avis de changement l'informant d'un choix différent et ce choix différent fait alors partie du contrat de l'assuré.

(6) L'avis de renouvellement et l'avis de changement peuvent être signifiés à l'assuré soit à personne, soit par courrier à sa dernière adresse connue, auquel cas l'avis est réputé avoir été signifié trois jours après sa mise à la poste.

(7) La Commission doit recevoir l'avis de changement au plus tard le 1<sup>er</sup> mai de l'année s'il est remis à personne. S'il est mis à la poste, l'oblitération doit porter la date du 1<sup>er</sup> mai de l'année au plus tard.

(4) Les alinéas 9 a) et b) de l'annexe du Règlement sont abrogés et remplacés par ce qui suit :

- (a) if the actual yield in a year exceeds the insured person's 10-year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Average Yield} \times 1.3; \text{ or}$$

- (b) if the actual yield in a year falls short of the insured person's 10-year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Average Yield} \times 0.7$$

**(5) Subsection 11 (1) of the Schedule to the Regulation is revoked and the following substituted:**

(1) Subject to subsections (2), (3), (4), (5) and (6), the premium payable by an insured person is established by the following Table:

TABLE

Guaranteed production in pounds for total acreage planted to the insured crop	Crop insured under Section A of Form 1 per 100 lbs	Crop insured under Section B of Form 1 per 100 lbs
0-30,000 lbs	\$ 2.12	\$ 2.00
30,001-40,000 lbs	2.08	1.96
40,001-50,000 lbs	2.04	1.94
50,001-60,000 lbs	2.00	1.90
60,001-70,000 lbs	1.94	1.88
70,001-80,000 lbs	1.90	1.84
80,001-90,000 lbs	1.86	1.80
90,001-100,000 lbs	1.80	1.78
100,001-110,000 lbs	1.74	1.74
110,001-120,000 lbs	1.70	1.70
120,001-130,000 lbs	1.64	1.66
130,001-140,000 lbs	1.58	1.62
140,001-150,000 lbs	1.54	1.58
150,001-160,000 lbs	1.48	1.54
160,001-170,000 lbs	1.44	1.50
170,001 lbs or more	1.38	1.48

**2. Clauses (a) and (b) of subparagraph 9 (1) Form 1 of the Regulation are revoked and the following substituted:**

- (a) if the damage occurred as a result of excessive rainfall, flood or such other cause of loss as may be designated by the Commission, the lesser of \$60 for each damaged acre or the salvage cost; or
- (b) if the damage occurred as a result of hail or wind, the lesser of \$85 for each damaged acre or the salvage cost.

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
Chair

MATT TULLOCH  
Secretary

Dated at Toronto on July 14, 1994.

- a) si le rendement réel d'une année est supérieur de plus de 30 pour cent à la moyenne de 10 ans de l'assuré, rajuste le rendement réel selon la formule suivante,

$$\text{Rendement rajusté} = \text{Rendement moyen} \times 1,3$$

- b) si le rendement réel d'une année est inférieur de plus de 30 pour cent à la moyenne de 10 ans de l'assuré, rajuste le rendement réel selon la formule suivante,

$$\text{Rendement rajusté} = \text{Rendement moyen} \times 0,7$$

**(5) Le paragraphe 11 (1) de l'annexe du Règlement est abrogé et remplacé par ce qui suit :**

(1) Sous réserve des paragraphes (2), (3), (4), (5) et (6), la prime payable par l'assuré est fixée d'après le tableau suivant :

TABLEAU

Production garantie en livres de la superficie totale où est plantée la récolte assurée	Récolte assurée aux termes de la partie A de la formule 1, par 100 livres	Récolte assurée aux termes de la partie B de la formule 1, par 100 livres
0 à 30 000	2,12 \$	2,00 \$
30 001 à 40 000	2,08	1,96
40 001 à 50 000	2,04	1,94
50 001 à 60 000	2,00	1,90
60 001 à 70 000	1,94	1,88
70 001 à 80 000	1,90	1,84
80 001 à 90 000	1,86	1,80
90 001 à 100 000	1,80	1,78
100 001 à 110 000	1,74	1,74
110 001 à 120 000	1,70	1,70
120 001 à 130 000	1,64	1,66
130 001 à 140 000	1,58	1,62
140 001 à 150 000	1,54	1,58
150 001 à 160 000	1,48	1,54
160 001 à 170 000	1,44	1,50
170 001 ou plus	1,38	1,48

**2. Les alinéas 9 (1) a) et b) de la formule 1 du Règlement sont abrogés et remplacés par ce qui suit :**

- a) si les dommages sont survenus en raison de pluies trop abondantes, d'une inondation ou de toute autre cause de perte désignée par la Commission, à 60 \$ l'acre endommagé ou aux frais de récupération si le montant ainsi calculé est inférieur;
- b) si les dommages sont survenus en raison de la grêle ou du vent, à 85 \$ l'acre endommagé ou aux frais de récupération si le montant ainsi calculé est inférieur.

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
Président

MATT TULLOCH  
Secrétaire

Fait à Toronto le 14 juillet 1994.

**ONTARIO REGULATION 650/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: July 14, 1994  
Approved: October 7, 1994  
Filed: October 19, 1994

Amending Reg. 225 of R.R.O. 1990  
(Crop Insurance Plan—Forage Seeding Establishment)

Note: Regulation 225 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Subsection 8.1 (3) of the Schedule to Regulation 225 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(3) The insured person's previous year's elections as described in the renewal notice apply.

(3.1) Despite subsection (3), the Commission may amend the insured person's previous year's election and this election forms part of the insured person's contract.

(3.2) Despite subsections (3) and (3.1), the insured person may forward a change notice signifying a different election to the Commission and this different election will form part of the insured person's contract.

(2) Paragraph 1 of subsection 11 (3) of the Schedule to the Regulation is revoked and the following substituted:

1. If the maximum coverage is \$20 per acre, by multiplying  $(1 + A)$  by \$4 per acre.

(3) Subsection 11 (5) of the Schedule to the Regulation is revoked and the following substituted:

(5) If, after applying the formula in subsection (4),

(a) the value of  $A$  is more than 0.25, it shall be deemed to be 0.25; or

(b) the value of  $A$  is less than minus 0.25, it shall be deemed to be minus 0.25.

(4) Section 11 of the Schedule to the Regulation is amended by adding the following subsection:

(10) The surcharge or discount for the current crop year is chargeable on the premium payable in the following crop year.

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
*Chair*

MATT TULLOCH  
*Secretary*

Dated at Toronto on July 14, 1994.

**RÈGLEMENT DE L'ONTARIO 650/94**  
pris en application de la  
**LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)**

pris le 14 juillet 1994  
approuvé le 7 octobre 1994  
déposé le 19 octobre 1994

modifiant le Règl. 225 des R.R.O. de 1990  
(Régime d'assurance-récolte sur l'implantation du fourrage)

Remarque : Le Règlement 225 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. (1) Le paragraphe 8.1 (3) de l'annexe du Règlement 225 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

(3) Les choix exercés par l'assuré pour l'année précédente, tels qu'ils sont décrits dans l'avis de renouvellement, s'appliquent.

(3.1) Malgré le paragraphe (3), la Commission peut modifier le choix exercé par l'assuré pour l'année précédente et ce choix fait alors partie du contrat de l'assuré.

(3.2) Malgré les paragraphes (3) et (3.1), l'assuré peut faire parvenir à la Commission un avis de changement l'informant d'un choix différent et ce choix différent fait alors partie du contrat de l'assuré.

(2) La disposition 1 du paragraphe 11 (3) de l'annexe du Règlement est abrogée et remplacée par ce qui suit :

1. En multipliant  $(1 + A)$  par 4 \$ l'acre, si la garantie maximale correspond à 20 \$ l'acre.

(3) Le paragraphe 11 (5) de l'annexe du Règlement est abrogé et remplacé par ce qui suit :

(5) Après avoir appliqué la formule visée au paragraphe (4) :

a) si la valeur de  $A$  est supérieure à 0,25, elle est réputée correspondre à 0,25;

b) si la valeur de  $A$  est inférieure à moins 0,25, elle est réputée correspondre à moins 0,25.

(4) L'article 11 de l'annexe du Règlement est modifié par adjonction du paragraphe suivant :

(10) La majoration ou la réduction pour la campagne agricole en cours est imputable à la prime payable pendant la campagne agricole suivante.

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
*Président*

MATT TULLOCH  
*Secrétaire*

Fait à Toronto le 14 juillet 1994.

**ONTARIO REGULATION 651/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: July 14, 1994  
Approved: October 7, 1994  
Filed: October 19, 1994

Amending Reg. 227 of R.R.O. 1990  
(Crop Insurance Plan—Green and Wax Beans)

Note: Regulation 227 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Sections 9 and 10 of the Schedule to Regulation 227 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

9. (1) The coverage per acre provided in the crop year under a contract of insurance is 80 per cent of the Value of Production of the insured person.

(2) The "Value of Production" is the average farm yield in tons per acre multiplied by the price of green and wax beans for the current crop year as negotiated by the processors and the Ontario Vegetable Growers' Marketing Board on an annual basis and does not include harvesting costs or marketing board fees.

10. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance is the amount obtained by multiplying the amount in dollars per acre as determined under section 9, by the number of insured acres.

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

(1) The total premium payable in respect of acreage under contract is \$67.40 per acre.

**2. (1) Subparagraphs 5 (4) and (5) of Form 1 of the Regulation are revoked.**

**(2) Paragraph 6 of Form 1 of the Regulation is revoked and the following substituted:**

6. The loss to be taken into account in the final adjustment of loss is the amount by which the product obtained by multiplying the number of dollars per acre coverage by the number of insured acres exceeds the sum of,

- (a) the total gross income of the insured person from the insured crop as evidenced by the processor's statement of production less marketing board fees;
- (b) the value as determined by the Commission of the potential production of acreage unharvested for reasons other than the insured's perils; and
- (c) any loss sustained by reason of a peril other than a peril designated in the plan.

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
Chair

MATT TULLOCH  
Secretary

Dated at Toronto on July 14, 1994.

45/94

**ONTARIO REGULATION 652/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: July 14, 1994  
Approved: October 7, 1994  
Filed: October 19, 1994

Amending Reg. 229 of R.R.O. 1990  
(Crop Insurance Plan—Hay and Pasture)

Note: Regulation 229 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Sections 6, 7 and 8 of the Schedule to Regulation 229 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

6. For the purposes of this plan, the entire contract of insurance for hay and pasture is comprised of,

- (a) the contract of insurance in the Form prescribed by Regulation 256 of the Revised Regulations of Ontario, 1990;
- (b) the application or forage coverage notice for insurance;
- (c) an endorsement for hay and pasture in Form 1; and
- (d) any amendment to a document referred to in clause (a), (b) or (c) agreed upon in writing.

**RÈGLEMENT DE L'ONTARIO 652/94**  
pris en application de la  
**LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)**

pris le 14 juillet 1994  
approuvé le 7 octobre 1994  
déposé le 19 octobre 1994

modifiant le Règl. 229 des R.R.O. de 1990  
(Régime d'assurance-récolte sur le foin et le pâturage)

Remarque : Le Règlement 229 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. Les articles 6, 7 et 8 de l'annexe du Règlement 229 des Règlements refondus de l'Ontario de 1990 sont abrogés et remplacés par ce qui suit :**

6. Dans le cadre du présent régime, le contrat indivisible d'assurance du foin et du pâturage comprend ce qui suit :

- a) le contrat d'assurance rédigé selon la formule prescrite par le Règlement 256 des Règlements refondus de l'Ontario de 1990;
- b) la proposition d'assurance ou l'avis de garantie du fourrage;
- c) l'avenant relatif au foin et au pâturage rédigé selon la formule 1;
- d) les modifications convenues par écrit qui sont apportées aux documents visés à l'alinéa a), b) ou c).



7. An initial application for crop insurance shall,

(a) be in a form provided by the Commission; and

(b) be filed with the Commission not later than May 1 in the crop year in respect of which it is made.

8. (1) A contract of insurance is an annual contract in force for the crop year in respect of which it is made and remains in effect from year to year until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before April 1 in each crop year.

(3) The Commission has the right to amend the conditions of the contract of insurance from year to year.

(4) Any amendments in the contract of insurance must be mailed to the insured person not later than March 15 of the year for which the amendments are to be in effect.

(5) The amendments are considered part of the contract of insurance on April 1 of the year on which they are mailed.

8.1 (1) The Commission shall, by March 15 in each year, forward to the insured person a forage coverage notice.

(2) The forage coverage notice must confirm the details of the insured person's previous year's crop insurance elections and describe any amendments to the contract of insurance.

(3) The insured person's previous year's elections as described in the forage coverage notice apply.

(4) Despite subsection (3), the Commission may amend the insured person's previous year's election by indicating another election on the forage coverage notice and this election forms part of the insured person's contract.

(5) Despite subsections (3) and (4), the insured person may forward a forage coverage notice signifying a different election to the Commission and this different election forms part of the insured person's contract.

(6) The insured person's previous year's elections, as described in the forage coverage notice, apply unless the insured person forwards the notice to the Commission.

(7) The forage coverage notice may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(8) Any amendments to the forage coverage notice must be received by the Commission on or before May 1 in each year if delivered personally or, if mailed, postmarked on or before May 1 in each year.

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
*Chair*

MATT TULLOCH  
*Secretary*

7. La proposition d'assurance-récolte initiale :

a) d'une part, est rédigée selon la formule fournie par la Commission;

b) d'autre part, est déposée auprès de la Commission au plus tard le 1<sup>er</sup> mai de la campagne agricole sur laquelle elle porte.

8. (1) Le contrat d'assurance est un contrat annuel en vigueur pour la campagne agricole à l'égard de laquelle il est conclu et conserve ses effets d'année en année jusqu'à ce que l'assuré ou la Commission l'annule conformément au paragraphe (2) ou jusqu'à ce qu'il prenne fin conformément aux règlements.

(2) L'assuré ou la Commission peut annuler le contrat d'assurance en avisant par écrit l'autre partie au plus tard le 1<sup>er</sup> avril de la campagne agricole.

(3) La Commission a le droit de modifier les conditions du contrat d'assurance d'année en année.

(4) Les modifications apportées au contrat d'assurance doivent être envoyées par la poste à l'assuré au plus tard le 15 mars de l'année à l'égard de laquelle elles doivent prendre effet.

(5) Les modifications sont réputées faire partie du contrat d'assurance le 1<sup>er</sup> avril de l'année au cours de laquelle elles sont mises à la poste.

8.1 (1) Au plus tard le 15 mars de chaque année, la Commission fait parvenir à l'assuré un avis de garantie du fourrage.

(2) L'avis de garantie du fourrage doit confirmer le détail des choix relatifs à l'assurance-récolte exercés par l'assuré pour l'année précédente et décrire les modifications apportées au contrat d'assurance.

(3) Les choix exercés par l'assuré pour l'année précédente, tels qu'ils sont décrits dans l'avis de garantie du fourrage, s'appliquent.

(4) Malgré le paragraphe (3), la Commission peut modifier le choix exercé par l'assuré pour l'année précédente en indiquant un autre choix sur l'avis de garantie du fourrage et ce choix fait alors partie du contrat de l'assuré.

(5) Malgré les paragraphes (3) et (4), l'assuré peut faire parvenir à la Commission un avis de garantie du fourrage l'informant d'un choix différent et ce choix différent fait alors partie du contrat de l'assuré.

(6) Les choix exercés par l'assuré pour l'année précédente, tels qu'ils sont décrits dans l'avis de garantie du fourrage, s'appliquent, à moins que l'assuré ne fasse parvenir l'avis à la Commission.

(7) L'avis de garantie du fourrage peut être signifié à l'assuré soit à personne, soit par courrier à sa dernière adresse connue, auquel cas l'avis est réputé avoir été signifié trois jours après sa mise à la poste.

(8) La Commission doit recevoir les modifications apportées à l'avis de garantie du fourrage au plus tard le 1<sup>er</sup> mai de l'année s'il est remis à personne. S'il est mis à la poste, l'oblitération doit porter la date du 1<sup>er</sup> mai de l'année au plus tard.

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
*Président*

MATT TULLOCH  
*Secrétaire*

Dated at Toronto on July 14, 1994.

Fait à Toronto le 14 juillet 1994.

**ONTARIO REGULATION 653/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: August 11, 1994  
Approved: October 7, 1994  
Filed: October 19, 1994

Amending Reg. 252 of R.R.O. 1990  
(Crop Insurance Plan—Sweet Corn)

Note: Since January 1, 1994, Regulation 252 has been amended by Ontario Regulation 618/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 12 (1) of the Schedule to Regulation 252 of the Revised Regulations of Ontario, 1990 is amended by striking out "\$28.60" in the amendment of 1993 and substituting "\$25.20".

2. (1) Subparagraph 5 (1) of Form 2 of the Regulation is amended by striking out "\$6" in the amendment of 1993 and substituting "\$6.80".

(2) Subparagraph 5 (2) of Form 2 of the Regulation is amended by striking out "\$16.80" in the amendment of 1993 and substituting "\$16.20".

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
*Chair*

MATT TULLOCH  
*Secretary*

Dated at Toronto on August 11, 1994.

45/94

**ONTARIO REGULATION 654/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: July 22, 1994  
Approved: October 7, 1994  
Filed: October 19, 1994

Amending O. Reg. 566/91  
(Crop Insurance Plan—Strawberries)

Note: Ontario Regulation 566/91 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Section 10 of the Schedule to Ontario Regulation 566/91 is revoked and the following substituted:

10. (1) The coverage provided under a contract of insurance is the total guaranteed production multiplied by the established price.

**RÈGLEMENT DE L'ONTARIO 653/94**  
pris en application de la  
**LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)**

pris le 11 août 1994  
approuvé le 7 octobre 1994  
déposé le 19 octobre 1994

modifiant le Règl. 252 des R.R.O. de 1990  
(Régime d'assurance-récolte sur le maïs sucré)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 252 a été modifié par le Règlement de l'Ontario 618/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. Le paragraphe 12 (1) de l'annexe du Règlement 252 des Règlements refondus de l'Ontario de 1990 est modifié par substitution, à «28,60 \$» dans la modification de 1993, de «25,20 \$».

2. (1) La sous-disposition 5 (1) de la formule 2 du Règlement est modifiée par substitution, à «6 \$» dans la modification de 1993, de «6,80 \$».

(2) La sous-disposition 5 (2) de la formule 2 du Règlement est modifiée par substitution, à «16,80 \$» dans la modification de 1993, de «16,20 \$».

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
*Président*

MATT TULLOCH  
*Secrétaire*

Fait à Toronto le 11 août 1994.

(2) The total guaranteed production under a contract of insurance is the average farm yield in pounds of the total acreage planted to strawberries by the insured person multiplied by the appropriate percentage as selected in subsection (3).

(3) In each crop year an insured person must select one of the following percentages:

70 per cent  
75 per cent  
80 per cent

(2) Subsection 11 (1) of the Schedule to the Regulation is revoked and the following substituted:

(1) For the purposes of this plan, the established price for strawberries is 50 cents per pound.

(3) Subsections 13 (1) and (3) of the Schedule to the Regulation are revoked and the following substituted:

(1) In the formulas used in this section,

"A" is the surcharge or discount determined in accordance with subsections (4) and (5),

"B" is the number of years the insured person has been enrolled in the plan,

"C" is the insured person's loss to coverage ratio determined in accordance with subsection (6),

"D" is the plan's loss to coverage ratio determined in accordance with subsection (7), and

"E" is the base premium rate determined in accordance with the Table.

TABLE

Percentage chosen by Insured	Base Premium Rate per acre
70	19%
75	20.3%
80	21.6%

(3) The premium rate is determined as follows:

$$\text{Premium Rate} = (1 + A) \times E$$

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
*Chair*

MATT TULLOCH  
*Secretary*

Dated at Toronto on July 22, 1994.

45/94

**ONTARIO REGULATION 656/94**  
made under the  
**TRADES QUALIFICATION AND  
APPRENTICESHIP ACT**

Made: October 7, 1994  
Filed: October 20, 1994

Amending Reg. 1049 of R.R.O. 1990  
(Cook)

Note: Regulation 1049 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The French version of Schedule 2 to Regulation 1049 of the Revised Regulations of Ontario, 1990 is amended by adding the following:

**ONTARIO REGULATION 655/94**  
made under the  
**MINISTRY OF COLLEGES AND UNIVERSITIES ACT**

Made: September 23, 1994  
Approved: October 7, 1994  
Filed: October 20, 1994

Amending Reg. 771 of R.R.O. 1990  
(Colleges of Applied Arts and Technology—Colleges)

Note: Since January 1, 1994, Regulation 771 has been amended by Ontario Regulation 468/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 4.0.1 of Regulation 771 of the Revised Regulations of Ontario, 1990 is revoked.

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

COLLÈGE D'ARTS APPLIQUÉS ET DE TECHNOLOGIE DES GRANDS LACS

4.2 (1) The college of applied arts and technology known as "Collège d'arts appliqués et de technologie du Centre/Sud-Ouest" is continued as "Collège d'arts appliqués et de technologie des Grands Lacs" for the counties of Brant, Bruce, Dufferin, Elgin, Essex, Grey, Haliburton, Hastings, Huron, Kent, Lambton, Lennox and Addington, Middlesex, Northumberland, Oxford, Perth, Peterborough, Prince Edward, Simcoe, Victoria and Wellington, including any cities and separated towns within those counties, The District Municipality of Muskoka, The Municipality of Metropolitan Toronto, the regional municipalities of Durham, Haldimand-Norfolk, Halton, Hamilton-Wentworth, Niagara, Peel, Waterloo and York, and the Territorial District of Parry Sound, including any cities and separated towns within the Territorial District of Parry Sound.

(2) The board of governors of the college is continued as "Le Conseil d'administration du Collège d'arts appliqués et de technologie des Grands Lacs".

DAVE COOKE  
*Minister of Education and Training*

Dated at Toronto on September 23, 1994.

45/94

**RÈGLEMENT DE L'ONTARIO 656/94**  
pris en application de la  
**LOI SUR LA QUALIFICATION PROFESSIONNELLE ET  
L'APPRENTISSAGE DES GENS DE MÉTIER**

pris le 7 octobre 1994  
déposé le 20 octobre 1994

modifiant le Règl. 1049 des R.R.O. de 1990  
(Cuisinier)

Remarque : Le Règlement 1049 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. La version française de l'annexe 2 du Règlement 1049 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction de ce qui suit :

POSTE	COLONNE 1	COLONNE 2	COLONNE 3
	Cours	Sujet	Formation en milieu de travail
12	Planification des menus (description à l'annexe 1)	Généralités	Pesage et mesurage des aliments. Unités standard. Calcul des quantités à l'aide d'opérations mathématiques de base. Choix du matériel de mesure approprié. Conversion des recettes pour obtenir des quantités plus petites ou plus grandes. Rédaction des menus (y compris les menus diététiques). Nutrition; utilisation du Guide alimentaire canadien. Équilibre des menus en fonction de la valeur nutritive. Conservation de la valeur des aliments par l'entreposage, la préparation et la cuisson appropriés. Familiarisation avec la terminologie des menus et le glossaire des termes culinaires.
13	Service de table (description à l'annexe 1)	Généralités	Service aux tables. Tâches à la caisse.
14	Salubrité (description à l'annexe 1)	Généralités	Chimie de base. Détection des rongeurs et insectes et prévention contre ceux-ci. Températures de fonctionnement du matériel. Entretien du matériel.
15	Garde-manger (avancé) (description à l'annexe 1)	Généralités	Amuse-gueule et apéritifs; préparation des cocktails, des canapés, des hors-d'œuvre et des sauces d'accompagnement chauds ou froids. Préparation des vinaigrettes standard et des salades cuites, moulées ou spéciales. Utilisation éventuelle des pertes. Agencement des buffets, confection des milieux de table. Sculpture sur glace. Manutention et dépeçage des carcasses de viande.
16	Légumes (avancé) (description à l'annexe 1)	Généralités	Préparation des garnitures et des variations. Préparation des aliments farcis, des beignets et croquettes et des pommes de terre de fantaisie.
17	Poissons et fruits de mer (avancé) (description à l'annexe 1)	Généralités	Choix des poissons et fruits de mer, y compris les crustacés et les mollusques.
18	Viande et volaille (description à l'annexe 1)	Généralités	Familiarisation avec la disponibilité légale et saisonnière du gibier frais. Types et catégories de gibier à plume, utilisations dans les menus. Préparation pour la cuisson. Préparation de garnitures, d'assaisonnements, de farces et de duxelles selon les exigences du client et la recette. Préparation de mets particuliers (viande et volaille).
19	Soupes et sauces (avancé) (description à l'annexe 1)	Généralités	Préparation de soupes spéciales ou froides et de sauces froides. Sauces secondaires.
20	Desserts (description à l'annexe 1)	Généralités	Mets au menu. Préparation de sauces à dessert et de desserts avancés. Présentation appropriée pour le service.
21	Contrôle des stocks, réception et sortie (description à l'annexe 1)	Généralités	Inspection des produits. Entreposage. Rotation des stocks. Registre des stocks. Roulement des stocks. Sécurité des stocks.
22	Établissement des coûts (description à l'annexe 1)	Rendement standard et contrôle des portions	Familiarisation avec le rendement et les pertes dues au flétrissement. Portions prédéterminées. Établissement des recettes et des directives. Élimination des déchets.
23	Achat des aliments (description à l'annexe 1)	Généralités	Choix des aliments. Caractéristiques des aliments. Évaluation du marché. Commande des aliments.

**ONTARIO REGULATION 657/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: October 14, 1994  
Filed: October 21, 1994

Amending Reg. 417 of R.R.O. 1990  
(Greenhouse Vegetables—Marketing)

Note: There are no prior amendments to Regulation 417.

**1. Section 5 of Regulation 417 of the Revised Regulations of Ontario, 1990 is amended by adding the following clause:**

- (h.1) authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees and service charges owing by any person engaged in the producing or marketing of greenhouse vegetables;

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

JAMES H. WHEELER  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated on October 14, 1994.

45/94

**ONTARIO REGULATION 658/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: October 14, 1994  
Filed: October 21, 1994

Amending Reg. 437 of R.R.O. 1990  
(Turkeys—Marketing)

Note: Since January 1, 1994, Regulation 437 has been amended by Ontario Regulation 155/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 8 of Regulation 437 of the Revised Regulations of Ontario, 1990 is amended by adding the following clause:**

- (i.1) authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees owing by a person engaged in the producing or marketing of turkeys;

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

JAMES H. WHEELER  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated on October 14, 1994.

45/94



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—11—12

## ONTARIO REGULATION 659/94 made under the MUNICIPAL BOUNDARY NEGOTIATIONS ACT

Made: October 7, 1994  
Filed: October 24, 1994

### TOWN OF MEAFORD, TOWNSHIP OF ST. VINCENT BOUNDARY

1. On November 1, 1994, the portion of the Township of St. Vincent described in the Schedule is annexed to the Town of Meaford.

2. All real property including any highway, street fixture, waterline, easement and restrictive covenant running with the land of The Corporation of the Township of St. Vincent situate in the annexed area vests in The Corporation of the Town of Meaford on November 1, 1994.

3. On November 1, 1994, the by-laws of The Corporation of the Town of Meaford extend to the annexed area and the by-laws of The Corporation of the Township of St. Vincent cease to apply to such area, except,

- (a) by-laws of The Corporation of the Township of St. Vincent,
  - (i) that were passed under sections 34 and 42 of the *Planning Act* or a predecessor of those sections, or
  - (ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the Town of Meaford;

- (b) by-laws of The Corporation of the Township of St. Vincent passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections;
- (c) by-laws of The Corporation of the Township of St. Vincent passed under section 3 of the *Development Charges Act* which shall remain in force until the earlier of,
  - (i) the date they are repealed by the council of The Corporation of the Town of Meaford, and
  - (ii) the date they expire under section 6 of the *Development Charges Act*; and
- (d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Township of St. Vincent.

4. The clerk of The Corporation of the Township of St. Vincent shall promptly prepare and furnish to the clerk of The Corporation of the Town of Meaford a special collector's roll showing all arrears of taxes or special rates assessed against the land in the annexed area up to and including October 31, 1994 and the persons assessed therefor.

5. (1) All real property taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on October 31, 1994 shall be deemed on November 1, 1994 to be taxes due and payable to The Corporation of the Town of Meaford and may be collected by The Corporation of the Town of Meaford.

(2) On or before February 1, 1995, The Corporation of the Town of Meaford shall pay to The Corporation of the Township of St. Vincent an amount equal to the amount of all real property taxes that The Corporation of the Town of Meaford is entitled to collect in the annexed area under subsection (1), that were due but unpaid on November 1, 1994.

6. All business taxes levied and uncollected in the annexed area that are due and unpaid on October 31, 1994 shall continue after that date to be taxes due and payable to The Corporation of the Township of St. Vincent and may be collected by The Corporation of the Township of St. Vincent.

7. The assessment of land in the annexed area upon which the taxes after October 31, 1994 shall be levied shall be determined by the assessment commissioner and section 34 of the *Assessment Act* applies to the assessment.

8. The Corporation of the Town of Meaford shall pay \$11,475 to The Corporation of the Township of St. Vincent immediately after a certificate of consent is issued under section 7 of the *Cemeteries Act, Revised* allowing the annexed area to be used as a cemetery.

9. The agreement between The Corporation of the Town of Meaford and The Corporation of the Township of St. Vincent entered into on June 6, 1994 is hereby given effect.

### Schedule

#### LAND TO BE ANNEXED TO THE TOWN OF MEAFORD

The land situate in the Township of St. Vincent, in the County of Grey, being part of Lot 13 in Concession IV in the Township, the boundaries of which may be described as follows:

FIRSTLY, all that portion of Lot 13 in Concession IV designated as Part 1 on a plan deposited in the Land Registry Office for the Registry Division of Grey (No. 16) as number 16R-5952.

SECONDLY, all that portion of Lot 13 which may be described as follows:

PREMISING that bearings herein are astronomic and are derived from the bearing of the southerly limit of Lot 13, shown as North 74° 00' 0" E on Plan 16R-5952;

COMMENCING at an iron survey bar set in the southerly limit of Lot 13 and distant 159.53 metres measured westerly therealong from the southeast angle thereof;

THEN South 74° 00' 40" W continuing to follow the southerly limit of Lot 13, a distance of 8.61 metres to a point;

THEN North 8° 27' 20" W, being along the westerly limit of a certain "28 foot Lane", a distance of 463.17 metres to be an iron survey bar marking the northwest angle of that Lane;

THEN continuing North 8° 27' 20" W, a distance of 142.83 metres to a point in the northerly limit of Lot 13;

THEN North 74° 40' 40" E, along the northerly limit, a distance of 164.10 metres to the northeast angle of Lot 13;

THEN South 8° 49' 50" E and being along the easterly limit of Lot 13, a distance of 160.93 metres to a point;

THEN South 81° 00' 40" W, a distance of 155.45 metres to an iron survey bar marking the northeast angle of the "28 foot Lane";

THEN South 8° 27' 20" E and being along the easterly limit of the Lane, a distance of 462.12 metres to the point of commencement.

The secondly described lands are the same lands as described in instruments 14364 and 14512 registered in the Land Registry Office for the Registry Division of Grey (No. 16).

46/94

**ONTARIO REGULATION 660/94**  
made under the  
**LOCAL ROADS BOARDS ACT**

Made: October 21, 1994  
Filed: October 24, 1994

Amending Reg. 735 of R.R.O. 1990  
(Establishment of Local Roads Areas—Northwestern Region)

Note: Since January 1, 1994, Regulation 735 has been amended by Ontario Regulations 76/94, 156/94 and 448/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Schedule 74 of Regulation 735 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**Schedule 74**

**WHITESAND LAKE LOCAL ROADS AREA**

All that portion of the Township of Killraine in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation Plan N-467-3, filed with the Customer Service Branch of the Ministry of Transportation at Toronto on September 6, 1994.

GILLES POULIOT  
*Minister of Transportation*

Dated at Toronto on October 21, 1994.

46/94

**ONTARIO REGULATION 661/94**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: October 21, 1994  
Filed: October 24, 1994

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1994, Regulation 619 has been amended by Ontario Regulations 25/94, 75/94, 293/94, 449/94, 564/94 and 611/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Paragraph 1 of Part 4 of Schedule 144 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

District of Parry Sound—  
Town of Powassan

4. That part of the King's Highway known as No. 534 in the Town of Powassan in the Territorial District of Parry Sound lying between a point situate 350 metres measured westerly from its intersection with the centre line of the roadway known as Fair View Lane and a point situate 10 metres measured easterly from its intersection with the easterly limit of the structure over the watercourse known as the South River.

**(2) Part 6 of Schedule 144 to the Regulation is amended by adding the following paragraph:**

District of Parry Sound—  
Town of Powassan

1. That part of the King's Highway known as No. 534 in the Town of Powassan in the Territorial District of Parry Sound lying between a point situate at its intersection with the easterly limit of the King's Highway known as No. 11 and a point situate 350 metres measured westerly from its intersection with the centre line of the roadway known as Fair View Lane.

**2. Paragraph 2 of Part 6 of Schedule 156 to the Regulation is revoked and the following substituted:**

District of Manitoulin—  
Twp. of Carnarvon

2. That part of the King's Highway known as No. 551 in the hamlet of Providence Bay in the Township of Carnarvon in the District of Manitoulin lying between a point situate at its intersection with the southerly limit of the said highway and a point situate 100 metres measured northerly from its intersection with the centre line of the roadway known as Cedar Crescent.

**3. Part 4 of Schedule 170 to the Regulation is amended by adding the following paragraph:**

District of Parry Sound—  
Twp. of Perry  
Town of Tillsonburg

2. That part of the King's Highway known as No. 159 in the Township of Perry in the Territorial District of Parry Sound lying between a point situate 400 metres measured northerly from its intersection with the centre line of the King's Highway known as No. 518 and a point situate 100 metres measured northerly from its intersection with the centre line of the roadway known as Deer Lake Road.

**4. The Regulation is amended by adding the following Schedule:**

**Schedule 259**

**HIGHWAY NO. 654**

**Part 1**

(Reserved)

**Part 2**

(Reserved)

**Part 3**

(Reserved)



**Part 4**

- District of Parry Sound—  
Township of Nipissing
1. That part of the King's Highway known as No. 654 in the Township of Nipissing in the Territorial District of Parry Sound lying between a point situate 150 metres measured southerly from its intersection with the centre line of the roadway known as Beatty Street and a point situate 100 metres measured easterly from its intersection with the centre line of the roadway known as Lake Nipissing Road.

**Part 5**

(Reserved)

**Part 6**

(Reserved)

GILLES POULIOT  
*Minister of Transportation*

Dated at Toronto on October 21, 1994.

46/94

**ONTARIO REGULATION 662/94**  
made under the  
**MUNICIPAL ELECTIONS ACT**

Made: October 27, 1994  
Filed: October 27, 1994

Amending O. Reg. 669/91  
(Use of Vote Tabulators)

Note: There are no prior amendments to Ontario Regulation 669/91.

1. Section 3 of Ontario Regulation 669/91 is amended by striking out "under subsection 5 (5) of the Act" in the first and second lines".

2. Subsection 5 (1) of the Regulation is revoked and the following substituted:

(1) There shall appear on the ballot to the right of each candidate's name a space suitable for the marking of the ballot.

3. (1) Paragraph 1 of subsection 7 (2) of the Regulation is amended by striking out "printed" in the second line.

(2) Paragraph 2 of subsection 7 (2) of the Regulation is amended by striking out "printed" in the third line.

4. Subclauses 12 (6) (b) (ii) and (iii) of the Regulation are revoked and the following substituted:

(ii) after the close of the poll, prepare a replacement ballot by marking a new ballot with the marks contained in the specified voting spaces on the defective ballot, and the replacement ballot shall be clearly labelled "replacement" and given a serial number which shall also be recorded on the defective ballot,

(iii) substitute the replacement ballot for the defective ballot and tabulate it, and

5. Subsection 19 (2) of the Regulation is amended by striking out "relating to the election" at the end and substituting "that, in the opinion of the recount officer, are relevant to the recount".

6. (1) Subsection 20 (3) of the Regulation is amended by adding at the end "and, subject to a judge's order, shall recount only those polling subdivisions where the count at the recount differed from the count on polling day".

(2) Subsection 20 (4) of the Regulation is amended by adding at the end "in those polling subdivisions".

ED PHILIP  
*Minister of Municipal Affairs*

Dated at Toronto on October 27, 1994.

46/94

**ONTARIO REGULATION 663/94**  
made under the  
**MUNICIPAL ELECTIONS ACT**

Made: October 27, 1994  
Filed: October 27, 1994

**USE OF CENTRAL VOTE TABULATORS****GENERAL**

1. In this Regulation,

"ballot box" means an apparatus in which used ballots are received and transferred from the poll to the counting centre;

"secrecy folder" means an apparatus in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot and so as to expose the initials of the deputy returning officer;

"used ballot" means a ballot that has been received by the deputy returning officer from an elector and deposited in the ballot box;

"vote tabulator" means an apparatus that optically scans a specified area on the ballots to read the votes and tabulate the results.

2. (1) This Regulation applies to an election conducted by a municipality that has passed a by-law under section 46 of the Act authorizing the use of central vote tabulators.

(2) Where this Regulation does not provide for any matter, an election to which this Regulation applies shall be conducted as far as practicable in accordance with the Act.

3. The clerk may divide the municipality into polling subdivisions containing more than 500 electors.

4. (1) There shall appear on the ballot to the right of each candidate's name a space suitable for the marking of the ballot.

(2) Arrows may appear on the ballot, one pointing to each candidate's name, with the head and tail of the arrow on opposite sides of the space for the marking of the ballot.

(3) Subsections (1) and (2) apply with necessary modifications to ballots for by-laws and questions.

## TESTING OF VOTE TABULATORS

5. (1) Not more than seven days before polling day, the clerk shall have the vote tabulators tested to ensure they will accurately count the votes for all candidates, by-laws and questions.

(2) When testing the vote tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it, that is used for processing and tabulating votes is isolated from all other applications or programmes and that no remote devices are capable of gaining access to the system.

(3) If practicable, a dedicated system for the processing and tabulation of votes shall be used.

6. (1) The test shall be conducted as follows:

1. Program the vote tabulators.
2. Tabulate a pre-audited group of ballots including ballots that fall into each of the following categories:
  - i. ballots on which are recorded a pre-determined number of votes for each candidate and for each question or by-law,
  - ii. ballots that have votes in excess of the number allowed by law for each candidate, question or by-law, including for each office, question or by-law, ballots that have no votes recorded.
3. Assign a varying number of votes to each candidate, question or by-law.
4. Compare the output of the tabulation with the pre-audited results.

(2) If the clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made and certified by the clerk.

7. On polling day, before the commencement of the tabulation of the votes, the clerk shall have the vote tabulator tested in the manner described in section 6.

8. The clerk shall, at the completion of the count, retain the programmes, test materials and ballots in the manner provided for in the Act for the keeping of ballots.

9. (1) The clerk shall retain and may have access to the pre-audited group of ballots referred to in section 6 and other materials used in the programming of the vote tabulator.

(2) The clerk shall not alter or make changes to the materials referred to in subsection (1), but may make copies of them and make changes to the copies.

## COUNTING CENTRE

10. (1) The clerk shall designate a location as a counting centre for the tabulation of used ballots by a vote tabulator.

(2) The clerk shall ensure that the sealed ballot boxes containing the used ballots are delivered to the counting centre.

11. (1) The clerk shall make available at the counting centre adequate accommodation for each candidate who intends to view the counting process and who, at least seven clear days before the election, notifies the clerk in writing of that intention.

(2) Where notice has been given under subsection (1), the clerk shall permit a candidate's scrutineer, in the absence of the candidate, to attend at the counting centre to view the counting process.

(3) The accommodation required under subsection (1) need not be in the same room as the vote tabulator if the activity in the room is televised to, or visible from, the room where the accommodation is provided.

12. (1) Proceedings at a counting centre are under the direction of the clerk or persons designated by the clerk and no other person shall touch any ballot.

(2) If the original used ballot is damaged, defective or marked so that it cannot properly be processed by the vote tabulator, a replacement ballot shall be prepared by marking a new ballot with the marks contained in the specified voting spaces on the original used ballot, and the replacement ballot shall be clearly labelled "replacement" and given a serial number which shall also be recorded on the ballot being replaced.

(3) The replacement ballot shall be substituted for the ballot being replaced and then tabulated.

(4) The ballot being replaced shall be placed in a sealed envelope by the clerk or election assistant.

13. If it becomes impracticable to count the ballots with the vote tabulator, the clerk may direct that the ballots be counted manually, following as far as practicable the provisions of the Act governing the counting of paper ballots.

## PROCEDURE AT THE POLL

14. (1) The deputy returning officer or an election assistant shall provide an elector with a ballot and a secrecy folder.

(2) Upon receiving a ballot and secrecy folder the elector shall,

- (a) immediately proceed into the voting compartment;
- (b) vote, by marking the ballot in the space provided;
- (c) insert the ballot into the secrecy folder with the deputy returning officer's initials showing;
- (d) leave the compartment without delay; and
- (e) deliver the secrecy folder containing the ballot to the deputy returning officer.

(3) The deputy returning officer shall, in the presence of the elector and without removing the ballot from the secrecy folder, verify his or her initials and insert the ballot directly into the ballot box from the secrecy folder.

15. (1) Immediately after the closing of the poll and in the presence and full view of the persons entitled to be present, the deputy returning officer shall, with the assistance of the poll clerk,

- (a) place all the cancelled, declined and unused ballots in a separate envelope; and
- (b) count the number of electors whose names appear on the polling list maintained by the poll clerk who have voted and make an entry at the end of the list stating: "The number of electors who voted at this election in this polling place is (stating the number)" and sign his or her name.

(2) The deputy returning officer shall,

- (a) seal the ballot box against receiving additional ballots;

- (b) complete a statement in duplicate of the number of,
- (i) ballots received from the clerk,
  - (ii) unused ballots,
  - (iii) cancelled ballots,
  - (iv) declined ballots, and
  - (v) ballots used;
- (c) place the original copy of the statement in the statement envelope;
- (d) attach the duplicate copy of the statement to the poll clerk's copy of the polling list;
- (e) seal all envelopes;
- (f) place all supplies, excluding the statement envelope and the sealed ballot box, in the election supplies carrier provided by the clerk and seal it as required by the Act;
- (g) deliver the ballot box, the election supplies carrier and the statement envelope to a location designated in writing by the clerk as the counting centre or such other place as the clerk may designate in writing where ballots shall be taken to be transferred to the counting centre.

#### RECOUNTS

16. Subject to the order of a judge under section 47 of the Act, if a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on polling day.

17. (1) A vote tabulator shall be tested before the recount in the manner described in section 6.

(2) The recount officer shall attend the recount and bring the election supplies carriers, ballot boxes, statement envelopes and all documents that, in the opinion of the recount officer, are relevant to the recount.

(3) If a vote tabulator is used for a recount, the recount is limited to the ballots tabulated by a vote tabulator on polling day.

18. (1) The result of a recount using a vote tabulator is final and no further recount shall take place, unless,

- (a) the recount changes the results of the election, as declared by the clerk under section 85 of the Act; or
  - (b) a judge makes an order under section 47 of the Act requiring a recount to the held.
- (2) For the purposes of subsection (1), "results of the election" means,
- (a) in the case of an election to an office, the candidate or candidates that have been declared elected;
  - (b) in the case of an election to obtain the assent of the electors on a by-law, whether the affirmative or negative received the greatest number of votes; and

- (c) in the case of a question or questions submitted to the electors, the answer or answers that received the greatest number of votes.

(3) If clause (1) (a) applies, the recount officer shall conduct a manual recount following as far as practicable the provisions of the Act governing the counting of votes and, subject to a judge's order, shall recount only those polling subdivisions where the count at the recount differed from the count on polling day.

(4) The manual recount shall be a recount of all the original ballots received from the electors in those polling subdivisions.

**19. Regulation 818 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 667/91 are revoked.**

ED PHILIP  
Minister of Municipal Affairs

Dated at Toronto on October 27, 1994.

46/94

#### ONTARIO REGULATION 664/94 made under the POLICE SERVICES ACT

Made: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 926 of R.R.O. 1990  
(Equipment and Use of Force)

Note: Since January 1, 1994, Regulation 926 has been amended by Ontario Regulation 43/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 3 of Regulation 926 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsections:**

(7) A board shall not,

- (a) give away revolvers that were permitted under this Regulation immediately before February 3, 1994; or
- (b) enter into an agreement to sell, lease, trade or otherwise dispose of revolvers that were permitted under this Regulation immediately before February 3, 1994.

(8) Clause (7) (b) does not apply in respect of an agreement to dispose of revolvers in order that they be destroyed.

(9) Despite subsection (7), the board may give away or sell a revolver described in that subsection if,

- (a) the board is of the opinion that the revolver is of educational or historical value; and
- (b) the board first obtains the approval of the Solicitor General to the gift or sale.

46/94

**ONTARIO REGULATION 665/94**  
made under the  
**PENSION BENEFITS ACT**

Made: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 909 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 909 has been amended by Ontario Regulations 142/94, 408/94, 409/94 and 558/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 9 of Regulation 909 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

9. If an amendment to a pension plan with defined benefits converts the defined benefits to defined contribution benefits, the employer may offset the employer's contributions for normal costs against the amount of surplus, if any, in the pension fund after the conversion.

**2. Subsections 10 (6) and (7) of the Regulation are revoked.**

**3. (1) Subsection 47 (3) of the Regulation is amended by adding the following paragraphs:**

5. A retirement compensation arrangement as defined in subsection 248 (1) of the *Income Tax Act* (Canada).
6. A plan that provides only benefits that exceed the maximum benefit limits applicable to a pension plan that is registered under the *Income Tax Act* (Canada).
7. A plan that permits only contributions that are in excess of the maximum contribution limit applicable to a pension plan that is registered under the *Income Tax Act* (Canada).

**(2) Section 47 of the Regulation is amended by adding the following subsections:**

(11) Subject to subsection (12), subsection 14 (1) of the Act does not apply to a pension plan with respect to an amendment that is required to avoid revocation of registration of the pension plan under the *Income Tax Act* (Canada).

(12) Subsection (11) does not apply with respect to an amendment unless, at least 60 days before the amendment is effective, the administrator of the pension plan gives the Superintendent notice of the amendment together with evidence that the amendment is required to avoid revocation of registration of the pension plan under the *Income Tax Act* (Canada).

(13) Subject to subsection (14), subsection 63 (1) of the Act does not apply to a refund of contributions to a member or former member of a pension plan if the refund is required to avoid revocation of registration of the pension plan under the *Income Tax Act* (Canada).

(14) Subsection (13) does not apply with respect to a refund unless, at least 60 days before the refund is made, the administrator of the pension plan gives the Superintendent notice of the refund together with evidence that the refund is required to avoid revocation of registration of the pension plan under the *Income Tax Act* (Canada).

(15) Subject to subsection (16), subsection 78 (1) of the Act does not apply to a pension fund with respect to a payment of money to an employer if the payment is required to avoid revocation of registration of the pension plan under the *Income Tax Act* (Canada).

**RÈGLEMENT DE L'ONTARIO 665/94**  
pris en application de la  
**LOI SUR LES RÉGIMES DE RETRAITE**

pris le 27 octobre 1994  
déposé le 28 octobre 1994

modifiant le Règl. 909 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 909 a été modifié par les Règlements de l'Ontario 142/94, 408/94, 409/94 et 558/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. L'article 9 du Règlement 909 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

9. Si la modification d'un régime à prestations déterminées convertit les prestations déterminées en prestations à cotisation déterminée, l'employeur peut compenser ses cotisations au titre des coûts normaux par le montant de l'excédent éventuel du régime après la conversion.

**2. Les paragraphes 10 (6) et (7) du Règlement sont abrogés.**

**3. (1) Le paragraphe 47 (3) du Règlement est modifié par adjonction des dispositions suivantes :**

5. Une convention de retraite au sens du paragraphe 248 (1) de la *Loi de l'impôt sur le revenu* (Canada).
6. Un régime qui n'offre que des prestations supérieures aux prestations maximales qui sont applicables à un régime agréé aux termes de la *Loi de l'impôt sur le revenu* (Canada).
7. Un régime qui ne permet que des cotisations supérieures à la cotisation maximale applicable à un régime agréé aux termes de la *Loi de l'impôt sur le revenu* (Canada).

**(2) L'article 47 du Règlement est modifié par adjonction des paragraphes suivants :**

(11) Sous réserve du paragraphe (12), le paragraphe 14 (1) de la Loi ne s'applique pas à un régime à l'égard d'une modification qui est nécessaire afin d'empêcher le retrait de l'agrément du régime aux termes de la *Loi de l'impôt sur le revenu* (Canada).

(12) Le paragraphe (11) ne s'applique pas à l'égard d'une modification sauf si, au moins 60 jours avant que la modification ne prenne effet, l'administrateur du régime donne au surintendant un avis de la modification avec une preuve de la nécessité d'apporter la modification afin d'empêcher le retrait de l'agrément du régime aux termes de la *Loi de l'impôt sur le revenu* (Canada).

(13) Sous réserve du paragraphe (14), le paragraphe 63 (1) de la Loi ne s'applique pas au remboursement de cotisations versées par un participant ou ancien participant à un régime si ce remboursement est nécessaire afin d'empêcher le retrait de l'agrément du régime aux termes de la *Loi de l'impôt sur le revenu* (Canada).

(14) Le paragraphe (13) ne s'applique pas à l'égard d'un remboursement sauf si, au moins 60 jours avant que le remboursement ne soit fait, l'administrateur du régime donne au surintendant un avis du remboursement avec une preuve de la nécessité de faire le remboursement afin d'empêcher le retrait de l'agrément du régime aux termes de la *Loi de l'impôt sur le revenu* (Canada).

(15) Sous réserve du paragraphe (16), le paragraphe 78 (1) de la Loi ne s'applique pas à une caisse de retraite à l'égard du paiement d'une somme à un employeur si ce paiement est nécessaire afin d'empêcher le retrait de l'agrément du régime aux termes de la *Loi de l'impôt sur le revenu* (Canada).

(16) Subsection (15) does not apply with respect to a payment unless, at least 60 days before the payment is made, the administrator of the pension plan gives the Superintendent notice of the payment together with evidence that the payment is required to avoid revocation of registration of the pension plan under the *Income Tax Act* (Canada).

**4. (1) Subsection 5 (2) of Schedule 1 to the Regulation is revoked and the following substituted:**

(2) The amount of income paid out of the life income fund during a fiscal year must not be less than the minimum amount prescribed for registered retirement income funds under the *Income Tax Act* (Canada).

**(2) Subsection 5 (4) of Schedule 1 to the Regulation is revoked and the following substituted:**

(4) For the initial fiscal year of the fund, the "maximum" in subsection (1) shall be adjusted in proportion to the number of months in that fiscal year divided by 12, with any part of an incomplete month counting as one month.

46/94

**ONTARIO REGULATION 666/94**  
made under the  
**CROWN TIMBER ACT**

Made: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 260 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 260 has been amended by Ontario Regulations 303/94, 559/94 and 620/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Sections 1, 2, 3 and 4 of Regulation 260 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

**1. In this Regulation,**

"corporation" means any body corporate however and wherever incorporated;

"hardwood" means non-coniferous;

"lodged", when used in respect of a tree, means that the tree does not fall to the ground after being partly or wholly separated from its stump or displaced from its natural position, except where the separation or displacement results from natural causes;

"merchantable timber" means,

(a) a conifer, poplar or white birch log of which more than one-half of the total content is sound wood when the content is measured in cubic metres, or

(b) a hardwood log other than poplar or white birch of which more than one-third of the total content is sound wood when the content is measured in cubic metres;

"merchantable tree" means,

(a) a standing conifer, poplar or white birch tree of which more than one-half of the total content of wood is sound, or

(16) Le paragraphe (15) ne s'applique pas à l'égard d'un paiement sauf si, au moins 60 jours avant que le paiement ne soit fait, l'administrateur du régime donne au surintendant un avis du paiement avec une preuve de la nécessité de faire ce paiement afin d'empêcher le retrait de l'agrément du régime aux termes de la *Loi de l'impôt sur le revenu* (Canada).

**4. (1) Le paragraphe 5 (2) de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :**

(2) Le montant du revenu prélevé sur le fonds de revenu viager au cours d'un exercice ne doit pas être inférieur au minimum prescrit aux termes de la *Loi de l'impôt sur le revenu* (Canada) pour les fonds enregistrés de revenu de retraite.

**(2) Le paragraphe 5 (4) de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :**

(4) Pour l'exercice initial du fonds, le «maximum» prévu au paragraphe (1) est rajusté proportionnellement au nombre de mois compris dans cet exercice divisé par 12, toute partie d'un mois incomplet comptant pour un mois.

(b) a standing hardwood tree, other than poplar or white birch, of which more than one-third of the total content of wood is sound;

"operating year" means the 12-month period starting on April 1 in any year and ending on March 31 in the following year;

"quarter" means a period of three consecutive months starting January 1, April 1, July 1 or October 1 in any year;

"stump height" means the vertical distance between the horizontal plane through the top of the stump and the horizontal plane through the highest point of the ground at its base.

2. (1) The crown dues payable by a licensee for timber cut shall vary depending upon the kind of timber cut and the mill destination of that timber.

(2) Mill destinations are those set out in the scaling return.

3. (1) A licensee shall pay Crown dues as the price for cutting Crown timber calculated according to the following formula:

$$\text{Crown dues} = a + b + c$$

where,

"a" is the forest renewal charge  
"b" is the minimum stumpage rate  
"c" is the residual value rate

(2) The forest renewal charge per cubic metre of timber is the rate that is set out in Column 2 of Schedule 1 opposite the kind of timber listed in Column 1.

(3) The minimum stumpage rate per cubic metre of timber is the rate that is set out in Column 3 of Schedule 1 opposite the kind of timber listed in Column 1.

(4) The residual value rate per cubic metre of timber is the rate set out in Schedule 1.1, determined by selecting,

(a) the appropriate column of Columns 2 to 7 of Schedule 1.1 for the mill destination of the timber; and

- (b) the appropriate rate set out in the column selected under clause (a) opposite the appropriate kind of timber listed in Column 1 of Schedule 1.1.

(5) Despite subsection (2), the forest renewal charge for any species of timber that is destined to a fuelwood mill is \$0.

(6) Despite subsections (1), (2) and (4), a licensee with a licence to cut Crown timber issued under subsection 2 (7) of the Act shall pay Crown dues in the amount calculated under subsection (3).

(7) Despite this section, the Crown dues to be paid by the Algonquin Forestry Authority are those amounts set out in Column 2 of Schedule 4 opposite each kind of timber listed.

**2. Subsection 19 (2) of the Regulation is revoked and the following substituted:**

(2) The holder of a Type B, Type E, Type F, Type G or Type 1 mill licence shall make an annual return to the Minister in Form 6.

**3. Schedule 1 to the Regulation is revoked and the following substituted:**

#### Schedule 1

COLUMN 1	COLUMN 2	COLUMN 3
SPECIES (See note)	Forest Renewal Charge	Minimum Stumpage
White Pine and Red Pine	\$6.00	\$1.00
Conifer other than White Pine and Red Pine	\$6.00	\$1.00
Poplar and White Birch	\$0.50	\$1.00
Grade 1 Hardwood other than Poplar and White Birch	\$1.00	\$1.00
Grade 2 Hardwood other than Poplar and White Birch	\$1.00	\$1.00

**Note:** The rates in Schedule 1 are rates per cubic metre of timber.

## Schedule 1.1

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
SPECIES (See Note)	Pulp and/or Paper Mills (Type B)	Specialty & Saw Mills (Types A, C, D and E)	Veneer Mills (Type F)	Oriented Strand Board Mills (Type G)	Fuel-wood Mills (Type H)	Other Mills (Type I)
White Pine and Red Pine	\$0.00	\$4.00	\$4.00	\$4.50	\$0.00	\$2.50
Conifer other than White Pine and Red Pine	0	\$3.55	\$3.55	\$4.50	\$0.00	\$2.32
Poplar and White Birch	0	\$4.50	\$4.50	\$4.50	\$0.00	\$2.70
Grade 1 Hardwood other than Poplar and White Birch	\$8.00	\$8.00	\$9.00	\$8.00	\$0.00	\$8.00
Grade 2 Hardwood other than Poplar and White Birch	0	\$2.00	\$2.00	\$2.00	\$0.00	\$1.00

**Note:** The rates in Schedule 1.1 are rates per cubic metre of timber. Mill classifications are set out in Schedule 2.

**4. Schedule 2 to the Regulation is revoked and the following substituted:**

## Schedule 2

## CLASSIFICATION OF AND LICENCE FEES FOR MILLS

Item No.	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Type	Product	Capacity	Fees
1	A	specialty products	any quantity	\$ 10
2	B	pulp and/or paper	any quantity	\$100
3	C	lumber and/or chips	not more than 25 cubic metres	\$ 10
4	D	lumber and/or chips	more than 25 cubic metres but not more than 120 cubic metres	\$ 30
5	E	lumber and/or chips	more than 120 cubic metres	\$ 50
6	F	veneer	any quantity	\$ 50
7	G	oriented strand board	any quantity	\$ 50
8	H	fuelwood	more than 35 cubic metres	\$ 30
9	I	other products	any quantity	\$ 50

**5. This Regulation shall be deemed to have come into force on October 1, 1994.**

46/94

**ONTARIO REGULATION 667/94**

made under the  
**GAME AND FISH ACT**

Made: October 27, 1994

Filed: October 28, 1994

Amending Reg. 530 of R.R.O. 1990  
(Wildlife Management Units)

Note: Regulation 530 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. The Schedule to Regulation 530 of the Revised Regulations of Ontario, 1990 is amended by revoking the legal description of WMU 74 and the legal description of WMU 93C and substituting the following:**

**WMU 74**

All that land in the counties of Northumberland and Peterborough, in the Province of Ontario, described as WMU 74A and WMU 74B.

**WMU 74A**

All that land in the County of Peterborough described as follows:

Beginning at the intersection of the centre lines of the King's Highway No. 7 and Peterborough County Road No. 38 in the Township of Asphodel; thence north along the centre line of Peterborough County Road No. 38 to the intersection with the centre line of Peterborough County Road No. 4; thence north along that centre line to the intersection with the centre line of Peterborough County Road No. 6; thence west along that centre line to the intersection with the boundary between the townships of Douro and Dummer; thence north along that boundary to the northwest corner of the Township of Dummer; thence northeast along the boundary between the townships of Smith and Dummer to the northeast corner of the Township of Smith; thence west along the northern boundaries of the townships of Smith and Ennismore to the northwest corner of the Township of Ennismore; thence south along the boundary between the townships of Emily and Ennismore and continuing along the boundary between the geographic townships of Cavan and Monahan to the intersection with the centre line of the King's Highway No. 7; thence south and east along the centre line of King's Highway No. 7 to the point of beginning.

**WMU 74B**

All that land in the counties of Northumberland and Peterborough described as follows:

Beginning at the intersection of the centre lines of the King's Highway No. 7 and Peterborough County Road No. 38 in the Township of Asphodel; thence north along the centre line of Peterborough County Road No. 38 to the intersection with the centre line of Peterborough County Road No. 4; thence north along that centre line to the intersection with the centre line of Peterborough County Road No. 6; thence west along that centre line to the intersection with the boundary between the townships of Douro and Dummer; thence north along that boundary to the northwest corner of the Township of Dummer; thence east along the northern boundary of the Township of Dummer to the intersection with the centre line of Peterborough County Road No. 6; thence south along that centre line to the intersection with the centre line of Peterborough County Road No. 44; thence south and east along that centre line to the intersection with the centre line of Peterborough County Road No. 46; thence south along that centre line to the intersection with the centre line of King's Highway No. 7; thence east along that centre line to the east boundary of the geographic Township of Belmont; thence south along that boundary to the northeast corner of the Township of Seymour; thence south along the east boundary of the

Township of Seymour to the centre line of the Crowe River; thence southwest along that centre line to the intersection with the centre line of the Trent River; thence northwest along that centre line to the intersection with the centre line of the King's Highway No. 30; thence north on that centre line to the intersection with the centre line of Peterborough County Road No. 36; thence west along that centre line to the intersection with the centre line of the King's Highway No. 45; thence north on that centre line to the intersection with the centre line of the King's Highway No. 7; thence west along that centre line to the point of beginning.

**WMU 93C**

All that land in the Township of Bosanquet in the County of Lambton described as follows:

Beginning at the intersection of the northwesterly limit of the King's Highway No. 21 with the northerly limit of County Road No. 3 (Port Franks Road); thence northwesterly along that northerly limit and its production northwesterly to the intersection with the water's edge on the northerly bank of the Old Ausable Channel; thence westerly along that water's edge to the water's edge of Lake Huron; thence northeasterly along the said water's edge to the intersection with the line between lots 7 and 8, Lake Road West Concession; thence southeasterly along the line between the said lots 7 and 8 and its production southeasterly to the water's edge on the westerly bank of the Ausable River; thence southerly following the water's edge on the westerly bank of the Ausable River to the intersection with the northerly limit of County Road No. 18; thence northwesterly along the northerly limit of the said County Road to the intersection with the westerly limit of the King's Highway No. 79; thence southerly along the said westerly limit of Highway No. 79 to the intersection with the southerly limit of Lot 37, Lake Range East, being the northerly limit of the Old Port Franks Road; thence northwesterly to the place of beginning. Excepting those parts thereof that are posted with signs prohibiting hunting.

46/94

**ONTARIO REGULATION 668/94**

made under the  
**GAME AND FISH ACT**

Made: October 27, 1994

Filed: October 28, 1994

Amending Reg. 524 of R.R.O. 1990  
(Tiny Marsh Hunting Area)

Note: There are no prior amendments to Regulation 524.

**1. Subsection 3 (1) of Regulation 524 of the Revised Regulations of Ontario, 1990 is amended by striking out "Regulation 500 of Revised Regulations of Ontario, 1990" in the second and third lines and substituting "Ontario Regulation 300/93".**

**2. Section 4 of the Regulation is amended by striking out,**

(a) "in Form 5 of Regulation 500 of Revised Regulations of Ontario, 1990" in the first and second lines and substituting "issued under Ontario Regulation 300/93"; and

(b) "Monday or Tuesday" in the fourth line.

**3. Section 5 of the Regulation is amended by striking out "Regulation 500 of Revised Regulations of Ontario, 1990" in the second line and substituting "Ontario Regulation 300/93".**

46/94



**ONTARIO REGULATION 669/94**  
made under the  
**CONSERVATION AUTHORITIES ACT**

Made: September 14, 1994  
Approved: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 149 of R.R.O. 1990  
(Fill, Construction and Alteration to Waterways—Grand River)

Note: Regulation 149 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Regulation 149 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedules:**

**Schedule 16**

**CENTRAL GRAND RIVER—BRANT COUNTY**

That part of the watershed of the Grand River within the fill line as outlined on maps GR16-1 to GR16-22, both inclusive, filed in the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, comprised of all the land and premises being in the County of Brant, more particularly described as follows:

1. In the Township of South Dumfries:

CONCESSION	LOT
6	parts of lots 12 to 27, both inclusive
5	parts of lots 24 to 26, both inclusive
	parts of lots 1 to 3, both inclusive, lots west of Grand River
	parts of lots 1 to 3, both inclusive, lots east of Grand River
4	parts of lots 1 to 3, both inclusive, lots west of Grand River
	parts of lots 1 to 3, both inclusive, lots east of Grand River
3	parts of lots 1 to 3, both inclusive, lots west of Grand River
	parts of lots 1 to 3, both inclusive, lots east of Grand River
2	parts of lots 27 and 28
	parts of lots 1 to 3, both inclusive, lots west of Grand River
	parts of lots 1 to 3, both inclusive, lots east of Grand River
1	parts of lots 24 to 27, both inclusive

2. In the Town of Paris:

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of the north boundary of the Town of Paris and Provincial Highway No. 24A or Grand River Street, thence easterly and southerly along the boundary of the Town of Paris to the Grand River, thence easterly and upstream in the Grand River along the boundary of the Town to the east boundary of the Town, thence southerly along the boundary

of the Town to Provincial Highway No. 2 and No. 5, thence westerly on Provincial Highway No. 2 and No. 5 to the Canadian National Railway line, thence southeasterly on the Canadian National Railway line to the boundary of the Town, thence westerly along the boundary of the Town to the Grand River, thence southerly and downstream in the river to the Town boundary and Provincial Highway No. 403, thence westerly along Provincial Highway No. 403 to the boundary of the Town, thence northerly and westerly along the boundary of the Town to Keglane Road or Silver Street, thence easterly on Silver Street to Market Street, thence southeasterly on Market Street to Ayr Road, thence southeasterly on Ayr Road to West River Street, thence southeasterly on West River Street to William Street, thence northeasterly on William Street to Broadway Street West, thence northwesterly on Broadway Street West to Charlotte Street, thence easterly on Charlotte Street to Grand River Street or Provincial Highway No. 24A, thence northerly along Provincial Highway No. 24A to the point of commencement.

3. In the Township of Brantford:

CONCESSION	LOT
1	parts of lots 12 to 17, both inclusive
2	parts of lots 15 to 17, both inclusive

**Schedule 17**

**CENTRAL GRAND RIVER—  
REGIONAL MUNICIPALITY OF WATERLOO**

That part of the watershed of the Grand River within the fill line as outlined on maps GR17-1 to GR17-12 and GR17-14 to GR17-44, both inclusive, filed in the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, comprised of all the land and premises being in The Regional Municipality of Waterloo, more particularly described as follows:

1. In the City of Cambridge:

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Provincial Highway No. 24 and Fisher Mills Road (Maple Grove Road), thence northeasterly along Provincial Highway No. 24 to the City of Cambridge boundary, thence southeasterly along the City of Cambridge boundary to Queen Street, thence southwesterly along Queen Street to Winston Boulevard, thence easterly on Winston Boulevard to Maple Street, thence southwesterly along Maple Street to Bechtel Street, thence southerly on Bechtel Street to Shepherd Avenue, thence westerly on Shepherd Avenue to Queen Street, thence southwesterly along Queen Street to Provincial Highway No. 24, thence northerly on Provincial Highway No. 24 to the point of commencement.
- ii. Part of the area enclosed by the following irregular boundaries, commencing at the northeast angle being the intersection of Kossuth Road and Fountain Street, thence northeasterly along Kossuth Road to Beaverdale Road, thence southerly on Beaverdale Road to Maple Grove Road, thence easterly on Maple Grove (Fisher Mills) Road to Provincial Highway No. 24, thence southerly on Provincial Highway No. 24 to Eagle Street, thence westerly on Eagle Street to Hexam Street, thence southerly on Hexam Street to

Westminister Drive, thence southwesterly on Westminister Drive to Margaret Street, thence northwesterly on Margaret Street to Dover Street, thence southwesterly on Dover Street to King Street, thence northwesterly on King Street to Fountain Street, thence northerly on Fountain Street to the point of commencement.

iii. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Fountain Street and Provincial Highway No. 401, at the west boundary of the City of Cambridge, thence easterly along Provincial Highway No. 401 to Fountain Street, thence southerly along Fountain Street to King Street, thence easterly along King Street to the Speed River, thence southerly and downstream in the Speed River to the Grand River, thence southeasterly and downstream in the Grand River to the boundary of the Township of North Dumfries, thence southerly and westerly along the boundary of the Township of North Dumfries to Waterloo Regional Road No. 71 or Dickie Settlement Road, thence northerly along Regional Road No. 71 to Fountain Street, thence westerly along Fountain Street to the point of commencement.

iv. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of King Street and the Speed River, thence easterly along King Street to Eagle Street, thence southerly along Eagle Street to Sherring Street, thence easterly along Sherring Street to Frederick Street, thence northerly along Frederick Street to Vine Street, thence easterly along Vine Street to Guelph Street, thence northerly along Guelph Street to Hamilton Street, thence easterly along Hamilton Street to Bishop Street, thence northerly along Bishop Street to Coronation Boulevard, thence easterly along Coronation Boulevard to Concession Road, thence northwesterly along Concession Road to the Canadian National Railway line, thence easterly along the Canadian National Railway line to Water Street, thence southerly along Water Street to Malcolm Street, thence easterly along Malcolm Street to Roseview Avenue, thence southeasterly along Roseview Avenue to Cambridge Street, thence southerly along Cambridge Street to Parkhill Road, thence westerly along Parkhill Road to Park Avenue, thence northerly along Park Avenue to James Street, thence easterly along James Street to George Street Extension, thence northwesterly on George Street Extension to Blair Road, thence northwesterly on Blair Road to the boundary of the Township of North Dumfries, thence easterly along the boundary of the Township of North Dumfries to the Grand River, thence northwesterly and upstream in the Grand River to the junction of the Grand River and the Speed River, thence northerly and upstream in the Speed River to the point of commencement.

v. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of George Street and Parkhill Road, thence easterly along Parkhill Road to Cambridge Street, thence southerly along Cambridge Street to Dickson Street, thence easterly along Dickson Street to Wellington Street, thence southerly along Wellington Street to Main Street, thence easterly along Main Street to Harris Street, thence southerly along Harris Street to Concession Street, thence westerly along Concession Street to Albert Street, thence southerly along Albert Street to Ballantyne Avenue, thence easterly along Ballantyne Avenue to Christopher Drive, thence southerly along Christopher Drive to Myers Road, thence westerly along Myers Road to Provincial Highway No. 24, thence southerly along Provincial Highway No. 24 to the boundary of the Township of North Dumfries, thence westerly and across the Grand River along the boundary of the Township of North Dumfries to Regional Road No. 75,

thence northeasterly along Waterloo Regional Road No. 75 to Grand Ridge Drive, thence easterly along Grand Ridge Drive to Glenmorris Street, thence northerly along Glenmorris Street to Victoria Avenue, thence easterly along Victoria Avenue to Ramore Street, thence northerly along Ramore Street to Fraser Street, thence easterly along Fraser Street to Glebe Street, thence northerly along Glebe Street to St. Andrews Street, thence easterly along St. Andrews Street to George Street, thence northerly along George Street to the point of commencement.

## 2. In the Township of North Dumfries:

CONCESSION	LOT
Beasley's Old Survey	all of lot 1, part of lot 2
12	parts of lots 19 to 21, both inclusive
9	parts of lots 14 to 26, both inclusive
	parts of lots 1 to 3, both inclusive, lots west of Grand River
	parts of lots 1 and 2, lots east of Grand River
8	parts of lots 14 to 17, both inclusive
	parts of lots 1 to 3, both inclusive, lots west of Grand River
	parts of lots 1 to 3, both inclusive, lots east of Grand River
	parts of lots 7 and 8
7	parts of lots 15, 16, 20 through 27, both inclusive
	parts of lots 4 to 8, both inclusive

## Schedule 18

### LOWER SPEED RIVER—WELLINGTON COUNTY

That part of the watershed of the Grand River within the fill line as outlined on maps GR18-1 to GR18-39 and GR18-41 to GR18-44, both inclusive, filed in the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, comprised of all the land and premises being in the County of Wellington, more particularly described as follows:

#### 1. In the Township of Guelph:

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Victoria Road and Township Road No. 6, thence northeasterly along Township Road No. 6 to Guelph Dam, thence southerly to the Speed River, thence downstream in the Speed River to Victoria Road, thence northwesterly along Victoria Road to the point of commencement.
- ii. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Provincial Highway No. 6 and Township Road No. 6, thence northeasterly along Township Road No. 6 to Victoria Road, thence southerly along Victoria Road to the Speed River and the Township boundary, thence southerly in the Speed River along the Township boundary, to Woolwich Street or Provincial Highway No. 6, thence northwesterly along Provincial Highway No. 6 to the point of commencement.

iii. Commencing at the northwest angle being the intersection of Provincial Highway No. 24 or Wellington Street West and Fife Road and the Township boundary, thence northeasterly along the Township boundary to the Speed River, thence northeasterly along the Township boundary and upstream in the Speed River to the Hanlon Parkway, thence southerly along the Township boundary and parallel to the Hanlon Parkway to College Avenue, thence westerly along College Avenue West and the Township boundary to the Speed River, thence southerly in the Speed River to the Township boundary, thence southwesterly along the Township boundary to Niska Road, thence along Niska Road and the Township boundary to Township Road No. 5, thence northwesterly along Township Road No. 5 to Fife Road, thence northeasterly along Fife Road to the point of commencement.

iv.

CONCESSION	LOT
Division B, southwest of River (SWR)	parts of lots 4 to 16, both inclusive

2. In the City of Guelph:

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries (formerly in parts of lots 1 and 2, concessions 7 and 8, Township of Guelph, now in the City of Guelph) commencing at the northwest angle being the intersection of Victoria Road and the Speed River, thence northeasterly and upstream in the Speed River to Guelph Dam, thence southeasterly along the lot line of former Lot 2, concessions 7 and 8, Township of Guelph, to Woodlawn Road, thence southwesterly along Woodlawn Road and across the Speed River to Provincial Highway No. 6, thence northerly along Provincial Highway No. 6 to the City limits, thence easterly along the City limits to the Speed River, thence northeasterly and upstream in the Speed River to the point of commencement.
- ii. Part of the area enclosed by the irregular boundaries commencing at the northwest angle being the intersection of Woolwich Street and Woodlawn Road, thence northeasterly along Woodlawn Road to Victoria Road, thence southeasterly along Victoria Road to Speedvale Avenue, thence southwesterly along Speedvale Avenue to Metcalfe Street, thence southeasterly along Metcalfe Street to Grange Street, thence northeasterly along Grange Street to Victoria Road, thence southeasterly along Victoria Road to College Avenue East, thence southwesterly along College Avenue East to Gordon Street, thence northwesterly along Gordon Street to Norfolk Street, thence northwesterly along Norfolk Street to Woolwich Street, thence northwesterly along Woolwich Street to the point of commencement.
- iii. Part of the area enclosed by the following irregular boundaries commencing at the northwest angle being the intersection of Paisley Road and Norfolk Street, thence southeasterly along Norfolk Street to Gordon Street, thence southeasterly along Gordon Street to College Avenue East, thence westerly along College Avenue East to the Hanlon Parkway or Provincial Highway No. 6, thence northerly along Hanlon Parkway to Paisley Road, thence northeasterly along Paisley Road to the point of commencement.
- iv. Part of the area enclosed by the following irregular boundaries commencing at the northwest angle being the intersection of Wellington Street West, Fife Road and the

City of Guelph limits, thence northeasterly along Wellington Street West to the Hanlon Parkway, thence southeasterly along the Hanlon Parkway to College Avenue West, thence westerly along College Avenue West to the City of Guelph limits, thence northerly along the City limits to the intersection of the Hanlon Parkway and the City limits, thence southwesterly along the City limits to the point of commencement.

v. Commencing at the northwest angle being the intersection of the Speed River and the City of Guelph limits, thence easterly along the City limits and College Avenue West to the Hanlon Parkway, thence southeasterly along the Hanlon Parkway to Kortright Road West, thence westerly along Kortright Road West to Niska Road, thence westerly along Niska Road to Pioneer Trail, thence southerly on Pioneer Trail to the City limits, thence westerly along the City limits to the Speed River, thence northerly in the Speed River to the point of commencement.

3. In the Township of Puslinch:

CONCESSION	LOT
5	part of lots 4 to 14, both inclusive
4	parts of lots 1 to 5, both inclusive, 10, 11, 14 and 15
3	part of lot 1

Schedule 19

BAMBERG CREEK

That part of the watershed of the Grand River within the fill line as outlined on maps GR19-1 to GR19-6, both inclusive, filed in the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, comprised of all the land and premises being in The Regional Municipality of Waterloo, more particularly described as follows.

1. In the Township of Wellesley:

CONCESSION	LOT
2	parts of lots 2 to 8, both inclusive
3	parts of lots 2 to 8, both inclusive
4	parts of lots 3 to 8, both inclusive
5	parts of lots 3 to 8, both inclusive
6	parts of 7 and 8

2. In the Township of Wilmot:

CONCESSION	LOT
Concession South of Erb Rd. (SER)	parts of lots 11 and 12
Concession North of Erb Rd. (NER)	parts of lots 9 to 16, both inclusive
Concession 1, North German Block B (NGB)	parts of lots 6 to 13, both inclusive, and part of lot 15
Concession 2, North German Block B (NGB)	parts of lots 4 to 12, both inclusive
Concession 3, North German Block B (NGB)	parts of lots 4 to 11, both inclusive

## Schedule 20

## AMARANTH SOURCE AREA

That part of the headwaters of the Grand River watershed within the fill lines as outlined on maps GR20-1 to GR20-16, both inclusive, dated May, 1994, filed in the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, comprised of all the land and premises being in the Township of Amaranth in the County of Dufferin more particularly described as follows:

## 1. In the Township of Amaranth:

CONCESSION	LOT
I	parts of lots 15 to 17, both inclusive
II	part of lot 2, part of lot 5 parts of lots 13 to 21, both inclusive
III	parts of lots 1 to 8, both inclusive parts of lots 10 to 22, both inclusive parts of lots 26 to 29, both inclusive
IV	parts of lots 1 to 4, both inclusive parts of lots 6 to 32, both inclusive
V	parts of lots 1 to 3, both inclusive parts of lots 6 to 13, both inclusive parts of lots 15 to 32, both inclusive
VI	parts of lots 1 to 32, both inclusive
VII	parts of lots 1 to 4, both inclusive parts of lots 6 to 8, both inclusive parts of lots 11 to 32, both inclusive
VIII	parts of lots 1 to 32, both inclusive
IX	parts of lots 1 to 6, both inclusive parts of lots 8 to 32, both inclusive
X	parts of lots 1 to 32, both inclusive

GRAND RIVER CONSERVATION AUTHORITY:

ARCHIE MACROBBIE  
*Chair*KEITH MURCH  
*Secretary-Treasurer*

Dated at Cambridge on September 14, 1994.

46/94

ONTARIO REGULATION 671/94  
made under the  
AGGREGATE RESOURCES ACTMade: October 27, 1994  
Filed: October 28, 1994Amending Reg. 15 of R.R.O. 1990  
(General)

Note: Regulation 15 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 7 (3) of Regulation 15 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

ONTARIO REGULATION 670/94  
made under the  
PETROLEUM RESOURCES ACTMade: October 27, 1994  
Filed: October 28, 1994SPACING UNITS—  
ROMNEY 3-8-II POOL

## 1. In this Regulation,

"Plan" means the plan filed in the Petroleum Resources Centre of the Ministry of Natural Resources at London as Plan No. S.W.R. 92-7 and identified by the stamp of the Registrar of Regulations dated December 21, 1992;

"target area" means that part of a spacing unit that is no closer than 106.7 metres to any boundary of the spacing unit, unless otherwise indicated on the Plan.

2. This Regulation applies only to wells drilled into a geological formation of Ordovician age or deeper.

3. The areas shown outlined in green on the Plan, being parts of lots 8 to 11 in Concession I, lots 7 to 10 in Concession II and parts of the bed of Lake Erie in the Township of Romney in the County of Kent, and being of approximately 20.24 hectares each unless otherwise indicated on the Plan, are designated as spacing units for the purpose of this Regulation.

## 4. No person shall,

- (a) produce from more than one well in a spacing unit;
- (b) bore or drill a well in a spacing unit outside the target area unless topographical, geological or other conditions make boring or drilling a well within the target area unfeasible; or
- (c) produce oil or gas from a well in a spacing unit unless all the interests in the oil and gas in the spacing unit have been joined for the purpose of producing from the well.

## 5. Ontario Regulation 306/88 is revoked.

46/94

RÈGLEMENT DE L'ONTARIO 671/94  
pris en application de la  
LOI SUR LES RESSOURCES EN AGRÉGATSpris le 27 octobre 1994  
déposé le 28 octobre 1994modifiant le Règl. 15 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Le Règlement 15 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. Le paragraphe 7 (3) du Règlement 15 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

(3) A permittee or licensee is exempt from paying royalties with respect to aggregate or topsoil that is Crown property and that is supplied by the permittee or licensee for use in projects of the Province of Ontario if the purchase price of the aggregate or topsoil supplied does not include an amount on account of such royalties.

(4) A permittee or licensee is exempt from paying royalties with respect to aggregate that is Crown property and that is supplied by the permittee or licensee for use in the construction or maintenance of roads for timber management purposes on land owned by the Crown and open for public use if the purchase price of the aggregate supplied does not include an amount on account of such royalties.

**2. Section 14 of the Regulation is amended by adding the following subsection:**

(2) If the Minister has waived payment of rehabilitation security under subsection 51(3) of the Act, the permittee shall, on or before September 30 in a year, file with the district office for the administrative district of the Ministry where the site is located a statement of the hectares in the site that, as of September 15 in the year, required rehabilitation.

46/94

**ONTARIO REGULATION 672/94**  
made under the  
**PLANNING ACT**

Made: October 20, 1994  
Filed: October 28, 1994

Amending O. Reg. 413/86  
(Zoning Areas—Territorial District of Thunder Bay,  
Geographic Township of Gorham)

Note: Ontario Regulation 413/86 has not been amended in 1994. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991, 1992 and 1993.

**1. Schedule 1 to Ontario Regulation 413/86 is amended by adding the following section:**

4. (1) Despite section 23, one single dwelling and an outdoor equipment sales and canoe assembly centre are permitted on the land described in subsection (5).

(2) The outdoor equipment sales and canoe assembly centre referred to in subsection (1) may consist of not more than,

- (a) one workshop to be used for the purpose of canoe assembly which shall have a maximum floor area of 135 square metres; and
- (b) one warehouse to be used for storage purposes which shall have a maximum floor area of 216 square metres.

(3) The structures referred to in subsection (2) shall be located no closer than 120 metres from any lot line.

(4) No more than two full-time employees and two part-time employees shall be employed by the outdoor equipment sales and canoe assembly centre, including the resident of the single dwelling referred to in subsection (1).

(5) This section applies to the land in the geographic Township of Gorham in the Territorial District of Thunder Bay, being part of the north half of Lot 16 in Concession IV, more particularly described as Parcel 14671, Thunder Bay Freehold, designated as Part 1 on Reference Plan

(3) Le titulaire de licence ou le titulaire de permis est exempté du paiement des redevances relatives aux agrégats ou au sol arable qui appartiennent à la Couronne et qui sont fournis par lui aux fins des projets de la Province de l'Ontario si le prix d'achat des agrégats ou du sol arable ne comprend pas de montant à l'égard de telles redevances.

(4) Le titulaire de licence ou le titulaire de permis est exempté du paiement des redevances relatives aux agrégats qui appartiennent à la Couronne et qui sont fournis par lui aux fins de la construction ou de l'entretien des routes servant à la gestion du bois sur les terres de la Couronne qui sont ouvertes au public si le prix d'achat des agrégats ne comprend pas de montant à l'égard de telles redevances.

**2. L'article 14 du Règlement est modifié par adjonction du paragraphe suivant :**

(2) Si le ministre a renoncé, en vertu du paragraphe 51 (3) de la Loi, au versement du cautionnement pour réhabilitation, le titulaire de licence dépose, au plus tard le 30 septembre, au bureau de la région administrative du ministère dans laquelle se trouve le lieu, un état indiquant le nombre d'hectares du lieu qui, le 15 septembre de l'année, nécessitaient une réhabilitation.

P.A.R.-427, deposited in the Land Registry Office for the Land Titles Division of Thunder Bay (No. 55).

BRYAN O. HILL  
*Director*  
*Plans Administration Branch*  
*North and East*  
*Ministry of Municipal Affairs*

Dated at Toronto on October 20, 1994.

46/94

**ONTARIO REGULATION 673/94**  
made under the  
**VITAL STATISTICS ACT**

Made: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 1094 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 1094 has been amended by Ontario Regulation 520/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 73 of Regulation 1094 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**73.** The following officers may sign registrations and notations:

1. The Registrar General.
2. The Deputy Registrar General.
3. The Assistant Deputy Registrar General.
4. The Program Manager.
5. Team Managers.

46/94

**ONTARIO REGULATION 674/94**  
made under the  
**EMPLOYMENT STANDARDS ACT**

Made: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 325 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 325 has been amended by Ontario Regulations 173/94 and 423/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsections 10 (1) and (2) of Regulation 325 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

(1) For the work week in which January 1, 1995 occurs and thereafter, an employer shall pay not less than the following minimum wage:

1. To an employee who is a student under 18 years of age, if the weekly hours of the student are not in excess of 28 hours or if the student is employed during a school holiday, \$6.40 an hour.
2. To an employee who, as a regular part of his or her employment, serves liquor directly to customers, guests, members or patrons in premises for which a licence or permit has been issued under the *Liquor Licence Act*, \$5.95 an hour.
3. For the services of a hunting or fishing guide, \$34.25 for less than five consecutive hours in a day and \$68.50 for five or more hours in a day whether or not the hours are consecutive.
4. To an employee other than one to whom paragraph 1, 2 or 3 applies, \$6.85 an hour.

(2) For the week in which January 1, 1995 occurs and thereafter, if meals or room or both are taken into account by an employer in calculating the minimum wage of an employee, the maximum amount at which meals or room or both shall be valued for the purposes of determining if the minimum wage has been paid to the person is as follows:

- |                        |  |
|------------------------|--|
| 1. Room                | \$31.70 a week if the room is private and \$15.85 a week if the room is not private. |
| 2. Meals               | \$2.55 a meal and not more than \$53.55 a week.                                      |
| 3. Both room and meals | \$85.25 a week if the room is private and \$69.40 a week if the room is not private. |

**2. Despite section 1, subsections 10 (1) and (2) of the Regulation as they read immediately before the day this Regulation is filed, continue to apply with respect to work weeks up to but not including the work week in which January 1, 1995 occurs.**

46/94

**ONTARIO REGULATION 675/94**  
made under the  
**EMPLOYMENT STANDARDS ACT**

Made: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 324 of R.R.O. 1990  
(Fruit, Vegetable and Tobacco Harvesters)

Note: Regulation 324 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 3 of Regulation 324 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**3. Subject to section 4, every employer shall pay a minimum wage of not less than,**

- (a) \$6.40 an hour to an employee who is a student under 18 years of age if the weekly hours of the student are not in excess of 28 hours or if the student is employed during a school holiday; and
- (b) \$6.85 an hour to an employee other than an employee mentioned in clause (a).

**2. Section 5 of the Regulation is revoked and the following substituted:**

**5. If housing accommodation, room and meals, or any of them, are taken into account by the employer in calculating the minimum wage of an employee, the maximum amount at which such housing accommodation, room and meals, or any of them, is valued shall be as follows:**

- |                                   |  |
|-----------------------------------|--|
| 1. Serviced housing accommodation | \$99.35 a week.  |
| 2. Housing accommodation          | \$73.30 a week.  |
| 3. Room                           | \$31.70 a week if the room is private and \$15.85 a week if the room is not private. |
| 4. Meals                          | \$2.55 a meal and not more than \$53.55 a week.                                      |
| 5. Both room and meals            | \$85.25 a week if the room is private and \$69.40 a week if the room is not private. |

**3. This Regulation comes into force on January 1, 1995.**

46/94

**ONTARIO REGULATION 676/94**  
made under the  
**INTERPRETATION ACT**

Made: October 27, 1994  
Filed: October 28, 1994

Amending Reg. 678 of R.R.O. 1990  
(Fees Payable under Various Acts)

Note: Since January 1, 1994, Regulation 678 has been amended by Ontario Regulations 422/94 and 446/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 1.1 of Regulation 678 of the Revised Regulations of Ontario, 1990 is amended by adding after "Assessment Act" in the third line "on or before December 31, 1994 except proceedings in respect of the assessment roll returned for taxation in 1995"

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

1.3 (1) The following fees are payable in respect of the following proceedings brought before the Assessment Review Board under section 40 of the Assessment Act:

- 1. Complaint in respect of a residential or farm assessment.  
Each roll number ..... \$20
- 2. Complaint in respect of an assessment other than a residential or farm assessment.  
Each roll number ..... 50

(2) A complainant shall not be required to pay a fee in excess of \$1,000 in respect of the assessment of a property.

(3) No fee shall be charged if a complaint made with respect to a previous assessment in respect of the same roll number has not been finally determined and disposed of by the Assessment Review Board, the Ontario Municipal Board or the courts by the last date for mailing or delivering the complaint to the Assessment Review Board pursuant to subsection 40 (2) of the Assessment Act.

(4) Subsection (3) does not apply to complaints following a general reassessment of the regional, district or local municipality in which the property is located.

(5) Where additional roll numbers have been created for a property and the complainant, on motion, satisfies the chair or vice-chair of the Board that the application of subsection (1) would be unfair, the chair or vice-chair, as the case may be, may order that the fees payable be calculated as if such additional roll numbers had not been created.

1.4 Section 1.2 applies to the assessment roll returned for taxation in 1995 and subsequent years and to any assessment under section 33 or 34 of the Assessment Act for which notice is mailed or delivered to the assessed person after January 1, 1995.

46/94





# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—11—19

## ONTARIO REGULATION 677/94 made under the DAY NURSERIES ACT

Made: October 27, 1994  
Filed: October 31, 1994

Amending Reg. 262 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Ontario Regulation 262 has been amended by Ontario Regulations 17/94 and 583/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 44 of Regulation 262 of the Revised Regulations of Ontario, 1990 is revoked.**

**2. Clause 45 (1) (a) of the Regulation is revoked and the following substituted:**

(a) corporal punishment of a child;

**3. Sections 46 and 47 of the Regulation are revoked and the following substituted:**

**46. (1)** Every operator of a day nursery shall ensure that there are written policies and procedures with respect to discipline, punishment and any isolation measures to be used in the day nursery.

(2) The operator shall review the policies and procedures at least annually.

(3) The operator shall ensure that the policies and procedures are reviewed,

(a) with employees before they begin their employment and at least annually afterwards; and

(b) with volunteers or students who will be providing care or guidance at the day nursery before they begin providing that care or guidance and at least annually afterwards.

**47. (1)** Every operator of a private-home day care agency shall ensure that there are written policies and procedures with respect to discipline, punishment and any isolation measures to be used in locations where private-home day care is provided by the operator.

(2) The operator shall review the policies and procedures at least annually.

(3) The operator shall ensure that the policies and procedures are reviewed,

(a) with each person in charge of a location where private-home day care is provided by the operator before any child is placed at that location and at least annually afterwards; and

(b) with persons described in subsection (4) who will be providing care or guidance at a location where private-home day care is provided by the operator before they begin providing that care or guidance and at least annually afterwards.

## RÈGLEMENT DE L'ONTARIO 677/94 pris en application de la LOI SUR LES GARDERIES

pris le 27 octobre 1994  
déposé le 31 octobre 1994

modifiant le Règl. 262 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement de l'Ontario 262 a été modifié par les Règlements de l'Ontario 17/94 et 583/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. L'article 44 du Règlement 262 des Règlements refondus de l'Ontario de 1990 est abrogé.**

**2. L'alinéa 45 (1) a) du Règlement est abrogé et remplacé par ce qui suit :**

a) qu'un enfant subisse un châtiment corporel;

**3. Les articles 46 et 47 du Règlement sont abrogés et remplacés par ce qui suit :**

**46. (1)** L'exploitant d'une garderie veille à ce qu'il existe des directives et des principes écrits relatifs à la discipline, aux punitions et à l'isolement à appliquer dans la garderie.

(2) L'exploitant passe les principes et directives en revue au moins une fois par an.

(3) L'exploitant veille à ce que les directives et les principes soient passés en revue :

a) d'une part, avec les employés avant qu'ils entrent en fonctions et au moins une fois par an par la suite;

b) d'autre part, avec les bénévoles ou les étudiants qui s'occuperont des enfants dans la garderie avant qu'ils commencent à exercer ces fonctions et au moins une fois par an par la suite.

**47. (1)** L'exploitant d'une agence de garde d'enfants en résidence privée veille à ce qu'il existe des directives et des principes écrits relatifs à la discipline, aux punitions et à l'isolement à appliquer dans les endroits où il fournit des services de garde d'enfants en résidence privée.

(2) L'exploitant passe les principes et directives en revue au moins une fois par an.

(3) L'exploitant veille à ce que les directives et les principes soient passés en revue :

a) d'une part, avec chaque personne responsable d'un endroit où il fournit des services de garde d'enfants en résidence privée avant que des enfants ne soient placés dans cet endroit et au moins une fois par an par la suite;

b) d'autre part, avec les personnes mentionnées au paragraphe (4) qui s'occuperont des enfants dans un endroit où il fournit des services de garde d'enfants en résidence privée avant qu'elles commencent à exercer ces fonctions et au moins une fois par an par la suite.

(4) The persons referred to in clause (3) (b) are volunteers, students and persons ordinarily resident at, or regularly on the premises of, the location where private-home day care is provided.

47.1 (1) The policies and procedures required under section 46 or 47 must set out what practices are permitted and what practices are prohibited.

(2) The policies and procedures must set out measures to deal with,

- (a) a contravention of the policies and procedures; and
- (b) the commission of anything that, under section 45, the operator must not permit or is prohibited from doing.

47.2 (1) Every operator shall ensure that a record is kept with the date of each review of the policies and procedures required under section 46 or 47.

(2) The operator shall ensure that each entry is signed by the person who made the review, or in the case of a review made by an operator that is a corporation, by an officer or employee of the corporation who had knowledge of the review.

(3) The operator shall ensure that each entry in the record is retained for at least two years after the entry is made.

47.3 (1) Every operator of a day nursery shall ensure that there is a written procedure for monitoring the behaviour management practices of employees and volunteers or students who provide care or guidance at the day nursery.

(2) Every operator of a private-home day care agency shall ensure that there is a written procedure for monitoring the behaviour management practices of,

- (a) each person in charge of a location where private-home day care is provided by the operator; and
- (b) persons described in subsection 47 (4) who will be providing care or guidance at a location where private-home day care is provided by the operator.

(3) Every operator shall ensure that a record is kept of the monitoring that is done under the procedure required under this section and that each entry in the record is retained for at least two years after the entry is made.

47/94

**ONTARIO REGULATION 678/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: October 27, 1994  
Filed: October 31, 1994

Amending Reg. 400 of R.R.O. 1990  
(By-Laws for Local Boards)

Note: Regulation 400 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 5 (1) of Regulation 400 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

5. (1) A local board shall elect from its members a chair and a vice-chair at the first meeting after every general election or appointment of its members.

(4) Les personnes visées à l'alinéa (3) b) sont les bénévoles, les étudiants et les personnes qui résident ordinairement à l'endroit où sont fournis des services de garde d'enfants en résidence privée ou qui se trouvent régulièrement dans les locaux.

47.1 (1) Les directives et les principes exigés aux termes de l'article 46 ou 47 doivent énoncer les méthodes qui sont permises et celles qui sont interdites.

(2) Les directives et les principes doivent énoncer les mesures à prendre à l'égard de ce qui suit :

- a) une contravention aux directives et aux principes;
- b) la commission de quoi que ce soit qu'il est interdit à l'exploitant de faire ou de permettre aux termes de l'article 45.

47.2 (1) L'exploitant veille à ce que soit tenu un dossier indiquant les dates auxquelles les principes et directives sont passés en revue aux termes de l'article 46 ou 47.

(2) L'exploitant veille à ce que chaque écriture soit signée par la personne qui a passé les principes et directives en revue ou, si ceux-ci ont été passés en revue par un exploitant qui est une personne morale, par un dirigeant ou un employé de la personne morale qui en avait connaissance.

(3) L'exploitant veille à ce que chaque écriture au dossier soit conservée pendant au moins deux ans après qu'elle a été effectuée.

47.3 (1) L'exploitant d'une garderie veille à ce qu'il existe des directives écrites de contrôle des méthodes d'amélioration du comportement pratiquées par les employés et les bénévoles ou étudiants qui s'occupent des enfants dans la garderie.

(2) L'exploitant d'une agence de garde d'enfants en résidence privée veille à ce qu'il existe des directives écrites de contrôle des méthodes d'amélioration du comportement pratiquées :

- a) d'une part, par chaque personne responsable d'un endroit où il fournit des services de garde d'enfants en résidence privée;
- b) d'autre part, par les personnes mentionnées au paragraphe 47 (4) qui s'occuperont des enfants dans un endroit où il fournit des services de garde d'enfants en résidence privée.

(3) L'exploitant veille à ce que soit tenu un dossier du contrôle effectué conformément aux directives exigées aux termes du présent article et à ce que chaque écriture au dossier soit conservée pendant au moins deux ans après qu'elle a été effectuée.

47/94

(1.1) A local board, except for The Ontario Greenhouse Vegetable Producers' Marketing Board, may elect from its members a second vice-chair at the first meeting after every general election or appointment of its members.

47/94

**ONTARIO REGULATION 679/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: October 27, 1994  
Filed: October 31, 1994

Amending Reg. 418 of R.R.O. 1990  
(Greenhouse Vegetables—Plan)

Note: Regulation 418 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 5 of the Schedule to Regulation 418 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

5. (1) The local board shall be composed of 11 voting members elected or appointed in accordance with sections 11, 13 and 14.

(2) The members of the local board shall elect from among themselves a chair and a vice-chair.

(3) One of the chair and the vice-chair shall be from District 1 and the other shall be from District 2, 3 or 4.

47/94

**ONTARIO REGULATION 680/94**  
made under the  
**ENVIRONMENTAL BILL OF RIGHTS, 1993**

Made: October 27, 1994  
Filed: October 31, 1994

Amending O. Reg. 73/94  
(General)

Note: Since it was made, Ontario Regulation 73/94 has not been amended.

1. Ontario Regulation 73/94 is amended by striking out "Ministry of Agriculture and Food" wherever it appears and substituting in each case "Ministry of Agriculture, Food and Rural Affairs".

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

15.1 (1) In this section, "field order" means an order issued under the *Environmental Protection Act* by a Director whose appointment under clause 5 (1) (a) or (b) of that Act provides that any order issued under the appointment must include notice that the person to whom the order is directed may apply to a supervisor of the Director to amend or revoke the order.

(2) The requirements of Part II of the *Environmental Bill of Rights, 1993* do not apply in relation to a proposal to issue, amend or revoke a field order.

15.2 The requirements of Part II of the *Environmental Bill of Rights, 1993*, other than section 36, do not apply in relation to a proposal to issue, amend or revoke an order under section 43 or 44 of the *Environmental Protection Act*.

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

APPEALS UNDER PART II OF ACT

17. (1) Despite the provisions of the *Statutory Powers Procedure Act*, an application for leave to appeal under Part II of the *Environmental Bill of Rights, 1993* shall be made and disposed of wholly in writing, except to the extent that the appellate body directs otherwise.

(2) The applicant for leave to appeal shall serve the Environmental Commissioner with a copy of the leave application.

(3) Service of a document under subsection (2) shall be made on or before the day on which the application is filed with the appellate body.

(4) The appellate body shall make its decision within 30 days after the day on which the application is filed, unless the appellate body determines that, because of unusual circumstances, a longer period is needed.

(5) If the appellate body determines that a longer period is needed, it shall give notice of that determination to the applicant, the Environmental Commissioner and any other person that the appellate body considers should receive the notice.

(6) Notice under subsection (5) shall state when the appellate body expects that it will make a decision on the application.

47/94

**ONTARIO REGULATION 681/94**  
made under the  
**ENVIRONMENTAL BILL OF RIGHTS, 1993**

Made: October 27, 1994  
Filed: October 31, 1994

**CLASSIFICATION OF PROPOSALS FOR INSTRUMENTS**

**PART I**  
**INTERPRETATION**

1. In this Regulation, a proposal for an instrument includes a proposal to issue it, amend it or revoke it, whether the amendment or revocation is authorized by the same provision of an Act or Regulation that authorizes the issuance of the instrument or by a different provision.

**PART II**  
**MINISTRY OF ENVIRONMENT AND ENERGY**

**CLASS I PROPOSALS—ENVIRONMENTAL PROTECTION ACT**

2. (1) In this section, "contaminant", "discharge" and "waste" have the same meaning as in the *Environmental Protection Act*.

(2) The following are Class I proposals for instruments:

1. A proposal for an approval under section 9 of the *Environmental Protection Act*, except an approval that would only permit contaminant discharge that falls into one or more of the following categories:

i. Discharge of a contaminant from any one discharge point for a total of less than 10 hours in any seven-day period.

ii. Discharge of a contaminant resulting from the preparation of food at a site for the purpose of selling the food at the site at retail or distributing it at the site free of charge.

iii. Discharge of a contaminant resulting from operating combustion equipment, if the equipment is not fired with fuel derived from waste, other than wood waste, and is not operated for the purpose of generating heat or electricity for sale.

iv. Discharge of a contaminant from a storage tank or vessel.

v. Discharge of a contaminant from a discharge point that is less than or equal to the discharge already approved under section 9 of the *Environmental Protection Act* for that contaminant and that discharge point.

2. A proposal for an approval under section 46 of the *Environmental Protection Act*.

**CLASS I PROPOSALS—ONTARIO WATER RESOURCES ACT**

3. The following is a Class I proposal for an instrument:

1. A proposal for a permit under section 34 of the *Ontario Water Resources Act* that would authorize the taking of water over a

period of one year or more, except a proposal for a permit to take water only for the purpose of irrigation of agricultural crops.

#### CLASS I PROPOSALS—PESTICIDES ACT

4. (1) In this section, "interim status pesticide" has the same meaning as in section 21 of Regulation 914 of the Revised Regulations of Ontario, 1990.

(2) The following is a Class I proposal for an instrument:

1. A proposal for the publication in *The Ontario Gazette* of a list of interim status pesticides, where the list contains an active ingredient that is neither listed in a Schedule to Regulation 914 of the Revised Regulations of Ontario, 1990 nor contained in a pesticide listed in a Schedule to that Regulation.

#### CLASS II PROPOSALS—ENVIRONMENTAL PROTECTION ACT

5. (1) In this section, "waste disposal site" has the same meaning as in the *Environmental Protection Act*.

(2) The following are Class II proposals for instruments:

1. A proposal for an order under section 7 of the *Environmental Protection Act*.
2. A proposal for an order under section 8 of the *Environmental Protection Act*.
3. A proposal for an approval under section 10 of the *Environmental Protection Act*.
4. A proposal for an order under section 17 of the *Environmental Protection Act*.
5. A proposal for an order under section 18 of the *Environmental Protection Act*.
6. A proposal for an approval under section 27 of the *Environmental Protection Act* for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, except,
  - i. a proposal for an approval for which a hearing is required by section 30 of that Act,
  - ii. a proposal for an approval for an organic soil conditioning site within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990,
  - iii. a proposal for an approval for a period of 12 days or less, and
  - iv. a proposal for an approval for mobile waste processing equipment.
7. A proposal for an approval under section 31 of the *Environmental Protection Act*.
8. A proposal for an order under section 43 of the *Environmental Protection Act*.
9. A proposal for an order under section 44 of the *Environmental Protection Act*.
10. A proposal for directions under section 94 of the *Environmental Protection Act*.

11. A proposal for an order under section 97 of the *Environmental Protection Act*.

12. A proposal for an order under section 136 of the *Environmental Protection Act*.

13. A proposal for an order under subsection 4 (2), (3) or (4) of Regulation 346 of the Revised Regulations of Ontario, 1990.

14. A proposal for a declaration under subsection 2 (1) or (2) of Regulation 350 of the Revised Regulations of Ontario, 1990.

#### CLASS II PROPOSALS—ONTARIO WATER RESOURCES ACT

6. (1) In this section, "discharge" has the same meaning as in the *Ontario Water Resources Act*.

(2) The following are Class II proposals for instruments:

1. A proposal for an order under section 31 of the *Ontario Water Resources Act*.
2. A proposal for an order under section 32 of the *Ontario Water Resources Act*.
3. A proposal for a notice under subsection 34 (7) of the *Ontario Water Resources Act*.
4. A proposal for an order or for directions under subsection 52 (3) of the *Ontario Water Resources Act*.
5. A proposal for directions under subsection 52 (6) of the *Ontario Water Resources Act*.
6. A proposal for an approval under subsection 53 (1) of the *Ontario Water Resources Act* that would set limits for the discharge of specific contaminants from a discharge point unless,
  - i. there is already an approval under subsection 53 (1) relating to the discharge point, and
  - ii. the proposed approval would not permit an increase in the discharge of any of the specific contaminants from the discharge point.
7. A proposal for an order or for directions under subsection 53 (3) of the *Ontario Water Resources Act*.
8. A proposal for directions under section 61 of the *Ontario Water Resources Act*.
9. A proposal for directions under subsection 62 (2) of the *Ontario Water Resources Act*.
10. A proposal for directions under section 91 of the *Ontario Water Resources Act*.
11. A proposal for an order under section 92 of the *Ontario Water Resources Act*.
12. A proposal for directions under subsection 21 (5) of Regulation 903 of the Revised Regulations of Ontario, 1990.

#### CLASS II PROPOSALS—PESTICIDES ACT

7. The following are Class II proposals for instruments:

1. A proposal for a notice under subsection 13 (7) of the *Pesticides Act*.

2. A proposal for an order under section 27 of the *Pesticides Act*.
3. A proposal for an order under section 28 of the *Pesticides Act*.
4. A proposal for an order under section 30 of the *Pesticides Act*.

## CLASS III PROPOSALS—ENVIRONMENTAL PROTECTION ACT

8. The following is a Class III proposal for an instrument:

1. A proposal for an approval under section 27 of the *Environmental Protection Act* for which a hearing is required by section 30 of that Act.

## CLASS III PROPOSALS—ONTARIO WATER RESOURCES ACT

9. The following are Class III proposals for instruments:

1. A proposal for an approval under subsection 53 (1) of the *Ontario Water Resources Act*.
2. A proposal for an order under subsection 74 (2) of the *Ontario Water Resources Act*.

## REVIEW OF CLASSIFICATION

10. The Minister of Environment and Energy shall review sections 2 to 9 of this Regulation within two years after the day on which this Regulation is filed and shall prepare proposals to amend the classification scheme that these sections set out as the Minister considers advisable.

47/94

**ONTARIO REGULATION 682/94**  
made under the  
**ENVIRONMENTAL ASSESSMENT ACT**

Approved: September 21, 1994  
Filed: October 31, 1994

**EXEMPTION—MINISTRY OF NATURAL  
RESOURCES—MNR-61**

Having received a request from the Minister of Natural Resources that an undertaking, namely:

The activities of,

- (a) designating, by regulation under the *Provincial Parks Act*, areas in Ontario as provincial parks; and
- (b) designating, under the *Public Lands Act*, areas in Ontario as conservation reserves,

in respect of recommended provincial parks and conservation reserves, listed in Condition 9 below,

be exempt from the application of the Act pursuant to section 29; and having been advised that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property will occur:

- A. The Government of Ontario and the Ministry of Natural Resources (MNR) will be damaged by the interference with their commitment to the Keep It Wild campaign, a program aimed at completing the province's system of provincial parks and protected areas by the year 2000.

- B. Protection offered by the *Provincial Parks Act* to the recommended provincial park areas will be delayed.
- C. Protection offered by the *Public Lands Act* to the recommended conservation reserves will be delayed.
- D. The public will be damaged by the loss of anticipated benefits associated with resource protection, scientific research and education opportunities, and the provision of outdoor recreation opportunities and associated tourism benefits.
- E. The MNR is preparing an Environmental Assessment for Provincial Park Management, the completion and pre-submission consultation for which would be hampered by the requirement to seek separate approval for those activities in respect of provincial parks specified within this undertaking.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:

- A. The objectives of the Keep It Wild campaign and the provincial parks program are consistent with the conservation, protection and wise management of the environment.
- B. The establishment of new provincial parks and conservation reserves and the completion of the system of provincial parks and protected areas by the year 2000 has generated strong public interest.
- C. The establishment and management of new provincial parks and conservation reserves will protect outstanding natural, cultural and recreational features and environments.
- D. Upon regulation, provincial parks will become subject to Exemption Order MNR-59/2, filed as O. Reg. 83/94 and its successors.
- E. MNR has advised me that, with the exception of the proposed Westplain Mud Lake Fen, which will remain in private ownership, to be managed under agreement by the Ministry of Natural Resources as a Nature Reserve Provincial Park, all of the sites subject to this order have been subject to a process of public notification and consultation.

This exemption is subject to the following terms and conditions:

1. Where any activity which otherwise would be exempt under this order is being carried out as, or is part of, an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms and conditions in the approval to proceed as well as the conditions of this order.
2. Where any activity which is the subject of this order is being carried out as, or is part of, another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms and conditions in the other exemption order as well as the conditions in this order.
3. The MNR shall notify, individually, each landowner whose property would abut or would be surrounded by a provincial park or conservation reserve. Such notification shall occur prior to designation of the area, either by regulation of the area under the *Provincial Parks Act* or designation of the conservation reserve under the *Public Lands Act*.

4. The Ministry of Natural Resources shall develop policies and guidelines for the planning and management of conservation reserves within six months of the date of this exemption order. The undertaking of management of conservation reserves will require a separate approval under the *Environmental Assessment Act*.
5. Until the undertaking of management of conservation reserves receives approval under the *Environmental Assessment Act*, conservation reserves may be managed on an interim basis as Crown land to maintain the integrity of natural resources.
6. Immediately upon designation of a conservation reserve, MNR will prohibit commercial timber management activities, mining, hydroelectric development and other industrial uses within the reserve.
7. MNR shall provide opportunity for involvement of interested and affected parties in the development of guidelines and policies for the planning and management of conservation reserves.
8. Where an emergency situation exists by reason of danger to the health or safety of any person or the injury, damage or impairment or immediate risk of injury, damage or impairment to property, plant or animal life or the environment, the MNR District Manager may determine, where possible in consultation with the MOEE District Officer, and carry out a course of action to address the situation. The MNR District Manager shall, after the emergency situation has been dealt with, notify the Director of the EA Branch, MOEE and the appropriate MOEE Regional Director of the actions carried out, why the actions were necessary, any required future actions and how MNR intends to comply with the requirements of the Act for those future actions.
9. The following are the recommended provincial parks and conservation reserves to which this order relates:

AREA NAME	MNR REGION	PROPOSED STATUS	AREA (HECTARES)
Alexander Lake Forest	Central	Provincial Park	1,924
Big Sand Lake Old Growth	Northwest	Conservation Reserve	260
Blue Jay Creek	Central	Provincial Park	240
Burnt Lands Alvar	Southern	Conservation Reserve	358
Charleston Lake Provincial Park Addition	Southern	Provincial Park	1,521
Clay Lake Old Growth	Northwest	Conservation Reserve	89
Hicks-Oke Township Bog	Northeast	Provincial Park	5,900
Holland Landing Prairie	Southern	Provincial Park	32
Jog Lake Wetlands	Northeast	Provincial Park	42,750
Kaladar Jack Pine Barrens	Southern	Conservation Reserve	1,100
Kenny Forest	Central	Provincial Park	2,237
Maynard Lake Old Growth	Northwest	Conservation Reserve	27
Nottawasaga Lookout	Southern	Provincial Park	115
Oxtongue River Bog Forest	Central	Conservation Reserve	140
Poilu-Upper Twin	Northwest	Provincial Park	5,100
Ranger North	Central	Conservation Reserve	6,000
Reaney Peatlands	Northeast	Provincial Park	3,750
Scotty Lake Old Growth	Northwest	Conservation Reserve	62
Tide Lake Old Growth	Northwest	Conservation Reserve	58
Tikanaganda Lake	Central	Conservation Reserve	1,906
Wainfleet Bog	Southern	Provincial Park	230
Wakami Lake Provincial Park Addition	Northeast	Provincial Park	1,120
Westplain Mud Lake Fen	Southern	Provincial Park	540
West Sandy Island	Central	Provincial Park	266
White Lake Peatlands	Northeast	Provincial Park	575
Willow Lake Old Growth	Northwest	Conservation Reserve	53

BUD WILDMAN

Minister of Environment and Energy

**ONTARIO REGULATION 683/94**  
made under the  
**EDUCATION ACT**

Made: October 27, 1994  
Filed: October 31, 1994

Amending O. Reg. 731/92  
(Transitional Provisions Relating to the  
Kirkland Lake-Timiskaming Separate School Zone  
Boundary Changes Made by Ontario Regulation 730/92)

Note: Ontario Regulation 731/92 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Ontario Regulation 731/92 is amended by adding the following section:**

**4.1 (1)** For the purposes of electing members to The Kirkland Lake - Timiskaming District Roman Catholic Separate School Board, each of the following parts of territory without municipal organization shall be treated as if it was a district municipality:

**1. Part 1**

In the Territorial District of,

**i. Timiskaming, being,**

**A.** the geographic townships of Boston, Eby, Grenfell, Lebel, Maisonville, McElroy and Otto, and

**B.** concessions 3, 4, 5 and 6 in the geographic townships of Catharine, Marquis and Pacaud, and,

**ii.** Cochrane being, the portion of the geographic township of Benoit that is not part of the Township of Black River-Matheson.

**2. Part 2**

In the Territorial District of,

**i. Timiskaming, being,**

**A.** the geographic townships of Auld, Barber, Barr, Bayly, Beauchamp, Brigstocke, Bryce, Cane, Chown, Coleman, Corkill, Davidson, Farr, Firstbrook, Gillies Limit, Haultain, Henwood, Ingram, Kittson, Lawson, Lorrain, Lundy, Marter, Mickle, Milner, Mulligan, Nichol, Pense, Roadhouse, Robillard, Savard, Sharpe, Smyth, South Lorrain, Truax, Tudhope, Willet and Willison, and

**B.** concessions 1 and 2 in the geographic townships of Catharine, Marquis and Pacaud, and

**RÈGLEMENT DE L'ONTARIO 683/94**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 27 octobre 1994  
déposé le 31 octobre 1994

modifiant le Règl. de l'Ont. 731/92  
(Dispositions transitoires relatives aux modifications apportées  
aux limites de la zone d'écoles séparées de Kirkland Lake -  
Timiskaming par le Règlement de l'Ontario 730/92)

Remarque : Le Règlement 731/92 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. Le Règlement de l'Ontario 731/92 est modifié par adjonction de l'article suivant :**

**4.1 (1)** Aux fins de l'élection des membres du Conseil des écoles séparées catholiques du district de Kirkland Lake - Timiskaming, chacune des parties suivantes de territoire non érigé en municipalité doit être traitée comme s'il s'agissait d'une municipalité de district :

**1. La partie 1 qui se compose de ce qui suit :**

**i. dans le district territorial de Timiskaming :**

**A.** d'une part, les cantons géographiques de Boston, d'Eby, de Grenfell, de Lebel, de Maisonville, de McElroy et d'Otto,

**B.** d'autre part, les concessions 3, 4, 5 et 6 situées dans les cantons géographiques de Catharine, de Marquis et de Pacaud,

**ii.** dans le district territorial de Cochrane, la portion du canton géographique de Benoit qui ne fait pas partie du canton de Black River-Matheson.

**2. La partie 2 qui se compose de ce qui suit :**

**i. dans le district territorial de Timiskaming :**

**A.** d'une part, les cantons géographiques d'Auld, de Barber, de Barr, de Bayly, de Beauchamp, de Brigstocke, de Bryce, de Cane, de Chown, de Coleman, de Corkill, de Davidson, de Farr, de Firstbrook, de Gillies Limit, de Haultain, de Henwood, d'Ingram, de Kittson, de Lawson, de Lorrain, de Lundy, de Marter, de Mickle, de Milner, de Mulligan, de Nichol, de Pense, de Roadhouse, de Robillard, de Savard, de Sharpe, de Smyth, de South Lorrain, de Truax, de Tudhope, de Willet et de Willison,

**B.** d'autre part, les concessions 1 et 2 situées dans les cantons géographiques de Catharine, de Marquis et de Pacaud,

ii. Nipissing, being the geographic townships of Askin, Aston, Banting, Belfast, Best, Briggs, Canton, Cassels, Chambers, Cynthia, Eldridge, Flett, Gladman, Gooderham, Hammell, Hartle, Hobbs, Joan, Kenny, Law, Le Roche, McCallum, McLaren, Milne, Olive, Phyllis, Riddell, Sisk, Thistle, Torrington, Vogt and Yates.

ii. dans le district territorial de Nipissing, les cantons géographiques d'Askin, d'Aston, de Banting, de Belfast, de Best, de Briggs, de Canton, de Cassels, de Chambers, de Cynthia, d'Eldridge, de Flett, de Gladman, de Gooderham, de Hammell, de Hartle, de Hobbs, de Joan, de Kenny, de Law, de Le Roche, de McCallum, de McLaren, de Milne, d'Olive, de Phyllis, de Riddell, de Sisk, de Thistle, de Torrington, de Vogt et de Yates.

(2) For greater certainty, each of the Parts described in subsection (1) shall be treated as if it was a municipality within the meaning of section 3 of Regulation 313 of the Revised Regulations of Ontario, 1990.

(2) Pour plus de précision, chacune des parties décrites au paragraphe (1) doit être traitée comme s'il s'agissait d'une municipalité au sens de l'article 3 du Règlement 313 des Règlements refondus de l'Ontario de 1990.

47/94

**ONTARIO REGULATION 684/94**  
made under the  
**CROP INSURANCE ACT (ONTARIO)**

Made: September 14, 1994  
Approved: October 27, 1994  
Filed: November 1, 1994

Amending Reg. 255 of R.R.O. 1990  
(Crop Insurance Plan—Winter Wheat)

Note: Since January 1, 1994, Regulation 255 has been amended by Ontario Regulation 99/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Clause 7 (c) of the Schedule to Regulation 255 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(c) be filed with the Commission not later than October 31 in the crop year in respect of which it is made.

**(2) Section 8 of the Schedule to the Regulation is revoked and the following substituted:**

8. A contract of insurance shall be in force for the crop year in respect of which it is made.

**(3) Clause 11 (2) (a) of the Schedule to the Regulation is revoked and the following substituted:**

(a) the insured person applies on or before October 31 in a crop year; and

**(4) The Table in subsection 12 (1) of the Schedule to the Regulation is revoked and the following substituted:**

TABLE

Percentage Chosen by Insured	Base premium Rate Per Acre
75%	\$ 8.60
80%	\$10.80
85%	\$13.60
90%	\$16.80

**(5) Subsection 13 (2) of the Schedule to the Regulation is revoked and the following substituted:**

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium to the Commission by November 10 in the crop year.

**2. The Table to the Regulation is revoked and the following substituted:**

TABLE

Age of Yield	Factor
10	1.14899
9	1.13212
8	1.11574
7	1.09983
6	1.08437
5	1.06933
4	1.05471
3	1.04048
2	1.00000
1	1.00000

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
*Chair*

MATT TULLOCH  
*Secretary*

Dated at Toronto on September 14, 1994.

47/94

**ONTARIO REGULATION 685/94**  
made under the  
**FARM PRODUCTS GRADES AND SALES ACT**

Made: October 27, 1994  
Filed: November 1, 1994

**BEEF**

DEFINITIONS

1. In this Regulation,

"carcass" means the carcass of an animal of the bovine species that has been slaughtered and dressed as beef, unless that carcass weighs less than 150 kg. or has been designated as veal by an inspector appointed under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act* (Ontario), but does not include,

(a) the hide, that part of the head and neck forward of the first cervical vertebra, that part of the fore-shank below the knee



joint, that part of the hind-shank below the hock joint, the respiratory, digestive, reproductive and urinary systems, the thoracic and abdominal organs, the membranous portion and pillar of the diaphragm, the spinal cord, kidney fat, pelvic fat, heart fat, scrotal and udder fat, and the tail posterior to the first coccygeal vertebra, or

- (b) any part of the carcass the removal of which is required for pathological reasons under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act (Ontario)* or any regulation made under either of them;

"establishment" means an establishment registered under the *Meat Inspection Act* (Canada) or under the *Canada Agricultural Products Act* (Canada);

"primal cut" means the hip, sirloin, short loin, rib or chuck of the side of a carcass.

#### CARCASSES

2. Carcasses are designated as farm products.

3. The following grade names for carcasses and the associated grades and standards, established under the *Canada Agricultural Products Act* (Canada), are adopted in whole:

1. Canada A.
2. Canada AA.
3. Canada AAA.
4. Canada B1.
5. Canada B2.
6. Canada B3.
7. Canada B4.
8. Canada D1.
9. Canada D2.
10. Canada D3.
11. Canada D4.
12. Canada E.

4. (1) A person who is not a grader shall not grade a carcass.

(2) No person shall grade a carcass at a place other than an establishment.

5. A grader shall determine the yield and yield class of every carcass that is graded Canada AAA, Canada AA or Canada A in accordance with the *Livestock Carcass Grading Regulations* (Canada).

6. (1) A grader shall mark a carcass with a grade stamp on both sides of the short loin and rib.

(2) The grade stamp shall indicate the grade name of the carcass under this Regulation and shall be in red ink that is edible and in the shape approved by the Minister.

(3) If the short loin and rib cannot be marked with a grade stamp, a grader shall mark the grade stamp on another primal cut of the carcass.

(4) No person shall apply a grade stamp to a carcass unless the carcass bears the inspection legend required by the regulations under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act (Ontario)*.

7. At the request of a consignor or agent, a grader who has graded a carcass may issue a grade certificate for the carcass, if the consignor or agent,

(a) has placed on the carcass of each of the animals to be graded identification in a form approved by the Minister; and

(b) has completed and filed with the grader at the establishment at the time of delivering the animals to be graded to the operator of the establishment, a manifest in a form approved by the Minister.

8. (1) An inspector who detains a carcass shall place a tag on it indicating that it is under detention.

(2) No person shall remove a tag that an inspector has placed on a carcass unless the person has obtained the inspector's permission.

9. No person shall mark a carcass with a brand except in accordance with the *Livestock Carcass Grading Regulations* (Canada).

10. (1) No person shall apply to a carcass an impression, mark or stamp of any kind that is not a brand or a grade stamp and that might be construed as a brand or a grade stamp.

(2) No person shall sell, offer for sale or have in possession for sale a carcass that is marked or stamped unless it has been marked or stamped in accordance with the Act and this Regulation.

11. No person shall, in an advertisement offering the whole or part of a carcass for sale,

(a) make any statement that is untrue, deceptive, misleading or that is likely to deceive or mislead a person; or

(b) use any words that resemble a grade name or that may be mistaken by a person for a grade name other than a grade name applied to a carcass under this Regulation.

12. Dealers in carcasses are exempt from subsection 10 (1) of the Act.

#### LABELLING

13. (1) In sections 14 to 18,

"processed" has the same meaning as in the *Meat Inspection Regulations, 1990* (Canada);

"retail sale" has the same meaning as in the *Retail Sales Tax Act*.

(2) For the purposes of sections 14 to 18, the term "cut of beef" does not include ground or processed beef or cuts of beef less than 125 cm<sup>3</sup> in size that are of manufacturing quality or that are intended for grinding.

14. (1) Every person who is licensed under the *Meat Inspection Act* (Ontario) to operate a plant or who operates a registered establishment within the meaning of the *Meat Inspection Act* (Canada) or a premises where meat products are produced, processed, handled or stored but no animals are slaughtered, shall ensure that cuts of beef do not leave the plant, the establishment or the premises unless they are packed in containers marked with the information described in subsection (2) or are accompanied with documentation of the information described in subsection (2).

(2) The information shall consist of,

- (a) all the grade names established in section 3 that apply to each cut of beef, if the cuts of beef have been graded under this Regulation; or
- (b) all the grade names assigned to each cut of beef in the jurisdiction where the cuts of beef have been graded, if that jurisdiction is not Ontario; or
- (c) the words "ungraded beef" in all other cases.

15. Every person who, for sale in Ontario except for retail sale, sells, offers for sale or has in possession for sale cuts of beef in a package shall mark the information described in clauses 14 (2) (a), (b) and (c) on the package, or the container in which the package is packed.

16. Every person who, for retail sale in Ontario, sells, offers for sale or has in possession for sale cuts of beef in a package shall mark the information described in clauses 14 (2) (a), (b) and (c) on the package or on a sign next to the place where the cuts of beef are located.

17. (1) No person shall advertise cuts of beef for sale in Ontario without declaring in the advertisement the information described in clauses 14 (2) (a), (b) and (c).

(2) In this section, "advertise" includes to list or to quote the price of the cuts of beef that are being advertised.

18. (1) Where this Regulation requires that a package or a container be marked with a grade name or the words "ungraded beef", the marking shall appear on the principal display panel of the package or the container, as the case may be, in type at least as legible and conspicuous as all other type on the panel.

(2) In this section, "principal display panel" has the same meaning as in the *Consumer Packaging and Labelling Regulations* (Canada).

19. Regulation 376 of the Revised Regulations of Ontario, 1990 is revoked.

20. This Regulation comes into force on January 1, 1995.

47/94

**ONTARIO REGULATION 686/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: October 27, 1994  
Filed: November 2, 1994

Amending Reg. 411 of R.R.O. 1990  
(Fresh Grapes—Plan)

Note: Regulation 411 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 10 (3) of the Schedule to Regulation 411 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

10. (3) Where, in any year, a District Fresh Grape Growers' Committee fails to elect a member to the local board in accordance with subsection (1), the members of all District Fresh Grape Growers' Committees may, on or before April 30 of that year, elect a member from any district to the local board.

47/94

**ONTARIO REGULATION 687/94**  
made under the  
**PUBLIC HOSPITALS ACT**

Made: October 27, 1994  
Filed: November 1, 1994

Amending Reg. 964 of R.R.O. 1990  
(Classification of Hospitals)

Note: Since January 1, 1994, Regulation 964 has been amended by Ontario Regulation 200/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Item 9 under the heading "Group C Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

9. Blind River	St. Joseph's Health Centre/Pavillon Santé Saint-Joseph
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(2) Item 9 under the heading "Group G Hospitals" in the Schedule to the Regulation is revoked and the following substituted:

9. Blind River	St. Joseph's Health Centre/Pavillon Santé Saint-Joseph
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RUTH GRIER  
Minister of Health

Dated at Toronto on October 11, 1994.

47/94

**ONTARIO REGULATION 688/94**  
made under the  
**MENTAL HEALTH ACT**

Made: October 27, 1994  
Filed: November 1, 1994

Amending Reg. 741 of R.R.O. 1990  
(Application of Act)

Note: Regulation 741 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 4 (3) of Regulation 741 of the Revised Regulations of Ontario, 1990 is amended by striking out "Homewood Sanitarium Limited" wherever it appears and substituting in each case "Homewood Health Centre Inc."

2. Paragraph 1 of section 12 of the Regulation is revoked and the following substituted:

1. Guelph Homewood Health Centre Inc.

3. Item 12 of Schedule 1 to the Regulation is revoked and the following substituted:

12. Guelph Homewood Health Centre Inc.

47/94

**ONTARIO REGULATION 689/94**  
made under the  
**EDUCATION ACT**

Made: October 27, 1994  
Filed: November 1, 1994

Amending O. Reg. 425/94  
(Ottawa-Carleton French-Language School Boards)

Note: Since it was made, Ontario Regulation 425/94 has been amended by Ontario Regulation 453/94.

1. Ontario Regulation 425/94 is amended by adding the following section:

5.1 (1) This section applies only in respect of the 1994 election of members of the public French-language school board and the Roman Catholic French-language school board.

(2) Subsection 141 (6) of the *Municipal Elections Act* does not apply to registered candidates for election to the public sector of The Ottawa-Carleton French-language School Board who are seeking to be elected to the public French-language school board.

(3) Subsection 141 (6) of the *Municipal Elections Act* does not apply to registered candidates for election to the Roman Catholic sector of The Ottawa-Carleton French-language School Board who are seeking to be elected to the Roman Catholic French-language school board.

(4) A registered candidate for election to the public sector of The Ottawa-Carleton French-language School Board who changes the office for which he or she is registered under section 139 of the *Municipal Elections Act* to an office on the public French-language school board shall be deemed to be registered for the new office effective from the date he or she was originally registered.

(5) A registered candidate for election to the Roman Catholic sector of The Ottawa-Carleton French-language School Board who changes the office for which he or she is registered under section 139 of the *Municipal Elections Act* to an office on the Roman Catholic French-language school board shall be deemed to be registered for the new office effective from the date he or she was originally registered.

**RÈGLEMENT DE L'ONTARIO 688/94**  
pris en application de la  
**LOI SUR LA SANTÉ MENTALE**

pris le 27 octobre 1994  
déposé le 1<sup>er</sup> novembre 1994

modifiant le Règl. 741 des R.R.O. de 1990  
(Champ d'application de la Loi)

Remarque : Le Règlement 741 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. Le paragraphe 4 (3) du Règlement 741 des Règlements refondus de l'Ontario de 1990 est modifié par substitution, à «Homewood Sanatorium Limited» partout où figure cette expression, de «Homewood Health Centre Inc.».

2. La disposition 1 de l'article 12 du Règlement est abrogée et remplacée par ce qui suit :

1. Guelph Homewood Health Centre Inc.

3. Le point 12 de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :

12. Guelph Homewood Health Centre Inc.

**RÈGLEMENT DE L'ONTARIO 689/94**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 27 octobre 1994  
déposé le 1<sup>er</sup> novembre 1994

modifiant le Règl. de l'Ont. 425/94  
(Conseils scolaires de langue française d'Ottawa-Carleton)

Remarque : Depuis qu'il a été pris, le Règlement de l'Ontario 425/94 a été modifié par le Règlement de l'Ontario 453/94.

1. Le Règlement de l'Ontario 425/94 est modifié par adjonction de l'article suivant :

5.1 (1) Le présent article ne s'applique qu'à l'égard de l'élection de 1994 des membres du conseil des écoles publiques de langue française et du conseil des écoles catholiques de langue française.

(2) Le paragraphe 141 (6) de la *Loi sur les élections municipales* ne s'applique pas aux candidats inscrits à l'élection à la section publique du Conseil scolaire de langue française d'Ottawa-Carleton qui cherchent à se faire élire au conseil des écoles publiques de langue française.

(3) Le paragraphe 141 (6) de la *Loi sur les élections municipales* ne s'applique pas aux candidats inscrits à l'élection à la section catholique du Conseil scolaire de langue française d'Ottawa-Carleton qui cherchent à se faire élire au conseil des écoles catholiques de langue française.

(4) Le candidat inscrit à l'élection à la section publique du Conseil scolaire de langue française d'Ottawa-Carleton qui passe du poste pour lequel il est inscrit aux termes de l'article 139 de la *Loi sur les élections municipales* à un poste au conseil des écoles publiques de langue française est réputé inscrit pour le nouveau poste à compter de la date à laquelle il s'était inscrit à l'origine.

(5) Le candidat inscrit à l'élection à la section catholique du Conseil scolaire de langue française d'Ottawa-Carleton qui passe du poste pour lequel il est inscrit aux termes de l'article 139 de la *Loi sur les élections municipales* à un poste au conseil des écoles catholiques de langue française est réputé inscrit pour le nouveau poste à compter de la date à laquelle il s'était inscrit à l'origine.

2. Section 37 of the Regulation is revoked.

3. Section 41 of the Regulation is amended by adding the following subsection:

(3) The Roman Catholic French-language school board shall be deemed to have elected on January 1, 1989, under section 124 of the Act, to perform the duties of a secondary school board.

4. Section 44 of the Regulation is revoked.

5. The Regulation is amended by adding the following Parts:

**PART 6  
SCHOOL SUPPORT**

48. Sections 13 to 18 of the *Ottawa-Carleton French-Language School Board Act* apply with necessary modifications in the Regional Area and, for that purpose,

- (a) a reference in those sections to the "public sector" shall be deemed to be a reference to the public French-language school board; and
- (b) a reference in those sections to the "Roman Catholic sector" shall be deemed to be a reference to the Roman Catholic French-language school board.

**PART 7  
MODIFICATIONS TO OTHER ACTS**

49. (1) Paragraphs 19 and 20 of subsection 14 (1) of the *Assessment Act* shall be deemed to read as follows:

19. In the case of an assessment roll for a municipality in The Regional Municipality of Ottawa-Carleton, whether a supporter of The Ottawa Board of Education (p), The Carleton Board of Education (p), The Ottawa Roman Catholic Separate School Board (s), The Carleton Roman Catholic Separate School Board (s), the Conseil des écoles publiques d'Ottawa-Carleton (fp) or the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton (fs), by inserting the letter or letters shown in parentheses in this paragraph after the name of the board.

20. In the case of a corporation, whether the corporation is a designated ratepayer within the meaning of section 113 of the *Education Act*,

(2) Subsection 14 (4) of the *Assessment Act* shall be deemed to read as follows:

(4) In the preparation of the assessment roll, the assessment commissioner, in determining the names and school support of those persons entitled to direct taxes for school support purposes, shall be guided by the index books provided for in the *Education Act*, by the applications for direction of school taxes received and approved by the assessment commissioner under section 16 of this Act and by the notices received under section 112 of the *Education Act*, section 17 of the *Ottawa-Carleton French-Language School Board Act* and section 48 of Ontario Regulation 425/94.

(3) Section 14 of the *Assessment Act* shall be deemed to include the following subsections:

(4.1) An application for direction of school taxes made under section 16 before Ontario Regulation 689/94 came into force that sought to have a person specified in the assessment roll as a supporter of the public sector of The Ottawa-Carleton French-language School Board shall be deemed to have sought to have the person specified as a supporter of the

2. L'article 37 du Règlement est abrogé.

3. L'article 41 du Règlement est modifié par adjonction du paragraphe suivant :

(3) Le conseil des écoles catholiques de langue française est réputé avoir choisi le 1<sup>er</sup> janvier 1989, aux termes de l'article 124 de la Loi, d'accomplir les fonctions d'un conseil d'écoles secondaires.

4. L'article 44 du Règlement est abrogé.

5. Le Règlement est modifié par adjonction des parties suivantes :

**PARTIE 6  
SOUTIEN SCOLAIRE**

48. Les articles 13 à 18 de la *Loi sur le Conseil scolaire de langue française d'Ottawa-Carleton* s'appliquent, avec les adaptations nécessaires, dans le secteur régional et à cette fin :

- a) d'une part, toute mention de la «section publique» dans ces articles est réputée la mention du conseil des écoles publiques de langue française;
- b) d'autre part, toute mention de la «section catholique» dans ces articles est réputée la mention du conseil des écoles catholiques de langue française.

**PARTIE 7  
MODIFICATIONS APPORTÉES À D'AUTRES LOIS**

49. (1) Les dispositions 19 et 20 du paragraphe 14 (1) de la *Loi sur l'évaluation foncière* sont réputées se lire comme suit :

19. Dans le cas du rôle d'évaluation d'une municipalité située dans la municipalité régionale d'Ottawa-Carleton, une mention indiquant s'il s'agit d'un contribuable du Conseil de l'éducation d'Ottawa (p), du Conseil de l'éducation de Carleton (p), du Conseil des écoles séparées catholiques d'Ottawa (s), du Conseil des écoles séparées catholiques de Carleton (s), du Conseil des écoles publiques d'Ottawa-Carleton (fp) ou du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton (fs), en ajoutant, après le nom du conseil, la ou les lettres indiquées entre parenthèses dans la présente disposition.

20. Dans le cas d'une personne morale, une mention indiquant si la personne morale est un contribuable désigné au sens de l'article 113 de la *Loi sur l'éducation*,

(2) Le paragraphe 14 (4) de la *Loi sur l'évaluation foncière* est réputé se lire comme suit :

(4) Lors de la préparation du rôle d'évaluation, pour déterminer les noms et le soutien scolaire des personnes qui ont le droit de choisir l'affectation de leurs impôts aux fins du soutien scolaire, le commissaire à l'évaluation se fonde sur les inscriptions figurant dans les répertoires prévus à cet effet par la *Loi sur l'éducation*, sur les demandes relatives à l'affectation des impôts scolaires reçues et approuvées par lui-même en vertu de l'article 16 de la présente loi et sur les avis reçus aux termes de l'article 112 de la *Loi sur l'éducation*, de l'article 17 de la *Loi sur le Conseil scolaire de langue française d'Ottawa-Carleton* et de l'article 48 du Règlement de l'Ontario 425/94.

(3) L'article 14 de la *Loi sur l'évaluation foncière* est réputé comprendre les paragraphes suivants :

(4.1) Une demande relative à l'affectation des impôts scolaires présentée aux termes de l'article 16 avant l'entrée en vigueur du Règlement de l'Ontario 689/94 et qui visait à faire inscrire une personne sur le rôle d'évaluation à titre de contribuable de la section publique du Conseil scolaire de langue française d'Ottawa-Carleton est réputée avoir

Conseil des écoles publiques d'Ottawa-Carleton, and an application for direction of school taxes made under section 16 before Ontario Regulation 689/94 came into force that sought to have a person specified in the assessment roll as a supporter of the Roman Catholic sector of The Ottawa-Carleton French-language School Board shall be deemed to have sought to have the person specified as a supporter of the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton.

(4.2) A notice given under section 17 of the *Ottawa-Carleton French-Language School Board Act* before Ontario Regulation 689/94 came into force allocating the whole or any part of an assessment to the public sector of The Ottawa-Carleton French-language School Board shall be deemed to have allocated the whole or that part of the assessment to the Conseil des écoles publiques d'Ottawa-Carleton, and a notice given under section 17 of the *Ottawa-Carleton French-Language School Board Act* before Ontario Regulation 689/94 came into force allocating the whole or any part of an assessment to the Roman Catholic sector of The Ottawa-Carleton French-language School Board shall be deemed to have allocated the whole or that part of the assessment to the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton.

(4) Subsection 16 (3) of the *Assessment Act* does not apply in respect of the Regional Area.

(5) Subsection 16 (4) of the *Assessment Act* shall be deemed to read as follows:

(4) Any person may apply to the assessment commissioner to have that person's name included or altered in the assessment roll for a municipality in The Regional Municipality of Ottawa-Carleton as,

- (a) a supporter of The Ottawa Board of Education, if the municipality is within the jurisdiction of that board;
- (b) a supporter of The Carleton Board of Education, if the municipality is within the jurisdiction of that board;
- (c) a supporter of The Ottawa Roman Catholic Separate School Board, if the person is a Roman Catholic and the municipality is within the jurisdiction of that board;
- (d) a supporter of The Carleton Roman Catholic Separate School Board, if the person is a Roman Catholic and the municipality is within the jurisdiction of that board;
- (e) a supporter of the Conseil des écoles publiques d'Ottawa-Carleton, if the person is a French-speaking person; or
- (f) a supporter of the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, if the person is a French-speaking person and a Roman Catholic,

and the assessment commissioner may make the addition or alteration.

(6) For the purposes of the Regional Area, the references in subsections 16 (2), (6), (7) and (8) of the *Assessment Act* to subsection 16 (3) of that Act shall be deemed to be references to subsection 16 (4) of that Act.

50. (1) The definition of "public school elector" in section 1 of the *Municipal Elections Act* shall be deemed to read as follows:

visé à la faire inscrire à titre de contribuable du Conseil des écoles publiques d'Ottawa-Carleton; de même, une demande relative à l'affectation des impôts scolaires présentée aux termes de l'article 16 avant l'entrée en vigueur du Règlement de l'Ontario 689/94 et qui visait à faire inscrire une personne sur le rôle d'évaluation à titre de contribuable de la section catholique du Conseil scolaire de langue française d'Ottawa-Carleton est réputée avoir visé à la faire inscrire à titre de contribuable du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton.

(4.2) Un avis donné aux termes de l'article 17 de la *Loi sur le Conseil scolaire de langue française d'Ottawa-Carleton* avant l'entrée en vigueur du Règlement de l'Ontario 689/94 et affectant la totalité ou une partie d'une évaluation à la section publique du Conseil scolaire de langue française d'Ottawa-Carleton est réputé avoir affecté la totalité ou cette partie de l'évaluation au Conseil des écoles publiques d'Ottawa-Carleton; de même, un avis donné aux termes de l'article 17 de la *Loi sur le Conseil scolaire de langue française d'Ottawa-Carleton* avant l'entrée en vigueur du Règlement de l'Ontario 689/94 et affectant la totalité ou une partie d'une évaluation à la section catholique du Conseil scolaire de langue française d'Ottawa-Carleton est réputé avoir affecté la totalité ou cette partie de l'évaluation au Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton.

(4) Le paragraphe 16 (3) de la *Loi sur l'évaluation foncière* ne s'applique pas à l'égard du secteur régional.

(5) Le paragraphe 16 (4) de la *Loi sur l'évaluation foncière* est réputé se lire comme suit :

(4) Toute personne peut présenter une demande au commissaire à l'évaluation dans le but de faire ajouter son nom sur le rôle d'évaluation d'une municipalité située dans la municipalité régionale d'Ottawa-Carleton, ou de l'y faire modifier :

- a) à titre de contribuable du Conseil de l'éducation d'Ottawa, si la municipalité relève de la compétence de ce conseil;
- b) à titre de contribuable du Conseil de l'éducation de Carleton, si la municipalité relève de la compétence de ce conseil;
- c) à titre de contribuable du Conseil des écoles séparées catholiques d'Ottawa, si la personne est catholique et que la municipalité relève de la compétence de ce conseil;
- d) à titre de contribuable du Conseil des écoles séparées catholiques de Carleton, si la personne est catholique et que la municipalité relève de la compétence de ce conseil;
- e) à titre de contribuable du Conseil des écoles publiques d'Ottawa-Carleton, si la personne est francophone;
- f) à titre de contribuable du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, si la personne est francophone et catholique.

Le commissaire à l'évaluation peut faire cet ajout ou cette modification.

(6) Aux fins du secteur régional, toute mention du paragraphe 16 (3) de la *Loi sur l'évaluation foncière*, faite aux paragraphes 16 (2), (6), (7) et (8) de cette loi, est réputée la mention du paragraphe 16 (4) de cette loi.

50. (1) La définition du terme «électeur des écoles publiques» figurant à l'article 1 de la *Loi sur les élections municipales* est réputée se lire comme suit :

“public school elector” means an elector who is not a separate school elector. (“électeur des écoles publiques”)

«électeur des écoles publiques» Électeur n'ayant pas qualité d'électeur des écoles séparées. («public school elector»)

(2) Section 1 of the *Municipal Elections Act* shall be deemed to include the following subsection:

(2) L'article 1 de la *Loi sur les élections municipales* est réputé comprendre le paragraphe suivant :

(2) For the purposes of this Act and the regulations made under this Act,

(2) Pour l'application de la présente loi et des règlements pris en application de celle-ci :

(a) an elector of the Conseil des écoles publiques d'Ottawa-Carleton shall be deemed to be a French language public school elector; and

a) d'une part, un électeur du Conseil des écoles publiques d'Ottawa-Carleton est réputé un électeur des écoles publiques de langue française;

(b) an elector of the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton shall be deemed to be a French language separate school elector.

b) d'autre part, un électeur du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton est réputé un électeur des écoles séparées de langue française.

(3) Clause 21 (f) of the *Municipal Elections Act* does not apply in respect of the Regional Area.

(3) L'alinéa 21 f) de la *Loi sur les élections municipales* ne s'applique pas à l'égard du secteur régional.

(4) Clause 21 (g) of the *Municipal Elections Act* shall be deemed to read as follows:

(4) L'alinéa 21 g) de la *Loi sur les élections municipales* est réputé se lire comme suit :

(g) who is an elector for The Ottawa Board of Education, The Carleton Board of Education, The Ottawa Roman Catholic Separate School Board, The Carleton Roman Catholic Separate School Board, the Conseil des écoles publiques d'Ottawa-Carleton or the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, that the elector is such an elector.

g) qui est électeur du Conseil de l'éducation d'Ottawa, électeur du Conseil de l'éducation de Carleton, électeur du Conseil des écoles séparées catholiques d'Ottawa, électeur du Conseil des écoles séparées catholiques de Carleton, électeur du Conseil des écoles publiques d'Ottawa-Carleton ou électeur du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, qu'il est cet électeur.

(5) Paragraphs 6 and 7 of subsection 54 (1) of the *Municipal Elections Act* do not apply in respect of the Regional Area.

(5) Les dispositions 6 et 7 du paragraphe 54 (1) de la *Loi sur les élections municipales* ne s'appliquent pas à l'égard du secteur régional.

(6) Paragraph 9 of subsection 54 (1) of the *Municipal Elections Act* shall be deemed to read as follows:

(6) La disposition 9 du paragraphe 54 (1) de la *Loi sur les élections municipales* est réputée se lire comme suit :

9. Where the election is to the office of member of The Ottawa Board of Education, The Carleton Board of Education, The Ottawa Roman Catholic Separate School Board, The Carleton Roman Catholic Separate School Board, the Conseil des écoles publiques d'Ottawa-Carleton or the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, to be elected by electors entitled to elect members of that board in a municipality or in a part thereof, or in a combination of municipalities, an elector of that board is entitled to as many votes as there are members of that board to be elected by such electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

9. Si l'élection a trait au poste de membre du Conseil de l'éducation d'Ottawa, du Conseil de l'éducation de Carleton, du Conseil des écoles séparées catholiques d'Ottawa, du Conseil des écoles séparées catholiques de Carleton, du Conseil des écoles publiques d'Ottawa-Carleton ou du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, ce membre devant être élu par les électeurs qui ont le droit d'élire des membres de ce conseil dans une municipalité, une partie de celle-ci, ou un groupe de municipalités, un électeur de ce conseil a le droit d'exprimer autant de voix qu'il y a de membres de ce conseil que doivent élire ces électeurs dans cette municipalité, cette partie de municipalité ou ce groupe de municipalités, selon le cas, mais ne peut exprimer qu'une voix par candidat.

(7) For the purposes of the Regional Area, subsection 54 (5) of the *Municipal Elections Act* shall be deemed to read as follows:

(7) Aux fins du secteur régional, le paragraphe 54 (5) de la *Loi sur les élections municipales* est réputé se lire comme suit :

(5) For the purposes of this section, the determination as to whether an elector is an elector of The Ottawa Board of Education, The Carleton Board of Education, The Ottawa Roman Catholic Separate School Board, The Carleton Roman Catholic Separate School Board, the Conseil des écoles publiques d'Ottawa-Carleton or the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton shall be in accordance with the electoral status indicated on the list certified under section 34.

(5) Pour l'application du présent article, un électeur a la qualité d'électeur du Conseil de l'éducation d'Ottawa, d'électeur du Conseil de l'éducation de Carleton, d'électeur du Conseil des écoles séparées catholiques d'Ottawa, d'électeur du Conseil des écoles séparées catholiques de Carleton, d'électeur du Conseil des écoles publiques d'Ottawa-Carleton ou d'électeur du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton, en fonction de ce qu'indique la liste certifiée aux termes de l'article 34.

**ONTARIO REGULATION 690/94**  
made under the  
**VITAL STATISTICS ACT**

Made: October 27, 1994  
Filed: November 1, 1994

Amending Reg. 1094 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 1094 has been amended by Ontario Regulation 673/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 59 (1) of Regulation 1094 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) A change of name certificate shall be in Form 26.

**2. Subsection 60 (1) of the Regulation is revoked and the following substituted:**

(1) A birth certificate of a live birth shall be in Form 28.

**3. Forms 4, 11, 13 and 23 of the Regulation are amended by striking out "at Toronto" wherever it occurs and substituting in each case "at . . . . .".**

**4. Forms 28, 30 and 31 of the Regulation are amended by striking out "at Toronto, Ontario" wherever it occurs and substituting in each case "in the Province of Ontario".**

**5. Form 39 of the Regulation is amended by striking out "at Toronto" wherever it occurs and substituting in each case "at . . . . .".**

**6. (1) The English version of Form 43 of the Regulation is amended by striking out "at Toronto" at the end and substituting "at . . . . .".**

**(2) The French version of Form 43 of the Regulation is amended by striking out "à Toronto" at the end and substituting "à . . . . .".**

47/94

**ONTARIO REGULATION 691/94**  
made under the  
**ONTARIO NEW HOME WARRANTIES  
PLAN ACT**

Made: September 22, 1994  
Approved: October 27, 1994  
Filed: November 2, 1994

Amending Reg. 894 of R.R.O. 1990  
(Terms and Conditions of Registration of  
Builders and Vendors)

Note: Since January 1, 1994, Regulation 894 has been amended by Ontario Regulation 391/94. There are no prior amendments.

**1. Section 1 of Regulation 894 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraphs:**

0.1 The Registrar may require an applicant for registration as a builder to complete a written examination on the technical competence to perform the warranties if,

- i. the applicant has not previously been registered as a builder,
- ii. the applicant has had a previous application for registration refused, or has had a previous registration revoked, or
- iii. the applicant has previously been registered and,
  - A. more than three years have elapsed since the expiration or termination of the registration,
  - B. the applicant is a corporation and its officers or directors have changed since the date of the registration, or
  - C. the Corporation has received written notice of a claim against the guarantee fund with respect to a home sold or built by the applicant.

**RÈGLEMENT DE L'ONTARIO 691/94**  
pris en application de la  
**LOI SUR LE RÉGIME DE GARANTIES  
DES LOGEMENTS NEUFS DE L'ONTARIO**

pris le 22 septembre 1994  
approuvé le 27 octobre 1994  
déposé le 2 novembre 1994

modifiant le Règl. 894 des R.R.O. de 1990  
(Modalités et conditions d'inscription applicables aux  
constructeurs et aux vendeurs)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 894 a été modifié par le Règlement de l'Ontario 391/94. Il n'y a pas de modifications antérieures.

**1. L'article 1 du Règlement 894 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction des dispositions suivantes :**

0.1 Le registrateur peut exiger que l'auteur de la demande d'inscription à titre de constructeur passe un examen écrit sur la compétence technique qu'il possède pour honorer les garanties si l'auteur de la demande remplit l'une ou l'autre des conditions suivantes :

- i. il n'a jamais été inscrit à titre de constructeur,
- ii. il s'est déjà vu refuser une demande d'inscription ou annuler une inscription,
- iii. il a déjà été inscrit et, selon le cas :
  - A. plus de trois ans se sont écoulés depuis l'expiration ou la résiliation de son inscription,
  - B. il est une personne morale et ses dirigeants et administrateurs ont changé depuis la date de son inscription,
  - C. la Société a reçu un avis écrit d'une réclamation contre le fonds de garantie à l'égard d'un logement vendu ou construit par lui.

- 0.2 The Registrar may interview an applicant for registration as a vendor or builder or a registrant with respect to the person's entitlement to registration if,
- i. the person has not previously been registered in the capacity that the person is registered or is applying for registration,
  - ii. the person has had a previous application for registration refused or has had a previous registration revoked, or
  - iii. the person has previously been registered and,
    - A. more than three years have elapsed since the expiration or termination of the registration,
    - B. the person is a corporation and its officers or directors have changed since the date of the registration, or
    - C. the Corporation has received written notice of a claim against the guarantee fund with respect to a home sold or built by the person.
- 0.3 An applicant for registration as a vendor or builder or a registrant shall,
- i. within the time period specified by the Registrar, provide such information or material relating to the person's entitlement to registration as the Registrar requires, and
  - ii. at the request of the Registrar, have the information and material verified by affidavit.
- . . . . .
- 4.1 The registrant shall pay an administration fee to the Corporation equal to 15 per cent of the amount that is paid out of the guarantee fund in payment of claims in respect of the registrant.
- 4.2 The registrant shall pay to the Corporation interest at the rate of 1.5 per cent per month, calculated daily, on all amounts that the registrant owes to the Corporation; the registrant shall make the interest payments on the first day of each month following the date of default in repaying the amounts owed until the amounts owed are repaid in full.
- . . . . .
- 6.1 The Corporation may inspect a home on which a registered builder has commenced construction if, when applying for registration, the builder was an applicant described in the subparagraphs of paragraph 0.1; the builder shall pay a fee of \$125 per inspection per home to the Corporation at the time the Corporation directs.
- 6.2 The Corporation may inspect a home on which a registered builder has commenced construction if the builder has previously been registered and has had a dispute conciliated by the Corporation; the builder shall pay an inspection fee of \$225 per home to the Corporation at the time the Corporation directs.
- 6.3 The Corporation may issue to the builder of a home that it inspects a list of deficiencies in the construction of the home that must be corrected to bring the home into compliance with the Act and the regulations; a builder who receives a list of deficiencies shall correct them within a reasonable period of time.
- 0.2 Le registrateur peut s'entretenir avec l'auteur d'une demande d'inscription à titre de vendeur ou de constructeur ou avec une personne inscrite à l'égard du droit à l'inscription de l'une ou l'autre personne si celle-ci remplit l'une ou l'autre des conditions suivantes :
- i. elle n'a jamais été inscrite au titre de la qualité pour laquelle elle est inscrite ou demande à l'être,
  - ii. elle s'est déjà vu refuser une demande d'inscription ou annuler une inscription,
  - iii. elle a déjà été inscrite et, selon le cas :
    - A. plus de trois ans se sont écoulés depuis l'expiration ou la résiliation de son inscription,
    - B. elle est une personne morale et ses dirigeants et administrateurs ont changé depuis la date de son inscription,
    - C. la Société a reçu un avis écrit d'une réclamation contre le fonds de garantie à l'égard d'un logement vendu ou construit par la personne.
- 0.3 L'auteur d'une demande d'inscription à titre de vendeur ou de constructeur ou une personne inscrite :
- i. fournit, dans le délai précisé par le registrateur, les renseignements ou les pièces que celui-ci exige relativement à son droit à l'inscription,
  - ii. fait, à la demande du registrateur, appuyer les renseignements et les pièces par affidavit.
- . . . . .
- 4.1 La personne inscrite verse à la Société des droits d'administration correspondant à 15 pour cent du montant prélevé sur le fonds de garantie pour régler les réclamations présentées à son égard.
- 4.2 La personne inscrite verse à la Société des intérêts au taux mensuel de 1,5 pour cent, calculés quotidiennement, sur tous les montants qu'elle doit à la Société. La personne inscrite verse ces intérêts le premier de chaque mois à compter de la date du défaut de versement des montants dus jusqu'au remboursement intégral de ces montants.
- . . . . .
- 6.1 La Société peut inspecter un logement dont un constructeur inscrit a commencé la construction si, lorsqu'il a présenté sa demande d'inscription, le constructeur était l'auteur d'une demande décrit aux sous-dispositions de la disposition 0.1. Le constructeur verse à la Société des droits de 125 \$ par inspection par logement au moment que fixe la Société.
- 6.2 La Société peut inspecter un logement dont un constructeur inscrit a commencé la construction si celui-ci a déjà été inscrit et a été partie à un différend pour lequel la Société a servi de conciliateur. Le constructeur verse à la Société des droits de 225 \$ par inspection par logement au moment que fixe la Société.
- 6.3 La Société peut délivrer au constructeur d'un logement qu'elle inspecte la liste des vices de construction du logement qui doivent être rectifiés pour que ce dernier devienne conforme à la Loi et aux règlements. Le constructeur qui reçoit la liste des vices rectifie ceux-ci dans un délai raisonnable.



6.4 If the results of an examination or interview by the Registrar or an inspection by the Corporation demonstrate that a registrant does not have the necessary technical competence to be registered under the Act, the Registrar may require the registrant, as a condition for continuing to be registered, to,

- i. limit the number of homes the registrant constructs,
- ii. post security with the Corporation, or
- iii. successfully complete a course of study that the Registrar specifies.

Passed by the Directors on September 22, 1994.

HUGH HERON  
CHAIR

JOHN MANSFIELD  
SECRETARY

Confirmed by the members in accordance with the *Corporations Act* on September 22, 1994.

JOHN MANSFIELD  
SECRETARY

47/94

6.4 Si les résultats d'un examen ou d'un entretien donné par le registraire ou d'une inspection effectuée par la Société établissent qu'une personne inscrite n'a pas la compétence technique nécessaire pour être inscrite aux termes de la Loi, le registraire peut exiger que, comme condition du maintien de l'inscription, la personne :

- i. soit, limite le nombre de maisons qu'elle construit,
- ii. soit, dépose un cautionnement auprès de la Société,
- iii. soit, réussisse un cours que précise le registraire.

Adopté par les administrateurs le 22 septembre 1994.

HUGH HERON  
PRÉSIDENT

JOHN MANSFIELD  
SECRETÉAIRE

Ratifié par les membres conformément à la *Loi sur les personnes morales* le 22 septembre 1994.

JOHN MANSFIELD  
SECRETÉAIRE

**ONTARIO REGULATION 692/94**  
made under the  
**PLANNING ACT**

Made: October 27, 1994  
Filed: November 3, 1994

Amending O. Reg. 279/80  
(Restricted Areas—District of Algoma, Sault Ste. Marie  
North Planning Area)

Note: Since January 1, 1994, Ontario Regulation 279/80 has been amended by Ontario Regulation 530/94. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991, 1992 and 1993.

**1. Section 1 of Ontario Regulation 279/80 is amended by adding the following paragraph:**

29.1 "social or fraternal organization" means a non-government, non-profit, non-commercial organization which carries on social, cultural, recreational or welfare programs;

**2. The Regulation is amended by adding the following section:**

**133.** (1) Despite subsection 36 (1), the lands described in subsection (2) may be used for a social or fraternal organization if the requirements set out in subsection 37 (1) are met.

(2) Subsection (1) applies to that parcel of land in the geographic Township of Aweres in the District of Algoma, being part of the southeast quarter of section 29, designated as Part 5 on Plan 1R-8563

as deposited in the Land Registry Office for the Land Registry Division of Algoma (No. 1).

BRYAN O. HILL  
Director  
Plans Administration Branch  
North and East  
Ministry of Municipal Affairs

Dated at Toronto on October 27, 1994.

47/94

**ONTARIO REGULATION 693/94**  
made under the  
**PLANNING ACT**

Made: October 27, 1994  
Filed: November 3, 1994

Amending O. Reg. 279/80  
(Restricted Areas—District of Algoma, Sault Ste. Marie  
North Planning Area)

Note: Since January 1, 1994, Ontario Regulation 279/80 has been amended by Ontario Regulations 530/94 and 692/94. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991, 1992 and 1993.

**1. Ontario Regulation 279/80 is amended by adding the following section:**

**134.** (1) Despite clause 5 (3) (c), the lands described in subsection (2) may contain one accessory building that is a minimum of 18 metres from the front lot line, if the following conditions are met:

Minimum Front Yard	22 metres
Minimum Side Yard	5 metres
Maximum Lot Coverage	10%
Maximum Height	6 metres

(2) Subsection (1) applies to that parcel of land in the geographic Township of Aweres in the District of Algoma, being part of the northeast quarter of section 32, designated as Part 1 on Plan 1R-5287 as deposited in the Land Registry Office for the Land Registry Division of Algoma (No. 1).

BRYAN O. HILL  
*Director*  
*Plans Administration Branch*  
*North and East*  
*Ministry of Municipal Affairs*

Dated at Toronto on October 27, 1994.

47/94

**ONTARIO REGULATION 694/94**  
 made under the  
**ONTARIO MUNICIPAL EMPLOYEES**  
**RETIREMENT SYSTEM ACT**

Made: October 27, 1994  
 Filed: November 4, 1994

Amending Reg. 890 of R.R.O. 1990  
 (General)

Note: Since January 1, 1994, Regulation 890 has been amended by Ontario Regulation 81/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 7 (2) of Regulation 890 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(2) An election under subsection (1) must include the participation of employees and may include the participation of all councillors or of the head of council only.

(3) The effective date with respect to employees, councillors or heads of council may be the first day of any month within the year in which the president receives the employer's election to participate in the System in respect of those employees, councillors or heads of council.

**2. Subsection 8 (9) of the Regulation is revoked and the following substituted:**

(9) A councillor or head of council in office on the effective date for councillors or heads of council is entitled to become a member.

(10) A person who becomes a councillor or head of council after the effective date becomes a member on the date he or she becomes a councillor or head of council.

47/94

**ONTARIO REGULATION 695/94**  
 made under the  
**HIGHWAY TRAFFIC ACT**

Made: November 3, 1994  
 Filed: November 4, 1994

Amending Reg. 619 of R.R.O. 1990  
 (Speed Limits)

Note: Since January 1, 1994, Regulation 619 has been amended by Ontario Regulations 25/94, 75/94, 293/94, 449/94, 564/94, 611/94 and 661/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Paragraph 25 of Part 2 of Schedule 21 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

25. That part of the King's Highway known as No. 17 lying between a point situate 1200 metres measured westerly from its intersection with the King's Highway known as No. 44 in the Township of West Carleton in The Regional Municipality of Ottawa-Carleton and a point situate 460 metres measured easterly from its intersection with the line between lots 5 and 6 in Concession 1 in the Township of Ross in the County of Renfrew.
- Regional Municipality of Ottawa-Carleton—  
 Twp. of West Carleton  
 Renfrew—  
 Twp. of Ross

**2. Paragraph 1 of Part 1 of Schedule 130 to the Regulation is revoked and the following substituted:**

1. That part of the King's Highway known as No. 417 in the Township of West Carleton in The Regional Municipality of Ottawa-Carleton lying between a point situate at its intersection with the Ontario and Quebec provincial boundary and a point situate 1200 metres measured westerly from its intersection with the King's Highway known as No. 44.
- Regional Municipality of Ottawa-Carleton—  
 Twp. of West Carleton

**3. (1) Paragraphs 1 and 2 of Part 5 of Schedule 159 to the Regulation are revoked.**

**(2) Part 6 of Schedule 159 to the Regulation is amended by adding the following paragraphs:**

3. That part of the King's Highway known as No. 560 in the locality of Gowganda in the Township of Nicol in the Territorial District of Timiskaming beginning at a point situate 100 metres measured easterly from its intersection with the easterly limits of the structure over the Montreal River and extending easterly for a distance of 3150 metres.
- District of Timiskaming—  
 Twp. of Nicol

- District of  
Sudbury—
- Twp. of Asquith
4. That part of the King's Highway known as No. 560 in the locality of Shining Tree in the Township of Asquit in the Territorial District of Sudbury beginning at a point situate 650 metres measured westerly from its intersection with the centre line of the roadway known as Three Bears Camp Road and extending westerly for a distance of 950 metres.

MIKE FARNAN  
*Minister of Transportation*

Dated at Toronto November 3, 1994.

47/94



# Publications under the Regulations Act

## Publications en vertu de la Loi sur les règlements

1994—11—26

### ONTARIO REGULATION 696/94 made under the LIQUOR LICENCE ACT

Made: November 3, 1994  
Filed: November 7, 1994

Amending Reg. 719 of R.R.O. 1990  
(Licences to Sell Liquor)

Note: Since January 1, 1994, Regulation 719 has been amended by Ontario Regulations 31/94, 161/94, 249/94, 261/94 and 336/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

#### 1. Section 23 of Regulation 719 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsections:

(1.1) For the purposes of clause (1) (d), "entertainment ancillary to the sale and service of liquor and food" does not include entertainment designed to appeal to erotic or sexual appetites or inclinations if the entertainment includes entertainment provided by a person under 18 years of age.

(1.2) In subsection (1.1), "entertainment designed to appeal to erotic or sexual appetites or inclinations" includes entertainment,

- (a) a feature or characteristic of which is the nudity or partial nudity of a person; or
- (b) in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or "nu" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

(1.3) Subsections 41 (3), (4) and (5) and subsections 42 (1) and (2) apply with respect to the enforcement of clause (1) (d) where the entertainment appears to be entertainment under subsection (1.1).

48/94

### ONTARIO REGULATION 697/94 made under the MUNICIPAL BOUNDARY NEGOTIATIONS ACT

Made: October 27, 1994  
Filed: November 7, 1994

#### CITY OF KANATA, CITY OF NEPEAN BOUNDARY

1. On January 1, 1995, the portion of the City of Nepean described in the Schedule is annexed to the City of Kanata.

2. All real property of The Corporation of the City of Nepean situate in the annexed area vests in The Corporation of the City of Kanata on January 1, 1995.

3. On January 1, 1995, the by-laws of The Corporation of the City of Kanata extend to the annexed area and the by-laws of The Corporation of the City of Nepean cease to apply to such area, except,

(a) by-laws of The Corporation of the City of Nepean,

- (i) that were passed under section 34 or 42 of the *Planning Act*, or a predecessor of those sections,
- (ii) that were kept in force by subsection 13 (3) of *The Municipal Amendment Act, 1941*, or
- (iii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the City of Kanata;

(b) by-laws of The Corporation of the City of Nepean passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and

(c) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the City of Nepean.

4. For the purposes of the assessment roll to be prepared for the City of Kanata under the *Assessment Act* for the 1995 taxation year, the annexed area shall be deemed to be a part of the City of Kanata.

5. The agreement between The Corporation of the City of Kanata and The Corporation of the City of Nepean entered into on March 31, 1992 is hereby given effect.

#### Schedule

#### PORTION OF THE CITY OF NEPEAN TO BE ANNEXED TO THE CITY OF KANATA

Beginning at the northeasterly angle of the geographic Township of Goulbourn;

Thence northerly along the easterly limit of the road allowance between the geographic townships of March and Nepean to a point distant 300 metres measured southerly from the northwesterly angle of Lot 1 in Concession A Ottawa Front of the Township of Nepean;

Thence westerly and parallel with the northerly limit of Lot 1 to the boundary between the City of Kanata and the City of Nepean being the centre line of the road allowance between the former townships;

Thence southerly along the boundary between the cities to the northerly boundary of the geographic Township of Goulbourn;

Thence easterly along the northerly boundary of the Township to the place of beginning.

48/94

**ONTARIO REGULATION 698/94**  
made under the  
**MUNICIPAL BOUNDARY NEGOTIATIONS ACT**

Made: October 27, 1994  
Filed: November 7, 1994

**VILLAGE OF ELORA, TOWNSHIP OF  
NICHOL BOUNDARY**

1. On December 1, 1994, the portion of the Township of Nichol described in the Schedule is annexed to the Village of Elora.

2. All real property of The Corporation of the Township of Nichol situate in the annexed area vests in The Corporation of the Village of Elora on December 1, 1994.

3. On December 1, 1994, the by-laws of The Corporation of the Village of Elora extend to the annexed area and the by-laws of The Corporation of the Township of Nichol cease to apply to such area, except,

- (a) by-laws of The Corporation of the Township of Nichol,
- (i) that were passed under section 34 or 42 of the *Planning Act* or a predecessor of those sections,
  - (ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the Village of Elora;

- (b) by-laws of The Corporation of the Township of Nichol passed under section 3 of the *Development Charges Act* which shall remain in force until the earlier of,
- (i) the date they are repealed by the council of The Corporation of Village of Elora, and
  - (ii) the date they expire under section 6 of the *Development Charges Act*;
- (c) by-laws of The Corporation of the Township of Nichol passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and
- (d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Township of Nichol.

4. (1) All real property taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on November 30, 1994 shall be deemed on December 1, 1994 to be taxes due and payable to The Corporation of the Village of Elora and may be collected by The Corporation of the Village of Elora.

(2) All business taxes levied and uncollected in the annexed area which are due and unpaid on November 30, 1994 shall continue after that date to be taxes due and payable to The Corporation of the Township of Nichol and may be collected by The Corporation of the Township of Nichol.

5. (1) The assessment of land in the annexed area upon which the taxes after November 30, 1994 shall be levied shall be determined by

the assessment commissioner in accordance with the classes of real property and the factors prescribed for the Village of Elora by regulation.

(2) Where the assessment commissioner makes an assessment in accordance with subsection (1), section 34 of the *Assessment Act* applies to that assessment.

6. On or before December 1, 1994, The Corporation of the Village of Elora shall pay \$7,916.80 to The Corporation of the Township of Nichol as compensation for the loss of tax revenues from the annexed area.

7. The agreement between The Corporation of the Village of Elora and The Corporation of the Township of Nichol entered into on July 20, 1994 is hereby given effect.

**Schedule**

**DESCRIPTION OF LAND TO BE ANNEXED  
TO THE VILLAGE OF ELORA**

The land in the Township of Nichol in the County of Wellington, being composed of:

Firstly, part of lots 9, 10 and 13, according to registered plan 246 and part of the Original Road Allowance between Lot 19, Concession 12 and Lot 5, Broken Front Northwest of River (Colborne Street) in the Township of Nichol containing an area of 2.625 hectares, more or less, and more particularly described as follows:

Premising that the bearings herein are astronomic and are referred to the southeasterly limit of Colborne Street as having a bearing of North 44° 56' 10" East in accordance with Plan 61R-925;

Commencing at the easterly corner of Lot 19 in Concession 12;

Thence South 44° 56' 10" West along the southeasterly limit of Lot 19 in Concession 12 being also the northwesterly limit of Colborne Street 161.544 metres to its intersection with the southwesterly limit of Blair Street, being the northeasterly limit of the Village of Elora;

Thence South 45° 05' 20" East along the Village limit 20.117 metres to a jog therein;

Thence North 44° 56' 10" East along the said jog, being the southeasterly limit of Colborne Street 10.973 metres to the end of the said jog;

Thence South 44° 43' 30" East continuing along the northeasterly limit of the Village of Elora 147.325 metres;

Thence on a circular curve to the right having a radius of 1,736.446 metres, a chord distance of 151.067 metres on a chord bearing of North 49° 51' 50" East to the northeasterly limit of Lot 10 according to Registered Plan 246;

Thence North 44° 43' 30" West along the northeasterly limits of lots 10 and 13 being the southwesterly limit of the Original Road Allowance between concessions 12 and 13 in the Township of Nichol 160.340 metres to the northerly angle of Lot 13;

Thence North 45° 05' 20" West 20.117 metres to the point of commencement.

Secondly, parts of lots 7 and 8 according to Registered Plan 246 in the Township of Nichol containing an area of 0.587 of a hectare more or less and more particularly described as follows:

Premising that the bearings herein are astronomic and are referred to the southeasterly limit of Colborne Street as having a bearing of North 44° 56' 10" East in accordance with Plan 61R-925;

Commencing at a point in the southwesterly limit of Lot 7 distant 24.750 metres measured on a bearing of North 45° 17' 10" West therealong from the southerly corner thereof;

Thence North 45° 28' 05" West continuing along the southwesterly limit of Lot 7 being the northeasterly limit of The Corporation of the Village of Elora 86.981 metres to a jog therein;

Thence North 44° 53' 20" East along the said job 7.124 metres;

Thence along the northerly limit of Part 2, Plan 61R-5810 on a circular curve to the right having a radius of 182.270 metres, a chord distance of 63.385 metres on a chord bearing of North 81° 09' 26" East;

Thence South 87° 57' 40" East continuing along the northerly limit of Part 2 Plan 61R-5810, a distance of 77.172 metres to the most easterly corner thereof;

Thence along the easterly limit of Part 2 Plan 61R-5810 on a circular curve to the left having a radius of 403.324 metres, a chord distance of 26.051 metres on a chord bearing of South 56° 14' 17" West;

Thence South 87° 57' 40" East 12.521 metres;

Thence South 62° 39' West 36.908 metres;

Thence South 47° 30' West 62.076 metres to the point of commencement.

48/94

**ONTARIO REGULATION 699/94**  
made under the  
**PLANNING ACT**

Made: November 3, 1994  
Filed: November 9, 1994

Amending O. Reg. 409/82  
(Restricted Areas—District of Algoma,  
Geographic townships of Cobden,  
Striker, Scarfe and Mack)

Note: Ontario Regulation 409/82 has not been amended in 1994. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991, 1992 and 1993.

**1. Ontario Regulation 409/82 is amended by adding the following section:**

**29.2** (1) Despite sections 2 and 3, section 8 shall not apply to the land described in subsection (2).

(2) Subsection (1) applies to that parcel of land in the geographic Town of Blind River, in the District of Algoma, being Parcel 2301 A.E.S. and Parcel 8262 A.E.S. more particularly described as parts 1, 2, 3 and 4 on Reference Plan 1R-8916, deposited in the Land Registry Office for the Land Titles Division of Algoma (No. 1).

BRYAN O. HILL  
*Director*  
*Plans Administration Branch*  
*North and East*  
*Ministry of Municipal Affairs*

Dated at Toronto on November 3, 1994.

48/94

**ONTARIO REGULATION 700/94**  
made under the  
**LIVESTOCK BRANDING ACT**

Made: November 7, 1994  
Filed: November 10, 1994

**FEES**

1. The fee payable,

- (a) on an application for allotment of a brand for a period of three years is \$50;
- (b) on an application for a renewal of an allotment of a brand for a period of three years is \$50;
- (c) on an application for a change in the record of a brand is \$50; and
- (d) on every transfer of a recorded brand is \$50.

2. Regulation 728 of the Revised Regulations of Ontario, 1990 is revoked.

ELMER BUCHANAN  
*Minister of Agriculture,*  
*Food and Rural Affairs*

Dated at Toronto on November 7, 1994.

48/94





# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—12—03

## ONTARIO REGULATION 701/94 made under the ENVIRONMENTAL ASSESSMENT ACT

Approved: October 27, 1994  
Filed: November 14, 1994

### EXEMPTION—THE CORPORATION OF THE TOWNSHIPS OF ROLPH, BUCHANAN, WYLIE, MCKAY AND THE VILLAGE OF CHALK RIVER

Having received a request from The Corporation of the townships of Rolph, Buchanan, Wylie, McKay and the Village of Chalk River (the "proponent") that an undertaking, namely:

the expansion, operation and closure of the existing Township of Buchanan Landfill located on part of Lot 5, Concession VII, in the Township of Buchanan, County of Renfrew, for the disposal of domestic, commercial and non-hazardous solid industrial waste as described in reports entitled: Volume I, Supporting Documentation for an Environmental Assessment Exemption Order and an Application for a Certificate of Approval for an Interim Expansion (February 1993) and Volume II, Summary Report Hydrogeological Investigation at the Townships of Rolph, Buchanan, Wylie and McKay Landfill Site Part 5, Concession VII, Township of Buchanan (February 1993),

be exempt from the application of the Act pursuant to section 29; and

Having been advised by the proponent that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

- A. The proponent will be subject to unnecessary delay and expense if required to prepare an environmental assessment for the undertaking.
- B. The proponent will be subject to unnecessary delay and expense in implementing its long-term waste management program.
- C. The proponent and residents will be without a municipal solid waste disposal facility.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the *Environmental Assessment Act* for the following reasons:

- A. Continued or expanded operation of the existing landfill is clearly an interim measure for which there are no other reasonable waste management alternatives which can be implemented within the necessary time frame.
- B. Alternatives have been investigated.
- C. A mandatory public hearing under Part V of the *Environmental Protection Act* (EP Act) for the approval of the interim expansion will be held, thereby permitting the public and government

agencies the opportunity to review the proposed changes to the site.

- D. It is the intention of the proponent that a long-term waste management program be pursued in accordance with applicable legislation and the proponent expects that sufficient elements of that program will be implemented prior to the conclusion of the exempt undertaking.

This exemption is subject to the following terms and conditions:

1. Where any activity which otherwise would be exempt under this order is being carried out as, or is part of, an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms or conditions in the approval to proceed as well as the conditions of this order.
2. Where any activity which is the subject of this order is being carried out as, or is part of, another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms or conditions in the other exemption order as well as the conditions in this order.
3. The proponent shall file an annual report to the Regional Director, Ministry of Environment and Energy, outlining the proponent's progress in operating the site in an environmentally sound manner and progress in implementing the long-term waste management program; a copy of the reports shall also be submitted to the Director, Approvals Branch, Ministry of Environment and Energy. The proponent may cease filing such reports after the site has been closed to the satisfaction of the Director, Approvals Branch and that Director has advised the proponent in writing that further reports are not required pursuant to this condition.
4. No waste shall be deposited at the site pursuant to this order more than a maximum of five years after the date of receipt of waste pursuant to this order.

BUD WILDMAN  
Minister of Environment and Energy

49/94

## ONTARIO REGULATION 702/94 made under the ENVIRONMENTAL ASSESSMENT ACT

Approved: October 27, 1994  
Filed: November 14, 1994

### EXEMPTION—THE CORPORATION OF THE TOWNSHIP OF STEPHEN

Having received a request from The Corporation of the Township of Stephen (the "proponent") that an undertaking, namely:

the expansion, operation and closure of the existing Township of Stephen Landfill located on part of Lot 3, Concession 14, in the Township of Stephen, County of Huron, for the disposal of domestic, commercial and non-hazardous solid industrial waste as

described in reports entitled: Interim Expansion of the Township of Stephen Landfill Site, Sanitary Landfill Site Design and Operations Report to Closure, Hydrogeological Study of the Stephen Township Landfill and Addendum Report - Hydrogeological Study Stephen Township Landfill,

be exempt from the application of the Act pursuant to section 29; and

Having been advised by the proponent that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

- A. The proponent will be subject to unnecessary delay and expense if required to prepare an environmental assessment for the undertaking.
- B. The proponent will be subject to unnecessary delay and expense in implementing its long-term waste management program.
- C. The proponent and residents will be without a municipal solid waste disposal facility.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the *Environmental Assessment Act* for the following reasons:

- A. Continued or expanded operation of the existing landfill is clearly an interim measure for which there are no other reasonable waste management alternatives which can be implemented within the necessary time frame.
- B. Alternatives have been investigated.
- C. A mandatory public hearing under Part V of the *Environmental Protection Act* (EP Act) for the approval of the interim expansion will be held, thereby permitting the public and government agencies the opportunity to review the proposed changes to the site.
- D. It is the intention of the Minister to issue a report under section 29 of the EP Act to formalize the long-term waste management program of the municipality.
- E. It is the intention of the proponent that a long-term waste management program be pursued in accordance with applicable legislation and the proponent expects that sufficient elements of that program will be implemented prior to the conclusion of the exempt undertaking.

This exemption is subject to the following terms and conditions:

1. Where any activity which otherwise would be exempt under this order is being carried out as, or is part of, an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms or conditions in the approval to proceed as well as the conditions of this order.
2. Where any activity which is the subject of this order is being carried out as, or is part of, another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms or conditions in the other exemption order as well as the conditions in this order.

3. The proponent shall file an annual report to the Regional Director, Ministry of Environment and Energy, outlining the proponent's progress in achieving abatement at the existing site and progress in implementing the long-term waste management program; a copy of the reports shall also be submitted to the Director, Approvals Branch, Ministry of Environment and Energy. The proponent may cease filing such reports after the site has been closed to the satisfaction of the Director, Approvals Branch and that Director has advised the proponent in writing that further reports are not required pursuant to this condition.

4. No waste shall be deposited at the site pursuant to this order more than a maximum of five years after the date of receipt of waste in the interim expansion area.

5. In the event the site is acquired by another municipality, the acquiring municipality shall carry out the responsibilities of the Township under this order.

BUD WILDMAN

*Minister of Environment and Energy*

49/94

**ONTARIO REGULATION 703/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994

Filed: November 16, 1994

**INTERPRETATION**

1. For the purposes of Ontario Regulation 4/86, as it read immediately before November 16, 1992, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

**2. This Regulation shall be deemed to have come into force on January 9, 1986.**

FLOYD LAUGHREN  
*Minister of Finance*

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 704/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994

Filed: November 16, 1994

**INTERPRETATION**

1. For the purposes of Ontario Regulation 15/84, as it read immediately before November 16, 1992, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

**2. This Regulation shall be deemed to have come into force on January 11, 1984.**

FLOYD LAUGHREN  
*Minister of Finance*

Dated at Toronto on November 16, 1994.

49/94

**ONTARIO REGULATION 705/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

Amending Reg. 33 of R.R.O. 1990  
(Equalization of 1989 Assessments for the 1990 Tax Year  
(Various Municipalities) under Subsection 60 (4) of the Act)

Note: Regulation 33 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**I. Regulation 33 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**

**3.1** For the purposes of this Regulation, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

**2. This Regulation shall be deemed to have come into force on December 1, 1989.**

FLOYD LAUGHREN  
*Minister of Finance*

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 706/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

**INTERPRETATION**

**1.** For the purposes of Ontario Regulation 35/87, as it read immediately before November 16, 1992, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

**2. This Regulation shall be deemed to have come into force on January 27, 1987.**

FLOYD LAUGHREN  
*Minister of Finance*

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 707/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

**INTERPRETATION**

**1.** For the purposes of Ontario Regulation 74/85, as it read immediately before November 16, 1992, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

**2. This Regulation shall be deemed to have come into force on February 8, 1985.**

FLOYD LAUGHREN  
*Minister of Finance*

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 708/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

**INTERPRETATION**

**1.** For the purposes of Ontario Regulation 89/85, as it read immediately before November 16, 1992, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

**2. This Regulation shall be deemed to have come into force on February 19, 1985.**

FLOYD LAUGHREN  
*Minister of Finance*

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 709/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

**INTERPRETATION**

**1.** For the purposes of Ontario Regulation 95/84, as it read immediately before November 16, 1992, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

**2. This Regulation shall be deemed to have come into force on February 14, 1984.**

FLOYD LAUGHREN  
*Minister of Finance*

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 710/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

Amending O. Reg. 110/89  
(Equalization of Assessments made under  
Section 63 of the Assessment Act)

Note: Ontario Regulation 110/89 has been amended by Ontario Regulation 203/89.

**1. Ontario Regulation 110/89 is amended by adding the following section:**

3.1 For the purposes of this Regulation, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

2. This Regulation shall be deemed to have come into force on March 2, 1989.

FLOYD LAUGHREN  
Minister of Finance

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 711/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

**INTERPRETATION**

1. For the purposes of Ontario Regulation 127/88, as it read immediately before November 16, 1992, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

2. This Regulation shall be deemed to have come into force on March 2, 1988.

FLOYD LAUGHREN  
Minister of Finance

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 712/94**  
made under the  
**ASSESSMENT ACT**

Made: November 15, 1994  
Filed: November 16, 1994

Amending O. Reg. 281/91

(Equalization of 1990 Assessments for the 1991 Tax Year  
(Various Municipalities) under Subsection 58 (3) of the Act)

Note: There are no prior amendments to Ontario Regulation 281/91.

1. Ontario Regulation 281/91 is amended by adding the following section:

3.1 For the purposes of this Regulation, all real property in the municipality shall be allocated to that prescribed class of real property that most nearly describes the physical nature and characteristics of the real property.

2. This Regulation shall be deemed to have come into force on December 1, 1991.

FLOYD LAUGHREN  
Minister of Finance

Dated at Toronto on November 15, 1994.

49/94

**ONTARIO REGULATION 713/94**  
made under the  
**DEVELOPMENT CORPORATIONS ACT**

Made: November 16, 1994  
Filed: November 17, 1994

Amending O. Reg. 512/94  
(Ontario International Trade Corporation)

Note: Since it was made, Ontario Regulation 512/94 has not been amended.

1. (1) Subparagraph ii of paragraph 1 of section 2 of Ontario Regulation 512/94 is revoked and the following substituted:

ii. the provision of financial assistance to persons carrying on industrial undertakings in Ontario.

(2) Paragraphs 4 and 5 of section 2 of the Regulation are revoked and the following substituted:

5. To study, promote and assist in the growth, efficiency and improvement of Ontario's public sector resources for use in the international marketplace.

2. Section 3 of the Regulation is revoked and the following substituted:

3. The Ontario International Trade Corporation shall consist of a maximum of 20 members appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

49/94

**ONTARIO REGULATION 714/94**  
made under the  
**OCCUPATIONAL HEALTH AND SAFETY ACT**

Made: November 16, 1994  
Filed: November 17, 1994

**FIREFIGHTERS—PROTECTIVE EQUIPMENT**

1. In this Regulation, "firefighter" means a worker who is a full-time or volunteer firefighter in a fire department as defined in the *Fire Departments Act*.

2. This Regulation applies to every firefighter and to every employer of a firefighter.

3. (1) Anything may vary from a standard prescribed by this Regulation if,

(a) the variation maintains or increases the protection for the health or safety of workers; and

(b) at least 60 days before the variation, written notice of the variation is given to a Director and the joint health and safety committee and to the trade union, if any.

(2) The notice under clause (1) (b) is not required if a professional engineer has certified in writing that the variation meets the criteria set out in clause (1) (a).

4. (1) A firefighter who is exposed to the hazard of head injury while carrying out his or her duties on an emergency call shall use head protective equipment that meets or exceeds the requirements of the Ontario Code for the Head Protection of Fire Fighters issued by the Ministry of Labour and dated February 9, 1983, excluding section 2 of Part II of that Code.

(2) The employer shall provide training and instruction to every firefighter in the proper care and use of head protective equipment and in the limitations of protection afforded by it.

(3) Head protective equipment shall be kept in good condition and shall be inspected periodically by the employer.

5. (1) The employer shall ensure that protective turn out clothing acquired on or after June 15, 1991 for use by firefighters who may be required to perform interior structural fire suppression duties meets or exceeds the requirements of CAN/CGSB 155.1-M88 "Firefighters Protective Clothing for Protection Against Heat and Flame".

(2) The employer shall ensure that on and after December 31, 1995 firefighters who may be required to perform interior structural fire suppression duties are equipped with protective turn out clothing that meets or exceeds the requirements of CAN/CGSB 155.1-M88.

6. (1) In this section, "chassis mounted aerial device" means any device, whether extensible, articulating or both, that is mounted on a vehicle's chassis and designed to position persons, handle materials or discharge water, but does not include portable ladders.

(2) Subject to subsection (3), a chassis mounted aerial device shall be visually inspected by a competent person at the times recommended by the manufacturer but in any event at least once every calendar year.

(3) Every chassis mounted aerial device shall be visually inspected by a competent person,

- (a) before being used for the first time;
- (b) after every major repair;
- (c) after being used if it may have been subjected to unusual operating conditions of stress or load; and
- (d) when there is reason to believe that the maximum loads or stresses recommended in the manufacturer's operating specifications have been exceeded.

(4) Every chassis mounted aerial device shall be tested using a method of inspection that does not physically alter or damage material,

- (a) when a visual inspection indicates a potential hazard; and
- (b) not later than December 15, 1999 for the first such testing and subsequently not later than five years from the date of the last non-destructive testing.

(5) The visual inspection and non-destructive tests under this section shall be performed in accordance with NFPA 1914, Standard for Testing Fire Department Aerial Devices, 1991 Edition, excluding section 1-7.

(6) If a visual inspection or any test reveals a hazard to the integrity of the chassis mounted aerial device, the employer shall ensure that,

- (a) the chassis mounted aerial device is taken out of service;
- (b) the repairs, if any, are undertaken by a competent person; and
- (c) if the repairs involve welding, the welds are inspected and approved by an inspector who is a Level III Welding Inspector under CSA Standard W178.2-1990 Certification of Welding Inspectors, and who is employed by an organization certified under CSA Standard W178.1-1990 Certification of Welding Inspection Organizations.

(7) Service records for a chassis mounted aerial device shall be maintained for as long as the device is in service and shall include a record of,

- (a) visual inspections;
- (b) non-destructive and other tests;
- (c) the problems identified;
- (d) the repairs made; and
- (e) the name and signature of the competent persons who undertook the activities mentioned in clauses (a) to (d).

7. (1) Every new fire truck put into service on or after December 15, 1995 shall be equipped with,

- (a) an enclosed cab consisting of,
  - (i) one or more driving and crew compartments,
  - (ii) a roof, floor, four sides and positive latching doors which together provide total enclosure of the driver and passengers,
  - (iii) seats equipped with back and anti-whiplash head supports and seat belts, and
  - (iv) sufficient seats for the maximum number of persons intended under the manufacturer's specifications to be accommodated in the enclosed cab;
- (b) sufficient anti-slip handle-holds, inside and outside the enclosed cab, to allow firefighters to use the position known as the three-point contact method when entering or exiting the enclosed cab.

(2) Tools, self-contained breathing apparatus and other fire fighting equipment or paraphernalia carried in the enclosed cab shall be secured to fixed positions by positive mechanical means or stowed in compartments with positive latching doors.

8. (1) Subject to subsection (2), no firefighter shall travel on board a fire truck that is moving at more than 8 kilometres an hour unless he or she is seated within an enclosed cab.

(2) Until December 15, 1999, a firefighter may travel on the tailboard of a fire truck that is moving at more than 8 kilometres an hour if,

- (a) adequate handles and suitable safety belts or harnesses are provided by the employer and are approved by the joint health and safety committee or the trade union, if any;
  - (b) the surface of the tailboard has safe footing;
  - (c) no person is standing on any other side of the truck while it is moving;
  - (d) each firefighter has a minimum standing space on the tailboard of 56 cm x 56 cm;
  - (e) the tailboard is strong enough to carry the number of firefighters who are standing on it; and
  - (f) the employer provides an electrical signal system or a voice communication system between the driver and the persons on the tailboard.
- (3) Subsection (2) does not apply to,

- (a) new fire trucks put into service on or after December 15, 1995;  
or
- (b) used fire trucks purchased on or after February 15, 1995.

**9. Regulation 849 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 249/91 and 289/91 are revoked.**

49/94

**ONTARIO REGULATION 715/94**  
made under the  
**WORKERS' COMPENSATION ACT**

Made: November 2, 1994  
Approved: November 16, 1994  
Filed: November 17, 1994

**RETIREMENT BENEFITS**

INTERPRETATION

1. (1) In this Regulation,

"account balance" means the sum of,

- (a) the contributions made by the Board under subsection 44 (1) of the Act on behalf of the worker, and
- (b) the accumulated investment income from the contributions referred to in clause (a);

"spousal partner" means either of a man and a woman who, at the relevant time as specified in subsection (2), are cohabiting and,

- (a) are married to each other, or
- (b) are not married to each other and,
- (i) have cohabited for at least one year,
- (ii) are together the parents of a child, or
- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*.

(2) The relevant date for determining whether a worker has a spousal partner or has acquired a spousal partner and for determining the identity of the spousal partner is as follows:

1. For the purposes of section 3, the date the worker reaches 65 years of age.
2. For the purposes of section 5, the date of the election under section 5.
3. For all other purposes of this Regulation,
  - i. where the worker has not made an election under section 5, the date the worker reaches 65 years of age, and
  - ii. where the worker has made an election under section 5, the date of that election.

PAYMENT SCHEMES

2. (1) Subject to subsection 44 (7) of the Act, a retirement pension payable to a worker under the Act shall be paid according to one of the following payment schemes:

1. Joint and survivor annuity, which provides regular income payments to the worker from age 65 and throughout his or her lifetime and to the worker's surviving spousal partner, if any, after the death of the worker and throughout the spousal partner's lifetime.
2. Life annuity, which provides regular income payments to the worker from age 65 and throughout his or her lifetime.
3. Life annuity with return of account balance, which provides regular income payments to the worker from age 65 and throughout his or her lifetime and from which, if the worker dies before receiving annuity payments totalling the account balance, a lump sum equal to the difference between the total amount paid to the worker and the account balance shall be paid in accordance with subsection (2).
4. Life annuity with a fixed guarantee period, which provides regular income payments to the worker from age 65 and throughout his or her lifetime and from which, if the worker dies before the fixed guarantee period ends, a lump sum equal to the sum of the payments due for the remainder of the guarantee period shall be paid in accordance with subsection (2).
5. Life annuity with guarantee to age 90, which provides regular income payments to the worker from age 65 and throughout his or her lifetime and from which, if the worker dies before reaching age 90, a lump sum equal to the sum of the payments due for the remainder of the guarantee period shall be paid in accordance with subsection (2).

(2) The lump sum referred to in paragraph 3, 4 or 5 of subsection (1) shall be paid to the worker's estate.

JOINT AND SURVIVOR ANNUITY PAYMENT SCHEME

3. (1) Every retirement pension payable under the Act to a worker who has a spousal partner on reaching 65 years of age, shall be paid as a joint and survivor annuity, as described in paragraph 1 of subsection 2 (1), unless the worker and the spousal partner have made an election under subsection (2) of this section and the election has not been revoked by them under subsection (4) of this section.

(2) The worker may, together with the spousal partner, elect not to have the retirement pension paid as a joint and survivor annuity.

(3) To be effective, an election under subsection (2) must be in writing, must be signed by the worker and the spousal partner and must be received by the Board on or before the worker's sixty-fifth birthday.

(4) An election under subsection (2) may be revoked by written notice signed by the worker and the spousal partner and received by the Board on or before the worker's sixty-fifth birthday.

(5) Subject to subsection 6 (5), where this section requires a retirement pension to be paid as a joint and survivor annuity, the amount of each pension payment payable to the surviving spousal partner shall be 60 per cent of each pension payment payable to the worker, unless the worker has elected to have the survivor pension payments set at 75 per cent or at 100 per cent of each pension payment payable to the worker.

(6) To be effective, an election under subsection (5) must be in writing, must be signed by the worker and must be received by the Board on or before the worker's sixty-fifth birthday.

## PAYMENT SCHEMES OTHER THAN JOINT AND SURVIVOR ANNUITY

4. (1) A worker may elect to have a retirement pension paid as a life annuity, a life annuity with return of account balance, a life annuity with a fixed guarantee period or a life annuity with guarantee to age 90, as described in paragraph 2, 3, 4 or 5 of subsection 2 (1) respectively.

(2) To be effective, an election under subsection (1) must be in writing, must be signed by the worker and must be received by the Board on or before the worker's sixty-fifth birthday.

(3) Except where section 3 requires a retirement pension to be paid as a joint and survivor annuity, a retirement pension paid under the Act to a worker shall be paid,

(a) according to the payment scheme elected by the worker under subsection (1), where the worker has made an election under subsection (1); or

(b) as a life annuity with a fixed guarantee period, as described in paragraph 4 of subsection 2 (1), where the worker has not made an election under subsection (1).

(4) The guarantee period for a life annuity paid under clause (3) (b) shall be 10 years.

## CONVERSION TO JOINT AND SURVIVOR PAYMENT SCHEME

5. (1) A worker who acquires a spousal partner after beginning to receive retirement pension payments in accordance with subsection 4 (3) may elect to have the retirement pension paid as a joint and survivor annuity.

(2) A worker may not make more than one election under subsection (1).

(3) To be effective, an election under subsection (1) must be in writing, must be signed by the worker and must be received by the Board within 90 days of the worker acquiring the spousal partner.

(4) Where an election is made under subsection (1), the pension payments payable to the worker shall be actuarially adjusted so that the commuted value of his or her pension immediately before the election equals the commuted value of the worker's retirement pension immediately after the election, taking into account the election made and the spousal partner's age.

(5) Subject to subsection 6 (5), the amount of each pension payment payable to the surviving spousal partner shall be 60 per cent of each pension payment payable to the worker, unless the worker has elected to have the survivor pension payments set at 75 per cent or at 100 per cent of each pension payment payable to the worker.

(6) To be effective, an election under subsection (5) must be in writing, must be signed by the worker and must be received by the Board within 90 days of the worker acquiring the spousal partner.

## INDEXING

6. (1) A worker may elect to receive his or her retirement pension payments under the Act on an indexed basis, to permit periodic increases in the amount of the payments.

(2) To be effective, an election under this section must be in writing, must be signed by the worker and must be received by the Board on or before the worker's sixty-fifth birthday.

(3) A worker who makes an election under this section may include in the election a written statement indicating which indexing formula,

selected from a range of actuarially determined indexing formulae approved by the Board, he or she prefers.

(4) A worker who makes an election under this section shall receive his or her retirement pension payments according to the indexing formula selected by him or her in accordance with subsection (3) or, where no such selection was made, according to an actuarially determined indexing formula selected by the Board.

(5) Where a worker who has made an election under this section dies leaving a spousal partner entitled to a survivor annuity, whether under section 3 or 5, the amount of the payments to the survivor shall be indexed in the same manner as were the payments to the worker and, for that purpose, the amount of the first payment to the spousal partner shall be determined by applying the percentage determined under subsection 3 (5) or 5 (5) to the last payment paid to the worker.

## PRE-RETIREMENT DEATH BENEFIT

7. (1) If a worker who has received a payment under section 43 of the Act dies before beginning to receive a retirement pension under the Act, a death benefit shall be paid to the worker's surviving spouse or dependants, if any, in accordance with this section.

(2) A death benefit payable under this section to a worker's spouse or dependants shall be equal in value to the worker's account balance.

(3) The death benefit shall be paid to the worker's surviving spouse.

(4) Where no spouse survives the worker, the death benefit shall be paid in equal shares to each person who is a dependant of and child of the worker and who survives the worker.

(5) Where no person is entitled to receive the death benefit under subsection (3) or (4), it shall be paid in equal shares to each person who is a dependant of the worker and who survives the worker.

(6) A spouse entitled to a death benefit under subsection (3) may elect to receive it as,

(a) a lump sum equal to the value of the death benefit as determined under subsection (2); or

(b) a pension, the commuted value of which is equal to the value of the death benefit as determined under subsection (2), with regular income payments beginning after the death of the worker and continuing throughout the spouse's lifetime.

(7) To be effective, an election under subsection (6) must be in writing, must be signed by the spouse and must be delivered to the Board within 90 days of the death of the worker.

(8) Except where an election is made under clause (6) (b), a death benefit payable under this section shall be paid as a lump sum equal to the value of the death benefit as determined under subsection (2).

(9) Despite clause (6) (b), if the annual pension to which a spouse becomes entitled on the death of a worker is less than \$1,000, the death benefit payable under this section shall be paid as a lump sum equal to the value of the death benefit as determined under subsection (2).

## INVESTMENT OF RETIREMENT FUNDS

8. (1) Funds set aside under section 44 of the Act shall be invested in accordance with the procedures and restrictions set out in sections 70, 71, 72, subsection 73 (1) and sections 74, 78, 79, 81 and 82 of Regulation 909 of the Revised Regulations of Ontario, 1990, made under the *Pension Benefits Act*, as those provisions read on November 17, 1994.

(2) The definitions set out in Regulation 909 of the Revised Regulations of Ontario, 1990, made under the *Pension Benefits Act*, as

that Regulation read on November 17, 1994, apply for the purposes of subsection (1).

WORKERS' COMPENSATION BOARD:

KEN COPELAND  
*Chair*

L. ANGOVE  
*Secretary*

Dated at Toronto on November 2, 1994.

49/94

**ONTARIO REGULATION 716/94**  
made under the  
**WORKERS' COMPENSATION ACT**

Made: November 2, 1994  
Approved: November 16, 1994  
Filed: November 17, 1994

Amending Reg. 1102 of R.R.O. 1990  
(General)

Note: Regulation 1102 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 16 of Regulation 1102 of the Revised Regulations of Ontario, 1990 is revoked.**

WORKERS' COMPENSATION BOARD:

KEN COPELAND  
*Chair*

L. ANGOVE  
*Secretary*

Dated at Toronto on November 2, 1994.

49/94

**ONTARIO REGULATION 717/94**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: November 16, 1994  
Filed: November 18, 1994

**SOLVENTS**

1. In this Regulation,

"class 1 ozone depleting substance" means,

- (a) CFC-11, also known as fluorotrichloromethane,
- (b) CFC-12, also known as dichlorodifluoromethane,
- (c) CFC-13, also known as chlorotrifluoromethane,
- (d) CFC-111, also known as pentachlorofluoroethane,
- (e) CFC-112, also known as tetrachlorodifluoroethane,
- (f) CFC-113, also known as trichlorotrifluoroethane,
- (g) CFC-114, also known as dichlorotetrafluoroethane,

(h) CFC-115, also known as monochloropentafluoroethane,

(i) CFC-211, also known as fluoroheptachloropropane,

(j) CFC-212, also known as difluorohexachloropropane,

(k) CFC-213, also known as trifluoropentachloropropane,

(l) CFC-214, also known as tetrafluorotetrachloropropane,

(m) CFC-215, also known as pentafluorotrichloropropane,

(n) CFC-216, also known as hexafluorodichloropropane,

(o) CFC-217, also known as heptafluorochloropropane,

(p) halon-1211, also known as bromochlorodifluoromethane,

(q) halon-1301, also known as bromotrifluoromethane,

(r) halon-2402, also known as dibromotetrafluoroethane,

(s) carbon tetrachloride,

(t) methyl chloroform, also known as 1,1,1 trichloroethane,

(u) any hydrobromofluorocarbon, and

(v) any isomer of any substance mentioned in clauses (a) to (u);

"class 2 ozone depleting substance" means any hydrochlorofluorocarbon.

2. This Regulation does not apply in relation to a solvent that contains one or more class 1 ozone depleting substances or one or more class 2 ozone depleting substances, if the total amount of class 1 ozone depleting substances and class 2 ozone depleting substances in the solvent is less than 1 per cent by weight.

3. (1) On and after January 1, 1996, no person shall make a solvent that contains a class 1 ozone depleting substance.

(2) On and after January 1, 1996, no person shall use or transfer a solvent that was made after 1995 and that contains a class 1 ozone depleting substance.

(3) On and after July 1, 1996, no person shall discharge into the natural environment a solvent that contains a class 1 ozone depleting substance.

(4) On and after July 1, 1996, no person shall use or transfer a solvent that contains a class 1 ozone depleting substance.

(5) On and after July 1, 1998, no person shall store a solvent that contains a class 1 ozone depleting substance.

(6) A person who, on July 1, 1996, stores a solvent that contains a class 1 ozone depleting substance, shall prepare, by August 15, 1996, a report on the storage including,

- (a) the name of the solvent;
- (b) the quantity of the solvent;
- (c) a description of the storage container;
- (d) a statement of where the storage container is being kept and whether it is being kept indoors or outdoors;
- (e) the safety and security measures in place; and



(f) any steps the person has taken or plans the person has regarding disposal or other disposition of the solvent.

(7) A person who, during the period beginning July 2, 1996 and ending June 30, 1997, stores a solvent that contains a class 1 ozone depleting substance, shall prepare, by August 15, 1997, a report on the storage including the information described in clauses (6) (a) to (f).

(8) A person who, during the period beginning July 1, 1997 and ending June 30, 1998, stores a solvent that contains a class 1 ozone depleting substance, shall prepare, by August 15, 1998, a report on the storage including the information described in clauses (6) (a) to (f).

(9) On and after January 1, 2000, no person shall discharge into the natural environment a solvent that contains a class 2 ozone depleting substance.

(10) On and after January 1, 2000, no person shall make, use or transfer a solvent that contains a class 2 ozone depleting substance.

(11) On and after January 1, 2002, no person shall store a solvent that contains a class 2 ozone depleting substance.

(12) A person who, on January 1, 2000, stores a solvent that contains a class 2 ozone depleting substance, shall prepare, by February 15, 2000, a report on the storage including the information described in clauses (6) (a) to (f).

(13) A person who, during the period beginning January 2, 2000 and ending December 31, 2000, stores a solvent that contains a class 2 ozone depleting substance, shall prepare, by February 15, 2001, a report on the storage including the information described in clauses (6) (a) to (f).

(14) A person who, during the calendar year 2001, stores a solvent that contains a class 2 ozone depleting substance, shall prepare, by February 15, 2002, a report on the storage including the information described in clauses (6) (a) to (f).

(15) A person required by subsection (6), (7), (8), (12), (13) or (14) to prepare a report on storage shall ensure that a copy of the report is kept for at least two years after the date by which the report was required to be prepared, at the premises where the storage takes place.

(16) A person required by subsection (6), (7), (8), (12), (13) or (14) to prepare a report on storage shall provide a copy of the report to the Director within five business days of the Director requesting it.

(17) Nothing in this section prohibits or restricts the transfer of a solvent that has become waste and that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance, to a waste management system or waste disposal site operating under a certificate of approval or provisional certificate of approval that authorizes the acceptance of such waste.

(18) Nothing in this section prohibits or restricts the storage of a solvent that has become waste and that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance, at a waste disposal site operating under a certificate of approval or provisional certificate of approval that authorizes the storage of such waste.

4. (1) The following is designated a hazardous waste under Part V of the Act:

1. A solvent that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance and that has become waste, whether through use, contamination or otherwise.

(2) On and after July 1, 1996, the following is designated a hazardous waste under Part V of the Act:

1. A solvent that contains a class 1 ozone depleting substance.

(3) On and after January 1, 2000, the following is designated a hazardous waste under Part V of the Act:

1. A solvent that contains a class 2 ozone depleting substance.

(4) Regulation 347 of the Revised Regulations of Ontario, 1990 applies to a material that is designated a hazardous waste by this section as if the material was a hazardous waste and a subject waste within the meaning of that Regulation.

(5) Subject to subsections (6) and (8), the reporting requirements of section 3 of this Regulation are in addition to the generator registration requirements of section 18 of Regulation 347 of the Revised Regulations of Ontario, 1990.

(6) During the period beginning July 1, 1996 and ending June 30, 1998, section 27 of the Act and subsection 18 (10) of Regulation 347 of the Revised Regulations of Ontario, 1990 do not apply to storage of a solvent that contains a class 1 ozone depleting substance if the solvent was made at the storage site, used at the storage site or stored at the storage site before July 1, 1996.

(7) The exemption under subsection (6) ceases to apply to a site on the first day after June 30, 1996 on which there is no solvent that contains a class 1 ozone depleting substance present at the site.

(8) During the period beginning January 1, 2000 and ending December 31, 2001, section 27 of the Act and subsection 18 (10) of Regulation 347 of the Revised Regulations of Ontario, 1990 do not apply to storage of a solvent that contains a class 2 ozone depleting substance if the solvent was made at the storage site, used at the storage site or stored at the storage site before January 1, 2000.

(9) The exemption under subsection (8) ceases to apply in relation to a site on the first day after December 31, 1999 on which there is no solvent that contains a class 2 ozone depleting substance present at the site.

5. (1) Section 3, other than subsections (3) and (9), does not apply to,

(a) use of a solvent that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance in an experimental or research laboratory for purposes related to the study of ozone depleting substances, replacements for them, or the characteristics or performance of the ozone layer in the stratosphere;

(b) use of a class 1 ozone depleting substance having a purity of 99.0 per cent or higher or a class 2 ozone depleting substance having a purity of 99.0 per cent or higher in a laboratory as an extraction solvent for conducting specific chemical analyses, where no reasonable alternative exists;

(c) use of a solvent that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance in a process in which the solvent is converted to another material that contains neither a class 1 ozone depleting substance nor a class 2 ozone depleting substance; or

(d) the generation of a solvent that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance as part of a process that goes on to convert the solvent to another material that contains neither a class 1 ozone depleting substance nor a class 2 ozone depleting substance.

(2) Section 3, other than subsections (3) and (9), does not apply to a solvent that contains a class 1 ozone depleting substance or a class 2

ozone depleting substance and that is being stored or transferred for a use mentioned in subsection (1).

(3) Section 4 does not apply to a solvent that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance and that is being used in accordance with subsection (1) or that is being stored or transferred for such use.

49/94

**ONTARIO REGULATION 718/94**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: November 16, 1994

Filed: November 18, 1994

**STERILANTS**

1. In this Regulation,

"class 1 ozone depleting substance" means,

- (a) CFC-11, also known as fluorotrichloromethane,
- (b) CFC-12, also known as dichlorodifluoromethane,
- (c) CFC-13, also known as chlorotrifluoromethane,
- (d) CFC-111, also known as pentachlorofluoroethane,
- (e) CFC-112, also known as tetrachlorodifluoroethane,
- (f) CFC-113, also known as trichlorotrifluoroethane,
- (g) CFC-114, also known as dichlorotetrafluoroethane,
- (h) CFC-115, also known as monochloropentafluoroethane,
- (i) CFC-211, also known as fluoroheptachloropropane,
- (j) CFC-212, also known as difluorohexachloropropane,
- (k) CFC-213, also known as trifluoropentachloropropane,
- (l) CFC-214, also known as tetrafluorotetrachloropropane,
- (m) CFC-215, also known as pentafluorotrichloropropane,
- (n) CFC-216, also known as hexafluorodichloropropane,
- (o) CFC-217, also known as heptafluorochloropropane,
- (p) halon-1211, also known as bromochlorodifluoromethane,
- (q) halon-1301, also known as bromotrifluoromethane,
- (r) halon-2402, also known as dibromotetrafluoroethane,
- (s) carbon tetrachloride,
- (t) methyl chloroform, also known as 1,1,1 trichloroethane,
- (u) any hydrobromofluorocarbon, and
- (v) any isomer of any substance mentioned in clauses (a) to (u);

"class 2 ozone depleting substance" means any hydrochlorofluorocarbon;

"sterilant" includes any substance or mixture of substances used as a diluent with ethylene oxide, or with any other substance, for the purpose of sterilization.

2. (1) On and after January 1, 1996, no person shall discharge into the natural environment a sterilant that contains a class 1 ozone depleting substance.

(2) On and after January 1, 1996, no person shall make, use or transfer a sterilant that contains a class 1 ozone depleting substance.

(3) On and after January 1, 1998, no person shall store a sterilant that contains a class 1 ozone depleting substance.

(4) On and after January 1, 2000, no person shall discharge into the natural environment a sterilant that contains a class 2 ozone depleting substance.

(5) On and after January 1, 2000, no person shall make, use or transfer a sterilant that contains a class 2 ozone depleting substance.

(6) On and after January 1, 2002, no person shall store a sterilant that contains a class 2 ozone depleting substance.

(7) A person who, on January 1, 1996, stores a sterilant that contains a class 1 ozone depleting substance, shall prepare, by February 15, 1996, a report on the storage including,

- (a) the name of the sterilant;
- (b) the quantity of the sterilant;
- (c) a description of the storage container;
- (d) a statement of where the storage container is being kept and whether it is being kept indoors or outdoors;
- (e) the safety and security measures in place; and
- (f) any steps the person has taken or plans the person has regarding disposal or other disposition of the sterilant.

(8) A person who, during the period beginning January 2, 1996 and ending December 31, 1996, stores a sterilant that contains a class 1 ozone depleting substance shall prepare, by February 15, 1997, a report on the storage including the information described in clauses (7) (a) to (f).

(9) A person who, during the calendar year 1997, stores a sterilant that contains a class 1 ozone depleting substance shall prepare, by February 15, 1998, a report on the storage including the information described in clauses (7) (a) to (f).

(10) A person who, on January 1, 2000, stores a sterilant that contains a class 2 ozone depleting substance shall prepare, by February 15, 2000, a report on the storage including the information described in clauses (7) (a) to (f).

(11) A person who, during the period beginning January 2, 2000 and ending December 31, 2000, stores a sterilant that contains a class 2 ozone depleting substance shall prepare, by February 15, 2001, a report on the storage including the information described in clauses (7) (a) to (f).

(12) A person who, during the calendar year 2001, stores a sterilant that contains a class 2 ozone depleting substance shall prepare, by February 15, 2002, a report on the storage including the information described in clauses (7) (a) to (f).

(13) A person required by subsection (7), (8), (9), (10), (11) or (12) to prepare a report on storage shall ensure that a copy of the report is kept for at least two years after the date by which the report was required to be prepared, at the premises where the storage takes place.

(14) A person required by subsection (7), (8), (9), (10), (11) or (12) to prepare a report on storage shall provide a copy of the report to the Director within five business days of the Director requesting it.

(15) Nothing in this section prohibits or restricts the transfer of a sterilant that has become waste and that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance, to a waste management system or waste disposal site operating under a certificate of approval or provisional certificate of approval that authorizes the acceptance of such waste.

(16) Nothing in this section prohibits or restricts the storage of a sterilant that has become waste and that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance, at a waste disposal site operating under a certificate of approval or provisional certificate of approval that authorizes the storage of such waste.

3. (1) The following is designated a hazardous waste under Part V of the Act:

1. A sterilant that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance and that has become waste, whether through use, contamination or otherwise.

(2) On and after January 1, 1996, the following is designated a hazardous waste under Part V of the Act:

1. A sterilant that contains a class 1 ozone depleting substance.

(3) On and after January 1, 2000, the following is designated a hazardous waste under Part V of the Act:

1. A sterilant that contains a class 2 ozone depleting substance.

(4) Regulation 347 of the Revised Regulations of Ontario, 1990 applies to a material that is designated a hazardous waste by this section as if the material was a hazardous waste and a subject waste within the meaning of that Regulation.

(5) Subject to subsections (6) and (8), the reporting requirements of section 2 of this Regulation are in addition to the generator registration requirements of section 18 of Regulation 347 of the Revised Regulations of Ontario, 1990.

(6) During the period beginning January 1, 1996 and ending December 31, 1997, section 27 of the Act and subsection 18 (10) of Regulation 347 of the Revised Regulations of Ontario, 1990 do not apply to storage of a sterilant that contains a class 1 ozone depleting substance if the sterilant was made at the storage site, used at the storage site or stored at the storage site before January 1, 1996.

(7) The exemption under subsection (6) ceases to apply to a site on the first day after December 31, 1995 on which there is no sterilant that contains a class 1 ozone depleting substance present at the site.

(8) During the period beginning January 1, 2000 and ending December 31, 2001, section 27 of the Act and subsection 18 (10) of Regulation 347 of the Revised Regulations of Ontario, 1990 do not apply to storage of a sterilant that contains a class 2 ozone depleting substance if the sterilant was made at the storage site, used at the storage site or stored at the storage site before January 1, 2000.

(9) The exemption under subsection (8) ceases to apply in relation to a site on the first day after December 31, 1999 on which there is no

sterilant that contains a class 2 ozone depleting substance present at the site.

4. (1) Section 2, other than subsections (1) and (4), does not apply to,

- (a) use of a sterilant that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance in an experimental or research laboratory for purposes related to the study of ozone depleting substances, replacements for them, or the characteristics or performance of the ozone layer in the stratosphere;
- (b) use of a sterilant that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance in a process in which the sterilant is converted to another material that contains neither a class 1 ozone depleting substance nor a class 2 ozone depleting substance; or
- (c) the generation of a sterilant that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance as part of a process that goes on to convert the sterilant to another material that contains neither a class 1 ozone depleting substance nor a class 2 ozone depleting substance.

(2) Section 2, other than subsections (1) and (4), does not apply to a sterilant that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance and that is being stored or transferred for a use mentioned in subsection (1).

(3) Section 3 does not apply to a sterilant that contains a class 1 ozone depleting substance or a class 2 ozone depleting substance and that is being used in accordance with subsection (1) or that is being stored or transferred for such use.

49/94

**ONTARIO REGULATION 719/94**  
made under the  
**ENVIRONMENTAL BILL OF RIGHTS, 1993**

Made: November 16, 1994

Filed: November 18, 1994

Amending O. Reg. 73/94  
(General)

Note: Since it was made, Ontario Regulation 73/94 has been amended by Ontario Regulation 680/94.

**1. Ontario Regulation 73/94 is amended by adding the following section:**

**15.3** (1) The requirements of Part II of the *Environmental Bill of Rights, 1993* do not apply in relation to a proposal to issue, amend or revoke an instrument under consideration in a ministry if an application for the issuance, amendment or revocation is received by the ministry on or before the later of,

- (a) the day on which section 22 of the *Environmental Bill of Rights, 1993* begins to apply to the ministry; and
- (b) the day on which a regulation that classifies the proposal for the instrument comes into force.

(2) The requirements of Part II of the *Environmental Bill of Rights, 1993* do not apply in relation to a proposal to issue, amend or revoke an instrument under consideration in a ministry if a notice of intention in respect of the issuance, amendment or revocation is issued by the ministry on or before the later of,

- (a) the day on which section 22 of the *Environmental Bill of Rights, 1993* begins to apply to the ministry; and
- (b) the day on which a regulation that classifies the proposal for the instrument comes into force.

49/94

**ONTARIO REGULATION 720/94**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: November 16, 1994  
Filed: November 18, 1994

Amending Reg. 949 of R.R.O. 1990  
(Parking Infractions)

Note: Since January 1, 1994, Regulation 949 has been amended by Ontario Regulations 494/94, 506/94, 538/94, 581/94 and 639/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. The Table to section 16 of Regulation 949 of the Revised Regulations of Ontario, 1990 is amended by adding the following:**

Town of Sturgeon Falls

49/94

**ONTARIO REGULATION 721/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 9, 1994  
Approved: November 16, 1994  
Filed: November 18, 1994

**RÈGLEMENT DE L'ONTARIO 721/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 9 novembre 1994  
approuvé le 16 novembre 1994  
déposé le 18 novembre 1994

**RULES OF THE COURT OF APPEAL IN APPEALS  
UNDER THE PROVINCIAL OFFENCES ACT**

**RÈGLES DE LA COUR D'APPEL RELATIVES AUX  
APPELS INTERJETÉS EN VERTU DE LA LOI SUR LES  
INFRACTIONS PROVINCIALES DE L'ONTARIO**

**SUMMARY OF CONTENTS**

**SOMMAIRE**

## Rule

1. Definitions and Interpretation
2. Application of Civil Rules
3. Special Leave to Appeal
4. Inmate Appeals/Appeals in Writing by Unrepresented Defendant—Leave to Appeal
5. Notice of Appeal
6. Order Without Attendance of Counsel
7. Extension or Abridgment of Time
8. Transcripts
9. Dismissal for Failure to Comply with Rule 8
10. Processing Appeals
11. Original Papers and Exhibits
12. Appeal Books
13. Appeal Book for Unrepresented Appellant
14. Factums
15. Sentence Appeals
16. Perfecting the Appeal
17. Motion for Directions
18. Failure to Perfect Appeal

## Règle

1. Définitions et interprétation
2. Champ d'application des règles de procédure civile
3. Autorisation spéciale d'interjeter appel
4. Appels de personnes détenues/appels interjetés par écrit par un défendeur non représenté—autorisation d'interjeter appel
5. Avis d'appel
6. Ordonnance sans comparution des avocats
7. Prorogation ou abrègement des délais
8. Transcriptions
9. Rejet pour non-conformité à la règle 8
10. Traitement des appels
11. Pièces et documents originaux
12. Dossiers d'appel
13. Dossier d'appel de l'appellant non représenté
14. Mémoires
15. Appels de sentence
16. Mise en état de l'appel
17. Motion en vue d'obtenir des directives
18. Défaut de mettre l'appel en état

19. Listing Appeals
20. Books of Authorities
21. Intervention
22. Appeals in Writing (Non-Inmate)
23. Inmate Appeals—Notice of Appeal and Appeal Books
24. Inmate Appeals—Extension of Time
25. Inmate Appeals—Presence of Appellant
26. Inmate Appeals—Appeals in Writing
27. Reasons for Judgment
28. Abandonment of Appeals
29. Release from Custody Pending Appeal—Contents of Affidavit
30. Conditions of Release
31. Variation of Bail
32. Notice
33. Transition
34. Revocation and Commencement Forms

## DEFINITIONS AND INTERPRETATION

### Definitions

1. (1) In these rules,

“Act” means the *Provincial Offences Act*; (“Loi”)

“appeal court” means the Ontario Court (Provincial Division) or the Ontario Court (General Division), as the case may be, sitting as the appeal court under section 116 or 135 of the Act; (“tribunal d’appel”)

“civil rule” means a rule in the Rules of Civil Procedure (Regulation 194 of the Revised Regulations of Ontario, 1990); (“règle civile”)

“criminal panel” means any panel of three judges assigned to hear appeals in the week in which a matter is referred to a criminal panel under these rules; (“formation pénale”)

“inmate appeal” means an appeal or a motion for leave to appeal by a person who at the time the notice of appeal or notice of motion for leave to appeal is given is in custody and is not represented by counsel; (“appel d’une personne détenue”)

“judge” means the Chief Justice of Ontario, the Associate Chief Justice of Ontario or a judge of the Court of Appeal; (“juge”)

“Registrar” means the Registrar of the Court of Appeal and includes a deputy, associate or assistant Registrar. (“greffier”)

### Application of rules

(2) These rules apply in respect of appeals under sections 131 and 139 of the Act.

### Matters not provided for

(3) Where matters are not provided for in these rules, the practice shall be determined by analogy to them.

## APPLICATION OF CIVIL RULES

2. (1) Except where otherwise provided by the Act, another statute or these rules, the Rules of Civil Procedure apply, where appropriate and with necessary modifications, to appeals under sections 131 and 139 of the Act.

19. Rôle des appels
20. Doctrine et jurisprudence
21. Intervention
22. Appels par écrit (autres que des appels de personnes détenues)
23. Appels de personnes détenues—avis d’appel et dossiers d’appel
24. Appels de personnes détenues—prorogation de délai
25. Appels de personnes détenues—présence de l’appellant
26. Appels de personnes détenues—appels par écrit
27. Motifs de l’arrêt
28. Désistement d’appel
29. Mise en liberté en attendant l’appel—contenu de l’affidavit
30. Conditions de mise en liberté
31. Modification du cautionnement
32. Avis
33. Dispositions transitoires
34. Abrogation et entrée en vigueur Formules

## DÉFINITIONS ET INTERPRÉTATION

### Définitions

1. (1) Les définitions qui suivent s’appliquent aux présentes règles.

«appel d’une personne détenue» Un appel ou une motion en autorisation d’interjeter appel d’une personne qui est sous garde et n’est pas représentée par un avocat quand l’avis d’appel ou l’avis de motion en autorisation d’interjeter appel est donné. («inmate appeal»)

«formation pénale» Une formation de trois juges affectés à l’audition des appels dans la semaine au cours de laquelle une question est renvoyée à une formation pénale en vertu des présentes règles. («criminal panel»)

«greffier» Le greffier de la Cour d’appel. S’entend en outre d’un sous-greffier ou d’un greffier adjoint. («Registrar»)

«juge» Le juge en chef de l’Ontario, le juge en chef adjoint de l’Ontario ou un juge de la Cour d’appel. («judge»)

«Loi» La *Loi sur les infractions provinciales*. («Act»)

«règle civile» Une règle des Règles de procédure civile (Règlement 194 des Règlements refondus de l’Ontario de 1990). («civil rule»)

«tribunal d’appel» La Cour de l’Ontario (Division provinciale) ou la Cour de l’Ontario (Division générale), selon le cas, qui siège comme tribunal d’appel en vertu de l’article 116 ou 135 de la Loi. («appeal court»)

### Champ d’application des règles

(2) Les présentes règles s’appliquent aux appels interjetés en vertu des articles 131 et 139 de la Loi.

### Silence des règles

(3) En cas de silence des présentes règles, la pratique applicable est déterminée par analogie avec celles-ci.

## CHAMP D’APPLICATION DES RÈGLES DE PROCÉDURE CIVILE

2. (1) Sauf disposition contraire de la Loi, une autre loi ou les présentes règles, le cas échéant les Règles de procédure civile s’appliquent, avec les adaptations nécessaires, aux appels interjetés en vertu des articles 131 et 139 de la Loi.

(2) Civil rules 61.03 (motion for leave to appeal), 61.04 (commencement of appeals), 61.05 (certificate or agreement respecting evidence), 61.07 (cross-appeals), 61.09 (perfecting appeals), 61.10 (appeal book), 61.11 and 61.12 (factums) and 61.13 (dismissal for delay) do not apply to appeals under sections 131 and 139 of the Act.

### SPECIAL LEAVE TO APPEAL

#### *Form of notice of motion*

3. (1) A motion for leave to appeal, other than in an inmate appeal or where the moving party is not represented by counsel, shall be made by a notice of motion in Form 1.

#### *Time for service*

- (2) The notice of motion in Form 1 shall,
- (a) be served within 30 days after the date of the order or decision from which leave to appeal is sought;
  - (b) state the date on which the motion will be heard, being a date not later than 60 days after the date of the order or decision from which leave to appeal is sought;
  - (c) be filed with proof of service in the office of the Registrar within five days after service.

#### *Idem*

(3) The notice of motion in Form 1 shall be served at least three days before the date on which the motion is to be heard.

#### *Form of notice in inmate appeal or appeal by other party unrepresented by counsel*

(4) A motion for leave to appeal in an inmate appeal or by another person who is not represented by counsel shall be made by a notice of motion in Form 2.

#### *Time for service*

- (5) The notice of motion in Form 2 shall,
- (a) be served within 30 days after the date of the order or decision from which leave to appeal is sought;
  - (b) state whether the moving party wishes to present the argument in person or in writing;
  - (c) where the moving party wishes to present the argument in person, state that the motion will be heard on a date to be fixed by the Registrar.

#### *Service of notice of motion*

- (6) Service of a notice of motion for leave to appeal shall be effected,
- (a) in an inmate appeal, by delivering the notice of motion to the senior official of the institution in which the moving party is in custody;
  - (b) in an appeal other than an inmate appeal, where the defendant is the moving party, by leaving a copy of the notice of motion with,
    - (i) the prosecutor, and

(2) Les règles civiles 61.03 (motion en autorisation d'interjeter appel), 61.04 (introduction des appels), 61.05 (certificat ou entente sur les témoignages), 61.07 (appels reconventionnels), 61.09 (mise en état des appels), 61.10 (dossier d'appel), 61.11 et 61.12 (mémoires) et 61.13 (rejet pour cause de retard) ne s'appliquent pas aux appels interjetés conformément aux articles 131 et 139 de la Loi.

### AUTORISATION SPÉCIALE D'INTERJETER APPEL

#### *Forme de l'avis de motion*

3. (1) La motion en autorisation d'interjeter appel, sauf celle qui est présentée dans l'appel d'une personne détenue ou par une autre personne qui n'est pas représentée par un avocat, prend la forme d'un avis de motion rédigé selon la formule 1.

#### *Délai de signification*

- (2) L'avis de motion rédigé selon la formule 1 :
- a) est signifié dans les 30 jours qui suivent la date de l'ordonnance ou de la décision qui fait l'objet de la motion en autorisation d'interjeter appel;
  - b) indique la date à laquelle la motion sera entendue, soit au plus tard dans les 60 jours qui suivent la date de l'ordonnance ou de la décision faisant l'objet de la motion en autorisation d'interjeter appel;
  - c) est déposé, avec la preuve de sa signification, au bureau du greffier dans les cinq jours de la signification.

#### *Idem*

(3) L'avis de motion rédigé selon la formule 1 est signifié au moins trois jours avant la date à laquelle la motion doit être entendue.

#### *Forme de l'avis dans l'appel d'une personne détenue ou l'appel d'une autre personne non représentée par avocat*

(4) La motion en autorisation d'interjeter appel présentée dans l'appel d'une personne détenue ou par une autre personne qui n'est pas représentée par un avocat prend la forme d'un avis de motion rédigé selon la formule 2.

#### *Délai de signification*

- (5) L'avis de motion rédigé selon la formule 2 :
- a) est signifié dans les 30 jours qui suivent la date de l'ordonnance ou de la décision qui fait l'objet de la motion en autorisation d'interjeter appel;
  - b) déclare si l'auteur de la motion souhaite présenter sa plaidoirie en personne ou par écrit;
  - c) si l'auteur de la motion souhaite présenter sa plaidoirie en personne, précise que la motion sera entendue à la date que fixera le greffier.

#### *Signification de l'avis de motion*

- (6) L'avis de motion en autorisation d'interjeter appel est signifié :
- a) dans un appel d'une personne détenue, par la remise de l'avis de motion au fonctionnaire principal de l'établissement où l'auteur de la motion est sous garde;
  - b) si le défendeur est l'auteur de la motion, mais qu'il ne s'agit pas de l'appel d'une personne détenue, par la remise d'une copie de la motion :
    - (i) au poursuivant,

- (ii) if the prosecutor is not acting on behalf of the Crown, the Crown Law Office (Criminal) of the Ministry of the Attorney General; and
- (c) where the prosecutor is the moving party, by leaving a copy of the notice of motion with,
  - (i) the defendant, and
  - (ii) if the prosecutor is not acting on behalf of the Crown, the Crown Law Office (Criminal) of the Ministry of the Attorney General.

**Motion to be heard by judge**

- (7) A motion for leave to appeal shall be heard by a judge.

**Contents of notice of motion**

- (8) A notice of motion for leave to appeal shall set out,
- (a) the special grounds upon which leave to appeal is sought;
  - (b) any question of law upon which the appeal is to be founded; and
  - (c) where the appeal is as to sentence, the basis for the appeal.

**Motion record**

(9) On a motion for leave to appeal, other than an inmate appeal, the moving party shall serve,

- (a) a motion record containing, in consecutively numbered pages arranged in the following order,
  - (i) a table of contents describing each document,
  - (ii) a copy of the notice of motion,
  - (iii) a copy of the proposed notice of appeal,
  - (iv) a copy of the certificate or information,
  - (v) a copy of any reasons of the trial court and the appeal court if the reasons are not included in the transcript,
  - (vi) a copy of any report prepared under the authority of an order made during the course of the proceedings,
  - (vii) a copy of all affidavits used before the appeal court, and
  - (viii) a copy of any other material in the court file that is necessary for the hearing of the motion;
- (b) relevant transcripts of evidence, if they are not included in the motion record.

**Filing**

(10) On a motion for leave to appeal under subrule (9), the moving party shall file one copy of the motion record and transcripts, with proof of service, within 30 days after the filing of the notice of motion for leave to appeal.

**Responding party's record**

(11) On a motion for leave to appeal, the responding party may, where he or she is of the opinion that the moving party's motion record is incomplete, serve a motion record containing, in consecutively numbered pages arranged in the following order,

- (ii) au Bureau des procureurs de la Couronne (droit criminel) du ministère du Procureur général, si le poursuivant n'agit pas au nom de la Couronne;
- c) si le poursuivant est l'auteur de la motion, par la remise d'une copie de l'avis de motion :
  - (i) au défendeur,
  - (ii) au Bureau des procureurs de la Couronne (droit criminel) du ministère du Procureur général, si le poursuivant n'agit pas au nom de la Couronne.

**Audition par le juge**

(7) Une motion en autorisation d'interjeter appel est entendue par un juge.

**Contenu de l'avis de motion**

- (8) L'avis de motion en autorisation d'interjeter appel précise :
- a) les motifs particuliers sur lesquels la motion en autorisation d'interjeter appel est fondée;
  - b) toute question de droit sur laquelle l'appel sera fondé;
  - c) si l'appel porte sur la sentence, le fondement de l'appel.

**Dossier de motion**

(9) Sur motion en autorisation d'interjeter appel, autre qu'un appel d'une personne détenue, l'auteur de la motion signifie :

- a) un dossier de motion comprenant, dans des pages numérotées consécutivement et disposées de la façon suivante :
  - (i) une table des matières décrivant chaque document,
  - (ii) une copie de l'avis de motion,
  - (iii) une copie de l'avis d'appel proposé,
  - (iv) une copie du certificat ou de la dénonciation,
  - (v) une copie des motifs du tribunal de première instance et du tribunal d'appel, si ceux-ci ne sont pas inclus dans la transcription,
  - (vi) une copie de tout rapport préparé sous l'autorité d'une ordonnance rendue en cours d'instance,
  - (vii) une copie de tous les affidavits utilisés devant le tribunal d'appel,
  - (viii) une copie de tout autre document figurant dans le dossier du greffe et qui est nécessaire pour l'audition de la motion;
- b) les transcriptions pertinentes de la preuve, si elles ne figurent pas dans le dossier de motion.

**Dépôt**

(10) Sur motion en autorisation d'interjeter appel présentée en vertu du paragraphe (9), l'auteur de la motion dépose une copie du dossier de motion et des transcriptions, avec la preuve de leur signification, dans les 30 jours du dépôt de l'avis de la motion en autorisation d'interjeter appel.

**Dossier de la partie intimée**

(11) Sur motion en autorisation d'interjeter appel, la partie intimée peut, si elle est d'avis que le dossier de motion de l'auteur de la motion est incomplet, signifier un dossier de motion comprenant, dans des pages numérotées consécutivement et disposées de la façon suivante :

- (a) a table of contents describing each document; and
- (b) a copy of any material to be used by the responding party.

**Filing**

(12) The responding party shall file one copy of the motion record, with proof of service, within five days after service of the moving party's motion record and transcripts.

**Tabs may be used**

(13) Despite subrules (9) and (11), the parts of the motion record may be divided by numbered tabs provided that the pages within the tabs are consecutively numbered.

**Transmittal of inmate notice**

(14) The Registrar shall transmit to the Attorney General a copy of a notice of motion for leave to appeal filed by an official of an institution referred to in clause (6) (a).

**Inmate motion and motion in writing**

(15) A motion for leave to appeal in an inmate appeal or by another person who is not represented by counsel shall be dealt with in accordance with Rule 4.

**INMATE APPEALS/APPEALS IN WRITING BY UNREPRESENTED DEFENDANT—LEAVE TO APPEAL****Motion for leave to appeal in writing**

4. (1) Where the moving party for leave to appeal is not represented by counsel, the moving party may present the case for leave to appeal and argument in writing, and the motion shall be dealt with in accordance with subrules (2) to (10).

**Motion to be dealt with expeditiously**

(2) Where the moving party is in custody, the motion for leave to appeal shall be dealt with as expeditiously as possible.

**Filing of argument in inmate appeal**

(3) In an inmate appeal the written argument shall be filed with the notice of motion or within 15 days of service of the notice of motion by delivering the argument to the senior official of the institution in which the moving party is in custody.

**Service and filing of material, unrepresented non-inmate**

(4) Where the moving party is not in custody, the moving party shall serve and file the motion record, transcripts and all other material that would be required if the motion for leave to appeal were to be heard with oral argument, within 30 days after the filing of the notice of motion for leave to appeal, and shall file two copies of the written argument with the motion record.

**Motion to be considered by judge**

(5) The motion for leave to appeal shall be considered by a judge.

**Submissions from respondent**

(6) If the judge considers that the motion has sufficient merit to require argument from the prosecutor, the judge shall so endorse the file, whereupon the Registrar shall transmit to the prosecutor copies of the notice of motion and the written argument of the moving party, if not

- a) une table des matières décrivant chaque document;
- b) une copie des autres documents qu'elle utilisera.

**Dépôt**

(12) La partie intimée dépose une copie du dossier de motion, avec la preuve de sa signification, dans les cinq jours de la signification du dossier de motion et des transcriptions de l'auteur de la motion.

**Emploi d'onglets**

(13) Malgré les paragraphes (9) et (11), les parties du dossier de motion peuvent être divisées par des onglets numérotés, à condition que les pages entre les onglets soient numérotées consécutivement.

**Transmission de l'avis d'une personne détenue**

(14) Le greffier transmet au procureur général une copie de l'avis de motion en autorisation d'interjeter appel déposé par un fonctionnaire d'un établissement visé à l'alinéa (6) a).

**Motion d'une personne détenue et motion écrite**

(15) Une motion en autorisation d'interjeter appel présentée dans l'appel d'une personne détenue ou par une partie qui n'est pas représentée par un avocat est traitée conformément à la règle 4.

**APPELS DE PERSONNES DÉTENUES/APPELS INTERJETÉS PAR ÉCRIT PAR UN DÉFENDEUR NON REPRÉSENTÉ—AUTORISATION D'INTERJETER APPEL****Motion en autorisation d'interjeter appel présentée par écrit**

4. (1) L'auteur de la motion en autorisation d'interjeter appel qui n'est pas représenté par un avocat peut présenter sa requête pour avoir l'autorisation d'interjeter appel et faire sa plaidoirie par écrit, et la motion est traitée conformément aux paragraphes (2) à (10).

**Traitement rapide de la motion**

(2) Si l'auteur de la motion est sous garde, la motion en autorisation d'interjeter appel est traitée le plus rapidement possible.

**Dépôt de la plaidoirie dans l'appel d'une personne détenue**

(3) Dans l'appel d'une personne détenue, la plaidoirie écrite est déposée avec l'avis de motion ou dans les 15 jours de la signification de l'avis de motion par la remise de la plaidoirie au fonctionnaire principal de l'établissement dans lequel l'auteur de la motion est sous garde.

**Signification et dépôt de documents, personne non détenue et non représentée**

(4) L'auteur de la motion qui n'est pas sous garde signifie et dépose le dossier de motion, les transcriptions et tous les autres documents qui seraient exigés si la motion en autorisation d'interjeter appel devait être entendue avec une plaidoirie orale, dans les 30 jours qui suivent le dépôt de l'avis de motion en autorisation d'interjeter appel, et dépose deux copies de la plaidoirie écrite avec le dossier de motion.

**Motion examinée par un juge**

(5) La motion en autorisation d'interjeter appel est examinée par un juge.

**Observations de l'intimé**

(6) Le juge qui estime que la motion est suffisamment fondée pour que le poursuivant doive présenter une plaidoirie en fait mention sur le dossier, et le greffier transmet alors au poursuivant des copies de l'avis de motion et la plaidoirie écrite de l'auteur de la motion, si elle ne figure



included in the notice of motion, together with notification that the submissions of the prosecutor in answer to the motion should be made in writing within seven days of the receipt of the material from the Registrar and that two copies of the submissions should be filed with the Registrar.

#### *Procedure on dismissal of motion*

(7) If the judge considers that the motion for leave to appeal does not have sufficient merit to require argument from the prosecutor, the judge shall give written reasons for judgment dismissing the motion.

#### *Respondent's submissions to moving party*

(8) Where submissions have been required from the prosecutor, a copy of them shall be transmitted to the moving party together with a notification that he or she may make written submissions in reply within seven days of receiving the submissions of the prosecutor.

#### *Written reasons*

(9) When the moving party's submissions in reply have been received, or the time for submitting them has expired, the motion shall be referred for disposition to the judge, who shall give written reasons for judgment, to be dealt with as if the reasons were a reserved judgment.

#### *Time for service, extension*

(10) If the notice of motion in Form 2 is not served within the time limited by rule 3, the moving party shall set out in the appropriate place in Form 2 the grounds for seeking an extension of time.

#### *Oral hearing, inmate appeal*

(11) Where the moving party is in custody and has given notice that he or she wishes to present the motion in person, the judge shall direct that the motion for leave to appeal be listed for hearing, and in that event may request the Attorney General to arrange for the attendance of the moving party at the hearing.

### **NOTICE OF APPEAL**

#### *Time for service*

5. (1) Where leave to appeal is granted, a notice of appeal shall be served in the manner provided in subrule 3 (6) within 10 days after the granting of leave.

#### *Manner of service*

(2) Despite subrule (1), the notice of appeal may be served upon the solicitor of record in the manner provided for in rule 16.05 of the Rules of Civil Procedure.

#### *Notice of appeal in inmate appeal*

(3) The notice of appeal in an inmate appeal shall be in Form 3.

#### *Notice of appeal in other appeals*

(4) The notice of appeal in all other appeals shall be in Form 4.

### **ORDER WITHOUT ATTENDANCE OF COUNSEL**

6. Except for an application for release from custody under section 132 of the Act, any order provided for in these rules may be made with the consent in writing of the parties without the attendance of counsel.

pas dans l'avis de motion, accompagnées d'une note portant que les observations du poursuivant en réponse à la motion devraient être faites par écrit dans les sept jours de la réception des documents du greffier et que deux copies devraient en être déposées auprès du greffier.

#### *Procédure en cas de rejet de la motion*

(7) Si le juge estime que la motion en autorisation d'interjeter appel n'est pas suffisamment fondée pour que le poursuivant doive présenter une plaidoirie, le juge motive par écrit sa décision de rejeter la motion.

#### *Observations de l'intimé à remettre à l'auteur de la motion*

(8) Si le poursuivant a dû présenter des observations, une copie en est transmise à l'auteur de la motion, accompagnée d'une note portant qu'il peut répondre par des observations écrites dans les sept jours de la réception des observations du poursuivant.

#### *Motifs écrits*

(9) Lorsque la réponse de l'auteur de la motion, sous la forme d'observations écrites, a été reçue ou lorsque le délai de présentation des observations est écoulé, la motion est renvoyée au juge qui motive son jugement par écrit, et ses motifs sont traités comme un jugement en délibéré.

#### *Prorogation du délai de signification*

(10) Si l'avis de motion rédigé selon la formule 2 n'est pas signifié dans les délais prescrits à la règle 3, l'auteur de la motion indique à l'endroit désigné de la formule 2 les motifs pour lesquels il demande une prorogation de délai.

#### *Audition orale, appel d'une personne détenue*

(11) Lorsque l'auteur de la motion est sous garde et qu'il a donné avis qu'il souhaite présenter la motion en personne, le juge fait mettre la motion en autorisation d'interjeter appel au rôle d'audience et, dans ce cas, il peut demander au procureur général d'organiser la comparution de l'auteur de la motion à l'audience.

### **AVIS D'APPEL**

#### *Délai de signification*

5. (1) Si l'autorisation d'interjeter appel est accordée, un avis d'appel est signifié de la manière prévue au paragraphe 3 (6) dans les 10 jours de l'octroi de l'autorisation.

#### *Mode de signification*

(2) Malgré le paragraphe (1), l'avis d'appel peut être signifié au procureur inscrit au dossier de la manière prévue à la règle 16.05 des Règles de procédure civile.

#### *Avis d'appel dans l'appel d'une personne détenue*

(3) Dans l'appel d'une personne détenue, l'avis d'appel est rédigé selon la formule 3.

#### *Avis d'appel dans d'autres appels*

(4) Dans tous les autres appels, l'avis d'appel est rédigé selon la formule 4.

### **ORDONNANCE SANS COMPARUTION DES AVOCATS**

6. Sauf pour une requête de mise en liberté visée à l'article 132 de la Loi, toute ordonnance prévue dans les présentes règles peut être rendue avec le consentement écrit des parties, sans que les avocats ne comparaissent.

**EXTENSION OR ABRIDGMENT OF TIME***General powers of judge*

7. (1) The time for a motion for leave to appeal and to appeal and for doing any other act in connection with an appeal for which a time is prescribed may be extended or abridged by a judge before or after the expiration of the time prescribed.

*Notice*

(2) Except in an inmate appeal, notice of motion to extend or abridge time shall be given to the opposite party unless otherwise directed by a judge.

*Substituted service or dispensing with service*

(3) Where, on motion without notice, it appears to a judge that reasonable efforts have been made without success to give or deliver a notice or document in the manner required by these rules or the Act, or that reasonable efforts would not be successful, the judge may make an order for substituted service of the notice or document in such manner as the judge directs or, where necessary in the interests of justice, may dispense with the giving or delivery of the notice or document upon such terms as the judge considers proper in the circumstances.

*Extension of time in inmate appeal*

(4) An extension of time relating to an inmate appeal may be granted by a judge and the endorsement to that effect shall constitute an order extending the time.

(5) In all cases where the motion for an extension of time in an inmate appeal is served six months or more after the time for serving the notice of motion for leave to appeal, and in any other case where the judge considers it appropriate, the Registrar shall give the respondent notice of the motion.

(6) Within seven days of receiving notice of the motion, the prosecutor shall, if the motion is opposed, file a written response to the motion with the Registrar, and a copy of the response shall be forwarded by the Registrar to the moving party together with a notification that he or she may make written submissions in reply to the response of the prosecutor within seven days after receipt of the response.

(7) If the judge to whom the motion is made under subrule (5), after reviewing the grounds upon which the moving party requests an extension of time and any submissions filed by the moving party or the prosecutor under subrule (6), is of the opinion that an extension of time should be refused, the judge shall give reasons in writing for the refusal.

(8) The reasons given by the judge on the motion shall be sent to the moving party and, where the prosecutor has filed a response, to the prosecutor, and where the motion is granted the prosecutor and the moving party shall be notified by the Registrar.

**TRANSCRIPTS***No application to inmate appeals*

8. (1) This rule does not apply to inmate appeals.

*Certificate or undertaking*

(2) The appellant shall, at the time the notice of appeal is filed with the Registrar, file a certificate of the court reporter stating that copies of transcripts required for the hearing of the appeal have been ordered or file an undertaking in Form 5 that any such transcripts will be filed within 30 days after the filing of the notice of appeal.

**PROROGATION OU ABRÈGEMENT DES DÉLAIS***Pouvoirs généraux du juge*

7. (1) Le juge peut proroger ou abrèger le délai pour présenter une motion en autorisation d'interjeter appel, pour interjeter appel et pour prendre toute autre mesure se rapportant à un appel, et ce avant ou après l'expiration du délai.

*Avis*

(2) Sauf dans un appel d'une personne détenue, l'avis de motion en prorogation ou en abrègement de délai est donné à la partie adverse, sauf ordre contraire du juge.

*Signification indirecte ou dispense de signification*

(3) Lorsqu'un juge, sur motion présentée sans préavis, considère que des démarches raisonnables ont été entreprises pour effectuer la remise ou l'envoi d'un avis ou d'un document conformément aux présentes règles ou à la Loi, mais sans résultat, ou que des démarches raisonnables ne donneraient pas de résultats, il peut ordonner la signification indirecte de l'avis ou du document selon les modalités qu'il fixe ou, si l'intérêt de la justice l'exige, dispenser de la remise ou de l'envoi de l'avis ou du document aux conditions qu'il estime indiquées dans les circonstances.

*Prorogation de délai, appel d'une personne détenue*

(4) Une prorogation de délai en ce qui concerne l'appel d'une personne détenue peut être accordée par un juge, et une mention à cet effet constitue une ordonnance de prorogation de délai.

(5) Dans tous les cas où la motion en prorogation de délai dans l'appel d'une personne détenue est signifiée six mois ou plus après la fin du délai de signification de la motion en autorisation d'interjeter appel, et dans tous les autres cas où le juge l'estime approprié, le greffier donne avis de la motion à l'intimé.

(6) Dans les sept jours de la réception de l'avis de motion, le poursuivant dépose auprès du greffier une réponse écrite à la motion, si celle-ci est contestée, et une copie de la réponse est expédiée par le greffier à l'auteur de la motion, accompagnée d'une note portant qu'il peut répondre par des observations écrites à celle du poursuivant, dans les sept jours de la réception de la réponse.

(7) Si le juge auquel la motion est adressée en vertu du paragraphe (5), après avoir examiné les motifs pour lesquels l'auteur de la motion demande une prorogation de délai et les observations déposées par celui-ci ou par le poursuivant en vertu du paragraphe (6), estime qu'une prorogation de délai devrait être refusée, il motive son refus par écrit.

(8) Les motifs donnés par le juge au sujet de la motion sont envoyés à l'auteur de la motion et au poursuivant, si celui-ci a déposé une réponse, et s'il est accédé à la motion, le poursuivant et l'auteur de la motion en sont avisés par le greffier.

**TRANSCRIPTIONS***Non-application aux appels de personnes détenues*

8. (1) La présente règle ne s'applique pas aux appels de personnes détenues.

*Engagement*

(2) Au moment du dépôt de l'avis d'appel auprès du greffier, l'appellant dépose un certificat du sténographe judiciaire indiquant que des copies des transcriptions exigées pour l'audition de l'appel ont été commandées ou un engagement, rédigé selon la formule 5, indiquant que les transcriptions en question seront déposées dans les 30 jours du dépôt de l'avis d'appel.

**Transcripts for the court**

(3) Except where otherwise ordered, three copies of the transcript of evidence at the trial and of any evidence received under section 136 of the Act are required for the use of the court.

**Contents of transcript**

(4) Unless otherwise ordered by a judge, or except as otherwise consented to by the respondent, there shall be omitted from the transcript,

- (a) all final argument;
- (b) all objections to the admissibility of evidence, except a notation that an objection was made and a brief summary of the nature of that objection and the position of counsel, but the trial judge's ruling and reasons in respect of the objection shall be set out in full in the transcript.

**Order for inclusion of additional transcript**

(5) A party obtaining an order for the inclusion in the transcript of any portion of the matter referred to in subrule (4) shall furnish the order to the court reporter within five days after the granting of the order, and furnish a copy of the order to the other parties together with confirmation that the order has been sent to the reporter.

**Appeal from sentence only**

- (6) In respect of an appeal as to sentence only,
- (a) where there was a plea of guilty at the opening of the trial before any evidence was taken, the transcript shall include the entire hearing before the court, including,
    - (i) the arraignment,
    - (ii) the statement of counsel for the prosecution,
    - (iii) any evidence,
    - (iv) any submissions of counsel for the prosecution and the defence,
    - (v) any statement by the defendant prior to the passing of sentence, and
    - (vi) the trial judge's reasons for sentence;
  - (b) where the plea was not guilty and was followed by the adducing of evidence, the transcript shall include,
    - (i) the trial judge's reasons for conviction,
    - (ii) the verdict,
    - (iii) any evidence called in respect of sentence,
    - (iv) any submissions of counsel for the prosecution and for the defence on sentence, and
    - (v) the trial judge's reasons for sentence.

**Agreed statement of facts**

(7) Where the plea was not guilty and was followed by the adducing of evidence, then within 30 days of receipt of the transcript referred to in clause (6) (b), counsel for the appellant and for the respondent shall

**Transcriptions pour le tribunal**

(3) Sauf ordonnance contraire, trois copies de la transcription de la preuve recueillie en première instance et, le cas échéant, de celle reçue en vertu de l'article 136 de la Loi sont exigées pour le tribunal.

**Contenu de la transcription**

(4) Sauf ordonnance contraire d'un juge, ou avec le consentement de l'intimé, sont omises de la transcription :

- a) les plaidoiries définitives;
- b) les objections à l'admissibilité de la preuve, sauf une mention selon laquelle une objection a été faite et un bref résumé de la nature de cette objection et de la position de l'avocat, mais le jugement et les motifs du juge de première instance à l'égard de l'objection sont énoncés intégralement dans la transcription.

**Ordonnance d'inclusion d'une transcription supplémentaire**

(5) La partie qui obtient une ordonnance pour l'inclusion d'une transcription de toute partie de la question mentionnée au paragraphe (4) remet l'ordonnance au sténographe judiciaire dans les cinq jours du prononcé de l'ordonnance, et en remet une copie aux autres parties, accompagnée d'une confirmation indiquant que l'ordonnance a bien été envoyée au sténographe.

**Appel de sentence seulement**

- (6) Pour un appel de sentence seulement :
- a) lorsqu'il y a eu un plaidoyer de culpabilité au début du procès avant que la preuve ne soit entendue, la transcription inclut la totalité de l'audition devant le tribunal, y compris :
    - (i) l'interpellation,
    - (ii) la déclaration de l'avocat de la poursuite,
    - (iii) la preuve,
    - (iv) les observations des avocats de la poursuite et de la défense,
    - (v) les déclarations faites par le défendeur avant le prononcé de la sentence,
    - (vi) les motifs de la sentence prononcée par le juge de première instance;
  - b) lorsqu'il y a eu un plaidoyer de non-culpabilité suivi de la présentation de preuves, la transcription comprend :
    - (i) les motifs du juge de première instance relativement à la déclaration de culpabilité,
    - (ii) le verdict,
    - (iii) la preuve invoquée à l'égard de la sentence,
    - (iv) les observations des avocats de la poursuite et de la défense sur la sentence,
    - (v) les motifs de la sentence prononcée par le juge de première instance.

**Exposé conjoint des faits**

(7) Si le plaidoyer n'était pas un plaidoyer de culpabilité et a été suivi de la présentation de la preuve, dans les 30 jours de la réception de la transcription mentionnée à l'alinéa (6) b), l'avocat de l'appelant et celui

make every effort to agree to a statement of facts which shall be included in the appeal book.

(8) In the event of difficulty in settling the statement of facts, counsel for either party may, on notice, attend upon a judge for directions.

#### *Date of order and completion*

(9) The transcript shall include a note of the date the transcript was ordered and the date the ordering party was notified that the transcript was completed.

#### *Completion not to be suspended*

(10) After a transcript has been ordered, the completion of the transcript shall not be suspended or the order countermanded without an order of a judge or the Registrar, unless the appeal has been wholly abandoned and the court reporter notified in accordance with subrule 28 (3).

#### *Agreement respecting evidence*

(11) Instead of complying with subrule (3), the parties may, within 30 days after service of the notice of appeal, make an agreement respecting the transcript required for the appeal and any such agreement shall be reduced to writing, be signed by the parties, be filed with the Registrar forthwith and form part of the contents of the appeal book under rule 12.

#### *Filing of transcript*

(12) Where no transcript is required for the hearing of the appeal other than that filed in the court appealed from, the copies of the transcript shall be filed with the Registrar within 30 days of the filing of the notice of appeal and in all other cases the transcript shall be filed forthwith upon its completion.

### **DISMISSAL FOR FAILURE TO COMPLY WITH RULE 8**

#### *Service of notice to cure default*

9. (1) Where the appellant fails to comply with any of the provisions of rule 8, the Registrar may serve notice on the appellant and counsel for the appellant that the appeal may be placed before the Court of Appeal to be dismissed as an abandoned appeal unless the default is cured within 10 days after service of the notice.

#### *Service of notice that appeal to be dismissed as abandoned*

(2) Where the appellant does not cure the default within 10 days after service of the notice, or within such longer period as a judge allows, the Registrar shall serve notice on the appellant and counsel for the appellant of the date on which the appeal will be placed before the Court of Appeal to be dealt with in accordance with subrule (1).

#### *Appellant to be served with copy of order dismissing appeal*

(3) The Registrar shall serve the appellant with a copy of an order dismissing the appeal.

#### *Manner of service*

(4) Unless a judge otherwise orders, service of a notice on the appellant and counsel under this rule shall be by prepaid registered mail to the addresses as set out in the notice of appeal or as filed with the Registrar.

### **PROCESSING APPEALS**

10. Where a notice of motion for leave to appeal has been filed, the Registrar shall transmit a copy of the motion to the registrar of the Ontario Court (General Division) or the court clerk of the Ontario Court

de l'intimé font tout leur possible pour s'entendre sur un exposé des faits devant figurer dans le dossier d'appel.

(8) En cas de difficulté dans le règlement de l'exposé des faits, l'avocat de l'une ou l'autre partie peut, sur avis, demander des directives à un juge.

#### *Date de la commande et de l'achèvement de la transcription*

(9) La transcription indique la date à laquelle elle a été commandée et celle à laquelle la partie qui l'a commandée a été avisée qu'elle était prête.

#### *Préparation ininterrompue*

(10) La préparation d'une transcription, une fois commandée, ne doit pas être suspendue ni la commande annulée sans qu'un juge ou le greffier ne l'ordonne sauf s'il y a eu désistement d'appel et que le sténographe judiciaire a été avisé conformément au paragraphe 28 (3).

#### *Entente sur la preuve*

(11) Au lieu de respecter le paragraphe (3), les parties peuvent, dans les 30 jours de la signification de l'avis d'appel, conclure une entente sur la transcription exigée pour l'appel; cette entente est faite par écrit, signée par les parties, déposée auprès du greffier sans délai et devient partie intégrante du contenu du dossier d'appel conformément à la règle 12.

#### *Dépôt de la transcription*

(12) Lorsque seule la transcription déposée au tribunal dont la décision est portée en appel est nécessaire pour l'audition de l'appel, les copies de la transcription sont déposées auprès du greffier dans les 30 jours du dépôt de l'avis d'appel et, dans les autres cas, la transcription est déposée sans délai dès qu'elle est prête.

### **REJET POUR NON-CONFORMITÉ À LA RÈGLE 8**

#### *Signification de l'avis enjoignant de remédier à un manquement*

9. (1) Si l'appelant ne se conforme pas aux dispositions de la règle 8, le greffier peut signifier à l'appelant et à son avocat un avis selon lequel l'appel peut être porté devant la Cour d'appel pour être rejeté comme s'il avait fait l'objet d'un désistement, sauf s'il est remédié au manquement dans les 10 jours de la signification de l'avis.

#### *Signification de l'avis selon lequel l'appel doit être rejeté comme ayant fait l'objet d'un désistement*

(2) Si l'appelant ne remédie pas au manquement dans les 10 jours de la signification de l'avis ou dans le délai plus long que le juge autorise, le greffier signifie à l'appelant et à son avocat avis de la date à laquelle l'appel doit être porté devant la Cour d'appel pour être traité conformément au paragraphe (1).

#### *Signification à l'appelant d'une copie de l'ordonnance rejetant l'appel*

(3) Le greffier signifie à l'appelant une copie de l'ordonnance rejetant l'appel.

#### *Mode de signification*

(4) Sauf ordonnance contraire d'un juge, l'avis signifié à l'appelant et à son avocat en vertu de la présente règle est envoyé par courrier recommandé, port payé, aux addresses indiquées dans l'avis d'appel ou déposées auprès du greffier.

### **TRAITEMENT DES APPELS**

10. Lorsqu'un avis de motion en autorisation d'interjeter appel a été déposé, le greffier transmet une copie de la motion au greffier de la Cour de l'Ontario (Division générale) ou au greffier de la Cour de l'Ontario

(Provincial Division), as the case may be, for the county or district where the proceedings appealed from were held.

### ORIGINAL PAPERS AND EXHIBITS

11. Upon receipt of a motion for leave to appeal, the registrar of the Ontario Court (General Division) or the court clerk of the Ontario Court (Provincial Division), as the case may be, shall transmit forthwith to the Registrar from the court from which the appeal is taken all the material forming the record, including all documents and exhibits capable of reproduction, unless it is otherwise ordered by a judge.

### APPEAL BOOKS

#### *Contents of appeal book*

12. (1) Except in an inmate appeal, the appeal book shall contain, in consecutively numbered pages arranged in the following order, a copy of,

- (a) a table of contents describing each document, including each exhibit, by its nature and date, and, in the case of an exhibit, identified by exhibit number or letter;
- (b) the notice of appeal and any supplementary notice of appeal;
- (c) the order granting leave to appeal, and any direction or order made with reference to the appeal;
- (d) the information or certificate, including all endorsements;
- (e) the formal order or decision appealed from, if any, as signed and entered;
- (f) the reasons for judgment of the trial court, if not included in the transcript of the trial, together with a further typed or printed copy if the reasons are handwritten;
- (g) the reasons for judgment of the appeal court together with a further typed or printed copy if the reasons are handwritten;
- (h) any order for release from custody pending appeal and any other order suspending the operation of the sentence;
- (i) all documentary exhibits filed at the trial arranged in order by date or, where there are documents having common characteristics, arranged in separate groups in order by date;
- (j) all additional documentary exhibits and affidavits used on the hearing of the appeal in the appeal court;
- (k) all maps, plans, photographs, drawings and charts that were before the trial judge and are capable of reproduction;
- (l) the agreed statement of facts, if any;
- (m) where there is an appeal as to sentence, the pre-sentence report, the record of the defendant and any exhibits filed on the sentencing proceedings;
- (n) any notice of constitutional question served in accordance with section 109 of the *Courts of Justice Act* and proof of service of the notice upon the Attorney General of Ontario and the Attorney General of Canada; and
- (o) a certificate in Form 61H of the Rules of Civil Procedure signed by the appellant's solicitor, or on the solicitor's behalf by someone specifically authorized to do so, stating that the contents of the appeal book are complete and legible.

(Division provinciale), selon le cas, pour le comté ou le district où les instances portées en appel ont été tenues.

### PIÈCES ET DOCUMENTS ORIGINAUX

11. Sur réception d'une motion en autorisation d'interjeter appel, le greffier de la Cour de l'Ontario (Division générale) ou le greffier de la Cour de l'Ontario (Division provinciale), selon le cas, transmet sans délai au greffier du tribunal dont la décision est portée en appel tous les documents qui constituent le dossier, y compris toutes les pièces et tous les documents pouvant être reproduits, sauf ordonnance contraire d'un juge.

### DOSSIERS D'APPEL

#### *Contenu du dossier d'appel*

12. (1) Sauf dans l'appel d'une personne détenue, le dossier d'appel comprend, dans des pages numérotées consécutivement et disposées de la façon suivante :

- a) une table des matières décrivant chaque document, y compris les pièces, selon sa nature et sa date et, dans le cas d'une pièce, selon son numéro ou sa lettre;
- b) l'avis d'appel et tout avis d'appel supplémentaire;
- c) l'ordonnance accordant l'autorisation d'interjeter appel, et les directives données ou ordonnances rendues concernant l'appel;
- d) la dénonciation ou le certificat, y compris toutes les mentions;
- e) l'ordonnance ou la décision officielle portée en appel, le cas échéant, signée et inscrite;
- f) les motifs du jugement du tribunal de première instance, s'ils ne figurent pas dans la transcription du procès et, si les motifs sont sous forme manuscrite, une copie supplémentaire dactylographiée ou imprimée;
- g) les motifs du jugement du tribunal d'appel et, si les motifs sont sous forme manuscrite, une copie supplémentaire dactylographiée ou imprimée;
- h) l'ordonnance de mise en liberté en attendant l'appel et toute autre ordonnance suspendant l'exécution de la sentence;
- i) tous les documents déposés à l'instruction, présentés par ordre chronologique ou, s'il y a plusieurs documents ayant des caractéristiques communes, présentés en groupes distincts classés par ordre chronologique;
- j) tous les autres documents et affidavits utilisés à l'audition de l'appel devant le tribunal d'appel;
- k) les cartes, plans, photographies, dessins et tableaux présentés au juge de première instance et pouvant être reproduits;
- l) l'exposé conjoint des faits, le cas échéant;
- m) s'il s'agit d'un appel de sentence, le rapport présentiel, le dossier du défendeur et tous les documents déposés dans les actes de procédure sur la sentence;
- n) les avis sur des questions constitutionnelles signifiés conformément à l'article 109 de la *Loi sur les tribunaux judiciaires* et la preuve de la signification de l'avis au procureur général de l'Ontario et au procureur général du Canada;
- o) un certificat rédigé selon la formule 61H des Règles de procédure civile, signé par le procureur de l'appelant ou en son nom, par une personne précisément habilitée à le faire, et attestant que le contenu du dossier d'appel est complet et lisible.

**Material may be omitted from appeal book**

(2) Despite subrule (1), with the consent of the respondent or as directed by a judge, some or all of the material referred to in clauses (1) (i) to (k) may be omitted from the appeal book.

**Form of appeal book**

(3) The appeal book, other than an appeal book prepared by the Attorney General under rule 13 or subrule 23 (3), shall be bound front and back in buff cover stock, and the appeal book prepared by the Attorney General under rule 13 and subrule 23 (3) shall be bound front and back in grey cover stock.

(4) Despite subrule (1), the parts of the appeal book may be divided by numbered tabs provided that the pages within the tabs are consecutively numbered.

(5) The Registrar may refuse to accept an appeal book that does not comply with the rules or is not legible and, in that case, the appeal book shall not be filed without a direction from a judge.

**APPEAL BOOK FOR UNREPRESENTED APPELLANT**

13. Where the appellant is not represented by counsel, the Registrar may require the Attorney General or counsel for the prosecutor to prepare the appeal book.

**FACTUMS****Heading of factum**

14. (1) Except in inmate appeals, all parties to an appeal and persons who have been granted the right to be heard shall deliver a factum, to be entitled and described on its cover as "Appellant's Factum", "Respondent's Factum" or as the case may be.

**Factum to be signed and dated**

(2) All factums shall be signed by counsel or on counsel's behalf by someone specifically authorized to do so, or by the appellant or respondent if he or she has no counsel, and the signature shall be followed by the typed name of counsel, if any, and the date.

**Contents of appellant's factum**

(3) Except in an appeal from sentence only, the appellant's factum shall consist of,

- (a) Part I, with the caption "Statement of the Case", containing a statement identifying the appellant, the trial court and the appeal court, the nature of the charge or charges, the result in the trial court and in the appeal court, and whether the appeal is from conviction, conviction and sentence, acquittal or other disposition;
- (b) Part II, with the caption "Summary of the Facts", containing a concise summary of the facts relevant to the issues on the appeal, with such reference to the evidence by page and line as is necessary;
- (c) Part III, with the caption "Issues and Law", containing a statement of each issue raised, immediately followed by a concise statement of the law and authorities relating to that issue;
- (d) Part IV, with the caption "Order Requested", containing a statement of the order that the court will be asked to make;

**Documents pouvant être omis du dossier d'appel**

(2) Malgré le paragraphe (1), avec le consentement de l'intimé ou sur l'ordre d'un juge, les documents, en tout ou partie, mentionnés aux alinéas (1) (i) à (k) peuvent être omis du dossier d'appel.

**Forme du dossier d'appel**

(3) Le dossier d'appel, autre qu'un dossier d'appel préparé par le procureur général conformément à la règle 13 ou au paragraphe 23 (3), est relié des deux côtés avec une couverture chamois tandis que le dossier d'appel préparé par le procureur général conformément à la règle 13 et au paragraphe 23 (3) est relié des deux côtés avec une couverture grise.

(4) Malgré le paragraphe (1), les parties du dossier d'appel peuvent être divisées par des onglets numérotés, à condition que les pages entre les onglets soient numérotées consécutivement.

(5) Le greffier peut refuser d'accepter un dossier d'appel qui ne respecte pas les règles ou qui n'est pas lisible et, dans ce cas, le dossier d'appel ne peut être déposé sans une directive du juge.

**DOSSIER D'APPEL DE L'APPELANT NON REPRÉSENTÉ**

13. Si l'appellant n'est pas représenté par un avocat, le greffier peut exiger que le procureur général ou l'avocat de la poursuite prépare un dossier d'appel.

**MÉMOIRES****Titre de mémoires**

14. (1) Sauf dans les appels de personnes détenues, toutes les parties à un appel et les personnes qui se sont vu accorder le droit d'être entendues remettent un mémoire intitulé et identifié sur sa page-couverture comme le «Mémoire de l'appellant», le «Mémoire de l'intimé» ou autre, selon le cas.

**Mémoires signés et datés**

(2) Tous les mémoires sont signés par l'avocat ou, en son nom, par une personne précisément habilitée à le faire, ou par l'appellant ou l'intimé, s'il n'a pas d'avocat, et sa signature doit être suivie du nom dactylographié de l'avocat, le cas échéant, et de la date.

**Contenu du mémoire de l'appellant**

(3) Sauf dans un appel de sentence seulement, le mémoire de l'appellant se compose des éléments suivants :

- a) la partie I, sous le titre «Exposé de la cause», nomme l'appellant, le tribunal de première instance et le tribunal d'appel, indique la nature de l'accusation ou des accusations, l'issue du procès en première instance et devant le tribunal d'appel et précise si l'appel est interjeté d'une déclaration de culpabilité, d'une déclaration de culpabilité et d'une sentence, d'un acquittement ou d'une autre décision;
- b) la partie II, sous le titre «Résumé des faits», comprend un résumé concis des faits pertinents relatifs aux questions en litige dans l'appel, avec les renvois nécessaires à la ligne et à la page correspondantes de la preuve;
- c) la partie III, sous le titre «Questions en litige et règles de droit applicables», comprend un exposé des questions en litige, suivi immédiatement d'un exposé concis des règles de droit, ainsi que de la doctrine et de la jurisprudence pertinentes;
- d) la partie IV, sous le titre «Ordonnance demandée», comprend un énoncé de l'ordonnance demandée au tribunal;

- (e) Schedule A, with the caption "Authorities to be Cited", containing a list of the authorities referred to, with citations, in the order in which they appear in Part III or in alphabetical order; and
- (f) Schedule B, with the caption "Relevant Legislative Provisions", setting out the text of all relevant statutes, except where it would be more convenient to separately file an office consolidation from the Queen's Printer for Ontario.

#### **Respondent's factum**

- (4) The respondent's factum shall consist of,
  - (a) Part I, with the caption "Respondent's Statement as to Facts", containing a statement of the facts in Part II of the appellant's factum that the respondent accepts as correct or substantially correct and those facts with which the respondent disagrees, and a concise summary of any additional facts relied on, with such reference to the evidence by page and line as is necessary;
  - (b) Part II, with the caption "Response to Appellant's Issues", containing the position of the respondent with respect to each issue raised by the appellant, immediately followed by a concise statement of the law and the authorities relating to that issue;
  - (c) Part III, with the caption "Additional Issues", containing a statement of any additional issues raised by the respondent, immediately followed by a concise statement of the law and the authorities relating to that issue;
  - (d) Part IV, with the caption "Order Requested", containing a statement of the order that the court will be asked to make;
  - (e) Schedule A, with the caption "Authorities to be Cited", containing a list of the authorities referred to, with citations, in the order in which they appear in Parts II and III or in alphabetical order; and
  - (f) Schedule B, with the caption "Relevant Legislative Provisions", setting out the text of all relevant statutes, except where it would be more convenient to separately file an office consolidation from the Queen's Printer for Ontario.

#### **Length of factum**

(5) Unless ordered by the Registrar or a judge, the factum, excluding the Schedules, shall not exceed 30 pages in length.

#### **Form of factum**

(6) The appellant's factum shall be bound front and back in blue cover stock, and the respondent's factum shall be bound front and back in green cover stock.

(7) The factum shall be printed on good quality white paper 216 millimetres by 279 millimetres in size and the text shall be printed, typewritten, written or reproduced legibly on one side only with double spaces between the lines, except for quotations which may be single spaced, and margins of approximately 40 millimetres on the left-hand side.

(8) The characters used shall be of at least 12 point or 10 pitch size.

(9) Back sheets and covers shall be of 176 g/m<sup>2</sup> cover stock.

- e) l'annexe A, sous le titre «Doctrines et jurisprudences citées», comprend, dans leur ordre de présentation de la partie III ou par ordre alphabétique, la liste de la doctrine et de la jurisprudence, avec les citations, auxquelles les renvois ont été faits;
- f) l'annexe B, sous le titre «Dispositions législatives pertinentes», présente le texte de toutes les lois pertinentes, sauf s'il serait plus commode de classer séparément une codification administrative de l'Imprimeur de la Reine pour l'Ontario.

#### **Mémoire de l'intimé**

- (4) Le mémoire de l'intimé se compose des éléments suivants :
  - a) la partie I, sous le titre «Énoncé des faits selon l'intimé», comprend un exposé des faits énoncés dans la partie II du mémoire de l'appelant dont l'intimé reconnaît l'exactitude absolue, ou presque, ainsi que de ceux avec lesquels il est en désaccord, et un résumé concis des faits supplémentaires invoqués, accompagné des renvois nécessaires à la ligne et à la page correspondantes de la preuve;
  - b) la partie II, sous le titre «Réponse aux questions en litige de l'appelant», comprend la position de l'intimé sur chacune des questions soulevées par l'appelant, suivie immédiatement d'un exposé concis des règles de droit ainsi que de la doctrine et de la jurisprudence pertinentes;
  - c) la partie III, sous le titre «Autres questions en litige», comprend un exposé des questions supplémentaires soulevées par l'intimé, chacune étant immédiatement suivie d'un exposé concis des règles de droit ainsi que de la doctrine et de la jurisprudence pertinentes;
  - d) la partie IV, sous le titre «Ordonnance demandée», comprend un énoncé de l'ordonnance demandée au tribunal;
  - e) l'annexe A, sous le titre «Doctrines et jurisprudences citées», comprend, dans leur ordre de présentation dans les parties II et III ou par ordre alphabétique, la liste de la doctrine et de la jurisprudence, avec les citations auxquelles les renvois ont été faits;
  - f) l'annexe B, sous le titre «Dispositions législatives pertinentes», présente le texte de toutes les lois pertinentes, sauf s'il serait plus commode de classer séparément une codification administrative de l'Imprimeur de la Reine pour l'Ontario.

#### **Longueur du mémoire**

(5) Sauf ordonnance contraire du greffier ou d'un juge, le mémoire, à l'exclusion des annexes, ne dépasse pas 30 pages.

#### **Forme du mémoire**

(6) Le mémoire de l'appelant est relié des deux côtés avec une couverture bleue tandis que celui de l'intimé est relié des deux côtés avec une couverture verte.

(7) Le mémoire est imprimé sur du papier blanc, de bonne qualité, de 216 millimètres sur 279 millimètres, et le texte est imprimé, dactylographié, écrit à la main ou reproduit lisiblement sur un côté seulement de la feuille, à double interligne, sauf pour les citations, qui peuvent être à simple interligne, et avec une marge d'environ 40 millimètres à gauche.

(8) Les caractères utilisés ont au moins un corps de 12 points ou un pas de 10 points.

(9) Les feuilles arrière et les couvertures sont de papier couverture de 176 g/m<sup>2</sup>.

**Registrar may refuse to accept factum for filing**

(10) The Registrar may refuse to accept a factum that does not comply with these rules and, in that case, the factum shall not be filed without a direction from a judge.

**SENTENCE APPEALS****Sentence appeal factum to be in Form 6**

15. (1) In an appeal from sentence only, the factum of the appellant, other than the prosecutor, shall be in Form 6.

(2) Where the prosecutor is the appellant, such changes shall be made in the form of the factum as are required.

**Time limits for oral argument**

(3) On the hearing of an appeal from sentence only, the appellant shall be limited to 15 minutes for the presentation of oral argument and the respondent to 10 minutes.

(4) The appellant shall be allowed five minutes to reply.

(5) In cases of unusual difficulty the panel hearing the appeal may enlarge these time limits as required.

**PERFECTING THE APPEAL****Service and filing**

16. (1) Except in an inmate appeal, the appellant shall serve on every other party to the appeal and any person entitled by statute or an order of the court to be heard upon the appeal, one copy of an appeal book, one copy of the transcript and one copy of the appellant's factum and immediately thereafter shall file with the Registrar proof of service of the appeal book, the transcript and the factum, and,

- (a) in appeals directed to be heard by five judges, five copies of the appeal book and six copies of the appellant's factum; and
- (b) in all other appeals, three copies of the appeal book and four copies of the appellant's factum.

**Certificate of perfection**

(2) The appellant shall file with the Registrar two copies of a certificate of perfection stating,

- (a) that the appeal book, transcript and appellant's factum have been served and filed;
- (b) that the transcript is complete;
- (c) the estimated total length of time for oral argument; and
- (d) the name, address and telephone number of the solicitor for each party to the appeal unless the respondent is the Attorney General, and of any person entitled by statute or an order to be heard on the appeal, or where a party or person acts in person, his or her name, address for service and telephone number.

**Time for perfection**

(3) The appellant shall perfect the appeal by complying with subrules (1) and (2),

- (a) where no transcript of evidence other than that filed in the appeal court is required for the appeal, within 60 days after filing the notice of appeal or such longer period as is permitted by a judge or the Registrar;

**Le greffier peut refuser le dépôt d'un mémoire**

(10) Le greffier peut refuser tout mémoire qui ne respecte pas les présentes règles et, dans ce cas, le mémoire ne peut pas être déposé sans une directive d'un juge.

**APPELS DE SENTENCE****Mémoire d'appel de sentence rédigé selon la formule 6**

15. (1) Dans un appel de sentence seulement, le mémoire de l'appellant, autre que celui du poursuivant, est rédigé selon la formule 6.

(2) Si le poursuivant est l'appellant, les changements nécessaires sont faits dans la forme du mémoire.

**Délai de la plaidoirie orale**

(3) À l'audition d'un appel de sentence seulement, l'appellant a 15 minutes pour présenter sa plaidoirie orale et l'intimé, 10 minutes.

(4) L'appellant a droit à cinq minutes pour répondre.

(5) Dans les cas de difficultés inhabituelles, la formation qui entend l'appel peut prolonger ces délais selon les exigences.

**MISE EN ÉTAT DE L'APPEL****Signification et dépôt**

16. (1) Sauf dans l'appel d'une personne détenue, l'appellant signifie à toutes les autres parties à l'appel et à toute personne qui a le droit, de par la loi ou en vertu d'une ordonnance du tribunal, d'être entendue sur l'appel, une copie du dossier d'appel, une copie de la transcription et une copie du mémoire de l'appellant, et immédiatement après il dépose auprès du greffier une preuve de la signification du dossier d'appel, de la transcription et du mémoire, et :

- a) dans les appels devant être entendus par cinq juges, cinq copies du dossier d'appel et six copies du mémoire de l'appellant;
- b) dans tous les autres appels, trois copies du dossier d'appel et quatre copies du mémoire de l'appellant.

**Certificat de mise en état**

(2) L'appellant dépose auprès du greffier deux copies d'un certificat de mise en état attestant :

- a) la signification et le dépôt du dossier d'appel, de la transcription et du mémoire de l'appellant;
- b) le caractère complet de la transcription;
- c) la durée totale estimative de la plaidoirie orale;
- d) le nom, l'adresse et le numéro de téléphone du procureur de chaque partie à l'appel, sauf si l'intimé est le procureur général, et de toute personne qui a le droit d'être entendue dans l'appel, de par la loi ou en vertu d'une ordonnance, ou, si une partie ou une personne agit en personne, son nom, son domicile élu et son numéro de téléphone.

**Délai de mise en état**

(3) L'appellant met l'appel en état en se conformant aux paragraphes (1) et (2) :

- a) si aucune transcription de la preuve autre que celle qui est déposée devant le tribunal d'appel n'est exigée pour l'appel, dans les 60 jours du dépôt de l'avis d'appel ou dans le délai plus long que le juge ou le greffier permet;



- (b) where a transcript of evidence is required for the appeal, within 30 days after the transcript has been delivered to the Court of Appeal or such longer period as is permitted by a judge or the Registrar; or
- (c) where an agreed statement of facts is required pursuant to subrule 8 (7), within 60 days after the transcript has been delivered to the Court of Appeal or such longer period as is permitted by a judge or the Registrar.

#### MOTION FOR DIRECTIONS

17. The Registrar or any party to the appeal may, on notice, make a motion to a judge for directions in respect of the conduct of the appeal.

#### FAILURE TO PERFECT APPEAL

##### *Notice of failure to perfect*

18. (1) Where an appellant has not perfected an appeal within the time limits set out in rule 16, the Registrar may serve notice on the appellant and counsel for the appellant that the appeal shall be placed before the Court of Appeal to be dismissed as an abandoned appeal unless the appeal is perfected within 10 days after the service of the notice.

##### *Notice of intent to have appeal dismissed*

(2) Where an appellant has not perfected an appeal within the time limits set out in rule 16, the respondent, on notice to the appellant and counsel for the appellant, may request the Registrar to have the appeal placed before the Court of Appeal to be dealt with in accordance with subrule (1), or may move before a judge for directions.

##### *Powers of Court*

(3) In considering an appeal referred to it under subrule (1), the Court of Appeal may,

- (a) dismiss the appeal as an abandoned appeal;
- (b) if the appellant was granted release from custody pending the appeal, revoke the release order and direct that a warrant issue for the arrest of the appellant;
- (c) permit the appeal to remain on the list of pending appeals upon such conditions, if any, as the court considers fit, including conditions respecting the time limits for filing the transcript, the appeal book and the factum.

##### *Service of copy of order dismissing appeal*

(4) The Registrar shall serve the appellant and the appellant's counsel with a copy of any order or direction made or given under subrule (3).

##### *Manner of service*

(5) Unless a judge otherwise orders, service of a notice on the appellant and counsel under this rule shall be by prepaid registered mail to the addresses as set out in the notice of appeal or as filed with the Registrar.

#### LISTING APPEALS

##### *Notice of date of appeal*

19. (1) Subject to the direction of the Chief Justice of Ontario, the Associate Chief Justice of Ontario or a direction given by a judge as a term of an order made by him or her relating to the conduct of the appeal, the Registrar shall fix the day of the hearing of the appeal and notify counsel, or the party, as the case requires.

- b) si la transcription de la preuve est exigée pour l'appel, dans les 30 jours de remise de la transcription à la Cour d'appel ou dans le délai plus long que le juge ou le greffier permet;
- c) si un exposé conjoint des faits est exigé conformément au paragraphe 8 (7), dans les 60 jours de la remise de la transcription à la Cour d'appel ou dans le délai plus long, que le juge ou le greffier permet.

#### MOTION EN VUE D'OBTENIR DES DIRECTIVES

17. Le greffier ou toute partie à l'appel peut, sur avis, présenter une motion à un juge pour obtenir des directives sur la conduite de l'appel.

#### DÉFAUT DE MISE EN ÉTAT DE L'APPEL

##### *Avis de défaut de mise en état*

18. (1) Si l'appellant n'a pas mis l'appel en état dans les délais fixés à la règle 16, le greffier peut signifier à l'appellant et à son avocat un avis selon lequel l'appel peut être porté devant la Cour d'appel pour être rejeté comme s'il avait fait l'objet d'un désistement, sauf si l'appel est mis en état dans les 10 jours qui suivent la signification de l'avis.

##### *Avis d'intention de faire rejeter l'appel*

(2) Si l'appellant n'a pas mis l'appel en état dans les délais prescrits à la règle 16, l'intimé, sur avis à l'appellant et à son avocat, peut demander au greffier de faire porter l'appel devant la Cour d'appel, pour qu'il soit traité conformément au paragraphe (1), ou il peut demander des directives à un juge.

##### *Pouvoirs de la Cour*

(3) La Cour d'appel qui examine un appel qui lui est renvoyé en vertu du paragraphe (1) peut :

- a) rejeter l'appel comme s'il avait fait l'objet d'un désistement;
- b) révoquer l'ordonnance de libération et ordonner que soit décerné un mandat d'arrestation pour l'appellant, si celui-ci s'est vu accorder une mise en liberté en attendant l'appel;
- c) permettre que l'appel demeure sur le rôle des appels en instance aux conditions, le cas échéant, que le tribunal estime convenables, y compris les conditions en ce qui concerne les délais de dépôt de la transcription, du mémoire et du dossier d'appel.

##### *Signification d'une copie de l'ordonnance rejetant l'appel*

(4) Le greffier signifie à l'appellant et à son avocat une copie de toute ordonnance rendue ou directive donnée en vertu du paragraphe (3).

##### *Mode de signification*

(5) Sauf ordonnance contraire d'un juge, l'avis signifié à l'appellant et à l'avocat en vertu de la présente règle est envoyé par courrier recommandé, port payé, aux adresses indiquées dans l'avis d'appel ou déposées auprès du greffier.

#### RÔLE DES APPELS

##### *Avis de la date d'appel*

19. (1) Sous réserve d'une directive du juge en chef de l'Ontario ou du juge en chef adjoint de l'Ontario, ou d'une directive donnée par un juge dans le cadre d'une ordonnance qu'il a rendue sur la conduite de l'appel, le greffier fixe la date de l'audition de l'appel et en avise l'avocat, ou la partie, selon le cas.

***Date not to be fixed until appeal perfected***

(2) Unless ordered by a judge or the Registrar, an appeal shall be listed for hearing only after being perfected in compliance with rule 16.

***Date for filing respondent's factum***

(3) The respondent's factum shall be served and filed not later than 10 days before the week in which the appeal is to be heard.

***Appeals may be scheduled in afternoon***

(4) In scheduling appeals, the Registrar may, where appropriate, prepare separate lists for the morning and for the afternoon.

***Duty on appellant to perfect appeal and obtain date***

(5) Where the appellant has been granted release from custody pending appeal, the appellant or counsel on his or her behalf shall take all practicable steps to obtain a date for the hearing of the appeal which precedes the date on which the appellant is required to surrender into custody.

**BOOKS OF AUTHORITIES*****Filing books of authorities***

20. (1) Books of authorities shall be filed no later than Thursday in the week before the week in which the appeal is scheduled to be heard.

***Only authorities to be referred to included***

(2) The book of authorities shall contain only those authorities intended to be referred to in oral argument.

***Marking of authorities***

(3) The authorities shall be marked to indicate those passages intended to be referred to in oral argument.

***Copies to be legible***

(4) The authorities shall be reproduced legibly.

***Duplication of authorities to be avoided***

(5) A party shall not duplicate authorities already filed with the court by another party.

***Colour of cover***

(6) The book of authorities shall be bound front and back in coloured stock of the same colour as the party's factum.

**INTERVENTION**

21. (1) Any person interested in an appeal between other parties may by leave of the Court of Appeal, the Chief Justice of Ontario or the Associate Chief Justice of Ontario, intervene in the appeal upon such terms and conditions and with such rights and privileges as the court, the Chief Justice or the Associate Chief Justice determines.

(2) The factum of the intervener shall be bound front and back in white coloured stock.

***Aucune date n'est fixée tant que l'appel n'est pas en état***

(2) À moins que le juge ou le greffier ne l'ordonne, l'appel n'est inscrit au rôle d'audience qu'une fois qu'il est mis en état conformément à la règle 16.

***Date de dépôt du mémoire de l'intimé***

(3) Le mémoire de l'intimé est signifié et déposé au plus tard 10 jours avant la semaine au cours de laquelle l'appel doit être entendu.

***Auditions d'appels l'après-midi***

(4) Lorsqu'il inscrit les appels au rôle, le greffier peut, selon le cas, préparer des rôles séparés pour le matin et pour l'après-midi.

***Obligation de l'appellant de mettre l'appel en état et d'obtenir une date***

(5) Si l'appellant a été mis en liberté en attendant l'appel, l'appellant ou, en son nom, l'avocat prend toutes les mesures raisonnables pour obtenir, pour l'audition de l'appel, une date qui précède celle à laquelle l'appellant est tenu de se faire placer à nouveau sous garde.

**DOCTRINE ET JURISPRUDENCE*****Dépôt de la doctrine et de la jurisprudence***

20. (1) Les dossiers de doctrine et de jurisprudence sont déposés au plus tard le jeudi de la semaine précédant celle au cours de laquelle l'appel doit être entendu.

***Citations seulement***

(2) Le dossier de doctrine et de jurisprudence comprend seulement les décisions devant être mentionnées dans la plaidoirie orale.

***Inscription de la doctrine et de la jurisprudence***

(3) La doctrine et la jurisprudence sont signalées pour indiquer les passages auxquels il est prévu de faire référence dans la plaidoirie orale.

***Copies lisibles***

(4) La doctrine et la jurisprudence sont reproduites de façon lisible.

***Mention unique***

(5) Une partie ne doit pas reproduire la doctrine et la jurisprudence déjà déposées auprès du tribunal par une autre partie.

***Couleur de la couverture***

(6) Le dossier de doctrine et de jurisprudence est relié des deux côtés avec une couverture de couleur identique à celle du mémoire de la partie.

**INTERVENTION**

21. (1) Toute personne intéressée à un appel entre d'autres parties peut, sur autorisation de la Cour d'appel, du juge en chef de l'Ontario ou du juge en chef adjoint de l'Ontario, intervenir dans un appel aux conditions et avec les droits et privilèges que la Cour, le juge en chef ou le juge en chef adjoint détermine.

(2) Le mémoire de l'intervenant est relié des deux côtés avec une couverture blanche.

**APPEALS IN WRITING (NON-INMATE)*****Appellant to file appeal books, transcripts and written argument***

22. (1) Where an appellant in an appeal that is not an inmate appeal indicates to the Court of Appeal that he or she desires to present the case on appeal and the argument in writing, the appellant shall file an appeal book, transcripts of evidence, if any, and all other material, except a factum, that would be required if the appeal were to be heard with oral argument, and file the written argument within 30 days after the material has been filed.

***Material to be considered initially by single judge***

(2) The material in the appeal shall be considered by a judge, who may give directions as to whether the respondent should be requested to file written argument and prescribe the times for doing so and for the filing of any reply in writing by the appellant.

***Procedure where judge considers appeal should be dismissed***

(3) If the judge considers that no written argument from the respondent is required, the judge shall prepare draft written reasons for dismissing the appeal, and the file shall then be referred to two members of the criminal panel.

(4) If the two members of the criminal panel agree with the judge and sign the reasons for dismissal, the appeal shall be dismissed and the reasons for dismissal shall be dealt with as if the reasons were a reserved judgment.

***Procedure where criminal panel requires argument from respondent***

(5) If one of the two members of the criminal panel considers that written submissions should be required from the respondent, directions in that respect shall be given in accordance with the provisions of subrule (2).

(6) Where submissions have been required from the respondent, a copy of the submissions shall be transmitted to the appellant together with a notification that he or she may make written submissions in reply within 14 days after receipt of the submissions of the respondent.

(7) When the appellant's submissions in reply have been received, or the time for submitting them has expired, the appeal shall be referred for disposition to a criminal panel, which shall give written reasons for judgment, which shall be dealt with as if the reasons were a reserved judgment.

***Criminal panel may require oral submissions***

(8) Despite subrule (7), the criminal panel considering the appeal under that subrule may direct that the appeal be listed for hearing and give notice to the appellant that he or she may attend and make oral submissions.

***Service***

(9) Unless a judge otherwise orders, service of a notice on the appellant under this rule shall be by ordinary mail to the address as set out in the notice of appeal or as filed with the Registrar.

**APPELS PAR ÉCRIT (AUTRES QUE DES APPELS DE PERSONNES DÉTENUES)*****Dépôt par l'appellant des dossiers d'appel, des transcriptions et de la plaidoirie écrite***

22. (1) Si l'appellant, dans un appel autre qu'un appel d'une personne détenue, indique à la Cour d'appel qu'il désire présenter la cause portée en appel et sa plaidoirie par écrit, il dépose un dossier d'appel, les transcriptions des témoignages, le cas échéant, et tous les autres documents, sauf un mémoire, qui seraient exigés si l'appel devait être entendu avec une plaidoirie orale, et il dépose une plaidoirie écrite dans les 30 jours du dépôt des documents.

***Documents devant être examinés initialement par un juge seul***

(2) Les documents dans un appel sont examinés par un juge, qui peut donner des directives indiquant s'il y a lieu d'ordonner que l'intimé dépose une plaidoirie écrite et prescrire les délais à cette fin et pour le dépôt de toute réponse écrite par l'appellant.

***Procédure par laquelle le juge décide du rejet éventuel de l'appel***

(3) Si le juge estime qu'il n'est pas nécessaire que l'intimé fasse une plaidoirie écrite, il rédige une ébauche de ses motifs pour rejeter l'appel, et le dossier est alors renvoyé à deux membres de la formation pénale.

(4) Si les deux membres de la formation pénale s'entendent avec le juge et signent les motifs de rejet, l'appel est rejeté, et les motifs de rejet sont traités comme un jugement en délibéré.

***Procédure par laquelle la formation pénale exige une plaidoirie de l'intimé***

(5) Si l'un des deux membres de la formation pénale estime que des observations écrites devraient être exigées de l'intimé, des directives à cet égard sont données conformément aux dispositions du paragraphe (2).

(6) Si des observations ont été exigées de l'intimé, une copie des observations est transmise à l'appellant, accompagnée d'une note portant qu'il peut répondre par des observations écrites dans les 14 jours de la réception des observations de l'intimé.

(7) Lorsque la réponse de l'auteur de la motion, sous la forme d'observations écrites, a été reçue ou lorsque le délai de présentation des observations est écoulé, l'appel est renvoyé à une formation pénale pour qu'elle prenne une décision, laquelle motive son jugement par écrit, et les motifs sont traités comme un jugement en délibéré.

***La formation pénale peut exiger des observations orales***

(8) Malgré le paragraphe (7), la formation pénale qui examine l'appel en vertu de ce paragraphe peut ordonner que l'appel soit porté au rôle et donner avis à l'appellant qu'il peut comparaître et faire des observations orales.

***Signification***

(9) Sauf ordonnance contraire d'un juge, l'avis signifié à l'appellant en vertu de la présente règle est envoyé par courrier ordinaire à l'adresse indiquée dans l'avis d'appel ou déposée auprès du greffier.

**INMATE APPEALS—NOTICE OF APPEAL AND APPEAL BOOKS***Superintendent to provide inmate notice of appeal*

23. (1) The senior official of a penal or reform institution shall supply to any inmate in his or her custody, upon request, a form of notice of motion in Form 2 and a form of notice of appeal in Form 3.

*Superintendent to transmit documents*

(2) The senior official shall forthwith transmit to the Registrar any notice of motion and notice of appeal served upon him or her, and shall forthwith deliver to the inmate concerned any documents that may be transmitted to the inmate by the Registrar, and shall inform the Registrar of having done so.

*Preparation of appeal book by Attorney General or prosecutor*

(3) Where an inmate appeal is directed to be listed for hearing, the Registrar shall request the Attorney General or counsel for the prosecutor to prepare appeal books for the use of the court and the appellant which shall contain,

- (a) a table of contents;
- (b) the notice of appeal;
- (c) the information or certificate;
- (d) all exhibits capable of reproduction;
- (e) the order granting leave to appeal;
- (f) where the appeal is or includes an appeal against sentence, the pre-sentence report, if any, and the record of the defendant, if any;
- (g) the transcript of the reasons for judgment in respect of conviction and sentence; and
- (h) the reasons for judgment of the appeal court.

*Registrar may excuse compliance*

(4) The Registrar may, in writing, in an appropriate case, excuse the Attorney General from complying with the requirements of subrule (3), or any of them.

*Attorney General to provide copies of appeal books*

(5) The Attorney General shall mail one copy of the appeal book to the appellant and file three copies of the appeal book with the Registrar.

**INMATE APPEALS—EXTENSION OF TIME**

24. If the notice of appeal in Form 3 is not served within the time limited by rule 5, the appellant shall set out in the place provided therefor in Form 3 the grounds for seeking an extension of time.

**INMATE APPEALS—PRESENCE OF APPELLANT**

25. (1) Where the appellant in an inmate appeal has indicated in the notice of appeal that he or she desires to present the appeal in person and the notice of appeal was served within the time limited by rule 5, or an extension of time has been granted, the appeal shall be listed for hearing.

**APPELS DE PERSONNES DÉTENUES—AVIS D'APPEL ET DOSSIERS D'APPEL***Le surintendant doit fournir l'avis d'appel à la personne détenue*

23. (1) Le fonctionnaire principal d'un établissement pénal ou d'une maison de correction fournit à toute personne détenue qui est sous sa garde, sur demande, une formule d'avis de motion, selon la formule 2, et une formule d'avis d'appel, selon la formule 3.

*Transmission des documents par le surintendant*

(2) Le fonctionnaire principal transmet sans délai au greffier l'avis de motion et l'avis d'appel qui lui sont signifiés et délivre sans délai à la personne détenue en cause les documents qui peuvent être transmis à la personne détenue par le greffier, et il en informe ce dernier.

*Préparation du dossier d'appel par le procureur général ou le poursuivant*

(3) Si l'appel d'une personne détenue doit être mis au rôle d'audience, le greffier demande au procureur général ou à l'avocat de la poursuite de préparer des dossiers d'appel à l'usage du tribunal et de l'appellant, lesquels comprennent :

- a) une table des matières;
- b) l'avis d'appel;
- c) la dénonciation ou le certificat;
- d) toutes les pièces pouvant être reproduites;
- e) l'ordonnance accordant l'autorisation d'interjeter appel;
- f) si l'appel porte sur une sentence ou inclut un appel de sentence, le rapport présentiel et le dossier du défendeur, le cas échéant;
- g) la transcription des motifs de l'arrêt concernant la déclaration de culpabilité et la sentence;
- h) les motifs de l'arrêt du tribunal d'appel.

*Dispense par le greffier*

(4) Le greffier peut, par écrit, dans les cas appropriés, dispenser le procureur général de respecter l'une quelconque ou l'ensemble des exigences du paragraphe (3).

*Copies des dossiers d'appel fournies par le procureur général*

(5) Le procureur général envoie une copie du dossier d'appel à l'appellant par la poste et en dépose trois copies auprès du greffier.

**APPELS DE PERSONNES DÉTENUES—PROROGATION DE DÉLAI**

24. Si l'avis d'appel rédigé selon la formule 3 n'est pas signifié dans le délai imparti à la règle 5, l'appellant énonce à l'endroit désigné à cette fin sur la formule 3 la raison pour laquelle il demande une prorogation de délai.

**APPELS DE PERSONNES DÉTENUES—PRÉSENCE DE L'APPELLANT**

25. (1) Si l'appellant, dans l'appel d'une personne détenue, a indiqué dans l'avis d'appel qu'il souhaite présenter l'appel en personne et que l'avis d'appel a été signifié dans le délai imparti à la règle 5, ou si une prorogation de délai a été accordée, l'appel est mis au rôle d'audience.

(2) Despite subrule (1), an appellant in an inmate appeal who has indicated that he or she desires to present the appeal in person may request that his or her appeal be dealt with as an appeal in writing, and thereupon a judge may direct that the appeal proceed in accordance with rule 26.

#### **INMATE APPEALS—APPEALS IN WRITING**

##### ***Inmate to be given appeal book and time to prepare argument***

26. (1) Where the appellant in an inmate appeal has indicated in the notice of appeal that he or she desires to present the case on appeal and argument in writing and the notice of appeal was served within the time limited by rule 5 or an extension of time has been granted, the Registrar shall notify the appellant that he or she has the right to present further written submissions within 14 days after receipt of the appeal book, unless this has already been done in connection with an application for extension of time for appeal.

##### ***Appeal to be considered initially by single judge***

(2) The appeal shall be considered by a judge.

(3) If the judge considers that the appeal has sufficient merit to require argument from the respondent, the judge shall so endorse the file, whereupon the Registrar shall transmit to the respondent copies of the notice of appeal, the written submissions of the appellant, if not included in the notice of appeal, together with notification that the submissions of the respondent in answer to the appeal should be made in writing within 20 days of the receipt of the material from the Registrar and that four copies thereof be filed with the Registrar.

##### ***Procedure where judge considers appeal should be dismissed***

(4) If the judge considers that the appeal does not have sufficient merit to require argument from the respondent, the judge shall write draft reasons for judgment dismissing the appeal and refer the appeal with the reasons to two members of the criminal panel.

(5) If the two members of the criminal panel agree with the judge and sign the reasons for judgment, the appeal shall be dismissed and the reasons for dismissal dealt with as if the reasons were a reserved judgment.

##### ***Procedure where criminal panel requires argument from prosecutor***

(6) If one of the two members of the criminal panel considers that written submissions should be required from the respondent, the provisions of subrule (3) where argument is required from the respondent apply.

(7) Where submissions have been required from the respondent, a copy of them shall be transmitted to the appellant by the Registrar together with a notification that he or she may make written submissions in reply within 14 days of receipt of the submissions of the respondent.

(8) When the appellant's submissions in reply have been received, or the time for submitting them has expired, the appeal shall be referred for disposition to the criminal panel, which shall give written reasons for judgment, to be dealt with as if the reasons were a reserved judgment.

##### ***Criminal panel may require oral submissions***

(9) Despite subrule (8), the criminal panel considering the appeal under that subrule may direct that the appeal be listed for hearing and, in that event, may request the Attorney General to arrange for the attendance of the appellant at the hearing.

(2) Malgré le paragraphe (1), dans l'appel d'une personne détenue, l'appellant qui a indiqué qu'il souhaite présenter l'appel en personne peut demander que son appel soit traité comme un appel par écrit, et un juge peut dès lors ordonner que l'appel procède conformément à la règle 26.

#### **APPELS DE PERSONNES DÉTENUES—APPELS PAR ÉCRIT**

##### ***Remise du dossier d'appel à la personne détenue, qui doit avoir le temps de préparer sa plaidoirie***

26. (1) Si l'appellant, dans l'appel d'une personne détenue, a indiqué dans l'avis d'appel qu'il souhaite présenter le dossier porté en appel et sa plaidoirie par écrit, et si l'avis d'appel a été signifié dans le délai imparti à la règle 5 ou qu'une prorogation de délai a été accordée, le greffier avise l'appellant qu'il a le droit de présenter d'autres observations écrites dans les 14 jours de la réception du dossier d'appel, à moins que ceci n'ait déjà été fait dans le cadre d'une demande de prorogation de délai d'appel.

##### ***L'appel doit être examiné initialement par un juge seul***

(2) L'appel doit être examiné par un juge.

(3) S'il estime que l'appel est suffisamment fondé pour que l'intimé doive faire une plaidoirie, le juge appose une mention sur le dossier à cet effet et le greffier transmet dès lors à l'intimé des copies de l'avis d'appel, les observations écrites de l'appellant, si elles ne sont pas incluses dans l'avis d'appel, ainsi qu'une note portant que les observations de l'intimé en réponse à l'appel devraient être faites par écrit dans les 20 jours de la réception du document du greffier et que quatre copies de celles-ci devraient être déposées auprès du greffier.

##### ***Procédure si le juge estime que l'appel devrait être rejeté***

(4) S'il estime que l'appel n'est pas suffisamment fondé pour que l'intimé doive faire une plaidoirie, le juge rédige une ébauche des motifs du jugement rejetant l'appel, et il renvoie l'appel avec les motifs à deux membres de la formation pénale.

(5) Si les deux membres de la formation pénale sont d'accord avec le juge et signent les motifs de jugement, l'appel est rejeté, et les motifs du rejet sont traités comme un jugement en délibéré.

##### ***Procédure lorsque la formation pénale demande une plaidoirie du poursuivant***

(6) Si l'un des deux membres de la formation pénale estime que des observations écrites devraient être exigées de l'intimé, le paragraphe (3) qui visent le cas où une plaidoirie est exigée de l'intimé s'appliquent.

(7) Lorsque l'intimé a été tenu de faire des observations, une copie de celles-ci est transmise à l'appellant par le greffier, accompagnée d'une note portant qu'il peut répondre par des observations écrites dans les 14 jours de la réception des observations de l'intimé.

(8) Lorsque la réponse de l'auteur de la motion, sous la forme d'observations écrites, a été reçue ou lorsque le délai de présentation des observations est écoulé, l'appel est renvoyé à la formation pénale pour qu'elle rende une décision, laquelle motive son jugement par écrit, et les motifs sont traités comme un jugement en délibéré.

##### ***La formation pénale peut exiger des observations orales***

(9) Malgré le paragraphe (8), la formation pénale qui examine l'appel en vertu de ce paragraphe peut ordonner que l'appel soit mis au rôle d'audience et, dans ce cas, elle peut exiger que le procureur général organise la comparution de l'appellant à l'audience.

**REASONS FOR JUDGMENT**

27. (1) In every appeal, the Registrar shall notify the trial judge and the judge of the appeal court of the result of the appeal and where reasons are given in writing or given orally and later reduced to writing, the Registrar shall send a copy of the reasons,

- (a) in an inmate appeal or an appeal where the appellant was not represented by counsel, to the appellant;
- (b) in an appeal conducted by a solicitor, to the solicitor for the appellant;
- (c) to the trial judge and the judge whose order is the subject of the appeal;
- (d) to the Attorney General;
- (e) to the solicitor for the respondent and any person granted intervenor status or to the respondent and the intervener, where not represented by counsel;
- (f) in an appeal from the Ontario Court (General Division), to the Chief Justice of the Ontario Court and the regional senior judge of the region where the trial was conducted;
- (g) in an appeal from the Ontario Court (Provincial Division), to the Chief Judge of the Ontario Court (Provincial Division) and the regional senior judge of the region where the trial was conducted.

(2) Where reasons in writing or oral reasons reduced to writing are not given, the Registrar shall notify the trial judge or the judge whose order was the subject of the appeal of the result of the appeal.

**ABANDONMENT OF APPEALS***Service of notice of abandonment*

28. (1) Where an appellant desires to abandon the appeal, the appellant shall serve in the manner provided by subrule 3 (6) a notice of abandonment signed by the solicitor of record in the appeal, or by the appellant, in which case the signature shall be verified by affidavit or witnessed by a solicitor or an officer of the institution in which the appellant is confined.

*Single judge may dismiss appeal*

(2) A judge may thereupon dismiss the appeal as an abandoned appeal, without the attendance of counsel.

*Court reporter to be notified*

(3) Where an appeal has been abandoned, the appellant shall forthwith notify the court reporter in writing.

**RELEASE FROM CUSTODY PENDING APPEAL—  
CONTENTS OF AFFIDAVIT***Contents of applicant's affidavit*

29. (1) Upon an application for release from custody pending appeal, the appellant shall file an affidavit or affidavits, including where practicable the appellant's own affidavit, establishing,

- (a) the particulars respecting the conviction;
- (b) the judicial interim release status of the appellant pending the appeal from the trial decision;
- (c) the appellant's places of residence in the three years preceding the conviction, and where the appellant proposes to reside if released;

**MOTIFS DE L'ARRÊT**

27. (1) Dans tous les appels, le greffier avise le juge de première instance et le juge du tribunal d'appel de l'issue de l'appel et, lorsque les motifs sont donnés par écrit, ou bien oralement et ensuite par écrit, le greffier fait parvenir une copie des motifs :

- a) dans l'appel d'une personne détenue, ou dans un appel où l'appellant n'a pas été représenté par un avocat, à l'appellant;
- b) dans un appel mené par un procureur, au procureur de l'appellant;
- c) au juge de première instance et au juge dont l'ordonnance est portée en appel;
- d) au procureur général;
- e) au procureur de l'intimé et à toute personne qui s'est vu accorder la qualité d'intervenant, ou à l'intimé et à l'intervenant, s'ils ne sont pas représentés par un avocat;
- f) dans un appel d'une décision de la Cour de l'Ontario (Division générale), au juge en chef de la Cour de l'Ontario et au juge principal régional de la région où l'instruction a eu lieu;
- g) dans un appel d'une décision de la Cour de l'Ontario (Division provinciale), au juge en chef de la Cour de l'Ontario (Division provinciale) et au juge principal régional de la région où l'instruction a eu lieu.

(2) Lorsque les motifs écrits ou les motifs oraux consignés par écrit ne sont pas donnés, le greffier avise le juge de première instance ou le juge dont l'ordonnance est portée en appel de l'issue de l'appel.

**DÉSISTEMENT D'APPEL***Signification de l'avis de désistement*

28. (1) Lorsque l'appellant souhaite se désister de l'appel, il signifie de la manière prévue au paragraphe 3 (6) un avis de désistement signé par le procureur inscrit au dossier de l'appel, ou par l'appellant, auquel cas la signature est vérifiée par voie d'affidavit ou attestée par un procureur ou un fonctionnaire de l'établissement dans lequel l'appellant est détenu.

*Un juge seul peut rejeter l'appel*

(2) Un juge peut dès lors rejeter l'appel comme s'il avait fait l'objet d'un désistement, sans que les avocats ne comparaissent.

*Avis donné au sténographe judiciaire*

(3) En cas de désistement d'appel, l'appellant avise immédiatement le sténographe judiciaire par écrit.

**MISE EN LIBERTÉ EN ATTENDANT L'APPEL—  
CONTENU DE L'AFFIDAVIT***Contenu de l'affidavit du requérant*

29. (1) En cas de requête de mise en liberté en attendant l'appel, l'appellant dépose un ou plusieurs affidavits, y compris son propre affidavit, dans la mesure du possible, indiquant :

- a) les détails sur la déclaration de culpabilité;
- b) son statut de mise en liberté provisoire judiciaire en attendant l'appel de la décision de première instance;
- c) ses lieux de résidence au cours des trois dernières années ayant précédé la déclaration de culpabilité et le lieu où il se propose de résider s'il est mis en liberté;

- (d) the appellant's employment prior to conviction, and whether the appellant expects to be employed if released and where;
- (e) the appellant's criminal record, if any;
- (f) where the appellant proposes entering into a recognizance with sureties, the amount of money or value of other valuable security the appellant proposes should be deposited, and where practicable, the names of the sureties and the amount for which each is to be liable.

#### *Respondent may file affidavit*

(2) Where the respondent desires to assert that the detention of the appellant is necessary and to rely on material other than that contained in the material filed by the appellant, the respondent shall file an affidavit setting out the facts upon which the respondent relies.

#### *Parties may cross-examine on affidavits*

(3) The appellant and the respondent may cross-examine upon affidavits filed by the opposite party, in accordance with the Rules of Civil Procedure.

#### *Judge may dispense with compliance*

(4) A judge may dispense with the filing of the affidavits referred to in subrules (1) and (2) and act upon a statement of facts agreed upon by counsel for the appellant and the prosecutor.

#### *Special meaning of criminal record*

(5) For the purposes of clause (1) (e) only, "criminal record" includes any record of convictions under the same statute as the conviction sought to be appealed.

### CONDITIONS OF RELEASE

30. Unless otherwise ordered by the judge hearing the application, all orders for release from custody pending appeal shall contain the conditions,

- (a) that the appellant will surrender into custody at the institution from which he or she is released, or such other institution as may be specified in the order, by 6 p.m. on the day prior to the hearing of the appeal or such other date as may be specified in the order;
- (b) that the appellant shall advise the Registrar of his or her place of residence.

### VARIATION OF BAIL

#### *Judge may vary order*

31. (1) A judge may, on cause being shown, cancel an order previously made under section 132 of the Act and may make any order that could have been made under that section.

#### *Order may be made without attendance of counsel*

(2) An order for a new recognizance or undertaking varying a term may be made by a judge without the attendance of counsel, if the written consent of counsel for the respondent has been filed.

- d) son emploi avant sa déclaration de culpabilité et ses possibilités de trouver un emploi après sa mise en liberté et à quel endroit;
- e) son casier judiciaire, le cas échéant;
- f) s'il se propose de donner un engagement avec des cautions, le montant d'argent ou la valeur des autres garanties qu'il devrait déposer et, dans la mesure du possible, le nom des cautions et le montant respectif de leur responsabilité.

#### *L'intimé peut déposer un affidavit*

(2) Si l'intimé souhaite déclarer que la détention de l'appelant est nécessaire et invoquer des documents autres que ceux qui sont contenus dans les documents déposés par l'appelant, il dépose un affidavit énonçant les faits sur lesquels il s'appuie.

#### *Les parties peuvent contre-interroger sur les affidavits*

(3) L'appelant et l'intimé peuvent contre-interroger sur les affidavits déposés par la partie adverse, conformément aux Règles de procédure civile.

#### *Le juge peut dispenser du dépôt*

(4) Un juge peut dispenser quiconque du dépôt des affidavits mentionnés aux paragraphes (1) et (2) et rendre sa décision sur la base d'un exposé conjoint des faits de l'avocat de l'appelant et du poursuivant.

#### *Sens de «casier judiciaire»*

(5) Pour l'application de l'alinéa (1) e) seulement, «casier judiciaire» s'entend notamment du dossier des déclarations de culpabilité prononcées en vertu de la même loi que celle en vertu de laquelle la déclaration de culpabilité portée en appel a été prononcée.

### CONDITIONS DE MISE EN LIBERTÉ

30. Sauf ordonnance contraire du juge qui entend la requête, toutes les ordonnances de mise en liberté en attendant l'appel doivent imposer comme conditions que :

- a) l'appelant se fasse mettre sous garde à l'établissement d'où il est mis en liberté, ou à tout autre établissement qui peut être précisé dans l'ordonnance, avant 18 h la veille de l'audition de l'appel, ou à toute autre date qui peut être précisée dans l'ordonnance;
- b) l'appelant informe le greffier de son lieu de résidence.

### MODIFICATION DU CAUTIONNEMENT

#### *Le juge peut modifier l'ordonnance*

31. (1) Un juge peut, sur justification, annuler une ordonnance rendue antérieurement en vertu de l'article 132 de la Loi et rendre toute ordonnance qui aurait pu être rendue en vertu de cet article.

#### *Une ordonnance peut être rendue sans comparution des avocats*

(2) Une ordonnance pour un nouvel engagement ou une nouvelle promesse modifiant une condition peut être rendue par un juge sans que les avocats ne comparaissent, moyennant le dépôt du consentement écrit de l'avocat de l'intimé.

**Content of material to be filed**

(3) Where the appellant seeks an order under subrule (2) varying a term referred to in clause 30 (a), the material filed in support of the application shall contain a summary of the status of the appeal, an explanation for any failure to comply with rule 8 or 16 and, where applicable, a statement of the earliest feasible date on which the appeal may be heard.

**NOTICE**

32. An application referred to in rules 29 and 31 shall be on two clear days notice unless the respondent consents to, and a judge or the Registrar permits, a shorter period of notice.

**TRANSITION**

33. (1) In this rule, "preceding rules" means the Rules of the Court of Appeal in Appeals under the *Provincial Offences Act* (Regulation 195 of the Revised Regulations of Ontario, 1990) as they existed on the day before these rules come into force.

(2) These rules apply to all appeals, whether commenced before or after these rules come into force, except in respect of steps already taken under the preceding rules.

(3) Despite the repeal of the preceding rules and subrule (2), a judge may make an order that an appeal, or a step in the appeal, be conducted under these rules or the preceding rules or make any other order that is considered just in order to secure the fair and expeditious conduct of the appeal.

**REVOCATION AND COMMENCEMENT**

34. (1) Regulation 195 of the Revised Regulations of Ontario, 1990 is revoked.

(2) This Regulation comes into force on December 12, 1994.

**Contenu des documents à déposer**

(3) Si l'appelant demande une ordonnance visée au paragraphe (2) qui modifie une condition mentionnée à l'alinéa 30 a), les documents déposés à l'appui de la requête comprennent un résumé de l'état de l'appel, une explication de tout défaut de se conformer à la règle 8 ou 16 et, le cas échéant, une déclaration sur la date la plus proche à laquelle l'appel pourra être entendu.

**AVIS**

32. Une requête visée aux règles 29 et 31 est faite avec deux jours francs de préavis, sauf si l'intimé consent à une période plus courte de préavis et qu'un juge ou le greffier le permet.

**DISPOSITIONS TRANSITOIRES**

33. (1) Dans la présente règle, «règles précédentes» s'entend des Règles de la Cour d'appel dans les appels interjetés en vertu de la *Loi sur les infractions provinciales* (Règlement 195 des Règlements refondus de l'Ontario de 1990), telles qu'elles existaient la veille du jour de l'entrée en vigueur des présentes règles.

(2) Les présentes règles s'appliquent à tous les appels, qu'ils aient été interjetés avant ou après l'entrée en vigueur des présentes règles, sauf à l'égard des démarches déjà entreprises en vertu des règles précédentes.

(3) Malgré l'abrogation des règles précédentes et du paragraphe (2), un juge peut rendre une ordonnance selon laquelle un appel, ou une étape de l'appel, doit avoir lieu en vertu des présentes règles ou des règles précédentes, ou rendre toute autre ordonnance qu'il estime juste afin de garantir la conduite équitable et expéditive de l'appel.

**ABROGATION ET ENTRÉE EN VIGUEUR**

34. (1) Le Règlement 195 des Règlements refondus de l'Ontario de 1990 est abrogé.

(2) Le présent règlement entre en vigueur le 12 décembre 1994.



Form 1

NOTICE OF MOTION

COURT OF APPEAL FOR ONTARIO

B E T W E E N:

HER MAJESTY THE QUEEN

(indicate whether applicant or respondent)

-and-

A.B.  
(specify name of defendant)

(indicate whether applicant or respondent)

NOTICE OF MOTION FOR LEAVE TO APPEAL  
PURSUANT TO s. 131 [or 139] of the  
PROVINCIAL OFFENCES ACT

TAKE NOTICE that a motion will be made before the presiding judge at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, on (day), (date), at (time) or as soon after that time as this motion can be heard, for an order under s. 131 [or 139] of the Provincial Offences Act granting leave to appeal from the judgment of (specify judge appealed from) given on (specify date of judgment appealed from) at (specify place appealed from e.g. the City of Barrie) dismissing (or as the case may be) an appeal by the Applicant, A.B., from the judgment of (specify trial judge, e.g. Her Worship Justice of the Peace C.D.) given on (specify date and place of trial) convicting (or as the case may be) A.B. on a charge of (specify offence e.g. careless driving) contrary to (specify section and statute e.g. s. 130 of the Highway Traffic Act, R.S.O. 1990, chap. H.8).

THE SPECIAL GROUNDS FOR LEAVE TO APPEAL ARE:

- 1. (specify the particular circumstances which make it essential in the public interest or for the due administration of justice that leave be granted).
- 2.

THE GROUNDS FOR APPEAL ARE:

- 1. (specify the question of law alone where the appeal is from conviction or acquittal or specify the ground for appeal against sentence).

2.

IN SUPPORT OF THIS MOTION THE APPLICANT RELIES UPON THE FOLLOWING:

- 1. (set out documents such as transcript, etc., upon which the Applicant relies, see Rule 4(9))

THE RELIEF SOUGHT IS:

An Order granting leave to appeal from the judgment of (specify judge appealed from and date of judgment appealed from)

The applicant's address for service  
is.....

The applicant's address  
is.....

DATED AT \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ E.F.  
counsel for the applicant A.B.

To: The Registrar

And to: (respondent)

## Formule 1

## AVIS DE MOTION

## COUR D'APPEL DE L'ONTARIO

E N T R E :

SA MAJESTÉ LA REINE

(indiquer si elle est requérante  
ou intimée)

- et -

A.B.  
(nom du défendeur)(indiquer s'il est requérant  
ou intimé)AVIS DE MOTION EN AUTORISATION D'INTERJETER APPEL,  
CONFORMÉMENT À L'ART. 131 [OU 139]  
DE LA LOI SUR LES INFRACTIONS PROVINCIALES

SACHEZ qu'une motion sera présentée devant le juge qui préside à Osgoode Hall, 130, rue Queen ouest, Toronto (Ontario), le \_\_\_\_\_ (précisez le jour, le mois et l'année) à (précisez l'heure), ou aussitôt que cette requête pourra être entendue après cette date, pour obtenir une ordonnance en vertu de l'art. 131 [ou 139] de la Loi sur les infractions provinciales accordant une autorisation d'interjeter appel d'un jugement de (précisez le nom du juge dont vous contestez la décision) rendu le (précisez la date du jugement porté en appel) à (précisez l'endroit où a été rendu le jugement porté en appel, ex. : la ville de Barrie) rejetant (ou selon le cas) un appel par le requérant, A.B., du jugement de (précisez le nom du juge de première instance, ex. : madame le juge de paix C.D.) rendu le (précisez la date et le lieu du procès) déclarant A.B. coupable (ou selon le cas) d'une accusation de (précisez l'infraction, ex. : conduite imprudente) contrairement à (précisez l'article et la loi, ex. : art. 130 du Code de la route, L.R.O. 1990, chap. H.8).

## LES MOTIFS D'APPEL SPÉCIAUX SONT :

1. (précisez les circonstances particulières qui rendent essentiel, dans l'intérêt public ou pour la bonne administration de la justice, que l'autorisation soit accordée).

2.

## LES MOTIFS D'APPEL SONT :

1. (précisez la question de droit seule si l'appel est interjeté d'une déclaration de culpabilité ou d'un acquittement, ou précisez le motif de l'appel à l'encontre de la sentence).

2.

À L'APPUI DE LA PRÉSENTE MOTION, LE REQUÉRANT INVOQUE CE QUI SUIT :

1. (énoncez les documents tels que la transcription, etc., sur lesquels le requérant se fonde, voir la règle 4 (9)).

LE REDRESSEMENT DEMANDÉ EST :

Une ordonnance accordant l'autorisation d'interjeter appel du jugement de (précisez le nom du juge dont vous contestez la décision et la date du jugement de (précisez le nom du juge dont vous contestez la décision et la date du jugement porté en appel)

Le domicile élu du requérant est .....

L'adresse du requérant est .....

Fait à ..... le .....

.....  
E.F.  
avocat du requérant A.B.

Au greffier

Et à (intimé)

Form 2

NOTICE OF MOTION FOR INMATE APPEALS AND WHERE MOVING PARTY IS UNREPRESENTED

COURT OF APPEAL FOR ONTARIO

MOTION FOR LEAVE TO APPEAL UNDER THE PROVINCIAL OFFENCES ACT

To: The Registrar

Name of defendant.....

Place of trial.....

Name of court<sup>1</sup>.....  
 appealed from

Name of judge.....  
 appealed from

Offence(s) of which convicted<sup>2</sup>.....  
 .....

Statute under which defendant convicted<sup>3</sup>.....

Plea at trial.....

Sentence imposed.....

Date of conviction.....

Date of imposition of sentence.....

Date of disposition of appeal.....

Name and address of place at which appellant is in  
 custody.....  
 .....

---

1 Ontario Court (General Division) or Ontario Court (Provincial Division)

2 e.g. careless driving

3 e.g. Highway Traffic Act

I, the above named defendant, hereby give  
 you notice that I desire to appeal to the Court of  
 Appeal against my<sup>4</sup> .....  
 .....  
 on the grounds hereinafter set forth on page 3 of this notice.

I desire to present my case and argument for leave to appeal,

- (a) in person and request that the Registrar fix a date for the hearing of the motion; or
- (b) in writing.<sup>5</sup>

Dated this.....day of.....19.....<sup>6</sup>

Signed (7)\*.....  
 Appellant

I hereby apply for an extension of time within which I may launch my motion for leave to appeal upon the following grounds (here state reasons for delay.)

.....  
 .....  
 .....

The moving party [strike out inapplicable provisions]

- (1) applies under s. 131 [or s. 139] of the Provincial Offences Act for leave to appeal conviction upon grounds involving a question of law alone.
- (2) applies under s. 131 of the Provincial Offences Act for leave to appeal sentence.
- (3) applies under s. 139 of the Provincial Offences Act for leave to appeal sentence upon grounds involving a question of law alone<sup>7</sup>

---

<sup>4</sup> If you wish to appeal against conviction, you must write the word "conviction". If you wish to appeal sentence, you must write the word "sentence". If you wish to appeal both conviction and sentence, you must write the words "conviction and sentence". If you are convicted of more than one offence and wish to appeal against some only of the convictions or sentences, you must state clearly the convictions or sentences against which you wish to appeal.

<sup>5</sup> See the notes at the end of this form.

<sup>6</sup> This notice must be signed by the defendant. If the defendant cannot write he or she must affix his or her mark in the presence of a witness. The name and address of the witness must be given.

<sup>7</sup> You may apply for leave to appeal sentence in proceedings commenced under Part I or Part II of the Provincial Offences Act under s. 131 of the Act only on a question of law alone.



## NOTES

## Grounds for leave to appeal

- I. (a) You may apply for leave to appeal to the court of appeal from conviction only upon questions of law alone and only on special grounds which make it essential in the public interest or for the due administration of justice that leave be granted.
- (b) You may apply for leave to appeal to the Court of Appeal from sentence only upon special grounds which make it essential in the public interest or for the due administration of justice that leave be granted, and in proceedings commenced under Part I or II only on a question of law alone.

## Time for serving this notice

- II. (a) Whether your motion for leave to appeal is from conviction, sentence or both, this notice must be served within 30 days of the date of the order or decision from which leave to appeal is sought.
- (b) If this notice is served beyond that time then you must apply for an extension of time by completing the application above.

## Manner of service of this notice where person in custody

- III. If you are in custody this notice of motion must be served by delivering it to the senior official of the institution in which you are confined.

## Manner of service of this notice where person not in custody

- IV. If you are not in custody you must serve a copy of this notice on the prosecutor and the Crown Law Office (Criminal) of the Ministry of the Attorney General if the prosecutor is not acting on behalf of the Crown. This notice must then be filed in the office of the Registrar of the Court of Appeal, with proof of service, within five days after service.

## Filing argument in writing if in custody

- V. If you are in custody and desire to submit your case and argument for leave to appeal in writing you may deliver your written argument to the senior official of the institution in which you are confined, with this notice of motion or not later than 15 days from the date that you serve this notice.

## Filing argument and motion record if person not in custody

- VI. If you are not in custody you must comply with subrule 3(9) by serving and filing a motion record and transcripts within 30 days of filing of this notice, whether or not you wish to present your argument in writing or in person. The contents of the motion record are described in subrule 3(9), a copy of which may be obtained from the Registrar's office. If you wish to present your argument in writing, the argument may be included with this notice or filed with the motion record.



## Filing notice of appeal

- VII. If leave to appeal is granted you will be notified by the Registrar. You will then have 10 days to file a notice of appeal. If you are in custody the notice of appeal must be in Form 3. Copies of Form 3 may be obtained from the officials in the institution or from Legal Aid Duty Counsel. If you are not in custody the notice of appeal must be in Form 4. Copies of Form 4 may be obtained from the Registrar.

If you are in custody you may apply for bail pending your appeal if leave to appeal is granted.

Formule 2

AVIS DE MOTION POUR LES APPELS DE PERSONNES  
DÉTENUES ET LORSQUE L'AUTEUR DE LA MOTION  
N'EST PAS REPRÉSENTÉ

COUR D'APPEL DE L'ONTARIO

MOTION EN AUTORISATION D'INTERJETER APPEL  
EN VERTU DE LA LOI SUR LES INFRACTIONS PROVINCIALES

Au greffier

Nom du défendeur .....

Lieu du procès .....

Nom du tribunal<sup>1</sup> .....  
dont la décision est contestée

Nom du juge .....  
dont la décision est contestée

Infraction(s) dont le défendeur a été  
déclaré coupable<sup>2</sup> .....

Loi en vertu de laquelle le défendeur a été  
déclaré coupable<sup>3</sup> .....

Plaidoyer à l'instruction .....

Sentence imposée .....

Date de la déclaration de culpabilité .....

Date d'imposition de la sentence .....

Date de la décision rendue en appel .....

Nom et adresse du lieu où l'appelant  
est sous garde .....

---

<sup>1</sup>Cour de l'Ontario (Division générale) ou Cour de l'Ontario (Division provinciale)

<sup>2</sup>ex. : conduite imprudente

<sup>3</sup>ex. : Code de la route

Je, soussigné(e), le défendeur susmentionné, vous  
 donne par les présentes avis que j'interjette appel  
 devant la Cour d'appel de ma<sup>4</sup> .....  
 .....  
 pour les motifs ci-après décrits à la page 3 du présent avis.

Je désire présenter et plaider ma cause pour être autorisé(e) à interjeter  
 appel :

- a) en personne et je demande que le greffier fixe une date pour  
 l'audition de la motion;
- b) par écrit.<sup>5</sup>

Fait le ..... 19....<sup>6</sup>

Signature (7)\* .....  
 appellant

Je demande, par les présentes, une prorogation du délai pendant lequel je  
 peux lancer ma motion en autorisation d'interjeter appel pour les motifs  
 suivants(énoncez ici les raisons du retard.)

.....  
 .....  
 .....

L'auteur de la motion [biffer les mentions inutiles]

- (1) demande, en vertu de l'art. 131 [ou 139] de la Loi sur les  
 infractions provinciales, l'autorisation d'interjeter appel de la  
 déclaration de culpabilité pour des motifs qui n'ont trait qu'à  
 une question de droit.
- (2) demande, en vertu de l'art. 131 de la Loi sur les infractions  
 provinciales, l'autorisation d'interjeter appel d'une sentence.

---

<sup>4</sup>Si vous désirez interjeter appel d'une déclaration de culpabilité, vous  
 devez écrire le mot «déclaration de culpabilité». Si vous désirez interjeter  
 appel d'une sentence, vous devez écrire le mot «sentence». Si vous désirez  
 interjeter appel d'une déclaration de culpabilité et d'une sentence, vous  
 devez écrire les mots «déclaration de culpabilité et sentence». Si vous avez  
 été déclaré coupable de plus d'une déclaration et si vous ne désirez  
 interjeter appel que de certaines déclarations de culpabilité ou sentences,  
 vous devez indiquer clairement les déclarations de culpabilité ou les  
 sentences que vous contestez.

<sup>5</sup>Voir les remarques à la fin de la présente formule.

<sup>6</sup>Le présent avis doit être signé par le défendeur. Si le défendeur ne  
 peut pas écrire, il doit apposer sa marque en présence d'un témoin. Le nom et  
 l'adresse du témoin doivent être donnés.

- (3) demande, en vertu de l'art. 139 de la Loi sur les infractions provinciales, l'autorisation d'interjeter appel d'une sentence pour des motifs qui n'ont trait qu'à une question de droit.<sup>7</sup>

---

<sup>7</sup>Vous ne pouvez demander l'autorisation d'interjeter appel d'une sentence dans une instance introduite en vertu de la partie I ou II de la Loi sur les infractions provinciales en vertu de l'art. 131 de la Loi que sur une question de droit.



## REMARQUES

## Moyens invoqués pour demander l'autorisation d'interjeter appel

- I. a) Vous pouvez demander l'autorisation d'interjeter appel devant la Cour d'appel de toute déclaration de culpabilité à condition qu'il s'agisse seulement de questions de droit, et seulement pour des motifs spéciaux qui rendent essentiel, dans l'intérêt du public ou pour la bonne administration de la justice, que l'autorisation vous soit accordée.
- b) Vous pouvez demander l'autorisation d'interjeter appel devant la Cour d'appel d'une sentence seulement et ce, pour des motifs spéciaux qui rendent essentiel, dans l'intérêt du public ou pour la bonne administration de la justice, que l'autorisation vous soit accordée, ainsi que dans une instance introduite en vertu de la partie I ou II seulement sur une question de droit seulement.

## Délai de signification du présent avis

- II. a) Que votre motion en autorisation d'interjeter appel vise une déclaration de culpabilité, une sentence ou les deux, le présent avis doit être signifié dans les 30 jours de la date de l'ordonnance ou de la décision pour laquelle une autorisation d'interjeter appel est demandée.
- b) Si le présent avis est signifié après ce délai, vous devez demander une prorogation de délai en remplissant la demande ci-dessus.

## Mode de signification du présent avis si la personne est sous garde

- III. Si vous êtes sous garde, vous devez signifier le présent avis de motion en le remettant au fonctionnaire principal de l'établissement dans lequel vous êtes détenu(e).

## Mode de signification du présent avis lorsque la personne n'est pas sous garde

- IV. Si vous n'êtes pas sous garde, vous devez signifier un exemplaire du présent avis au poursuivant et au Bureau des procureurs de la Couronne (droit criminel) du ministère du Procureur général, si le poursuivant n'agit pas au nom de la Couronne. Le présent avis doit ensuite être déposé au bureau du greffier de la Cour d'appel, avec une preuve de sa signification, dans les cinq jours de la signification.

## Dépôt d'une plaidoirie par écrit pour les personnes sous garde

- V. Si vous êtes sous garde et que vous souhaitez présenter votre dossier et votre plaidoirie par écrit pour avoir l'autorisation d'interjeter appel, vous pouvez remettre votre plaidoirie écrite au fonctionnaire principal de l'établissement dans lequel vous êtes détenu(e), accompagnée du présent avis de motion ou au plus tard 15 jours à compter de la date de la signification du présent avis.

Dépôt de la plaidoirie et du dossier de motion si la personne n'est pas sous garde

- VI. Si vous n'êtes pas sous garde, vous devez respecter le paragraphe 3 (9) en signifiant et en déposant un dossier de motion et des transcriptions dans les 30 jours du dépôt du présent avis, que vous souhaitiez ou non présenter votre plaidoirie par écrit ou en personne. Le contenu du dossier de motion est décrit au paragraphe 3 (9), dont copie peut être obtenue au bureau du greffier. Si vous voulez présenter votre plaidoirie par écrit, la plaidoirie peut être incluse avec le présent avis ou déposée avec le dossier de motion.

Dépôt de l'avis d'appel

- VII. Si l'autorisation d'interjeter appel vous est accordée, vous en serez avisé(e) par le greffier. Vous aurez alors 10 jours pour déposer un avis d'appel. Si vous êtes sous garde, l'avis d'appel doit être rédigé selon la formule 3. Des copies de la formule 3 peuvent être obtenues auprès des fonctionnaires de l'établissement ou auprès de l'avocat de l'aide juridique de service. Si vous n'êtes pas sous garde, l'avis d'appel doit être rédigé selon la formule 4. Des copies de la formule 4 peuvent être obtenues auprès du greffier.

Si vous êtes sous garde, vous pouvez demander à être sous caution en attendant votre appel, à condition que l'autorisation d'interjeter appel vous soit accordée.

Form 3

NOTICE OF APPEAL FOR INMATE APPEALS

COURT OF APPEAL FOR ONTARIO

NOTICE OF APPEAL UNDER THE  
PROVINCIAL OFFENCES ACT

To: The Registrar

Name of defendant . . . . .

Place of trial . . . . .

Name of court<sup>1</sup> appealed from . . . . .

Name of judge appealed from . . . . .

Offence(s) of which convicted <sup>2</sup> . . . . .

. . . . .

Statute under which defendant  
convicted <sup>3</sup> . . . . .

Plea at trial . . . . .

Sentence imposed . . . . .

Date of conviction . . . . .

Date of imposition of sentence . . . . .

Date of disposition of appeal . . . . .

Name and address of place at which appellant  
is in custody . . . . .

. . . . .

---

<sup>1</sup>Ontario Court (General Division) or Ontario Court (Provincial Division)

<sup>2</sup>eg. careless driving

<sup>3</sup>eg. Highway Traffic Act



I, the above named defendant, hereby give you notice that I appeal to the Court of Appeal against my <sup>4</sup>

.....

on the grounds hereinafter set forth on page 3 of this notice.

Dated this.....day of.....19.....,

Signed <sup>5</sup>.....

Appellant

NOTE: (a) This notice must be served within 10 days of the date of order granting leave to appeal.

(b) If this notice is served beyond that time then you must apply for an extension of time by completing the application below.

III. This notice of appeal must be served by delivering it to the senior official of the institution in which you are confined.

I hereby apply for an extension of time within which I may launch my appeal upon the following grounds (here state reasons for delay.)

.....  
.....  
.....

Signed.....Date .....

<sup>4</sup>You may appeal to the Court of Appeal from conviction only upon questions of law alone and only after a judge of the Court of Appeal has granted leave to appeal on special grounds. You may appeal to the Court of Appeal from sentence only after a judge of the Court of Appeal has granted leave to appeal on special grounds.

If you have been granted leave to appeal against conviction, you must write the word "conviction" in this space. If you have been granted leave to appeal sentence, you must write the word "sentence". If you have been granted leave to appeal both conviction and sentence, you must write the words "conviction and sentence". You must state clearly the convictions or sentences against which you have been granted leave to appeal.

<sup>5</sup>This notice must be signed by the defendant. If the defendant cannot write he or she must affix his or her mark in the presence of a witness. The name and address of the witness must be given.



Formule 3

AVIS D'APPEL POUR LES APPELS DE PERSONNES DÉTENUES

COUR D'APPEL DE L'ONTARIO

AVIS D'APPEL EN VERTU DE LA  
LOI SUR LES INFRACTIONS PROVINCIALES

Au greffier

Nom du défendeur . . . . .

Lieu du procès . . . . .

Nom du tribunal<sup>1</sup> . . . . .  
dont la décision est contestée

Nom du juge . . . . .  
dont la décision est contestée

Infraction(s) dont vous avez été  
déclaré(e) coupable<sup>2</sup>  
. . . . .

Loi en vertu de laquelle le défendeur a été  
déclaré coupable<sup>3</sup> . . . . .

Plaidoyer à l'instruction . . . . .

Sentence imposée . . . . .

Date de la déclaration de culpabilité . . . . .

Date d'imposition de la sentence . . . . .

Date de la décision rendue en appel . . . . .

Nom et adresse du lieu où l'appelant  
est sous garde . . . . .

---

<sup>1</sup>Cour de l'Ontario (Division générale) ou Cour de l'Ontario (Division provinciale)

<sup>2</sup>ex. : conduite imprudente

<sup>3</sup>ex. : Code de la route

Je, soussigné(e), le défendeur susmentionné, vous  
donne par les présentes avis que j'interjette appel  
devant la Cour d'appel de ma<sup>4</sup> .....

.....  
pour les motifs ci-après décrits à la page 3 du présent avis.

Fait le ..... 19 .....

Signé<sup>s</sup> .....  
appelant

- 
- REMARQUE : a) Le présent avis doit être signifié dans les 10 jours de la date à laquelle l'ordonnance accordant l'autorisation d'interjeter appel est rendue.
- b) Si le présent avis est signifié après ce délai, vous devez demander une prorogation de délai en remplissant la requête ci-dessous.

III. Le présent avis d'appel doit être signifié par sa remise au fonctionnaire principal de l'établissement où vous êtes détenu(e).

---

Je demande, par les présentes, une prorogation du délai pendant lequel je peux commencer mon appel pour les motifs suivants (énoncez ici les raisons du retard.)

---

<sup>4</sup> Vous pouvez interjeter appel à la Cour d'appel d'une déclaration de culpabilité qui ne concerne que des questions de droit et seulement après qu'un juge de la Cour d'appel a accordé l'autorisation d'interjeter appel pour des motifs spéciaux. Vous pouvez interjeter appel auprès de la Cour d'appel d'une sentence seulement après qu'un juge de la Cour d'appel a accordé l'autorisation d'interjeter appel pour des motifs spéciaux.

Si vous avez obtenu l'autorisation d'interjeter appel d'une déclaration de culpabilité, vous devez écrire le mot «déclaration de culpabilité». Si vous avez obtenu l'autorisation d'interjeter appel d'une sentence, vous devez écrire le mot «sentence». Si vous avez obtenu l'autorisation d'interjeter appel d'une déclaration de culpabilité et d'une sentence, vous devez écrire les mots «déclaration de culpabilité et sentence». Vous devez indiquer clairement les déclarations de culpabilité ou les sentences contre lesquelles vous avez obtenu l'autorisation d'interjeter appel.

Le présent avis doit être signé par le défendeur. Si le défendeur ne peut pas écrire, il doit apposer sa marque en présence d'un témoin. Le nom et l'adresse du témoin doivent être fournis.

.....  
.....  
.....

Signé ..... Date .....

Je désire présenter et plaider ma cause,

- a) en personne et je demande que le greffier fixe une date pour l'audience de l'appel;
- b) par écrit.<sup>6</sup>

L'appelant [biffer les mentions inutiles]

- (1) en appelle de la déclaration de culpabilité pour des motifs qui n'ont trait qu'à une question de droit.
- (2) en appelle de la sentence.

MOTIFS D'APPEL

La présente section doit être remplie avant que l'avis ne soit envoyé au greffier. L'appelant doit énoncer ici les motifs ou les raisons pour lesquels il allègue que la déclaration de culpabilité devrait être annulée ou la sentence réduite.

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

<sup>6</sup>Si vous voulez présenter votre plaidoirie par écrit, le greffier vous avisera de la date de dépôt de celle-ci ou vous pouvez la joindre au présent avis d'appel.

Form 4

NOTICE OF APPEAL  
COURT OF APPEAL FOR ONTARIO

B E T W E E N:

HER MAJESTY THE QUEEN *(indicate whether appellant or respondent)*

- and -

A.B. *(specify name of defendant)*  
*(indicate whether appellant or respondent)*

NOTICE OF APPEAL

(UNDER SECTION 131 [OR 139]  
OF THE PROVINCIAL OFFENCES ACT)

PARTICULARS OF CONVICTION (or as the case may be)

- 1. Place of conviction . . . . .
- 2. Name of trial judge . . . . .
- 3. Name of appeal court judge . . . . .
- 4. Offence(s)<sup>1</sup> of which defendant convicted . . . . .
- 5. Section(s) of statute under which accused convicted . . . . .
- 6. Plea at trial . . . . .
- 7. Length of trial . . . . .
- 8. Sentence imposed . . . . .
- 9. Date of conviction . . . . .
- 10. Date of sentence . . . . .
- 11. Date of disposition of appeal . . . . .
- 12. Disposition of appeal . . . . .
- 13. If defendant in custody, place of incarceration . . . . .

The Appellant [use applicable provisions]

- (1) appeals against his or her conviction upon grounds involving a question of law alone.
- (2) appeals against his or her sentence.

<sup>1</sup>Note: The notice of appeal must refer to all offences under appeal.

The grounds of appeal are <sup>2</sup>: . . . . .

The relief sought is . . . . .

The Appellant's address for service is . . . . .

The Appellant's address <sup>3</sup> is . . . . .

Dated this.....day of....., 19.....

(Name, address and telephone number of appellant's  
solicitor or (where none)<sup>4</sup> the appellant)

---

<sup>2</sup>Note: If leave to appeal has been granted limited to certain grounds of appeal then it is only those grounds which should be set out here.

<sup>3</sup>Note: These rules provide for service upon the appellant of certain material at the address provided in the notice of appeal. If the appellant changes address then the appellant must notify the registrar.

<sup>4</sup>Note: The appellant may present the case on appeal and the argument in writing by so indicating to the Court of Appeal. Reference should be made to Rule 22.

Formule 4

AVIS D'APPEL

COUR D'APPEL DE L'ONTARIO

E N T R E :

SA MAJESTÉ LA REINE  
(indiquer si elle est requérante  
ou intimée)

- et -  
A.B.

(nom du défendeur)  
(indiquer s'il est requérant  
ou intimé)

AVIS D'APPEL

(EN VERTU DE L'ARTICLE 131 [OU 139]  
DE LA LOI SUR LES INFRACTIONS PROVINCIALES

DÉTAILS DE LA DÉCLARATION DE CULPABILITÉ (ou selon le cas)

- 1. Lieu de la déclaration de culpabilité .....
- 2. Nom du juge de première instance .....
- 3. Nom du juge du tribunal d'appel .....
- 4. Infraction(s)<sup>1</sup> dont le défendeur a été déclaré coupable  
.....
- 5. Article(s) de la loi en vertu de laquelle le prévenu  
est déclaré coupable .....
- 6. Plaidoyer au procès .....
- 7. Durée de l'instruction .....
- 8. Sentence imposée .....
- 9. Date de la déclaration de culpabilité .....
- 10. Date de la sentence .....
- 11. Date de la décision rendue en appel .....
- 12. Décision rendue en appel .....
- 13. Si le défendeur est sous garde, précisez le lieu  
d'incarcération .....

L'appelant [utiliser les dispositions applicables]

<sup>1</sup>Remarque : L'avis d'appel doit faire mention de toutes les infractions portées en appel.



- 1) en appelle de la déclaration de culpabilité prononcée contre lui pour des motifs qui n'ont trait qu'à une question de droit.
- 2) en appelle de la sentence prononcée contre lui.

Les motifs d'appel sont<sup>2</sup> : .....

Le redressement demandé est .....

Le domicile élu de l'appelant

est .....

L'adresse<sup>3</sup> de l'appelant est .....

Fait le ..... 19 .....

.....  
(Nom, adresse et numéro de téléphone du procureur de l'appelant ou (le cas échéant)<sup>4</sup> de l'appelant)

---

<sup>2</sup>Remarque : Si l'autorisation d'interjeter appel a été accordée pour certains motifs d'appel seulement, seuls ces motifs devraient être énoncés.

<sup>3</sup>Remarque : Les présentes règles prévoient la signification à l'appelant de certains documents à l'adresse indiquée dans l'avis d'appel. Si l'appelant change d'adresse, il doit alors en informer le greffier.

<sup>4</sup>Remarque : L'appelant peut présenter la caisse portée en appel et faire une plaidoirie par écrit en l'indiquant à la Cour d'appel. Mentionner la Règle 22.

Form 5

UNDERTAKING

I ..... [counsel for the Appellant or, where none, the Appellant] undertake that all transcripts required for the hearing of the appeal in the matter of Her Majesty the Queen and A.B. shall be filed by ..... 19...

(Name, address and telephone number of appellant's solicitor or (where none) the appellant)

Formule 5

PROMESSE

Je, soussigné(e), ..... [avocat de l'appelant ou, le cas échéant, l'appelant] m'engage à ce que toutes les transcriptions nécessaires à l'audition de l'appel dans l'affaire de Sa Majesté la Reine et A.B. soient déposées d'ici le ..... 19 .....

(Nom, adresse et numéro de téléphone de l'avocat de l'appelant ou (le cas échéant) de l'appelant)

Form 6

APPELLANT'S FACTUM -- APPEAL FROM SENTENCE ONLY

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

HER MAJESTY THE QUEEN

Respondent

- and -

NAME OF APPELLANT

Appellant

APPELLANT'S FACTUM

PART I

PARTICULARS OF THE CASE

- 1. Place of Conviction
- 2. Name of Trial Judge
- 3. Name of appeal court Judge
- 4. Offence(s) of which defendant convicted
- 5. Section(s) of statute under which defendant convicted
- 6. Plea at trial
- 7. Length of trial
- 8. Sentence imposed
- 9. Date of conviction
- 10. Date of sentence
- 11. Date of disposition of appeal
- 12. Disposition of appeal
- 13. Present place of incarceration [if applicable]

14. If defendant released on bail pending appeal, date of release <sup>1</sup>
15. Period spent in pre-trial/pre-sentence incarceration<sup>2</sup>
16. Parole Eligibility date<sup>3</sup>
17. Statutory release date<sup>4</sup>
18. Names of co-defendants and sentences imposed for offences upon which they were convicted<sup>5</sup>
19. Does the defendant have a prior criminal record<sup>6</sup>
20. Present employment<sup>7</sup>
21. Present Marital status<sup>8</sup>
22. Appellant's present age and age at time of offence

---

<sup>1</sup>Note that these Rules require that the Release order be placed in the Appeal Book

<sup>2</sup>Where the incarceration was due to circumstances other than detention on the charges under appeal this should be made clear. Thus if for a portion of the time the defendant was serving sentence on another offence either this period should not be included or there should be a note to this effect.

<sup>3</sup>This date is available from the sentence administrator of the institution where the defendant is incarcerated. Where the defendant is serving sentence for other offences other than the offence under appeal this should be made clear in a note.

<sup>4</sup>This date is available from the sentence administrator of the institution where the Appellant is incarcerated.

<sup>5</sup>Where the defendant relies on disparity as a ground for varying the sentence additional details may be necessary and should be included in Part II of the Factum. These details would include the co-defendant's criminal record, reference to the judge's reasons for the sentence imposed on the co-defendants, the involvement of the co-defendant, whether the co-defendant was convicted of other offences so that the totality principle affected the sentence, and any other information which would put the allegation of disparity in its proper context.

<sup>6</sup>If the defendant has a prior criminal record it should be set out in detail in Part II of the Factum and should include reference to convictions for offences under the same statute as the offence being appealed.

<sup>7</sup>In addition to present employment a fuller history of employment should be set out in Part II of the Factum. If the defendant is in custody then refer to employment at time of conviction or sentence.

<sup>8</sup>Where relevant the history of the defendant's marital status should be referred to in Part II of the Factum

23. Was there a pre-sentence report prepared<sup>9</sup>
24. Were there any medical, psychological, psychiatric or similar reports referred to or filed at the sentence proceedings<sup>10</sup>
25. Was there a joint submission and if so what was it<sup>11</sup>
26. If no joint submission briefly set out the position of prosecutor and defence counsel on the sentence proceedings<sup>12</sup>
27. Will there be an application to admit fresh evidence and if so does the Respondent consent to its admission<sup>13</sup>

---

<sup>9</sup>If there was a pre-sentence report prepared its contents should be briefly summarized in Part II of the Factum. In addition the entire report must be included in the Appeal Book.

<sup>10</sup>Where relevant the contents of such reports should be briefly summarized in Part II of the Factum. In addition the complete report must be included in the Appeal Book, whether or not it was formally marked as an exhibit on the proceedings.

<sup>11</sup>A joint submission would include where counsel have agreed on a range of sentences to be submitted to the trial Judge.

<sup>12</sup>The "position" of counsel may simply be that the sentence should take a particular form i.e. incarceration, or may be more specific i.e. a specified term of months or years. If counsel did not make any suggestion as to the type or length of sentence this should be indicated as well.

<sup>13</sup>Where the Respondent consents to the admission of fresh evidence on the appeal this evidence may be included in the Appeal Book or filed separately and reference may be made to the evidence in Part II of the Factum. No notice of motion is required, provided that the material is clearly identified as fresh evidence and the Respondent has consented to its admission. Where the Respondent opposes the admission of the fresh evidence then the counsel must prepare a notice of motion returnable on the date of the appeal. The evidence itself should be filed with the notice of motion but in a sealed envelope. There must be sufficient copies for the members of the Court.

PART II

SUMMARY OF THE FACTS

The Facts of the Offence<sup>14</sup>

The Background of the Appellant

Fresh Evidence

(Here briefly summarize the fresh evidence which on consent has been filed with the court)

PART III

GROUNDS OF APPEAL

PART IV

ORDER REQUESTED

It is respectfully submitted that (here set out relief requested, e.g. that the appeal from sentence be allowed and the sentence reduced).

All of which is respectfully submitted

.....

Defence Lawyer

Counsel for the Appellant

Dated at .....this.....day of ....., 19...

<sup>14</sup>Where the facts are complicated and somewhat lengthy counsel may wish to include a paragraph containing an overview of the facts. In most sentence appeals that paragraph should not be required since these Rules require that this Part of the factum contain a brief summary of the facts.

## Formule 6

MÉMOIRE DE L'APPELANT  
APPEL DE LA SENTENCE SEULEMENT

COUR D'APPEL DE L'ONTARIO

E N T R E :

SA MAJESTÉ LA REINE

intimé

- et -

NOM DE L'APPELANT

appelant

MÉMOIRE DE L'APPELANT

PARTIE I

DÉTAILS DE LA CAUSE

1. Lieu de la déclaration de culpabilité
2. Nom du juge de première instance
3. Nom du juge du tribunal d'appel
4. Infraction(s) dont le défendeur est déclaré coupable
5. Article(s) de la loi en vertu de laquelle le défendeur est déclaré coupable
6. Plaidoyer au procès
7. Durée de l'instruction
8. Sentence imposée
9. Date de la déclaration de culpabilité
10. Date de la sentence
11. Date de la décision rendue en l'appel
12. Décision rendue en appel
13. Lieu d'incarcération actuel [le cas échéant]

14. Si le défendeur est libéré sous caution en attendant l'appel, date de la mise en liberté<sup>1</sup>
15. Période d'emprisonnement avant procès et présentencielle<sup>2</sup>
16. Date d'admissibilité à la libération conditionnelle<sup>3</sup>
17. Date de libération légale<sup>4</sup>
18. Noms des codéfendeurs et sentences imposées pour les infractions dont ils ont été déclarés coupables<sup>5</sup>
19. Le défendeur a-t-il déjà un casier judiciaire?<sup>6</sup>
20. Emploi actuel<sup>7</sup>
21. Statut matrimonial actuel<sup>8</sup>
22. Âge actuel de l'appelant et âge au moment de l'infraction

---

<sup>1</sup>À remarquer que les présentes règles exigent que l'ordonnance de mise en liberté soit placée dans le dossier d'appel.

<sup>2</sup>Il faudrait préciser si l'emprisonnement est dû à des circonstances autres que la détention résultant des accusations qui sont portées en appel. Ainsi, si, pendant une partie du temps, le défendeur purgeait sa sentence pour une autre infraction, il faudrait soit exclure la période en question, soit en faire mention.

<sup>3</sup>Cette date est disponible auprès de l'administrateur de la sentence de l'établissement où le défendeur est emprisonné. Si le défendeur purge une sentence pour des infractions autres que celle portée en appel, il faudrait le mentionner clairement.

<sup>4</sup>Cette date est disponible auprès de l'administrateur de la sentence de l'établissement où l'appelant est emprisonné.

<sup>5</sup>Si le défendeur invoque une disparité comme motif pour faire modifier sa sentence, des détails supplémentaires peuvent être nécessaires et devraient être inclus à la partie II du mémoire. Ces détails comprendraient notamment le casier judiciaire du codéfendeur, une mention des motifs sur lesquels le juge s'est fondé pour imposer leur sentence aux codéfendeurs, la participation du codéfendeur, la question de savoir si le codéfendeur a été déclaré coupable d'autres infractions de sorte que le principe de la totalité a influé sur la sentence et tout autre renseignement qui permettrait de placer l'allégation de disparité dans un contexte approprié.

<sup>6</sup>Si le défendeur a un casier judiciaire, il faudrait l'énoncer en détail à la partie II du mémoire et mentionner les déclarations de culpabilité prononcées pour des infractions visées à la même loi que l'infraction portée en appel.

<sup>7</sup>Outre l'emploi actuel, il faudrait énoncer le dossier d'emploi plus en détail à la partie II du mémoire. Si le défendeur est détenu sous garde, il faut mentionner l'emploi au moment où la déclaration de culpabilité ou la sentence a été prononcée.

<sup>8</sup>Le cas échéant, les antécédents du défendeur en ce qui a trait à son statut matrimonial devraient être mentionnés à la partie II du mémoire.



23. Y a-t-il eu préparation d'un rapport présentenciel?<sup>9</sup>
24. Y a-t-il eu mention ou dépôt de rapports médicaux, psychologiques, psychiatriques ou autres au cours des délibérations sur la sentence?<sup>10</sup>
25. Y a-t-il eu une présentation conjointe? Dans l'affirmative, quelle était-elle?<sup>11</sup>
26. S'il n'y a pas eu de présentation conjointe, énoncez brièvement la position du poursuivant et de l'avocat de la défense au cours des délibérations sur la sentence?<sup>12</sup>
27. Y aura-t-il une requête en vue d'admettre une nouvelle preuve et, dans l'affirmative, est-ce que l'intimée y consent?<sup>13</sup>

---

<sup>9</sup>Si un rapport présentenciel a été préparé, son contenu devrait être résumé brièvement à la partie II du mémoire, et le rapport au complet doit être inclus dans le dossier d'appel.

<sup>10</sup>Le cas échéant, le contenu de tels rapports devrait être résumé brièvement à la partie II du mémoire, et les rapports au complet doivent être inclus dans le dossier d'appel, qu'ils soient ou non officiellement inscrits comme pièces à conviction lors de l'instance.

<sup>11</sup>Une présentation conjointe mentionnerait si les avocats se sont entendus sur une gamme de sentences à suggérer au juge de première instance.

<sup>12</sup>La «position» de l'avocat peut simplement se limiter à suggérer que la sentence prenne une forme particulière, par exemple une peine d'emprisonnement, ou être plus précise, par exemple un nombre de mois ou d'années précis. Si l'avocat n'a fait aucune suggestion quant au genre ou à la durée de la sentence, il faudrait également le mentionner.

<sup>13</sup>Si l'intimé consent à ce qu'une nouvelle preuve soit admise au cours de l'appel, celle-ci peut être incluse dans le dossier d'appel ou déposée séparément et elle peut être mentionnée à la partie II du mémoire. Aucun avis de motion n'est exigé, à condition que les documents soient clairement identifiés comme une nouvelle preuve et que l'intimé ait consenti à son admission. Si l'intimé s'oppose à ce que la nouvelle preuve soit admise, l'avocat doit alors préparer un avis de motion qui est rapportable à la date de l'appel. La preuve proprement dite devrait être déposée avec l'avis de motion, mais dans une enveloppe scellée. Un nombre suffisant de copies doit être prévu pour les membres du tribunal.

## PARTIE II

## RÉSUMÉ DES FAITS

Les faits de l'infraction<sup>14</sup>

Les antécédents de l'appelant

Nouvelle preuve

(Résumez ici brièvement la nouvelle preuve qui,  
par consentement, a été déposée auprès du tribunal)

PARTIE III  
MOTIFS D'APPEL

## PARTIE IV

## ORDONNANCE DEMANDÉE

Il est respectueusement suggéré que (indiquez ici le redressement demandé,  
par exemple que l'appel interjeté de la sentence soit accueilli et que la  
sentence soit réduite).

Respectueusement

.....  
avocat de la défense

Avocat-conseil de l'appelant

Fait à ..... le ..... 19...

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<sup>14</sup>Si les faits sont compliqués et assez longs à énoncer, l'avocat peut décider d'en donner une vue d'ensemble dans un paragraphe. Dans la plupart des appels de sentence, ce paragraphe ne devrait pas être nécessaire puisque les présentes règles exigent que la présente partie du mémoire contienne un bref résumé des faits.

**ONTARIO REGULATION 722/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 9, 1994  
Approved: November 16, 1994  
Filed: November 18, 1994

**RULES OF THE ONTARIO COURT**  
**(PROVINCIAL DIVISION)**  
**IN APPEALS UNDER SECTION 135**  
**OF THE PROVINCIAL OFFENCES ACT**

**SUMMARY OF CONTENTS**

Rule

1. Definitions and Interpretation
2. Calculation of Time
3. Notice by Mail
4. Substituted Service
5. Appeal Where Fine Imposed
6. Filing of Notice of Appeal
7. Notice to Crown Attorney
8. Extension or Abridgment of Time
9. Transcripts
10. Recognizances
11. Motions under Act or Rules
12. Directions
13. Dismissal of Appeal
14. Abandonment of Appeals
15. Notice of Decision of Court
16. Transition
17. Revocation and Commencement  
Forms

**DEFINITIONS AND INTERPRETATION**

*Definitions*

I. (1) In these rules,

“Act” means the *Provincial Offences Act*; (“Loi”)

“appeal court” means the Ontario Court (Provincial Division) sitting as the appeal court under section 135 of the Act; (“tribunal d’appel”)

“clerk” means the clerk of the Ontario Court (Provincial Division); (“greffier”)

“file” means file with the clerk; (“déposer”)

“judge” means a judge of the Ontario Court (Provincial Division) sitting as the appeal court under section 135 of the Act. (“juge”)

*Application of rules*

(2) These rules apply in respect of appeals to the Ontario Court (Provincial Division) under section 135 of the Act.

*General principle*

(3) These rules shall be construed liberally so as to obtain as expeditious a conclusion of every proceeding as is consistent with a just determination of the proceeding.

**RÈGLEMENT DE L'ONTARIO 722/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 9 novembre 1994  
approuvé le 16 novembre 1994  
déposé le 18 novembre 1994

**RÈGLES DE LA COUR DE L'ONTARIO**  
**(DIVISION PROVINCIALE)**  
**RELATIVES AUX APPELS INTERJETÉS**  
**EN VERTU DE L'ARTICLE 135**  
**DE LA LOI SUR LES INFRACTIONS PROVINCIALES**

**SOMMAIRE**

Règle

1. Définitions et interprétation
2. Calcul des délais
3. Avis donnés par courrier
4. Signification indirecte
5. Appel de la décision imposant une amende
6. Dépôt de l'avis d'appel
7. Remise de l'avis au procureur de la Couronne
8. Prorogation ou abrégement des délais
9. Transcriptions
10. Engagements
11. Motions présentées en vertu de la Loi ou des Règles
12. Directives
13. Rejet de l'appel
14. Désistement d'appel
15. Avis de la décision du tribunal
16. Dispositions transitoires
17. Abrogation et entrée en vigueur  
Formules

**DÉFINITIONS ET INTERPRÉTATION**

*Définitions*

I. (1) Les définitions qui suivent s'appliquent aux présentes règles.

«déposer» Déposer auprès du greffier. («file»)

«greffier» Le greffier de la Cour de l'Ontario (Division provinciale). («clerk»)

«juge» Le juge de la Cour de l'Ontario (Division provinciale) qui siège comme tribunal d'appel en vertu de l'article 135 de la Loi. («judge»)

«Loi» La *Loi sur les infractions provinciales*. («Act»)

«tribunal d'appel» La Cour de l'Ontario (Division provinciale) qui siège comme tribunal d'appel en vertu de l'article 135 de la Loi. («appeal court»)

*Champ d'application*

(2) Les présentes règles s'appliquent aux appels interjetés devant la Cour de l'Ontario (Division provinciale) en vertu de l'article 135 de la Loi.

*Principe général*

(3) Les présentes règles doivent recevoir une interprétation large afin d'assurer la résolution équitable de chaque instance de la façon la plus expéditive possible dans les circonstances.

**Matters not provided for**

(4) Where matters are not provided for in these rules, the practice shall be determined by analogy to them.

**CALCULATION OF TIME****General**

2. (1) In the calculation of time under these rules or an order of the court, except where a contrary intention appears,

- (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens, even if they are described as clear days or the words "at least" are used;
- (b) where a period of less than seven days is prescribed, holidays shall not be counted;
- (c) where the time for doing an act under these rules expires on a holiday, the act may be done on the next day that is not a holiday; and
- (d) service of a document made after 4 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.

**Local time**

(2) Where a time of day is mentioned in these rules or in any documents in an appeal, the time referred to shall be taken as the time observed locally.

**"Holiday"**

- (3) For the purposes of subsection (1), "holiday" means,
- (a) any Saturday or Sunday;
  - (b) New Year's Day;
  - (c) Good Friday;
  - (d) Easter Monday;
  - (e) Victoria Day;
  - (f) Canada Day;
  - (g) Civic Holiday;
  - (h) Labour Day;
  - (i) Thanksgiving Day;
  - (j) Remembrance Day;
  - (k) Christmas Day;
  - (l) Boxing Day; and
  - (m) any special holiday proclaimed by the Governor General or the Lieutenant Governor.

**Same**

- (4) Where,
- (a) New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday;

**Silence des règles**

(4) En cas de silence des présentes règles, la pratique applicable est déterminée par analogie avec celles-ci.

**CALCUL DES DÉLAIS****Généralités**

2. (1) À moins que le contexte n'indique une intention contraire, le calcul des délais prescrits par les présentes règles ou par une ordonnance du tribunal obéit aux règles suivantes :

- a) si le délai est exprimé en nombre de jours séparant deux événements, il se calcule en excluant le jour où a lieu le premier événement, mais en incluant le jour où a lieu le second, même s'il est précisé qu'il s'agit de jours francs ou si les mots «au moins» sont utilisés;
- b) si le délai prescrit est inférieur à sept jours, les jours fériés ne sont pas comptés;
- c) si le délai pour accomplir un acte sous le régime des présentes règles expire un jour férié, l'acte peut être accompli le jour suivant qui n'est pas jour férié;
- d) la signification d'un document après 16 h ou un jour férié est réputée avoir été faite le premier jour suivant qui n'est pas jour férié.

**Heure locale**

(2) L'heure mentionnée dans les présentes règles ou dans un document de procédure s'entend de l'heure locale.

**«Jour férié»**

(3) Pour l'application du paragraphe (1), «jour férié» s'entend des jours suivants :

- a) le samedi ou le dimanche;
- b) le jour de l'An;
- c) le Vendredi saint;
- d) le lundi de Pâques;
- e) la fête de Victoria;
- f) la fête du Canada;
- g) le Congé civique;
- h) la fête du Travail;
- i) le jour d'Action de Grâce;
- j) le jour du Souvenir;
- k) le jour de Noël;
- l) le 26 décembre;
- m) le jour proclamé tel par le gouverneur général ou le lieutenant-gouverneur.

**Idem**

- (4) Si :
- a) le jour de l'An, la fête du Canada ou le jour du Souvenir tombe un samedi ou un dimanche, le lundi suivant est jour férié;

(b) Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays;

(c) Christmas Day falls on a Friday, the following Monday is a holiday.

b) le jour de Noël tombe un samedi ou un dimanche, le lundi et le mardi suivants sont jours fériés;

c) le jour de Noël tombe un vendredi, le lundi suivant est jour férié.

#### NOTICE BY MAIL

3. A notice or document given or delivered by mail shall, unless the contrary is shown, be deemed to be given or delivered on the seventh day following the day on which it was mailed.

#### SUBSTITUTED SERVICE

4. Where, on motion without notice, it appears to a judge that reasonable efforts have been made without success to give or deliver a notice or document in the manner required by these rules or the Act, or that reasonable efforts would not be successful, the judge may make an order for substituted service of the notice or document in such manner as the judge directs or, where necessary in the interests of justice, may dispense with the giving or delivery of the notice or document upon such terms as the judge considers proper in the circumstances.

#### APPEAL WHERE FINE IMPOSED

5. A defendant who appeals from a decision imposing a fine shall file with the notice of appeal a receipt for payment of the fine issued by the clerk of the court that imposed the fine or state in the notice of appeal that the fine has been paid to a municipality responsible for collecting its own parking fines, unless the clerk is satisfied that an order has been made under subsection 111 (2) of the Act and a recognizance has been entered into by the defendant in accordance with the order.

#### FILING OF NOTICE OF APPEAL

##### *Notice of appeal*

6. (1) A notice of appeal shall be in Form 1.

##### *Time and place for hearing*

(2) Upon the filing of the notice of appeal, the clerk shall set a time and place for the hearing of the appeal in accordance with section 135 of the Act.

##### *Notice to respondent*

(3) The clerk shall give the respondent a copy of the filed notice of appeal and a notice of the time and place of the hearing in Form 2.

##### *Timely notice*

(4) Notice of the time and place of the hearing shall be given at least 15 days before the day set for the hearing.

##### *Certificate*

(5) A certificate of giving a notice under subrule (3) endorsed on the notice by the clerk shall be received in evidence and, in the absence of evidence to the contrary, is proof that the notice was given.

##### *Interpretation*

(6) For the purposes of this rule, where the defendant appeals, the prosecutor is the respondent, and vice-versa.

#### AVIS DONNÉS PAR COURRIER

3. Les avis ou les documents remis ou envoyés par courrier sont, jusqu'à preuve du contraire, réputés remis ou envoyés le septième jour suivant la date de leur mise à la poste.

#### SIGNIFICATION INDIRECTE

4. Lorsqu'un juge, sur motion présentée sans préavis, considère que des démarches raisonnables ont été entreprises pour effectuer la remise ou l'envoi d'un avis ou d'un document conformément aux présentes règles ou à la Loi, mais sans résultats, ou que des démarches raisonnables ne donneraient pas de résultats, il peut ordonner la signification indirecte de l'avis ou du document selon les modalités qu'il fixe ou, si l'intérêt de la justice l'exige, dispenser de la remise ou de l'envoi de l'avis ou du document aux conditions qu'il estime indiquées dans les circonstances.

#### APPEL DE LA DÉCISION IMPOSANT UNE AMENDE

5. Le défendeur qui interjette appel d'une décision imposant une amende dépose avec l'avis d'appel le récépissé du paiement de l'amende délivré par le greffier du tribunal imposant l'amende, ou indique dans l'avis d'appel que l'amende a été payée à la municipalité chargée de percevoir ses propres amendes en matière de stationnement, sauf si le greffier est convaincu qu'une ordonnance a été rendue en vertu du paragraphe 111 (2) de la Loi et que le défendeur a consenti un engagement conformément à l'ordonnance.

#### DÉPÔT DE L'AVIS D'APPEL

##### *Avis d'appel*

6. (1) L'avis d'appel est rédigé selon la formule 1.

##### *Date, heure et lieu de l'audition*

(2) Sur dépôt d'un avis d'appel, le greffier fixe les date, heure et lieu de l'audition de l'appel conformément à l'article 135 de la Loi.

##### *Remise de l'avis à l'intimé*

(3) Le greffier remet à l'intimé une copie de l'avis d'appel déposé ainsi qu'un avis des date, heure et lieu de l'audition rédigé selon la formule 2.

##### *Remise de l'avis en temps opportun*

(4) L'avis des date, heure et lieu de l'audition est remis au moins 15 jours avant la date fixée pour l'audition.

##### *Certificat*

(5) Le certificat inscrit par le greffier sur l'avis visé au paragraphe (3) et portant que l'avis a été remis est reçu en preuve et fait foi de la remise de l'avis jusqu'à preuve du contraire.

##### *Interprétation*

(6) Pour l'application de la présente règle, lorsque le défendeur est l'appelant, le poursuivant est l'intimé, et vice-versa.

**NOTICE TO CROWN ATTORNEY***Copies to Crown Attorney*

7. (1) The clerk shall give the Crown Attorney a copy of each notice or document filed with or issued by the clerk in respect of an appeal under these rules.

*Intervention of Crown Attorney*

(2) Where a prosecutor is not acting on behalf of the Crown, the Crown Attorney may intervene to act on behalf of the prosecutor or to attend as a party on the appeal.

**EXTENSION OR ABRIDGMENT OF TIME***Judge's power*

8. (1) A judge may extend or abridge the time for bringing an appeal and for doing any other act in connection with an appeal for which a time is prescribed before or after the expiration of the time prescribed.

*Notice*

(2) A notice of motion to extend or abridge time shall be given to the opposite party, unless otherwise directed by a judge.

**TRANSCRIPTS***Transcript not required*

9. (1) Unless a judge orders otherwise, a party to an appeal need not provide a transcript of all or any part of the evidence at trial.

*Transcripts required*

(2) Where the court orders that a transcript of all or any part of the evidence at trial be provided under clause 136(3)(a) of the Act or a party to an appeal files such a transcript, an appellant shall file and deliver to the respondent,

- (a) in an appeal against conviction or acquittal, one copy of the transcript of evidence at trial, including reasons for judgment; and
- (b) in an appeal against conviction and sentence or sentence only, one copy of the transcript of evidence at trial and submissions on sentencing, including reasons for judgment and sentence, if any.

*Transcript to Crown Attorney*

(3) Where the Crown Attorney has given notice of intervention after receiving notice of appeal, the appellant shall deliver a copy of the transcript of evidence at trial, including reasons for judgment and sentence, if any, to the Crown Attorney.

**RECOGNIZANCES**

10. (1) An order for recognizance and recognizance under section 110 of the Act shall be in Form 3.

(2) An order for recognizance and recognizance under section 111 of the Act shall be in Form 4.

**REMISE DE L'AVIS AU PROCUREUR DE LA COURONNE***Remise de copies au procureur de la Couronne*

7. (1) Le greffier remet au procureur de la Couronne une copie de chaque avis ou document déposé auprès de lui ou qu'il délivre relativement aux appels auxquels s'appliquent les présentes règles.

*Intervention du procureur de la Couronne*

(2) Si le poursuivant n'agit pas au nom de la Couronne, le procureur de la Couronne peut intervenir en vue d'agir au nom du poursuivant ou comparaître en qualité de partie à l'appel.

**PROROGATION OU ABRÈGEMENT DES DÉLAIS***Pouvoir du juge*

8. (1) Le juge peut proroger ou abrèger le délai prescrit pour interjeter appel et pour prendre toute autre mesure se rapportant à l'appel, et ce avant ou après l'expiration du délai.

*Avis*

(2) À moins que le juge n'ordonne le contraire, l'avis de la motion qui vise à obtenir la prorogation ou l'abrègement d'un délai est donné à la partie adverse.

**TRANSCRIPTIONS***Transcriptions non obligatoires*

9. (1) Sauf ordonnance contraire du juge, une partie à l'appel n'est pas tenue de fournir tout ou partie de la transcription des témoignages recueillis en première instance.

*Transcriptions obligatoires*

(2) Si le tribunal ordonne que soit fournie la transcription de tout ou partie des témoignages recueillis en vertu de l'alinéa 136(3)a de la Loi ou qu'une partie à l'appel dépose une telle transcription, l'appelant dépose et remet à l'intimé :

- a) dans le cas où il est interjeté appel de la déclaration de culpabilité ou d'un acquittement, une copie de la transcription des témoignages recueillis en première instance, y compris les motifs du jugement;
- b) dans le cas où il est interjeté appel de la déclaration de culpabilité et de la sentence ou de la sentence seulement, une copie de la transcription des témoignages recueillis en première instance et des représentations sur le prononcé de la sentence, y compris les motifs du jugement et de la sentence, le cas échéant.

*Remise de la transcription au procureur de la Couronne*

(3) Si le procureur de la Couronne a donné un avis d'intervention après avoir reçu l'avis d'appel, l'appelant lui remet une copie de la transcription des témoignages recueillis en première instance, y compris les motifs du jugement et de la sentence, le cas échéant.

**ENGAGEMENTS**

10. (1) L'ordonnance d'engagement et l'engagement consenti en vertu de l'article 110 de la Loi sont rédigés selon la formule 3.

(2) L'ordonnance d'engagement et l'engagement consenti en vertu de l'article 111 de la Loi sont rédigés selon la formule 4.

**MOTIONS UNDER ACT OR RULES*****Notice of motion***

11. (1) A motion provided for by the Act or these rules shall be commenced by a notice of motion.

***Time for hearing***

(2) There shall be at least three days between service of the notice of motion and the day for hearing the motion.

***Time for filing notice***

(3) The moving party shall file notice of motion at least two days before the day for hearing the motion.

***Evidence***

- (4) Evidence on a motion may be given,
- (a) by affidavit;
  - (b) with the permission of the court, orally; or
  - (c) in the form of a transcript of the examination of a witness.

***Power of judge***

(5) Upon the hearing of a motion, the judge may receive and base his or her decision on information that he or she considers credible or trustworthy in the circumstances, whether or not other evidence is given.

***Hearing where notice not served***

- (6) A motion may be heard without service of a notice of motion,
- (a) on consent;
  - (b) where the motion is made under section 111 or 112 of the Act; or
  - (c) where, having regard to the subject-matter or the circumstances of the motion, it would not be unjust to hear the motion without service of a notice of motion.

**DIRECTIONS**

12. A party to an appeal may make a motion to the court at any time for directions with respect to the conduct of the appeal.

**DISMISSAL OF APPEAL**

13. The court may dismiss an appeal where the appellant,
- (a) does not attend in person or by counsel on the day set by the clerk for the hearing of the appeal;
  - (b) has filed a notice of abandonment;
  - (c) has not filed a transcript of evidence at trial, including reasons for judgment or sentence, if any, within 30 days after receiving notice of completion of the transcript from the clerk of the Ontario Court (Provincial Division); or
  - (d) has failed to comply with an order of the court in respect of the appeal.

**MOTIONS PRÉSENTÉES EN VERTU DE LA LOI OU DES RÈGLES*****Avis de motion***

11. (1) Les motions prévues par la Loi ou les présentes règles sont introduites par un avis de motion.

***Délai d'audition***

(2) La signification de l'avis de motion précède l'audition de la motion d'au moins trois jours.

***Délai de dépôt de l'avis***

(3) L'auteur de la motion dépose l'avis de motion au moins deux jours avant la date d'audition de la motion.

***Preuve***

- (4) À l'audition de la motion, la preuve peut être présentée :
- a) par affidavit;
  - b) oralement, avec la permission du tribunal;
  - c) sous forme de transcription de l'interrogatoire des témoins.

***Pouvoir du juge***

(5) Le juge qui entend la motion peut recevoir en preuve les renseignements qu'il estime crédibles ou dignes de foi compte tenu des circonstances, et fonder sa décision sur ceux-ci, que d'autres éléments de preuve soient présentés ou non.

***Audition en l'absence d'avis***

- (6) La motion peut être entendue sans qu'un avis n'ait été signifié lorsque, selon le cas :
- a) il y a consentement;
  - b) elle est présentée en vertu de l'article 111 ou 112 de la Loi;
  - c) il ne serait pas injuste de le faire, eu égard à l'objet ou aux circonstances de la motion.

**DIRECTIVES**

12. Les parties à l'appel peuvent en tout temps présenter au tribunal une motion en vue d'obtenir des directives relativement au déroulement de l'appel.

**REJET DE L'APPEL**

13. Le tribunal peut rejeter l'appel si l'appellant, selon le cas :
- a) ne comparaît ni en personne ni par l'entremise d'un avocat à la date que le greffier a fixée pour l'audition de l'appel;
  - b) a déposé un avis de désistement;
  - c) n'a pas déposé la transcription des témoignages recueillis en première instance, y compris les motifs du jugement ou de la sentence, le cas échéant, au plus tard 30 jours après avoir reçu du greffier de la Cour de l'Ontario (Division provinciale) un avis indiquant que la transcription était prête;
  - d) ne s'est pas conformé à une ordonnance du tribunal relativement à l'appel.

**ABANDONMENT OF APPEALS***Notice of abandonment*

14. (1) An appellant who wishes to abandon the appeal may file a notice of abandonment in Form 5.

*Signing of notice*

(2) The appellant or counsel for the appellant shall sign the notice of abandonment.

*Signing by witness*

(3) Where the appellant signs the notice of abandonment, the notice must also be signed by another person who witnessed the signing by the appellant.

*Affidavit of execution*

(4) Where the witness is not counsel for the appellant, the appellant shall file an affidavit of execution by the witness with the notice of abandonment.

*Notice to other parties*

(5) The clerk shall give a copy of the filed notice of abandonment to each of the other parties to the appeal.

**NOTICE OF DECISION OF COURT***Notice of decision on appeal*

15. (1) Immediately after the disposition of an appeal, the clerk shall give notice of the court's decision, including any written reasons and endorsements,

- (a) to each party to the appeal who was not present in person or by counsel when the decision was made;
- (b) to the clerk of the Ontario Court (Provincial Division); and
- (c) to the Crown Attorney, where a prosecutor is not acting on behalf of the Crown.

*Deemed receipt of notice of trial*

(2) Where the appeal court directs a new trial and sets a date for the trial with the consent of the parties, the defendant is deemed to have received notice of trial.

**TRANSITION***Definition, "preceding rules"*

16. (1) In this rule, "preceding rules" means the Rules of the Ontario Court (Provincial Division) in Appeals under Section 135 of the *Provincial Offences Act* (Regulation 198 of the Revised Regulations of Ontario, 1990) as they read on the day before these rules come into force.

*Application of rules*

(2) These rules apply to all appeals, whether commenced before or after these rules come into force, except in respect of steps already taken under the preceding rules.

**DÉSISTEMENT D'APPEL***Avis de désistement*

14. (1) L'appellant peut se désister de son appel en déposant un avis de désistement rédigé selon la formule 5.

*Signature*

(2) L'appellant ou son avocat signe l'avis de désistement.

*Signature du témoin*

(3) Lorsque l'appellant signe l'avis de désistement, l'avis doit également être signé par un témoin de la signature de l'appellant.

*Affidavit*

(4) Si le témoin n'est pas l'avocat de l'appellant, ce dernier dépose avec l'avis de désistement un affidavit du témoin à la signature.

*Avis donné aux autres parties*

(5) Le greffier donne aux autres parties à l'appel copie de l'avis de désistement déposé.

**AVIS DE LA DÉCISION DU TRIBUNAL***Avis de la décision à l'appel*

15. (1) Dès que le tribunal a rendu sa décision sur l'appel, le greffier en avise les personnes suivantes, en faisant état des inscriptions et des motifs écrits du tribunal :

- a) chaque partie à l'appel qui n'était présente ni en personne ni par l'entremise d'un avocat lorsque la décision a été rendue;
- b) le greffier de la Cour de l'Ontario (Division provinciale);
- c) le procureur de la Couronne, si le poursuivant n'agit pas au nom de la Couronne.

*Avis de procès réputé reçu*

(2) Si le tribunal d'appel ordonne la tenue d'un nouveau procès, et en fixe la date avec le consentement des parties, le défendeur est réputé avoir reçu avis du procès.

**DISPOSITIONS TRANSITOIRES***Définition, «règles antérieures»*

16. (1) Pour l'application de la présente règle, «règles antérieures» s'entend des Règles de la Cour de l'Ontario (Division provinciale) relatives aux appels interjetés en vertu de l'article 135 de la *Loi sur les infractions provinciales* (Règlement 198 des Règlements refondus de l'Ontario de 1990) telles qu'elles existaient la veille de l'entrée en vigueur des présentes règles.

*Champ d'application des règles*

(2) Les présentes règles s'appliquent à tous les appels, qu'ils aient été interjetés avant ou après l'entrée en vigueur de celles-ci, sauf à l'égard des mesures déjà prises sous le régime des règles antérieures.



***Power of judge***

(3) Despite the repeal of the preceding rules and subrule (2), a judge may make an order that an appeal, or a step in the appeal, be conducted under these rules or the preceding rules or make any order that is considered just in order to secure the fair and expeditious conduct of the appeal.

**REVOCATION AND COMMENCEMENT**

17. (1) Regulation 198 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 504/93 are revoked.

(2) This Regulation comes into force on December 12, 1994.

***Pouvoir du juge***

(3) Malgré l'abrogation des règles antérieures et le paragraphe (2), un juge peut rendre une ordonnance portant qu'un appel ou une mesure à prendre au cours de l'appel se déroule sous le régime des présentes règles ou des règles antérieures, ou rendre l'ordonnance qu'il considère juste afin d'assurer le déroulement équitable et expéditif de l'appel.

**ABROGATION ET ENTRÉE EN VIGUEUR**

17. (1) Le Règlement 198 des Règlements refondus de l'Ontario de 1990 et le Règlement de l'Ontario 504/93 sont abrogés.

(2) Le présent Règlement entre en vigueur le 12 décembre 1994.

Form 1

NOTICE OF APPEAL UNDER SECTION 135  
OF THE PROVINCIAL OFFENCES ACT

- 1. Ontario Court (Provincial Division) at  
.....
- 2. Appellant is:
  - Defendant
  - Prosecutor
  - Attorney General
- 3. Name of appellant:.....  
Address for service:  
.....
- 4. Counsel for appellant:
  - Name:.....
  - Address for service:.....
- 5. Name of respondent (if known):.....  
Address for service:.....
- 6. Counsel for respondent (if known):.....  
.....  
Address for service:.....  
.....
- 7. Decision of Ontario Court (Provincial Division):  
(include name of Judge or Justice of the Peace appealed from, if known)  
.....  
.....  
.....
- 8. Date of decision:.....
- 9. The appellant appeals against:
  - Conviction
  - Dismissal
  - Sentence

- 10. If appellant is in custody, place where held:  
.....  
.....  
.....
- 11. (a) Description of offence<sup>1</sup>:.....  
.....
- (b) Certificate Number (if known):.....  
.....
- 12. Statute<sup>2</sup>:.....
- 13. Date of offence:.....  
.....
- 14. Plea at trial:  
The plea entered was: (check off)  
 guilty  
 not guilty  
 not known
- 15. The appellant wants the appeal court to: (check one)  
 Find the defendant not guilty  
 Find the defendant guilty  
 Order a new trial  
 Change the sentence  
 Other: (please specify)  
.....  
.....  
.....
- 16. The grounds of appeal are .....

Complete No. 17 for Provincial Offences Act, Part II, Parking Offences where the municipality is collecting its own parking fines.

<sup>1</sup> for example, speeding

<sup>2</sup> for example, Highway Traffic Act

- 17. The fine has been paid in full at .....  
.....  
.....  
(municipality) on .....  
.....
- 18. Date:.....
- 19. Signature of appellant or counsel or agent:  
.....  
.....

Formule 1

AVIS D'APPEL INTERJETÉ EN VERTU DE L'ARTICLE 135 DE LA  
LOI SUR LES INFRACTIONS PROVINCIALES

- 1. Cour de l'Ontario (Division provinciale) à/au  
.....
- 2. L'appelant est :
  - défendeur
  - poursuivant
  - procureur général
- 3. Nom de l'appelant : .....  
Domicile élu : .....
- 4. Avocat de l'appelant :
  - Nom : .....
  - Domicile élu : .....
- 5. Nom de l'intimé (s'il est connu) : .....  
Domicile élu : .....
- 6. Avocat de l'intimé (s'il est connu) : .....  
.....  
Domicile élu : .....
- 7. Décision de la Cour de l'Ontario (Division provinciale) :  
(inscrire le nom du juge ou du juge de paix dont la décision  
est portée en appel, s'il est connu)  
.....  
.....  
.....
- 8. Date de la décision: .....
- 9. L'appelant interjette appel :
  - de la déclaration de culpabilité

du rejet de l'accusation

de la sentence

10. Si l'appelant est sous garde, lieu de détention :  
.....  
.....  
.....

11. a) Description de l'infraction<sup>1</sup> : .....

b) Numéro du procès-verbal (s'il est connu) : .....

12. Loi<sup>2</sup> : .....

13. Date de l'infraction : .....

14. Plaidoyer au procès :

Le plaidoyer inscrit : (cocher la case appropriée)

coupable

non coupable

inconnu

15. L'appelant désire que le tribunal d'appel : (cocher la case appropriée)

Déclare le défendeur non coupable

Déclare le défendeur coupable

Ordonne la tenue d'un nouveau procès

Modifie la sentence

Autre : (préciser)

.....  
.....  
.....

---

<sup>1</sup> par exemple, excès de vitesse

<sup>2</sup> par exemple, Code de la route

16. Les motifs d'appel sont les suivants : .....  
.....  
.....

Remplir le numéro 17 dans le cas des infractions de stationnement visées par la partie II de la *Loi sur les infractions provinciales* lorsque la municipalité perçoit ses propres amendes en matière de stationnement.

17. L'amende a été payée intégralement à/au .....  
.....  
.....

(municipalité) le .....  
.....

18. Date : .....

19. Signature de l'appelant ou de son avocat ou représentant : .....  
.....  
.....

Form 2

Courts of Justice Act

NOTICE OF TIME AND PLACE OF HEARING OF APPEAL  
UNDER SECTION 135 OF THE PROVINCIAL OFFENCES ACT

ONTARIO COURT (PROVINCIAL DIVISION)  
PROVINCE OF ONTARIO

To: ..... appellant

.....

.....  
(address)

and

..... respondent

.....

.....  
(address)

Take notice that the appeal in respect of the ..... in the  
Ontario Court (Provincial Division) on ....., 199.., in respect of  
the charge that..... of ..... on  
(name)  
or about ....., 199... at ..... did commit the  
offence(s) of

(set out charges)

contrary to ..... section ..... will be heard in the  
Ontario Court (Provincial Division) at ..... on ....., 199..  
at .....

Given at: .....

on ....., 199 .

.....  
Clerk



**Formule 2**

*Loi sur les tribunaux judiciaires*

AVIS DES DATE, HEURE ET LIEU DE L'AUDITION DE L'APPEL  
INTERJETÉ EN VERTU DE L'ARTICLE 135 DE LA  
LOI SUR LES INFRACTIONS PROVINCIALES

COUR DE L'ONTARIO (DIVISION PROVINCIALE)  
PROVINCE DE L'ONTARIO

Destinataires : ....., appellant

.....

.....

(adresse)

et

....., intimé

.....

.....

(adresse)

Avis vous est donné que l'appel relatif à .....  
interjeté devant la Cour de l'Ontario (Division provinciale) le  
..... 199.., relativement à l'accusation  
selon laquelle .....

(nom)

de ....., le ..... 199..,  
ou vers cette date, à ....., a commis  
l'infraction (les infractions) suivante(s) :

(indiquer les accusations)

en violation de l'article ....., sera entendu devant la  
Cour de l'Ontario (Division provinciale) à/au .....

le ..... 19...., à .... h ...

Fait à .....

le ..... 199....

.....  
Greffier

Form 3

COURTS OF JUSTICE ACT

ORDER FOR RECOGNIZANCE AND RECOGNIZANCE UNDER SECTION 110 OF THE PROVINCIAL OFFENCES ACT

On motion s. 110 is waived provided that the appellant enter into a recognizance pursuant to s. 110 to appear on the appeal, in the amount of ..... with or without sureties.

.....  
Judge, Ontario Court  
(Provincial Division)

Be it remembered that on ....., 19....., the persons named in the following Schedule came before me and jointly and severally acknowledged themselves to owe Her Majesty the Queen the amounts set opposite their names, namely:

	cash deposit	description of other valuable security
Appellant: .....	\$.....	\$ .....
(name)	(amount)	
Address .....		
Surety: .....	\$.....	\$ .....
(name)	(amount)	
Address .....		
Surety: .....	\$.....	\$ .....
(name)	(amount)	
Address .....		

which may be enforced in the same manner as a judgment of the Ontario Court (General Division) if the appellant fails to comply with the conditions hereunder written.

Taken and acknowledged before me at ..... on  
....., 19.....

.....  
Judge/Justice of the Peace

Whereas ..... of .....hereinafter called the appellant, was convicted in the Ontario Court (Provincial Division) at .....of the offence of .....contrary to .....section.....and a sentence of..... was imposed.

And whereas the appellant wishes to appeal that conviction or sentence or both and,

- ( ) to be released from custody pending the hearing of that appeal
- ( ) that the application of subsection 111(1) of the Provincial Offences Act be waived pending the hearing of the appeal.

Now therefore the condition of this recognizance is that if the appellant appears on the appeal

(set out any further conditions)

the said recognizance is void, otherwise it is of full force and effect.

.....  
signature of surety

.....  
signature of appellant

.....  
signature of surety

Formule 3

LOI SUR LES TRIBUNAUX JUDICIAIRES

ORDONNANCE D'ENGAGEMENT ET ENGAGEMENT CONSENTI  
EN VERTU DE L'ARTICLE 110 DE LA  
LOI SUR LES INFRACTIONS PROVINCIALES

Sur motion, l'appelant est dispensé de l'obligation de se conformer à l'art. 110 si, conformément à cet article, il consent un engagement à comparaître en appel, d'un montant de ....., avec ou sans caution.

.....  
Juge, Cour de l'Ontario  
(Division provinciale)

Le ..... 199.., les personnes ci-après désignées ont, en ma présence, reconnu solidairement devoir à Sa Majesté la Reine les montants indiqués en regard de leur nom :

	Dépôt en espèces	Description d'autres valeurs
Appelant : .....	.....	\$ ..... \$
(nom)	(montant)	
Adresse .....		
Cautiion : .....	.....	\$ ..... \$
(nom)	(montant)	
Adresse .....		
Cautiion : .....	.....	\$ ..... \$
(nom)	(montant)	

Adresse .....  
qui peuvent être recouvrés de la façon dont un jugement de la Cour de l'Ontario (Division générale) peut être exécuté, si l'appelant ne s'acquitte pas des obligations ci-après indiquées.

Consenti et reconnu en ma présence à

.....,

le ..... 199..

.....  
Juge /Juge de paix

Attendu que .....,  
de ....., ci-après  
nommé(e) l'appelant, a été reconnu(e) coupable devant la  
Cour de l'Ontario (Division provinciale) à/au  
..... de l'infraction de .....  
en violation de l'article ..... et qu'une sentence de  
..... a été imposée.

Et attendu que l'appelant désire interjeter appel de la  
déclaration de culpabilité ou de la sentence, ou des deux,  
et désire

( ) être mis en liberté en attendant l'audition de  
l'appel

( ) être dispensé de l'obligation de se conformer au  
paragraphe 111 (1) de la *Loi sur les infractions  
provinciales* en attendant l'audition de l'appel.

Par conséquent, si l'appelant s'acquitte de son obligation  
de comparaître à l'appel et

(indiquer toute autre obligation)

le présent engagement est sans valeur. Dans le cas  
contraire, l'engagement produit ses effets.

.....  
signature de la caution

.....  
signature de l'appelant

.....  
signature de la caution

Form 4

COURTS OF JUSTICE ACT

ORDER FOR RECOGNIZANCE AND RECOGNIZANCE

On motion s. 111(1) is waived provided that the appellant enter into a recognizance pursuant to s. 111(2) to appear on the appeal, in the amount of ..... with or without sureties.

Judge, Ontario Court  
(Provincial Division)

RECOGNIZANCE UNDER SECTION 111 OF  
THE PROVINCIAL OFFENCES ACT

Be it remembered that on ....., 19....., at ....., the persons named in the following Schedule came before me and jointly and severally acknowledged themselves to owe Her Majesty the Queen the amounts set opposite their names, namely:

Appellant:	.....	\$.....(no deposit required)
	(name)	(amount)
Address	.....	
Surety:	.....	\$.....(no deposit required)
	(name)	(amount)
Address	.....	
Surety:	.....	\$.....(no deposit required)
	(name)	(amount)
Address	.....	

which may be enforced in the same manner as a judgment of the Ontario Court (General Division) if the appellant fails to comply with the conditions hereunder written.

Taken and acknowledged before me at .....on  
....., 19....

.....  
Judge/Justice of the Peace

Whereas ..... of ..... hereinafter called the appellant, was convicted in the Ontario Court (Provincial Division) at ..... of the offence(s) of ..... contrary to section... and a fine of \$... was imposed.

And whereas the appellant wishes to appeal that conviction or sentence or both and has requested that the application of subsection 111(1) of the *Provincial Offences Act* be waived pending the hearing of the appeal.

Now therefore the condition of this recognizance is that if the appellant appears on the appeal the said recognizance is void, otherwise it is of all force and effect.

This recognizance has been read over and explained to me and I fully understand the same.

.....  
signature of surety

.....  
signature of appellant

.....  
signature of surety

Formule 4

LOI SUR LES TRIBUNAUX JUDICIAIRES

ORDONNANCE D'ENGAGEMENT ET ENGAGEMENT

Sur motion, l'appelant est dispensé de l'obligation de se conformer au par. 111 (1) si, conformément au par. 111 (2), il consent un engagement à comparaître en appel, d'un montant de ....., avec ou sans caution.

.....  
Juge, Cour de l'Ontario  
(Division provinciale)

ENGAGEMENT CONSENTI EN VERTU DE L'ARTICLE 111 DE LA  
LOI SUR LES INFRACTIONS PROVINCIALES

Le ..... 199.., à ....., les personnes ci-après désignées ont, en ma présence, reconnu solidairement devoir à Sa Majesté la Reine les montants indiqués en regard de leur nom :

Appelant : ..... \$ (aucun dépôt exigé)  
(nom) (montant)

Adresse  
Caution : ..... \$ (aucun dépôt exigé)  
(nom) (montant)

Adresse  
Caution : ..... \$ (aucun dépôt exigé)  
(nom) (montant)

Adresse .....  
qui peuvent être recouvrés de la façon dont un jugement de la Cour de l'Ontario (Division générale) peut être exécuté, si l'appelant ne s'acquitte pas des obligations ci-après indiquées.

Consenti et reconnu en ma présence à .....,  
le ..... 199..

.....  
Juge/Juge de paix

Attendu que ....., de ....., ci-après nommé(e) l'appelant, a été reconnu(e) coupable devant la Cour de l'Ontario (Division provinciale) à/au ..... de l'infraction (des infractions) de .....

en violation de l'article ..... et qu'une amende de ..... \$ a été imposée.

Et attendu que l'appelant désire interjeter appel de la déclaration de culpabilité ou de la sentence, ou des deux, et qu'il a demandé d'être dispensé de l'obligation de se conformer au paragraphe 111 (1) de la *Loi sur les infractions provinciales* en attendant l'audition de l'appel.

Par conséquent, si l'appelant s'acquitte de son obligation de comparaître à l'appel, le présent engagement est sans valeur. Dans le cas contraire, l'engagement produit ses effets.

Le présent engagement a été lu et m'a été expliqué, et je le comprends parfaitement.

.....  
signature de la caution

.....  
signature de l'appelant

.....  
signature de la caution



Form 5

NOTICE OF ABANDONMENT OF APPEAL

BETWEEN . . . . .  
 (appellant)  
 - AND -  
 . . . . .  
 (respondent)

Take notice that the appellant has abandoned the appeal in respect of the following matter:

(describe charge against defendant, state the decision or sentence appealed from and the date of the decision)

Dated at . . . . . on . . . . ., 19....

. . . . .  
(appellant or counsel for appellant)

. . . . .  
(witness)

**Formule 5**

**AVIS DE DÉSISTEMENT D'APPEL**

ENTRE : . . . . .  
(appellant)

ET

. . . . .  
(intimé)

Avis vous est donné que l'appellant se désiste de son appel dans l'affaire suivante :

(décrire l'accusation portée contre le défendeur, indiquer la décision ou la sentence portée en appel et la date de la décision)

Fait à . . . . ., le . . . . . 199..

. . . . .  
(appellant ou son avocat)

. . . . .  
(témoin)

**ONTARIO REGULATION 723/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 9, 1994  
Approved: November 16, 1994  
Filed: November 18, 1994

**RULES OF THE ONTARIO COURT (GENERAL DIVISION)  
AND THE ONTARIO COURT (PROVINCIAL DIVISION) IN  
APPEALS UNDER SECTION 116 OF THE PROVINCIAL  
OFFENCES ACT**

**SUMMARY OF CONTENTS**

**Rule**

1. Definitions and Interpretation
2. Calculation of Time
3. Notice by Mail
4. Substituted Service
5. Service and Filing of Notice of Appeal
6. Appeal Where Fine Imposed
7. Extension or Abridgment of Time
8. Transcripts
9. Recognizances
10. Motions under Act or Rules
11. Transmission of Material
12. Intervention of Crown Attorney
13. Listing of Appeal
14. Directions
15. Factums
16. Appeal in Writing
17. Dismissal of Appeal
18. Abandonment of Appeals
19. Appeal Respecting Release from Custody
20. Official Examinations
21. Special Commissioner
22. Notice of Decision of Court
23. Transition
24. Revocation and Commencement  
Forms

**DEFINITIONS AND INTERPRETATION**

*Definitions*

I. (1) In these rules,

“Act” means the *Provincial Offences Act*; (“Loi”)

“appeal court” means the Ontario Court (General Division) or the Ontario Court (Provincial Division), as the case may be, sitting as the appeal court under section 116 of the Act; (“tribunal d’appel”)

“clerk” means the clerk of the Ontario Court (Provincial Division) or the local registrar of the Ontario Court (General Division) to which an appeal is or may be taken under Part VII of the Act; (“greffier”)

“file” means file with the clerk; (“déposer”)

“judge” means a judge of the Ontario Court (General Division) or the Ontario Court (Provincial Division), as the case may be, sitting as the appeal court under section 116 of the Act. (“juge”)

*Application of rules*

(2) These rules apply in respect of appeals to the Ontario Court (General Division) or the Ontario Court (Provincial Division) under section 116 of the Act.

**RÈGLEMENT DE L'ONTARIO 723/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 9 novembre 1994  
approuvé le 16 novembre 1994  
déposé le 18 novembre 1994

**RÈGLES DE LA COUR DE L'ONTARIO (DIVISION  
GÉNÉRALE) ET DE LA COUR DE L'ONTARIO (DIVISION  
PROVINCIALE) RELATIVES AUX APPELS INTERJETÉS  
EN VERTU DE L'ARTICLE 116 DE LA LOI SUR LES  
INFRACTIONS PROVINCIALES**

**SOMMAIRE**

**Règle**

1. Définitions et interprétation
2. Calcul des délais
3. Avis donnés par courrier
4. Signification indirecte
5. Signification et dépôt de l'avis d'appel
6. Appel de la décision imposant une amende
7. Prorogation ou abrégement des délais
8. Transcriptions
9. Engagements
10. Motions présentées en vertu de la Loi ou des Règles
11. Transmission de documents
12. Intervention du procureur de la Couronne
13. Inscription au rôle des appels
14. Directives
15. Mémoires
16. Appel par écrit
17. Rejet de l'appel
18. Désistement d'appel
19. Appel concernant la mise en liberté
20. Interrogatoire officiel
21. Commissaire spécial
22. Avis de la décision du tribunal
23. Dispositions transitoires
24. Abrogation et entrée en vigueur  
Formules

**DÉFINITIONS ET INTERPRÉTATION**

*Définitions*

I. (1) Les définitions qui suivent s'appliquent aux présentes règles.

«déposer» Déposer auprès du greffier. («file»)

«greffier» Le greffier de la Cour de l'Ontario (Division provinciale) ou le greffier local de la Cour de l'Ontario (Division générale) qui est ou peut être saisi d'un appel en vertu de la partie VII de la Loi. («clerk»)

«juge» Le juge de la Cour de l'Ontario (Division générale) ou de la Cour de l'Ontario (Division provinciale), selon le cas, qui siège comme tribunal d'appel aux termes de l'article 116 de la Loi. («judge»)

«Loi» La *Loi sur les infractions provinciales*. («Act»)

«tribunal d'appel» La Cour de l'Ontario (Division générale) ou la Cour de l'Ontario (Division provinciale), selon le cas, qui siège comme tribunal d'appel en vertu de l'article 116 de la Loi. («appeal court»)

*Champ d'application des règles*

(2) Les présentes règles s'appliquent aux appels interjetés devant la Cour de l'Ontario (Division générale) ou la Cour de l'Ontario (Division provinciale) en vertu de l'article 116 de la Loi.

**General principle**

(3) These rules shall be construed liberally so as to obtain as expeditious a conclusion of every proceeding as is consistent with a just determination of the proceeding.

**Matters not provided for**

(4) Where matters are not provided for in these rules, the practice shall be determined by analogy to them.

**CALCULATION OF TIME****General**

2. (1) In the calculation of time under these rules or an order of the court, except where a contrary intention appears,

- (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens, even if they are described as clear days or the words "at least" are used;
- (b) where a period of less than seven days is prescribed, holidays shall not be counted;
- (c) where the time for doing an act under these rules expires on a holiday, the act may be done on the next day that is not a holiday; and
- (d) service of a document made after 4 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.

**Local time**

(2) Where a time of day is mentioned in these rules or in any documents in an appeal, the time referred to shall be taken as the time observed locally.

**"Holiday"**

(3) For the purposes of subsection (1), "holiday" means,

- (a) any Saturday or Sunday;
- (b) New Year's Day;
- (c) Good Friday;
- (d) Easter Monday;
- (e) Victoria Day;
- (f) Canada Day;
- (g) Civic Holiday;
- (h) Labour Day;
- (i) Thanksgiving Day;
- (j) Remembrance Day;
- (k) Christmas Day;
- (l) Boxing Day; and
- (m) any special holiday proclaimed by the Governor General or the Lieutenant Governor.

**Principe général**

(3) Les présentes règles doivent recevoir une interprétation large afin d'assurer la résolution équitable de chaque instance de la façon la plus expéditive possible dans les circonstances.

**Silence des règles**

(4) En cas de silence des présentes règles, la pratique applicable est déterminée par analogie avec celles-ci.

**CALCUL DES DÉLAIS****Généralités**

2. (1) À moins que le contexte n'indique une intention contraire, le calcul des délais prescrits par les présentes règles ou par une ordonnance du tribunal obéit aux règles suivantes :

- a) si le délai est exprimé en nombre de jours séparant deux événements, il se calcule en excluant le jour où a lieu le premier événement, mais en incluant le jour où a lieu le second, même s'il est précisé qu'il s'agit de jours francs ou si les mots «au moins» sont utilisés;
- b) si le délai prescrit est inférieur à sept jours, les jours fériés ne sont pas comptés;
- c) si le délai pour accomplir un acte sous le régime des présentes règles expire un jour férié, l'acte peut être accompli le jour suivant qui n'est pas jour férié;
- d) la signification d'un document après 16 h ou un jour férié est réputée avoir été faite le premier jour suivant qui n'est pas jour férié.

**Heure locale**

(2) L'heure mentionnée dans les présentes règles ou dans un document de procédure s'entend de l'heure locale.

**«Jour férié»**

(3) Pour l'application du paragraphe (1), «jour férié» s'entend des jours suivants :

- a) le samedi ou le dimanche;
- b) le jour de l'An;
- c) le Vendredi saint;
- d) le lundi de Pâques;
- e) la fête de Victoria;
- f) la fête du Canada;
- g) le Congé civique;
- h) la fête du Travail;
- i) le jour d'Action de Grâce;
- j) le jour du Souvenir;
- k) le jour de Noël;
- l) le 26 décembre;
- m) le jour proclamé tel par le gouverneur général ou le lieutenant-gouverneur.

**Same**

- (4) Where,
- (a) New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday;
- (b) Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays;
- (c) Christmas Day falls on a Friday, the following Monday is a holiday.

**NOTICE BY MAIL**

3. A notice or document given or delivered by mail shall, unless the contrary is shown, be deemed to be given or delivered on the seventh day following the day on which it was mailed.

**SUBSTITUTED SERVICE**

4. Where, on motion without notice, it appears to a judge that reasonable efforts have been made without success to give or deliver a notice or document in the manner required by these rules or the Act, or that reasonable efforts would not be successful, the judge may make an order for substituted service of the notice or document in such manner as the judge directs or, where necessary in the interests of justice, may dispense with the giving or delivery of the notice or document upon such terms as the judge considers proper in the circumstances.

**SERVICE AND FILING OF NOTICE OF APPEAL****Notice of appeal**

5. (1) A notice of appeal shall be in Form 1.

**Time for service, appeal by defendant**

(2) A defendant who appeals shall serve the notice of appeal on the prosecutor and, if the prosecutor is not acting on behalf of the Crown, on the Crown Attorney within 30 days after the date of the decision appealed from.

**Time for service, appeal by prosecutor**

(3) A prosecutor who appeals shall serve the notice of appeal on the defendant and, if the prosecutor is not acting on behalf of the Crown, on the Crown Attorney within 30 days after the date of the decision appealed from.

**Filing**

(4) An appellant shall file the notice of appeal with proof of service within five days after service.

**Proof of service**

- (5) Proof of service of the notice of appeal may be made by affidavit.

**Admission of service**

(6) Where admission of service is endorsed on the notice of appeal, proof need not be made by affidavit.

**APPEAL WHERE FINE IMPOSED**

6. A defendant who appeals from a decision imposing a fine shall file with the notice of appeal a receipt for payment of the fine issued by the clerk of the court that imposed the fine, unless the clerk is satisfied that an order has been made under subsection 111 (2) of the Act and a recognition has been entered into by the defendant in accordance with the order.

**Idem**

- (4) Si :
- a) le jour de l'An, la fête du Canada ou le jour du Souvenir tombe un samedi ou un dimanche, le lundi suivant est jour férié;
- b) le jour de Noël tombe un samedi ou un dimanche, le lundi et le mardi suivants sont jours fériés;
- c) le jour de Noël tombe un vendredi, le lundi suivant est jour férié.

**AVIS DONNÉS PAR COURRIER**

3. Les avis ou les documents remis ou envoyés par courrier sont, jusqu'à preuve du contraire, réputés remis ou envoyés le septième jour suivant la date de leur mise à la poste.

**SIGNIFICATION INDIRECTE**

4. Lorsqu'un juge, sur motion présentée sans préavis, considère que des démarches raisonnables ont été entreprises pour effectuer la remise ou l'envoi d'un avis ou d'un document conformément aux présentes règles ou à la Loi, mais sans résultats, ou que des démarches raisonnables ne donneraient pas de résultats, il peut ordonner la signification indirecte de l'avis ou du document selon les modalités qu'il fixe ou, si l'intérêt de la justice l'exige, dispenser de la remise ou de l'envoi de l'avis ou du document aux conditions qu'il estime indiquées dans les circonstances.

**SIGNIFICATION ET DÉPÔT DE L'AVIS D'APPEL****Avis d'appel**

5. (1) L'avis d'appel est rédigé selon la formule 1.

**Délai de signification, appel du défendeur**

(2) Le défendeur qui interjette appel signifie l'avis d'appel au poursuivant et, si le poursuivant n'agit pas au nom de la Couronne, au procureur de la Couronne dans les 30 jours qui suivent la date de la décision portée en appel.

**Délai de signification, appel du poursuivant**

(3) Le poursuivant qui interjette appel signifie l'avis d'appel au défendeur et, si le poursuivant n'agit pas au nom de la Couronne, au procureur de la Couronne dans les 30 jours qui suivent la date de la décision portée en appel.

**Dépôt**

(4) L'appellant dépose l'avis d'appel avec la preuve de sa signification dans les cinq jours qui suivent la signification.

**Preuve de la signification**

(5) La preuve de la signification de l'avis d'appel peut être établie au moyen d'un affidavit.

**Reconnaissance de la signification**

(6) Si la reconnaissance de la signification de l'avis d'appel est inscrite sur l'avis, la preuve n'a pas à être établie au moyen d'un affidavit.

**APPEL DE LA DÉCISION IMPOSANT UNE AMENDE**

6. Le défendeur qui interjette appel d'une décision imposant une amende dépose avec l'avis d'appel le récépissé du paiement de l'amende délivré par le greffier du tribunal imposant l'amende, sauf si le greffier est convaincu qu'une ordonnance a été rendue en vertu du paragraphe 111 (2) de la Loi et que le défendeur a consenti un engagement conformément à l'ordonnance.

**EXTENSION OR ABRIDGMENT OF TIME***Judge's power*

7. (1) A judge may extend or abridge the time for bringing an appeal and for doing any other act in connection with an appeal for which a time is prescribed before or after the expiration of the time prescribed.

*Notice*

(2) A notice of motion to extend or abridge time shall be given to the opposite party, unless otherwise directed by a judge.

**TRANSCRIPTS***Certificate*

8. (1) An appellant shall file with the notice of appeal a certificate of the clerk of the Ontario Court (Provincial Division) as to transcript of evidence in Form 2.

*Filing and delivery of transcript*

- (2) An appellant shall file and deliver to the respondent,
- (a) in an appeal against conviction, dismissal, a finding as to ability to conduct a defence or an order under section 161 of the Act, one copy of the transcript of evidence at trial, including reasons for judgment; and
  - (b) in an appeal against conviction and sentence or sentence only, one copy of the transcript of evidence at trial and submissions on sentencing, including reasons for judgment and sentence, if any.

*Transcript to Crown Attorney*

(3) Where the Crown Attorney has given notice of intervention after receiving notice of appeal, the appellant shall deliver a copy of the transcript of evidence at trial, including reasons for judgment and sentence, if any, to the Crown Attorney.

*Time for filing certificate*

(4) An appellant who has been issued a provisional legal aid certificate limited to the filing of a notice of appeal and making a motion for release from custody under the *Legal Aid Act* shall file a certificate in Form 2 within one month of filing the notice of appeal.

*Deemed abandonment*

(5) An appellant referred to in subrule (4) who does not file the certificate within one month of filing the notice of appeal or within such longer period of time as a judge may permit shall be deemed to have abandoned the appeal.

**RECOGNIZANCES**

9. (1) An order for recognizance and recognizance under section 110 of the Act shall be in Form 3.

(2) An order for recognizance and recognizance under section 111 of the Act shall be in Form 4.

**PROROGATION OU ABRÈGEMENT DES DÉLAIS***Pouvoir du juge*

7. (1) Le juge peut proroger ou abrèger le délai prescrit pour interjeter appel et pour prendre toute autre mesure se rapportant à l'appel, et ce avant ou après l'expiration du délai.

*Avis*

(2) À moins que le juge n'ordonne le contraire, l'avis de la motion qui vise à obtenir la prorogation ou l'abrègement d'un délai est donné à la partie adverse.

**TRANSCRIPTIONS***Certificat*

8. (1) L'appellant dépose avec l'avis d'appel un certificat du greffier de la Cour de l'Ontario (Division provinciale) rédigé selon la formule 2 relativement à la transcription des témoignages.

*Dépôt et remise de la transcription*

- (2) L'appellant dépose et remet à l'intimé :
- a) dans le cas où il est interjeté appel de la déclaration de culpabilité, du rejet de l'accusation, de la conclusion quant à la capacité du défendeur d'assurer sa défense ou de l'ordonnance rendue en vertu de l'article 161 de la Loi, une copie de la transcription des témoignages recueillis en première instance, y compris les motifs du jugement;
  - b) dans le cas où il est interjeté appel de la déclaration de culpabilité et de la sentence ou de la sentence seulement, une copie de la transcription des témoignages recueillis en première instance et des représentations sur le prononcé de la sentence, y compris les motifs du jugement et de la sentence, le cas échéant.

*Remise de la transcription au procureur de la Couronne*

(3) Si le procureur de la Couronne a donné un avis d'intervention après avoir reçu l'avis d'appel, l'appellant lui remet une copie de la transcription des témoignages recueillis en première instance, y compris les motifs du jugement et de la sentence, le cas échéant.

*Délai de dépôt du certificat*

(4) L'appellant à qui a été délivré un certificat temporaire d'aide juridique ne visant que le dépôt d'un avis d'appel et la présentation d'une motion visant à obtenir la mise en liberté en vertu de la *Loi sur l'aide juridique* dépose un certificat rédigé selon la formule 2 dans le mois qui suit le dépôt de l'avis d'appel.

*Désistement réputé*

(5) L'appellant visé au paragraphe (4) qui ne dépose pas le certificat dans le mois qui suit le dépôt de l'avis d'appel, ou dans le délai plus long accordé par un juge, est réputé s'être désisté de son appel.

**ENGAGEMENTS**

9. (1) L'ordonnance d'engagement et l'engagement consenti en vertu de l'article 110 de la Loi sont rédigés selon la formule 3.

(2) L'ordonnance d'engagement et l'engagement consenti en vertu de l'article 111 de la Loi sont rédigés selon la formule 4.

**MOTIONS UNDER ACT OR RULES****Notice of motion**

10. (1) A motion provided for by the Act or these rules shall be commenced by a notice of motion.

**Time for hearing**

(2) There shall be at least three days between service of the notice of motion and the day for hearing the motion.

**Time for filing notice**

(3) The moving party shall file the notice of motion at least two days before the day for hearing the motion.

**Evidence**

- (4) Evidence on a motion may be given,
- (a) by affidavit;
  - (b) with the permission of the court, orally; or
  - (c) in the form of a transcript of the examination of a witness.

**Power of judge**

(5) Upon the hearing of a motion, the justice may receive and base his or her decision on information that the justice considers credible or trustworthy in the circumstances, whether or not other evidence is given.

**Hearing where notice not served**

- (6) A motion may be heard without service of a notice of motion,
- (a) on consent;
  - (b) where the motion is made under section 111 or 112 of the Act; or
  - (c) where, having regard to the subject-matter or the circumstances of the motion, it would not be unjust to hear the motion without service of a notice of motion.

**Appeal by way of new trial**

(7) A person making a motion for an order under section 127 of the Act that an appeal be heard and determined by way of a new trial in the court shall give at least seven days notice of the motion to all other parties to the appeal.

**TRANSMISSION OF MATERIAL****s. 115 notice deemed given**

11. (1) The clerk of the appeal court shall send a copy of the notice of appeal to the clerk of the Ontario Court (Provincial Division) as the notice required by section 115 of the Act.

**Time for transmittal of documents**

(2) The clerk of the Ontario Court (Provincial Division) shall transmit the order appealed from and transmit or transfer custody of the other material referred to in section 115 of the Act to the clerk of the appeal court within 10 days after receiving the copy of the notice of appeal.

**MOTIONS PRÉSENTÉES EN VERTU DE LA LOI OU DES RÈGLES****Avis de motion**

10. (1) Les motions prévues par la Loi ou les présentes règles sont introduites par un avis de motion.

**Délai d'audition**

(2) La signification de l'avis de motion précède l'audition de la motion d'au moins trois jours.

**Délai de dépôt de l'avis**

(3) L'auteur de la motion dépose l'avis de motion au moins deux jours avant la date d'audition de la motion.

**Preuve**

- (4) À l'audition de la motion, la preuve peut être présentée :
- a) par affidavit;
  - b) oralement, avec la permission du tribunal;
  - c) sous forme de transcription de l'interrogatoire des témoins.

**Pouvoir du juge**

(5) Le juge qui entend la motion peut recevoir en preuve les renseignements qu'il estime crédibles ou dignes de foi compte tenu des circonstances, et fonder sa décision sur ceux-ci, que d'autres éléments de preuve soient présentés ou non.

**Audition en l'absence d'avis**

- (6) La motion peut être entendue sans qu'un avis n'ait été signifié lorsque, selon le cas :
- a) il y a consentement;
  - b) elle est présentée en vertu de l'article 111 ou 112 de la Loi;
  - c) il ne serait pas injuste de le faire, eu égard à l'objet ou aux circonstances de la motion.

**Appel sous forme de nouveau procès**

(7) Quiconque présente, en vertu de l'article 127 de la Loi, une motion en vue d'obtenir une ordonnance prévoyant la tenue d'un appel sous forme d'un nouveau procès devant le tribunal donne à toutes les autres parties à l'appel un avis de la motion d'au moins sept jours.

**TRANSMISSION DE DOCUMENTS****Notification réputée donnée en vertu de l'art. 115**

11. (1) Le greffier du tribunal d'appel envoie au greffier de la Cour de l'Ontario (Division provinciale) une copie de l'avis d'appel laquelle vaut la notification exigée par l'article 115 de la Loi.

**Délai de transmission des documents**

(2) Au plus tard 10 jours après avoir reçu copie de l'avis d'appel, le greffier de la Cour de l'Ontario (Division provinciale) transmet au greffier du tribunal d'appel l'ordonnance portée en appel et les autres documents visés à l'article 115 de la Loi dont celui-ci a alors la garde.

**INTERVENTION OF CROWN ATTORNEY**

12. Where a prosecutor is not acting on behalf of the Crown, the Crown Attorney may intervene to act on behalf of the prosecutor or to attend as a party on the appeal.

**LISTING OF APPEAL***Appeal list*

13. (1) The clerk shall place the appeal on an appeal list for the next sitting of the court at which dates are fixed for hearing appeals as soon as 10 days have elapsed after,

- (a) the clerk has received the order appealed from and the other material referred to in section 115 of the Act;
- (b) the appellant has filed a copy of the transcript of evidence at trial, including reasons for judgment or sentence, if any; and
- (c) any other step required by the Act, these rules or the court has been completed.

*Notice period*

(2) The clerk shall give at least 14 days notice of the date fixed for the hearing of the appeal to the appellant and the respondent and, where the Crown Attorney has filed a notice of intervention, to the Crown Attorney.

*Motion under s. 127*

(3) Where a motion is made under section 127 of the Act for an order that an appeal be heard and determined by way of a new trial in the court, the clerk shall not place the appeal on an appeal list until the motion has been disposed of and 10 days have elapsed since the disposition of the motion.

**DIRECTIONS**

14. A party to an appeal may make a motion to the court at any time for directions with respect to the conduct of the appeal.

**FACTUMS***Where factum not necessary*

15. (1) Unless a judge orders otherwise, a party to an appeal who intends to be present either personally or by counsel at the hearing of the appeal need not file a factum.

*Form of factums*

(2) Where a factum is required by order of the court or is filed by a party to an appeal, subrules (3) to (7) apply.

*Appellant's factum*

(3) An appellant shall prepare an "Appellant's Factum" not exceeding 10 pages in length, excluding the Schedule, and shall file, on or before the date specified in the notice of hearing given under rule 13, one copy of the factum, together with proof of service, on all other parties and persons who have been granted the right to be heard on the appeal.

*Same*

(4) Except in appeals from sentence only, the appellant's factum shall consist of,

**INTERVENTION DU PROCUREUR DE LA COURONNE**

12. Si le poursuivant n'agit pas au nom de la Couronne, le procureur de la Couronne peut intervenir en vue d'agir au nom du poursuivant ou comparaître en qualité de partie à l'appel.

**INSCRIPTION AU RÔLE DES APPELS***Rôle des appels*

13. (1) Le greffier inscrit l'appel au rôle des appels de la prochaine session du tribunal au cours de laquelle les dates d'audition des appels sont fixées dès l'expiration d'un délai de 10 jours après :

- a) la réception par le greffier de l'ordonnance portée en appel et des autres documents visés à l'article 115 de la Loi;
- b) le dépôt par l'appelant d'une copie de la transcription des témoignages recueillis en première instance, y compris les motifs du jugement ou de la sentence, le cas échéant;
- c) la prise de toute autre mesure exigée par la Loi, les présentes règles ou le tribunal.

*Délai d'avis*

(2) Le greffier donne à l'appelant, à l'intimé et au procureur de la Couronne, si celui-ci a déposé un avis d'intervention, un préavis d'au moins 14 jours de la date fixée pour l'audition de l'appel.

*Motion présentée en vertu de l'art. 127*

(3) Si, en vertu de l'article 127 de la Loi, une motion est présentée en vue d'obtenir une ordonnance prévoyant la tenue d'un appel sous forme d'un nouveau procès devant le tribunal, le greffier n'inscrit l'appel au rôle des appels qu'à l'expiration d'un délai de 10 jours suivant la prise d'une décision sur la motion.

**DIRECTIVES**

14. Les parties à l'appel peuvent en tout temps présenter au tribunal une motion en vue d'obtenir des directives relativement au déroulement de l'appel.

**MÉMOIRES***Mémoire non obligatoire*

15. (1) Sauf ordonnance contraire du juge, la partie à l'appel qui a l'intention de comparaître à l'audition de l'appel en personne ou par l'entremise d'un avocat n'est pas tenue de déposer un mémoire.

*Forme des mémoires*

(2) Lorsque le tribunal ordonne le dépôt d'un mémoire ou qu'une partie à l'appel en dépose un, les paragraphes (3) à (7) s'appliquent.

*Mémoire de l'appelant*

(3) L'appelant rédige le «Mémoire de l'appelant», qui compte au plus 10 pages, à l'exclusion de l'annexe, et dépose, au plus tard à la date précisée dans l'avis d'audition donné en vertu de la règle 13, une copie du mémoire, accompagnée de la preuve de sa signification, auprès de toutes les autres parties à l'appel et des personnes qui ont obtenu le droit de se faire entendre.

*Idem*

(4) Sauf dans le cas de l'appel interjeté de la sentence seulement, le mémoire de l'appelant se compose des éléments suivants :



- (a) Part I, entitled "Statement of the Case", containing a statement identifying the appellant, the court in which the proceedings arose, the nature of the charge or charges, the result in that court and the nature of each order to which the appeal relates;
- (b) Part II, entitled "Summary of the Facts", containing a concise summary of the facts relevant to the issues on the appeal, with such references to the evidence by page and line, or paragraph, as the case may be, as may be necessary;
- (c) Part III, entitled "Issues and the Law", containing a statement of each issue raised, immediately followed by a concise statement of the law and any authorities relating to that issue;
- (d) Part IV, entitled "Order Requested", containing a statement of the order that the court is being asked to make; and
- (e) a Schedule, entitled "Authorities to be Cited", containing a list of the authorities, with citations, to which reference was made in Part III in the order in which they appear in that Part.

#### *Respondent's factum*

(5) A respondent shall prepare a "Respondent's Factum" not exceeding 10 pages in length, excluding the Schedule, and shall file, not later than 15 days after receipt of the appellant's factum and not later than 7 days before the date fixed for the hearing of the appeal under rule 13, one copy of the factum, together with proof of service, on all other parties and persons who have been granted the right to be heard on the appeal.

#### *Same*

(6) Except in appeals from sentence only, the respondent's factum shall consist of,

- (a) Part I, entitled "Respondent's Statement as to Facts", containing a statement of the facts in Part II of the appellant's factum that the respondent accepts as correct and those facts with which the respondent disagrees and a concise summary of any additional facts relied on, with such reference to the transcript evidence by page and line or paragraph, as the case may be, as is necessary;
- (b) Part II, entitled "Response to Appellant's Issues", containing the position of the respondent with respect to each issue raised by the appellant immediately followed by a concise statement of the law and the authorities relating to that issue;
- (c) Part III, entitled "Additional Issues", containing a statement of any additional issues raised by the respondent, immediately followed by a concise statement of the law and the authorities relating to those issues;
- (d) Part IV, entitled "Order Requested", containing a statement of the order that the court will be asked to make; and
- (e) a Schedule, entitled "Authorities to be Cited", containing a list of the authorities, with citations, referred to in the order in which they appear in Parts II and III.

#### *Paragraphs*

(7) The appellant's and the respondent's factum shall be in paragraphs numbered consecutively throughout.

- a) la partie I, intitulée «Exposé de la cause», nomme l'appelant et le tribunal qui a rendu la décision portée en appel et précise la nature de l'accusation ou des accusations, la décision du tribunal et la nature de chaque ordonnance à laquelle l'appel se rapporte;
- b) la partie II, intitulée «Résumé des faits», présente un résumé concis des faits pertinents aux questions en litige dans l'appel, avec les renvois nécessaires soit à la page et à la ligne, soit à la disposition, des témoignages recueillis;
- c) la partie III, intitulée «Questions en litige et règles de droit applicables», comprend un exposé de chaque question en litige, suivi immédiatement d'un exposé concis des règles de droit, ainsi que de la doctrine et de la jurisprudence pertinentes;
- d) la partie IV, intitulée «Ordonnance demandée», comprend un énoncé de l'ordonnance demandée au tribunal;
- e) l'annexe, intitulée «Doctrine et jurisprudence citées», comprend, dans leur ordre de présentation, la liste de la doctrine et de la jurisprudence, avec les citations, auxquelles les renvois ont été faits dans la partie III.

#### *Mémoire de l'intimé*

(5) L'intimé rédige le «Mémoire de l'intimé», qui compte au plus 10 pages, à l'exclusion de l'annexe, et dépose, au plus tard 15 jours après avoir reçu le mémoire de l'appelant et au plus tard 7 jours avant la date fixée pour l'audition de l'appel en vertu de la règle 13, une copie du mémoire, accompagnée de la preuve de sa signification, auprès de toutes les autres parties à l'appel et des personnes qui ont obtenu le droit de se faire entendre.

#### *Idem*

(6) Sauf dans le cas de l'appel interjeté de la sentence seulement, le mémoire de l'intimé se compose des éléments suivants :

- a) la partie I, intitulée «Exposé des faits par l'intimé», comprend un exposé des faits énoncés dans la partie II du mémoire de l'appelant dont l'intimé reconnaît l'exactitude ainsi que de ceux avec lesquels il est en désaccord, et un résumé concis des faits supplémentaires invoqués, accompagné des renvois nécessaires soit à la page et à la ligne, soit à la disposition, de la transcription des témoignages recueillis;
- b) la partie II, intitulée «Réponse aux questions en litige soulevées par l'appelant», comprend la position de l'intimé sur chacune des questions soulevées par l'appelant, suivie immédiatement d'un exposé concis des règles de droit ainsi que de la doctrine et de la jurisprudence pertinentes;
- c) la partie III, intitulée «Autres questions en litige», comprend un exposé des questions supplémentaires soulevées par l'intimé, chacune étant immédiatement suivie d'un exposé concis des règles de droit ainsi que de la doctrine et de la jurisprudence pertinentes;
- d) la partie IV, intitulée «Ordonnance demandée», comprend un énoncé de l'ordonnance demandée au tribunal;
- e) l'annexe, intitulée «Doctrine et jurisprudence citées», comprend, dans leur ordre de présentation dans les parties II et III, la liste de la doctrine et de la jurisprudence, avec les citations, auxquelles les renvois ont été faits.

#### *Paragraphes*

(7) Le mémoire de l'appelant et de l'intimé est rédigé par paragraphes numérotés consécutivement tout au long.

**APPEAL IN WRITING**

16. An appellant who intends not to be present in person or by counsel at the hearing of the appeal shall file, prior to the date of the hearing,

- (a) a notice in writing of that intention, unless the appellant has already done so in the notice of appeal; and
- (b) a statement in writing of the issues and the appellant's arguments on the appeal.

**DISMISSAL OF APPEAL**

17. The court may dismiss an appeal where the appellant,

- (a) does not attend in person or by counsel and,
  - (i) has not indicated in the notice of appeal the appellant's intention not to be present in person or by counsel at the hearing of the appeal,
  - (ii) has not filed notice in writing of the intention not to be present in person or by counsel at the hearing of the appeal, and
  - (iii) has not filed a statement in writing of the issues and the appellant's arguments on the appeal;
- (b) has filed a notice of abandonment;
- (c) has not filed a transcript of evidence at trial, including reasons for judgment or sentence, if any, within 30 days after receiving notice of completion of the transcript from the clerk of the Ontario Court (Provincial Division);
- (d) after obtaining an order under subclause 117 (1) (b) (ii) of the Act for the examination of a witness, has not filed a transcript of the examination within 30 days after receiving notice of completion of the transcription from the other person before whom the witness was examined; or
- (e) has failed to comply with an order of the court in respect of the appeal.

**ABANDONMENT OF APPEALS***Notice of abandonment*

18. (1) An appellant who wishes to abandon the appeal may file a notice of abandonment in Form 5.

*Signing of notice*

(2) The appellant or counsel for the appellant shall sign the notice of abandonment.

*Signing by witness*

(3) Where the appellant signs the notice of abandonment, the notice must also be signed by another person who witnessed the signing by the appellant.

*Affidavit of execution*

(4) Where the witness is not counsel for the appellant, the appellant shall file an affidavit of execution by the witness with the notice of abandonment.

*Notice to other parties*

(5) The clerk shall give a copy of the filed notice of abandonment to each of the other parties to the appeal.

**APPEL PAR ÉCRIT**

16. Avant la date fixée pour l'audition de l'appel, l'appellant qui n'a l'intention d'y comparaître ni en personne ni par l'entremise d'un avocat dépose :

- a) d'une part, l'avis écrit de son intention, sauf s'il l'a déjà fait connaître dans l'avis d'appel;
- b) d'autre part, un exposé écrit des questions en litige et de ses arguments sur l'appel.

**REJET DE L'APPEL**

17. Le tribunal peut rejeter l'appel si l'appellant, selon le cas :

- a) ne comparaît ni en personne ni par l'entremise d'un avocat et :
  - (i) n'a pas fait connaître dans l'avis d'appel son intention de ne comparaître ni en personne ni par l'entremise d'un avocat à l'audition de l'appel,
  - (ii) n'a pas déposé d'avis écrit de son intention de ne comparaître ni en personne ni par l'entremise d'un avocat à l'audition de l'appel,
  - (iii) n'a pas déposé d'exposé écrit des questions en litige et de ses arguments sur l'appel;
- b) a déposé un avis de désistement;
- c) n'a pas déposé la transcription des témoignages recueillis en première instance, y compris les motifs du jugement ou de la sentence, le cas échéant, au plus tard 30 jours après avoir reçu du greffier de la Cour de l'Ontario (Division provinciale) un avis indiquant que la transcription était prête;
- d) n'a pas déposé la transcription d'un interrogatoire après avoir obtenu une ordonnance à cette fin en vertu du sous-alinéa 117 (1) (b) (ii) de la Loi au plus tard 30 jours après avoir reçu de l'autre personne devant laquelle le témoin a été interrogé un avis indiquant que la transcription était prête;
- e) ne s'est pas conformé à une ordonnance du tribunal relativement à l'appel.

**DÉSISTEMENT D'APPEL***Avis de désistement*

18. (1) L'appellant peut se désister de son appel en déposant un avis de désistement rédigé selon la formule 5.

*Signature*

(2) L'appellant ou son avocat signe l'avis de désistement.

*Signature du témoin*

(3) Si l'appellant signe l'avis de désistement, l'avis doit également être signé par un témoin de la signature de l'appellant.

*Affidavit*

(4) Si le témoin n'est pas l'avocat de l'appellant, ce dernier dépose avec l'avis de désistement un affidavit du témoin à la signature.

*Avis donné aux autres parties*

(5) Le greffier donne aux autres parties à l'appel copie de l'avis de désistement déposé.

**APPEAL RESPECTING RELEASE FROM CUSTODY***Commencing appeal*

19. (1) An appeal under section 152 of the Act in respect of release from custody shall be commenced by a written notice filed and given to all other parties and, if the Crown Attorney is not a party, to the Crown Attorney.

*Grounds for release from custody*

(2) On the appeal, the court shall order that the defendant be released from custody pending trial if it is satisfied that the defendant will attend in court for trial.

*When order for release takes effect*

(3) The court shall provide in the order that the order does not take effect until the defendant,

- (a) gives an undertaking, either without conditions or with such conditions as the court may order, to attend in court for trial; or
- (b) enters into a recognizance, with or without sureties, in such amount, with such conditions and before such justice as the court may order, either with or without depositing with the justice money or other valuable security specified by the court.

**OFFICIAL EXAMINATIONS***Definition, "order"*

20. (1) In this rule, "order" means an order under subclause 117 (1) (b) (ii) of the Act.

*Presence of parties, counsel*

(2) Except with the consent of the parties or their counsel, the examination of a witness under an order shall take place in the presence of the parties or their counsel.

*Tentative appointment*

(3) A party who intends to make a motion for an order for the examination of a witness before an official examiner shall obtain a tentative appointment for the examination before making the motion for the order.

*Certificate of official examiner*

(4) Upon completion of the examination, the party who made the motion for the order shall file a certificate of the official examiner in Form 6.

*Notice of completion of transcript*

(5) An official examiner who signs and delivers a certificate in Form 6 shall notify each of the parties to the appeal and the clerk when the transcript of the examination is completed.

**SPECIAL COMMISSIONER***Appointment*

21. (1) Where the court makes an order under clause 117 (1) (e) of the Act referring a question to a special commissioner for inquiry and report, the court shall, by order, appoint the special commissioner and fix the date on or before which the inquiry shall be completed and the report filed.

**APPEL CONCERNANT LA MISE EN LIBERTÉ***Introduction de l'appel*

19. (1) L'appel prévu à l'article 152 de la Loi qui vise à obtenir la mise en liberté du défendeur est introduit par un avis écrit déposé et donné à toutes les autres parties et, si le procureur de la Couronne n'est pas une partie, à ce dernier.

*Motifs à l'appui de la mise en liberté*

(2) Le tribunal qui est convaincu, lors de l'appel, que le défendeur comparaitra devant le tribunal pour le procès ordonne sa mise en liberté en attendant le procès.

*Prise d'effet de l'ordonnance*

(3) Le tribunal indique dans son ordonnance que celle-ci ne prend pas effet avant que le défendeur ait, selon le cas :

- a) promis de comparaître au tribunal pour le procès, aux conditions que le tribunal peut ordonner;
- b) consenti un engagement, avec ou sans caution, pour le montant, aux conditions et en présence du juge que le tribunal ordonne, soit avec dépôt auprès du juge de la somme d'argent ou des autres valeurs qu'indique le tribunal, soit sans dépôt.

**INTERROGATOIRE OFFICIEL***Définition, «ordonnance»*

20. (1) Pour l'application de la présente règle, «ordonnance» s'entend de l'ordonnance rendue en vertu du sous-alinéa 117 (1) b) (ii) de la Loi.

*Présence des parties, de l'avocat*

(2) À moins que les parties ou leur avocat en conviennent autrement, l'interrogatoire d'un témoin en vertu d'une ordonnance a lieu en présence des parties ou de leur avocat.

*Rendez-vous provisoire*

(3) La partie qui a l'intention de présenter une motion en vue d'obtenir une ordonnance prévoyant l'interrogatoire d'un témoin devant un auditeur officiel obtient, avant de présenter la motion, un rendez-vous provisoire pour l'interrogatoire.

*Certificat de l'auditeur officiel*

(4) Une fois l'interrogatoire terminé, l'auteur de la motion demandant l'ordonnance dépose le certificat de l'auditeur officiel rédigé selon la formule 6.

*Avis*

(5) Lorsque la transcription de l'interrogatoire est prête, l'auditeur officiel qui signe et remet un certificat rédigé selon la formule 6 en avise chacune des parties à l'appel ainsi que le greffier.

**COMMISSAIRE SPÉCIAL***Nomination*

21. (1) Si le tribunal ordonne, en vertu de l'alinéa 117 (1) e) de la Loi, qu'une question soit renvoyée à un commissaire spécial pour qu'il fasse enquête et rédige un rapport, il nomme par ordonnance le commissaire spécial et fixe la date limite à laquelle l'enquête doit être terminée et le rapport déposé.

**Motion for directions**

(2) The special commissioner may make a motion to the court for directions in respect of the inquiry or the report, or both.

**Filing of report**

- (3) Upon completion of the report, the special commissioner,
- (a) shall file the report, together with one copy for each party to the appeal; and
  - (b) shall give notice of the filing of the report to each party to the appeal.

**NOTICE OF DECISION OF COURT**

22. Immediately after the disposition of an appeal, the clerk shall give notice of the court's decision, including any written reasons and endorsements,

- (a) to each party to the appeal who was not present in person or by counsel when the decision was made;
- (b) to the clerk of the Ontario Court (Provincial Division); and
- (c) to the Crown Attorney, where a prosecutor is not acting on behalf of the Crown.

**TRANSITION****Definition, "preceding rules"**

23. (1) In this rule, "preceding rules" means the Rules of the Ontario Court (General Division) and the Ontario Court (Provincial Division) in Appeals under Section 116 of the *Provincial Offences Act* (Regulation 196 of the Revised Regulations of Ontario, 1990) as they read on the day before these rules come into force.

**Application of rules**

(2) These rules apply to all appeals, whether commenced before or after these rules come into force, except in respect of steps taken under the preceding rules.

**Power of judge**

(3) Despite the repeal of the preceding rules and subrule (2), a judge may make an order that an appeal, or a step in the appeal, be conducted under these rules or the preceding rules or make any order that is considered just in order to secure the fair and expeditious conduct of the appeal.

**REVOCATION AND COMMENCEMENT**

24. (1) Regulation 196 of the Revised Regulations of Ontario, 1990 is revoked.

- (2) This Regulation comes into force on December 12, 1994.

**Motion visant l'obtention de directives**

(2) Le commissaire spécial peut présenter au tribunal une motion en vue d'obtenir des directives relativement à l'enquête ou au rapport, ou aux deux.

**Dépôt du rapport**

- (3) Lorsqu'il a terminé son rapport, le commissaire spécial :
- a) d'une part, dépose le rapport et en remet une copie à chaque partie à l'appel;
  - b) d'autre part, avise chaque partie à l'appel du dépôt du rapport.

**AVIS DE LA DÉCISION DU TRIBUNAL**

22. Dès que le tribunal a rendu sa décision sur l'appel, le greffier en avise les personnes suivantes, en faisant état des inscriptions et des motifs écrits du tribunal :

- a) chaque partie à l'appel qui n'était présente ni en personne ni par l'entremise d'un avocat lorsque la décision a été rendue;
- b) le greffier de la Cour de l'Ontario (Division provinciale);
- c) le procureur de la Couronne, si le poursuivant n'agit pas au nom de la Couronne.

**DISPOSITIONS TRANSITOIRES****Définition, «règles antérieures»**

23. (1) Pour l'application de la présente règle, «règles antérieures» s'entend des Règles de la Cour de l'Ontario (Division générale) et de la Cour de l'Ontario (Division provinciale) relatives aux appels interjetés en vertu de l'article 116 de la *Loi sur les infractions provinciales* (Règlement 196 des Règlements refondus de l'Ontario de 1990) telles qu'elles existaient la veille de l'entrée en vigueur des présentes règles.

**Champ d'application des règles**

(2) Les présentes règles s'appliquent à tous les appels, qu'ils aient été interjetés avant ou après l'entrée en vigueur de celles-ci, sauf à l'égard des mesures déjà prises sous le régime des règles antérieures.

**Pouvoir du juge**

(3) Malgré l'abrogation des règles antérieures et le paragraphe (2), un juge peut rendre une ordonnance portant qu'un appel ou une mesure à prendre au cours de l'appel se déroule sous le régime des présentes règles ou des règles antérieures, ou rendre l'ordonnance qu'il considère juste afin d'assurer le déroulement équitable et expéditif de l'appel.

**ABROGATION ET ENTRÉE EN VIGUEUR**

24. (1) Le Règlement 196 des Règlements refondus de l'Ontario de 1990 est abrogé.

- (2) Le présent règlement entre en vigueur le 12 décembre 1994.

Form 1

Courts of Justice Act

NOTICE OF APPEAL UNDER SECTION 116 OF THE  
PROVINCIAL OFFENCES ACT

- 1. Ontario Court (General Division) or Ontario Court (Provincial Division) at .....
- 2. Appellant is
  - Defendant
  - Prosecutor
  - Attorney General
- 3. Name of appellant: .....  
Address for service: .....
- 4. Counsel for appellant: .....  
Address for service: .....
- 5. Name of respondent (if known): .....  
Address for service: .....
- 6. Counsel for respondent (if known): .....  
Address for service: .....
- 7. Decision of Ontario Court (Provincial Division) (include name of Judge or Justice of Peace appealed from, if known): .....  
.....  
.....
- 8. Date of decision:
- 9. The appellant appeals against:
  - conviction
  - dismissal
  - finding as to ability to conduct a defence
  - sentence
  - order (s. 161 of the P.O.A.)
- by the Ontario Court (Provincial Division)  
at .....  
(address of court)
- 10. If defendant is in custody, place where held:  
.....

- 11. (a) Description of offence<sup>1</sup>:.....  
.....
- (b) Information Number (if known):.....
- 12. (1) Statute<sup>2</sup>:.....
- (2) Section<sup>3</sup>:.....
- 13. Date of offence:.....
- 14. Plea at trial:.....
- 15. The grounds for appeal are:  
(specify the question of law or issue where the appeal is from conviction or acquittal or finding as to ability to conduct a defence or specify the ground for appeal against sentence).
- 1 . . . . .
- 2 . . . . .
- 16. In support of this appeal, the appellant relies upon the following:  
(set out documents such as transcript, etc. upon which the appellant relies)
- 1. . . . .
- 2. . . . .
- 17. The relief sought is: . . . . .
- 18. The appellant intends:  
 to be present in person or by counsel and to present the issues and the appellant's arguments orally  
 not to be present in person or by counsel and to present the issues and the appellant's arguments in writing.
- 19. Does the appellant intend to make a motion for an order that the appeal be heard by way of a new trial in the appeal court?  
( ) Yes ( ) No
- 20. Date: . . . . .
- 21. Signature of appellant or counsel: . . . . .  
Notes: 1. If appellant's address for service is that of the appellant's counsel, state counsel's full address and add appellant's own full address.

<sup>1</sup> for example, careless driving

<sup>2</sup> for example, Highway Traffic Act

<sup>3</sup> section 130

2. Please notify the clerk of the court in writing immediately of any change of address. The court will communicate with you by mail at the address shown by you in this notice unless you notify the court of a change in your address.
3. This notice of appeal must be filed with the local registrar of the Ontario Court (Provincial Division) or Ontario Court (General Division).

**Formule 1**

*Loi sur les tribunaux judiciaires*

**AVIS D'APPEL INTERJETÉ EN VERTU DE L'ARTICLE 116 DE LA  
LOI SUR LES INFRACTIONS PROVINCIALES**

- 1. Cour de l'Ontario (Division générale) ou Cour de l'Ontario (Division provinciale) à/au .....
- 2. L'appelant est :
  - défendeur
  - poursuivant
  - procureur général
- 3. Nom de l'appelant : .....
- Domicile élu : .....
- 4. Avocat de l'appelant : .....
- Domicile élu : .....
- 5. Nom de l'intimé (s'il est connu) : .....
- Domicile élu : .....
- 6. Avocat de l'intimé (s'il est connu) : .....
- Domicile élu : .....
- 7. Décision de la Cour de l'Ontario (Division provinciale) : (inscrire le nom du juge ou du juge de paix dont la décision est portée en appel, s'il est connu) .....
- 8. Date de la décision :



- 9. L'appelant interjette appel :
  - de la déclaration de culpabilité
  - du rejet de l'accusation
  - de la conclusion quant à la capacité du défendeur d'assurer sa défense
  - de la sentence
  - de l'ordonnance (art. 161 de la L.I.P.)
 de la Cour de l'Ontario (Division provinciale)  
 à/au .....  
 (adresse du tribunal)
- 10. Si l'appelant est sous garde, lieu de détention :  
 .....
- 11. a) Description de l'infraction<sup>1</sup> :  
 .....
- b) Numéro de la dénonciation (s'il est connu) :  
 .....
- 12. (1) Loi<sup>2</sup> :  
 .....
- (2) Article<sup>3</sup> :  
 .....
- 13. Date de l'infraction :  
 .....
- 14. Plaidoyer au procès :  
 .....

---

<sup>1</sup> par exemple, conduite imprudente

<sup>2</sup> par exemple, Code de la route

<sup>3</sup> article 130

15. Moyens d'appel :  
 (préciser la question de droit ou la question en litige lorsqu'il est interjeté appel de la déclaration de culpabilité, de l'acquittement ou de la conclusion quant à la capacité du défendeur d'assurer sa défense, ou préciser les moyens d'appel contre la sentence)

- 1. ....
- 2. ....

16. À l'appui du présent appel, l'appelant se fonde sur les documents suivants :  
 (indiquer les documents, tels que les transcriptions, sur lesquels se fonde l'appelant)

- 1. ....
- 2. ....

17. Mesure de redressement demandée :

.....

18. Intention de l'appelant :

- comparaître en personne ou par l'entremise d'un avocat et débattre les questions en litige et présenter ses arguments oralement.
- ne comparaître ni en personne ni par l'entremise d'un avocat et débattre les questions en litige et présenter ses arguments par écrit.

19. L'appelant a-t-il l'intention de présenter une motion en vue d'obtenir une ordonnance prévoyant la tenue de l'appel sous forme d'un nouveau procès devant le tribunal d'appel?

( ) Oui ( ) Non

20. Date :

.....

21. Signature de l'appelant ou de son avocat :

.....

Remarques : 1. Si le domicile élu de l'appelant est celui de son avocat, indiquer l'adresse au complet de l'avocat de même que l'adresse au complet de l'appelant lui-même.

2. En cas de changement d'adresse, en aviser immédiatement le greffier du tribunal par écrit. Si le tribunal n'est pas avisé, il communiquera avec vous par courrier à l'adresse indiquée au présent avis.
3. Le présent avis d'appel doit être déposé auprès du greffier local de la Cour de l'Ontario (Division provinciale) ou de la Cour de l'Ontario (Division générale).

Form 2

Courts of Justice Act

CERTIFICATE OF CLERK OF ONTARIO COURT (PROVINCIAL DIVISION) AS TO TRANSCRIPT OF EVIDENCE

- 1. Ontario Court (General Division) or Ontario Court (Provincial Division).....  
at.....
- 2. Name of appellant:.....  
Address for appellant:.....
- 3. Counsel for appellant:  
Name:.....  
Address for service:.....
- 4. I, . . . . .  
(name)  
certify that: . . . . .  
(name)
  - (1) I am clerk of the Ontario Court (Provincial Division) at . . .
  - (2) The appellant has ordered copies of the transcript of evidence at the trial including reasons for judgment or sentence recorded at the trial of . . . . .  
(name of defendant) held at the Ontario Court
  - (3) I have accepted the order, will ensure that the transcript is prepared with reasonable diligence and will provide the number of copies ordered.
  - (4) When the transcript is completed I will obtain and attach to it a certificate by the person who prepared the transcript as to the accuracy of the transcription.
  - (5) When the transcript has been completed, I will notify,
    - (a) the appellant;
    - (b) the respondent;
    - (c) the clerk of the court to which the appeal is being taken; and
    - (d) if the Crown Attorney is not the appellant or the respondent, the Crown Attorney.

Dated at.....on....., 19...

.....  
(signature of clerk)

**Formule 2***Loi sur les tribunaux judiciaires*

CERTIFICAT DU GREFFIER DE LA COUR DE  
L'ONTARIO (DIVISION PROVINCIALE) RELATIVEMENT À  
LA TRANSCRIPTION DES TÉMOIGNAGES

1. Cour de l'Ontario (Division générale) ou Cour de l'Ontario (Division provinciale) à/au  
.....
  2. Nom de l'appelant : .....  
Domicile élu : .....
  3. Avocat de l'appelant : .....  
Nom : .....  
Domicile élu : .....
  4. Je soussigné(e), ....., certifie que :  
(nom)  
.....  
(nom)
- (1) Je suis greffier de la Cour de l'Ontario (Division provinciale) à/au .....
- (2) L'appelant a commandé des copies de la transcription des témoignages recueillis en première instance, y compris les motifs du jugement ou de la sentence enregistrés lors du procès de .....  
(nom du défendeur)
- tenu devant la Cour de l'Ontario.
- (3) J'ai accepté cette commande, et ferai en sorte que la transcription soit préparée avec diligence raisonnable et j'en fournirai le nombre de copies commandées.
- (4) Quand la transcription sera prête, j'obtiendrai et je joindrai à la transcription un certificat de la personne qui l'a préparée attestant de son exactitude.
- (5) Quand la transcription sera prête, j'en aviserai :

- a) l'appelant;
- b) l'intimé;
- c) le greffier du tribunal saisi de l'appel;
- d) le procureur de la Couronne, si celui-ci n'est ni l'appelant ni l'intimé.

Fait à ..... le ..... 19..

.....  
(signature du greffier)

Form 3

COURTS OF JUSTICE ACT

ORDER FOR RECOGNIZANCE AND RECOGNIZANCE UNDER SECTION 110 OF THE PROVINCIAL OFFENCES ACT

On motion s. 110 is waived provided that the appellant enter into a recognizance pursuant to s. 110 to appear on the appeal, in the amount of ..... with or without sureties.

Judge, Ontario Court
(Provincial Division)
(General Division)

Be it remembered that on the ..... day of ....., 19....., the persons named in the following Schedule came before me and jointly and severally acknowledged themselves to owe Her Majesty the Queen the amounts set opposite their names, namely:

Table with columns: Name, cash deposit, description other valuable security. Rows for Appellant and two Sureties.

which may be enforced in the same manner as a judgment of the Ontario Court (General Division) if the appellant fails to comply with the conditions hereunder written.

Taken and acknowledged before me at ..... on ....., 19..

Judge/Justice of the Peace

Whereas ..... of ..... hereinafter called the appellant, was convicted in the Ontario Court (Provincial Division) at ..... of the offence of ..... contrary to section.....and a sentence of..... was imposed.

And whereas the appellant wishes to appeal that conviction or sentence or both and,

( ) to be released from custody pending the hearing of that appeal

( ) that the application of subsection 111(1) of the Provincial Offences Act be waived pending the hearing of the appeal.

Now therefore the condition of this recognizance is that if the appellant appears on the appeal

(set out any further conditions)

the said recognizance is void, otherwise it is of full force and effect.

..... signature of surety

..... signature of appellant

..... signature of surety



Formule 3

LOI SUR LES TRIBUNAUX JUDICIAIRES

ORDONNANCE D'ENGAGEMENT ET ENGAGEMENT CONSENTI EN VERTU DE L'ARTICLE 110 DE LA LOI SUR LES INFRACTIONS PROVINCIALES

Sur motion, l'appelant est dispensé de l'obligation de se conformer à l'article 110 si, conformément à cet article, il consent un engagement à comparaître en appel, d'un montant de ....., avec ou sans caution.

.....
Juge, Cour de l'Ontario
(Division provinciale)
(Division générale)

Le ..... 19...., les personnes ci-après désignées ont, en ma présence, reconnu solidairement devoir à Sa Majesté la Reine les montants indiqués en regard de leur nom :

Table with 4 columns: Name, Cash Deposit (dépôt en espèces), Description (description), and Other Values (d'autres valeurs). It lists Appellant and two Caution entries with their respective amounts and addresses.

qui peuvent être recouvrés de la façon dont un jugement de la Cour de l'Ontario (Division générale) peut être exécuté, si l'appelant ne s'acquitte pas des obligations ci-après indiquées.

Consenti et reconnu en ma présence à ....., le ..... 19...

.....
Juge/Juge de paix

Attendu que....., de  
 ....., ci-après nommé(e)  
 l'appelant, a été reconnu(e) coupable devant la Cour de  
 l'Ontario (Division provinciale) à/au .....  
 de l'infraction de ..... en violation de  
 l'article ..... et qu'une sentence de ..... a été  
 imposée.

Et attendu que l'appelant désire interjeter appel de la  
 déclaration de culpabilité ou de la sentence, ou des deux, et  
 désire

( ) être mis en liberté en attendant l'audition de l'appel.

( ) être dispensé de l'obligation de se conformer au  
 paragraphe 111 (1) de la *Loi sur les infractions  
 provinciales* en attendant l'audition de l'appel.

Par conséquent, si l'appelant s'acquitte de son obligation  
 de comparaître à l'appel et

(indiquer toute autre obligation)

Le présent engagement est sans valeur. Dans le cas contraire,  
 l'engagement produit ses effets.

.....  
 signature de la caution

.....  
 signature de l'appelant

.....  
 signature de la caution

Form 4

Courts of Justice Act

ORDER FOR RECOGNIZANCE AND RECOGNIZANCE UNDER SECTION 111

On motion s. 111(1) is waived provided that the appellant enter into a recognizance pursuant to s. 111(2) to appear on the appeal, in the amount of ..... with or without sureties.

Judge, Ontario Court
(Provincial Division)
(General Division)

RECOGNIZANCE UNDER SECTION 111 OF
THE PROVINCIAL OFFENCES ACT

Be it remembered that on the ..... day of ....., 19....., at ....., the persons named in the following Schedule came before me and jointly and severally acknowledged themselves to owe Her Majesty the Queen the amounts set opposite their names, namely:

Appellant: ..... \$..... (no deposit required)
(name) (amount)
Address: .....
Surety: ..... \$..... (no deposit required)
(name) (amount)
Address: .....
Surety: ..... \$..... (no deposit required)
(name) (amount)
Address: .....

which may be enforced in the same manner as a judgment of the Ontario Court (General Division) if the appellant fails to comply with the conditions hereunder written.

Taken and acknowledged before me on ....., 19..

Judge/Justice of the Peace

Whereas..... hereinafter called the appellant, was convicted in the Ontario Court (Provincial Division) at of the offence(s) of contrary to section.....and a fine of \$..... was imposed.

And whereas the appellant wishes to appeal that conviction or sentence or both and has requested that the application of subsection 111(1) of the Provincial Offences Act be waived pending the hearing of the appeal.

Now therefore the condition of this recognizance is that if the appellant appears on the appeal the said recognizance is void, otherwise it is of all force and effect.

This recognizance has been read over and explained to me and I fully understand the same.

.....  
signature of surety

.....  
signature of appellant

.....  
signature of surety

FORMULE 4

LOI SUR LES TRIBUNAUX JUDICIAIRES

ORDONNANCE D'ENGAGEMENT ET ENGAGEMENT CONSENTI EN VERTU DE L'ARTICLE 111

Sur motion, l'appelant est dispensé de l'obligation de se conformer au par. 111 (1) si, conformément au par. 111 (2), il consent un engagement à comparaître en appel, d'un montant de ....., avec ou sans caution.

.....  
Juge, Cour de l'Ontario  
(Division provinciale)  
(Division générale)

ENGAGEMENT CONSENTI EN VERTU DE L'ARTICLE 111 DE LA LOI SUR LES INFRACTIONS PROVINCIALES

Le ..... 19..., à ....., les personnes ci-après désignées ont, en ma présence, reconnu solidairement devoir à Sa Majesté la Reine les montants indiqués en regard de leur nom :

Appelant : ..... \$ (aucun dépôt exigé)  
(nom) (montant)

Adresse .....

Caution : ..... \$ (aucun dépôt exigé)  
(nom) (montant)

Adresse .....

Caution : ..... \$ (aucun dépôt exigé)  
(nom) (montant)

Adresse .....

qui peuvent être recouvrés de la façon dont un jugement de la Cour de l'Ontario (Division générale) peut être exécuté, si l'appelant ne s'acquitte pas des obligations ci-après indiquées.

Consenti et reconnu en ma présence le ..... 19...

.....  
Juge/Juge de paix

Attendu que .....,  
 de ....., ci-après  
 nommé(e) l'appelant, a été reconnu(e) coupable devant la Cour  
 de l'Ontario (Division provinciale) à/au ..... de  
 l'infraction (des infractions) de .....  
 en violation de l'article ..... et qu'une amende  
 de ..... \$ a été imposée.

Et attendu que l'appelant désire interjeter appel de la  
 déclaration de culpabilité ou de la sentence, ou des deux, et  
 a demandé d'être dispensé de l'obligation de se conformer au  
 paragraphe 111 (1) de la *Loi sur les infractions provinciales*  
 en attendant l'audition de l'appel.

Par conséquent, si l'appelant s'acquitte de son obligation  
 de comparaître à l'appel, le présent engagement est sans  
 valeur. Dans le cas contraire, l'engagement produit ses  
 effets.

Le présent engagement a été lu et m'a été expliqué, et je  
 le comprends parfaitement.

.....  
 signature de la caution

.....  
 signature de l'appelant

.....  
 signature de la caution

Form 5

Courts of Justice Act

NOTICE OF ABANDONMENT OF APPEAL

BETWEEN . . . . .  
(appellant)

- AND -

. . . . .  
(respondent)

Take notice that the appellant has abandoned the appeal in respect of the following matter:

(describe charge against defendant, state the decision or sentence appealed from and the date of the decision)

Dated at . . . . . on . . . . .  
19..

. . . . .  
(appellant or counsel for appellant)

. . . . .  
(witness)

**Formule 5**

*Loi sur les tribunaux judiciaires*

**AVIS DE DÉSISTEMENT D'APPEL**

ENTRE .....  
(appelant)

-ET-

.....  
(intimé)

Avis vous est donné que l'appelant se désiste de son appel dans l'affaire suivante :

(décrire l'accusation portée contre le défendeur, indiquer la décision ou la sentence portée en appel et la date de la décision)

Fait à ..... le ..... 19.....

.....  
(appelant ou son avocat)

.....  
(témoin)



Form 6

Courts of Justice Act

CERTIFICATE OF OFFICIAL EXAMINER TO ONTARIO COURT (GENERAL DIVISION) OR ONTARIO COURT (PROVINCIAL DIVISION)

- 1. Ontario Court (General Division) or Ontario Court (Provincial Division) at . . . . .
- 2. Name of appellant: . . . . .  
Address for service: . . . . .
- 3. Counsel for appellant:  
Name: . . . . .  
Address for service: . . . . .
- 4. Name of respondent: . . . . .  
Address for service: . . . . .
- 5. Counsel for respondent: . . . . .  
Name: . . . . .  
Address for service: . . . . .
- 6. Name of witness examined: . . . . .
- 7. Witness was examined by:  
( ) appellant  
( ) respondent  
( ) .....
- 8. The examination of the witness was completed on the ....., 19...
- 9. I, ..... (name) ....., an official examiner, certify that the,  
( ) appellant  
( ) respondent  
( ) .....  
has ordered ..... copies of the transcript of this examination, that I have accepted the order, will prepare the transcript with reasonable diligence and will provide the stated number of copies of the transcript.

Dated at ....., on ....., 19 ...

.....  
(official examiner)



( ) l'intimé

( ) .....

a commandé .... copies de la transcription du présent  
interrogatoire, que j'ai accepté la commande, et que je  
préparerai la transcription avec diligence  
raisonnable et en fournirai le nombre de copies  
indiquées.

Fait à ..... le ..... 19 ...

.....  
(auditeur officiel)



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—12—10

## ONTARIO REGULATION 724/94 made under the CONSERVATION AUTHORITIES ACT

Made: September 27, 1994  
Approved: November 16, 1994  
Filed: November 21, 1994

### FILL, CONSTRUCTION AND ALTERATION TO WATERWAYS—SOUTH NATION RIVER CONSERVATION AUTHORITY

#### 1. In this Regulation,

"Authority" means the South Nation River Conservation Authority;

"building or structure" means a building or structure of any kind;

"construct" means to do anything in the erection, installation, extension, material alteration or repair of a building or structure and includes the installation of a building unit fabricated or moved from elsewhere, and "construction" has a corresponding meaning;

"fill" means any material, whether originating on the site or elsewhere, used or capable of being used to raise, lower or in any way affect the contours of the ground;

"fill line" means any line designated as such on the maps referred to in the Schedules;

"regional storm" means the rainfall, snowmelt or combination of rainfall and snowmelt that would produce, at a specific point in a river, creek, stream or watercourse, a peak flow which has a probability of occurrence of 1 per cent during any one year;

"river", "lake", "creek", "stream" or "watercourse" means any river, lake, creek, stream or watercourse under the Authority's jurisdiction.

2. The areas described in the Schedules are areas in which, in the Authority's opinion, the placing or dumping of fill may affect the control of flooding or pollution or the conservation of land.

3. No person shall, except in accordance with a permit obtained under section 4,

- (a) construct a building or structure or permit a building or structure to be constructed in a pond or swamp or in any area susceptible to flooding during a regional storm;
- (b) place or dump fill or permit fill to be placed or dumped, permanently or temporarily, in an area described in the Schedules; or
- (c) straighten, change, divert or interfere in any way with the existing channel of a river, lake, creek, stream or watercourse or permit it to be done.

4. Subject to the *Ontario Water Resources Act* or to any private interest, the Authority may permit in writing the construction of a building or structure, the placing or dumping of fill or the straightening, changing or diverting of, or the interfering with, the existing channel of

a river, lake, creek, stream or watercourse, in any area to which section 3 applies if, in the Authority's opinion, those activities will not adversely affect the control of flooding or pollution or the conservation of land.

5. No person shall begin to construct any building or structure, place or dump fill or straighten, change, divert or interfere with the existing channel of a river, lake, creek, stream or watercourse, in any area to which section 3 applies, before permission to do so has been obtained under section 4.

6. (1) A signed application for permission to construct a building or structure shall be filed with the Authority and shall include four copies of,

- (a) a plan of the property showing the proposed location of the building or structure, its elevation and the proposed final grade plan;
- (b) a complete description of the type of building or structure to be constructed, including drainage details and methods of construction;
- (c) a statement of the dates between which the construction will be carried out; and
- (d) a statement of the proposed use of the completed building or structure.

(2) A signed application for permission to place or dump fill shall be filed with the Authority and shall include four copies of,

- (a) a plan of the property on which the filling is to be carried out, showing the proposed location of filling, the depth to which it is proposed to fill and the proposed final grade of the land when filling is completed;
- (b) a complete description of the type of fill proposed for use and the method of filling;
- (c) a statement of the dates between which the filling will be carried out; and
- (d) a statement of the proposed use of the land following completion of the filling.

(3) A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, lake, creek, stream or watercourse shall be filed with the Authority and shall include four copies of,

- (a) a plan showing in plan view and cross-section the details of the work;
- (b) a description of the protective measures to be undertaken and the method to be used to carry out the work;
- (c) a statement of the dates between which the work will be carried out; and
- (d) a statement of the purpose of the work.

7. The Authority may, at any time, withdraw its permission if, in its opinion, the representations contained in the application for permission are not complied with.

8. The Authority may appoint members of staff as officers to enforce this Regulation.

**Schedule 1**

That part of the South Nation River and its tributaries extending from the river mouth to approximately the northern border of the Township of South Plantagenet, located within the United Counties of Prescott and Russell, as shown by the fill lines on maps filed in the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR1-1 to SNR1-7 inclusive, more particularly described as follows:

1. In the Township of North Plantagenet, being composed of the following lots and concessions:

CONCESSION	LOT
Broken Front	part of lots 26-28 inclusive
1	part of lots 20-27 inclusive
2	part of lot A part of lots 16-22 inclusive
3	part of lots 7-12 inclusive
7	part of lots 4-6 inclusive
8	part of lots 1-4 inclusive
9	part of lots 1, 2 inclusive

2. In the Village of Plantagenet, being composed of the following lots and concessions:

CONCESSION	LOT
4	part of lots 7, 8 inclusive
5	part of lot 7
6	part of lots 6, 7 inclusive

3. In the Township of Alfred, being composed of the following lots and concessions:

CONCESSION	LOT
9	part of lot 1
10	part of lot 1
11	part of lot 1

4. In the Township of South Plantagenet, being composed of the following lot and concession:

CONCESSION	LOT
10	part of lot 1

**Schedule 2**

That part of the South Nation River and its tributaries including Cobbs Lake Creek and the Bear Brook, located in the townships of North and South Plantagenet, Alfred and Clarence, in the United Counties of Prescott and Russell, as shown by the fill lines on maps filed in the Regional Office of the Ministry of Natural Resources, Aurora, as

numbers SNR2-1 to SNR2-15 inclusive, more particularly described as follows:

1. In the Township of Alfred, being composed of the following lots and concessions:

CONCESSION	LOT
11	part of lots 1, 2 inclusive
12	part of lots 1-3 inclusive
13	part of lots 1-3 inclusive
14	part of lots 1-3 inclusive

2. In the Township of South Plantagenet, being composed of the following lots and concessions:

CONCESSION	LOT
10	part of lots 1, 2 inclusive part of lots 5-21 inclusive lots 22-24 inclusive
11	part of lots 1-5 inclusive lots 6-20 inclusive part of lots 21-24 inclusive
12	lots 1-9 inclusive part of lots 10-24 inclusive
13	part of lots 1-9 inclusive

3. In the Township of North Plantagenet, being composed of the following lots and concessions:

CONCESSION	LOT
8	part of lots 23, 24 inclusive
9	part of lots 21-24 inclusive

4. In the Township of Clarence, being composed of the following lots and concessions:

CONCESSION	LOT
1	part of lots 15-18 inclusive lots 19-23 inclusive part of lots 24-27 inclusive
2	part of lots 13-16 inclusive lots 17-20 inclusive part of lots 21-26 inclusive
3	part of lots 11-13 inclusive lots 14-16 inclusive part of lots 17-24 inclusive
4	part of lots 11-17 inclusive

**Schedule 3**

That part of the South Nation River and its tributaries extending from the Village of Casselman to the Village of Chesterville, including the townships of Cambridge, Finch and Winchester, in the United Counties of Prescott and Russell, and the United Counties of Stormont, Dundas and Glengarry, as shown by the fill lines on maps filed in the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR3-1 to SNR3-10 inclusive, more particularly described as follows:

1. In the Village of Casselman, being composed of the following lot and concession:

CONCESSION	LOT
6	part of lots 10-12 inclusive

2. In the Township of Cambridge, being composed of the following lots and concessions:

CONCESSION	LOT
7	part of lots 11-19 inclusive
8	part of lots 18-20 inclusive
9	part of lots 18, 19 inclusive
10	part of lots 18-21 inclusive

3. In the Township of Finch, being composed of the following lots and concessions:

CONCESSION	LOT
10	part of lots 11-17 inclusive
9	part of lots 11, 12 inclusive
8	part of lots 10, 11 inclusive
7	part of lots 8-10 inclusive
6	part of lots 3-8 inclusive
5	part of lots 1-4 inclusive

4. In the Township of Winchester, being composed of the following lots and concessions:

CONCESSION	LOT
5	part of lot 24
4	part of lot 19 part of lots 21-24 inclusive
3	part of lots 19-21 inclusive

5. In the Village of Chesterville, being composed of the following lot and concession:

CONCESSION	LOT
4	part of lots 17-19 inclusive

#### Schedule 4

That part of the Castor River and its tributaries, located in the Township of Russell from the Village of Embrun to the Village of Russell, in the United Counties of Prescott and Russell, as shown by the fill lines on maps filed in the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR4-1 to SNR4-5 inclusive, more particularly described as follows:

1. In the Township of Russell, being composed of the following lots and concessions:

CONCESSION	LOT
9	part of lots 7, 8 inclusive
8	part of lots 7, 8 inclusive
7	part of lot 8 inclusive
6	part of lots 8, 9 inclusive
5	part of lots 9, 10 inclusive
4	part of lots 9-11 inclusive
3	part of lots 10, 11 inclusive

#### Schedule 5

The part of the creek running through the Village of Limoges, located in the townships of Russell and Cambridge, in the United Counties of Prescott and Russell, as shown by the fill lines on maps filed at the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR5-1 to SNR5-2 inclusive, more particularly described as follows:

1. In the Township of Russell, being composed of the following lot and concession:

CONCESSION	LOT
10	part of lots 16-18 inclusive

2. In the Township of Cambridge, being composed of the following lots and concessions:

CONCESSION	LOT
2	part of lots 29, 30 inclusive
3	part of lots 28-30 inclusive
4	part of lots 28, 29 inclusive

#### Schedule 6

That part of the South Nation River and its tributaries within the townships of Edwardsburg and Augusta extending from the Village of Spencerville to the Hamlet of Lords Mills, in the United Counties of Leeds and Grenville, as shown by the fill lines on maps filed at the Regional Office, Ministry of Natural Resources, Aurora, as numbers SNR6-1 to SNR6-6 inclusive, more particularly described as follows:

1. In the Township of Edwardsburg, being composed of the following lots and concessions:

CONCESSION	LOT
7	part of lots 21-23 inclusive
6	part of lots 22-37 inclusive
5	part of lots 36, 37 inclusive

2. In the Township of Augusta, being composed of the following lots and concessions:

CONCESSION	LOT
6	part of lots 1-3 inclusive
5	part of lots 1-15 inclusive
4	part of lots 5, 6 inclusive part of lot 10 part of lots 12-24 inclusive

#### Schedule 7

That part of the Bear Brook and its tributaries within the Township of Clarence, in the United Counties of Prescott and Russell, as shown by fill lines on maps filed at the Regional Office, Ministry of Natural Resources, Aurora, as numbers SNR7-1 to SNR7-4 inclusive, more particularly described as follows:

1. In the Township of Clarence, being composed of the following lots and concessions:

CONCESSION	LOT
3	part of lots 22-24 inclusive

CONCESSION	LOT
4	part of lots 22, 23 inclusive
5	part of lots 21, 22 inclusive
6	part of lots 21, 22 inclusive
7	part of lots 21, 22 inclusive
8	part of lots 21, 22 inclusive
9	part of lots 21, 22 inclusive
10	part of lots 21, 22 inclusive
11	part of lots 21, 22 inclusive

**Schedule 8**

That part of the Bear Brook and its tributaries, located primarily in the Township of Cumberland, extending from the Clarence/Cumberland border to the Cumberland/Gloucester border, located in The Regional Municipality of Ottawa-Carleton, as shown by fill lines on maps filed at the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR8-1 to SNR8-12 inclusive, more particularly described as follows:

1. In the Township of Cumberland, being composed of the following lots and concessions:

CONCESSION	LOT
1	part of lots 20, 21 inclusive
2	part of lots 19-21 inclusive
3	part of lots 15-20 inclusive
4	part of lots 11-20 inclusive
5	part of lots 9-21 inclusive
6	part of lot 9 part of lots 15-21 inclusive
7	part of lots 7, 8 part of lots 14-19 inclusive part of lots 21-25 inclusive
8	part of lots 7-17 inclusive part of lots 24-26 inclusive lot 18 part of lots 19-21 inclusive
9	part of lots 6-17 inclusive part of lots 24, 25 inclusive lot 18 part of lots 19, 20 inclusive
10	part of lots 5-8 inclusive part of lots 11-15 inclusive lot 16 part of lots 17-19 inclusive
11	part of lots 3-6 inclusive part of lots 8-11 inclusive part of lots 15-18 inclusive lots 12-14 inclusive

2. In the City of Gloucester, being composed of the following lots and concessions:

CONCESSION	LOT
4 (Ottawa Front)	part of lot 1

CONCESSION	LOT
5 (Ottawa Front)	part of lots 1, 2 inclusive
6 (Ottawa Front)	part of lots 1-4 inclusive
7 (Ottawa Front)	part of lots 1, 2 inclusive

**Schedule 9**

That part of the Bear Brook and its tributaries located in the City of Gloucester, in The Regional Municipality of Ottawa-Carleton, as shown by the fill lines on maps filed at the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR9-1 to SNR9-8 inclusive, more particularly described as follows:

1. In the City of Gloucester, being composed of the following lots and concessions:

CONCESSION	LOT
6 (Ottawa Front)	part of lots 6-10 inclusive
7 (O.F.)	part of lots 1-7 inclusive part of lots 11-20 inclusive
8 (O.F.)	part of lots 3-20 inclusive
9 (O.F.)	part of lots 1-13 inclusive
10 (O.F.)	part of lots 3-5 inclusive part of lots 9-11 inclusive
5 (R.F.)	part of lots 10-19 inclusive
6 (R.F.)	part of lots 17-19 inclusive part of lots 23-25 inclusive

**Schedule 10**

That part of the North, Middle and South Castor Rivers located primarily in the Township of Osgoode within The Regional Municipality of Ottawa-Carleton and extending into the townships of Russell and Mountain, and the City of Gloucester, in the United Counties of Prescott and Russell, the United Counties of Stormont, Dundas and Glengarry and The Regional Municipality of Ottawa-Carleton respectively, as shown by fill lines on maps filed at the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR10-1 to SNR10-21 inclusive, more particularly described as follows:

1. In the Township of Russell, being composed of the following lots and concessions:

CONCESSION	LOT
3	part of lot 11
2	part of lots 11, 12 inclusive
1	part of lots 12, 13 inclusive

2. In the Township of Osgoode, being composed of the following lots and concessions:

CONCESSION	LOT
11	part of lots 22-25 inclusive
10	part of lots 12-29 inclusive
9	part of lots 6-13 inclusive part of lots 23-40 inclusive



CONCESSION	LOT
8	part of lots 3-7 inclusive part of lots 23-26 inclusive part of lots 38-42 inclusive
7	part of lots 1-4 inclusive part of lots 21-27 inclusive part of lots 39-44 inclusive
6	part of lots 4, 5 inclusive part of lots 21-25 inclusive part of lots 42-44 inclusive
5	part of lots 4-6 inclusive part of lots 18-24 inclusive part of lots 43, 44 inclusive
4	part of lots 18-20 inclusive part of lots 35-43 inclusive
3	Part of lots 5-19 inclusive Part of lots 34, 35 inclusive
2	Part of lots 32-34 inclusive

3. In the Township of Mountain, being composed of the following lot and concession:

CONCESSION	LOT
12	part of lots 14-21 inclusive

4. In the City of Gloucester, being composed of the following lots and concessions:

CONCESSION	LOT
10 (Ottawa Front)	part of lot 20
6 (Rideau Front)	part of lot 30

**Schedule 11**

That part of the South Nation River, located in the Township of South Plantagenet, formerly the Hamlet of Lemieux, in the United Counties of Prescott and Russell, as shown by the fill lines on maps filed at the Regional Office of the Ministry of Natural Resources, Aurora, as numbers SNR11-1 to SNR11-2 inclusive, more particularly described as follows:

1. In the Township of South Plantagenet, being composed of the following lots and concessions:

CONCESSION	LOT
12	part of lots 22-24 inclusive
13	part of lots 22-24 inclusive
14	part of lots 22-23 inclusive

**Schedule 12**

That part of the South Nation River and its tributaries extending from the Township of Winchester to the Township of Mountain in the United Counties of Stormont, Dundas and Glengarry and the South Branch of the South Nation River and its tributaries extending from the mouth of the South Branch to the Village of Brinston in the Township of Matilda, in the United Counties of Stormont, Dundas and Glengarry, as shown by the fill lines on maps filed at the Regional Office of the Ministry of

Natural Resources, Aurora, as numbers SNR12-1 to SNR12-2 inclusive, more particularly described as follows:

1. In the Township of Winchester, being composed of the following lots and concessions:

CONCESSION	LOT
3	part of lots 1-10 inclusive
2	lots 1-4 inclusive part of lots 5-9 inclusive
1	part of lots 1-6 inclusive

2. In the Township of Mountain, being composed of the following lots and concessions:

CONCESSION	LOT
1	part of lots 13-24 inclusive
2	part of lots 18-24 inclusive
3	part of lots 21-24 inclusive

3. In the Township of Matilda, being composed of the following lots and concessions:

CONCESSION	LOT
8	part of lots 1-6 inclusive lots 7-15 inclusive part of lots 16-18 inclusive
7	part of lots 6-11 inclusive lots 12-17 inclusive part of lots 18-22 inclusive
6	part of lots 12-24 inclusive

SOUTH NATION RIVER CONSERVATION AUTHORITY:

A. F. McKEOWN  
Chair

DENNIS O'GRADY  
Secretary-Treasurer

Dated at Berwick on September 27, 1994.

50/94

**ONTARIO REGULATION 725/94**  
made under the  
**CONSERVATION AUTHORITIES ACT**

Made: October 6, 1994  
Approved: November 16, 1994  
Filed: November 21, 1994

Amending O. Reg. 260/92  
(Fill, Construction and Alteration to Waterways—Moira River)

Note: There are no prior amendments to Ontario Regulation 260/92.

1. The definition of "regional storm" in section 1 of Ontario Regulation 260/92 is revoked and the following substituted:

"regional storm",

(a) within the Moira River watershed, except the Bay of Quinte shoreline, means rainfall, snowmelt or a combination of rainfall

and snowmelt that would produce at a specific point in a river, creek, stream or watercourse a peak flow that has the probability of occurrence of 1 per cent during any one year,

- (b) along the Bay of Quinte shoreline for the Great Lakes-St. Lawrence River System, means the 100 year flood level plus an allowance for wave uprush and other water-related hazards that equals 15 metres measured horizontally from that flood line;

**2. Schedules 1, 2, 3, 4 and 5 of the Regulation are revoked and the following substituted:**

**Schedule 1**

That part of the watershed of the Moira River within the County of Hastings, within the City of Belleville affecting all or part of the lots described below, including all opened and closed road allowances, as delineated by the fill line on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, Ontario as Maps MR1-3, MR1-5 to MR1-8 inclusive and identified by a stamp of the Registrar of Regulations dated July 11, 1994.

1. In the City of Belleville,
  - i. That part bounded generally by Dundas Street to the south, and Coleman Street to the west, Front Street to the east, to their intersections with Moira Street to the north.
  - ii. That part bounded generally to the southwest by Front Street, Moira Street to the west, to the intersection with College Street, and Station Street to the southeast, to its intersection with Cannifton Road, north to its intersection with Johnson Street, Johnson Street north to the CNR right-of-way, east along the CNR right-of-way to Cannifton Road, north along Cannifton Road to its intersection with College Street.
  - iii. That part bounded in the south by College Street, Moira Street to the west, north to its intersection with North Park Gardens, north along North Park Street to the Highway 401, Cannifton Road to the east, and Highway 401 to the north.

**Schedule 2**

That part of the watershed of the Moira River within the County of Hastings affecting all or part of the lots described below, including all opened, unopened and closed road allowances, as delineated by the fill line on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, Ontario as Maps MR2-7A to MR2-7E inclusive, MR2-11C, MR2-21A, MR2-23A to MR2-23D inclusive, MR2-28A, MR2-29A, MR2-1 to MR2-8, MR2-10 to MR2-46, MR2-48 to MR2-80 inclusive and identified by a stamp of the Registrar of Regulations dated July 11, 1994.

1. In the Township of Thurlow,

<i>Concession</i>	<i>Lot</i>	
II	4, 5	
III	4-9	inclusive
IV	1-8	inclusive
V	10-14	inclusive
VI	1-29	inclusive
VII	1-17	inclusive
	24-29	inclusive
VIII	2, 3	
	28-31	inclusive

2. In the Township of Sidney,

<i>Concession</i>	<i>Lot</i>	
IV	38	
V	38	
VI	29-38	inclusive
VII	29-38	inclusive
VIII	35-37	inclusive

3. In the Township of Tyendinaga,

<i>Concession</i>	<i>Lot</i>	
VIII	1-7	inclusive
IX	5-7	inclusive

4. In the Township of Hungerford,

<i>Concession</i>	<i>Lot</i>	
I	4, 5	
II	4, 5	
III	4, 5	
IV	2-7	inclusive
V	2-8	inclusive
VI	7-14	inclusive
VII	9-15	inclusive
VIII	9-15	inclusive
IX	11, 12	
	14-19	inclusive
X	1-3	inclusive
	12-20	inclusive
XI	10, 11	
XII	10, 11	
XIII	1-3	inclusive
	7-11	inclusive
XIV	1-3	inclusive

5. In the Village of Tweed,

<i>Concession</i>	<i>Lot</i>	
IX	11, 12 and 14	
X	10-12	inclusive
XI	10	

6. In the Township of Huntingdon,

<i>Concession</i>	<i>Lot</i>	
XII	1-14	inclusive
XIII	5-20	inclusive
XIV	8-20	inclusive

7. In the Township of Madoc,

<i>Concession</i>	<i>Lot</i>	
VIII	1	
IX	1-3	inclusive
X	1, 2	

8. In the Township of Elzevir,

<i>Concession</i>	<i>Lot</i>	
I	1-3	inclusive
II	1-3	inclusive
III	1	
IV	1, 2	
V	2, 3	

**Schedule 3**

That part of the watershed of Bell Creek within the County of Hastings affecting all or part of the lots described below, including all opened and closed road allowances, delineated by the fill line on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, Ontario as Maps MR3-4A to MR3-4B, MR3-1 to MR3-8 inclusive and identified by a stamp of the Registrar of Regulations dated July 11, 1994.

1. In the City of Belleville (formerly the Township of Thurlow),

<i>Concession</i>	<i>Lot</i>	
BF	N 1/2 15	
I	9-15	inclusive
II	11-15	inclusive

2. In the Township of Thurlow,

<i>Concession</i>	<i>Lot</i>	
I	16	
II	16-19	inclusive
III	11-15	inclusive

**Schedule 4**

That part of the watershed of the Moira River within the County of Hastings, within the City of Belleville, affecting all or part of the lots described below, including all opened, unopened and closed road allowances, as delineated by the fill line on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, Ontario as Maps MR4-1, MR4-3 to MR4-5 inclusive, MR4-7 to MR4-14 inclusive, MR4-16 to MR4-33 inclusive and identified by a stamp of the Registrar of Regulations dated July 11, 1994.

1. In the Township of Sidney,

<i>Concession</i>	<i>Lot</i>	
BF	30-34	inclusive

2. In the City of Belleville, that part bounded generally on the west by Wallbridge-Loyalist Road, 540 m east of Haig Rd to the east, generally CP right-of-way and portions of Highway No. 2 and Belleville Cemetery to the north and Bay of Quinte to the south.

3. In the Township of Thurlow,

<i>Concession</i>	<i>Lot</i>	
BF	15-31	inclusive

**Schedule 5**

That part of the watershed of Deer Creek within the Village of Madoc, County of Hastings, affecting all or part of the lots described below, including all opened, unopened and closed road allowances, as delineated by the line on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, Ontario as Maps MR5-1 to MR5-3 inclusive and identified by a stamp of the Registrar of Regulations dated July 11, 1994.

1. In the Village of Madoc,

<i>Concession</i>	<i>Lot</i>
V	1, 2
VI	1, 2
XIV	11, 12

**Schedule 6**

That part of the watershed of Potter Creek within the County of Hastings affecting all or part of the lots described below, including all opened, unopened and closed roads allowances, as delineated by the fill line on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, Ontario as Maps MR6-2 to MR6-26 inclusive and identified by a stamp of the Registrar of Regulations dated July 11, 1994.

1. In the Township of Sidney,

<i>Concession</i>	<i>Lot</i>	
I	30-35	inclusive
II	28-36	inclusive
III	25-35	inclusive
IV	28-31	inclusive

**Schedule 7**

That part of the watershed of the Moira River within the County of Hastings affecting all or part of the lots described below, including all opened, unopened and closed road allowances, as delineated by the fill line on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, Ontario as Maps MR7-5, MR7-6, MR7-8A to MR7-8B, MR7-9A to MR7-9C inclusive, MR7-10, MR7-12A to MR7-12C inclusive, MR7-13, MR7-14A to MR7-14B, MR7-15A to MR7-15B, MR7-16A to MR7-16B, MR7-18A to MR7-18C inclusive, MR7-19A to MR7-19D inclusive, MR7-20A to MR7-20D inclusive, MR7-22A to MR7-22B, MR7-24A to MR7-24B, MR7-25A to MR7-25B, MR7-26, MR7-27A to MR7-27D inclusive, MR7-30A to MR7-30C inclusive, MR7-31, MR7-32A to MR7-32C inclusive, MR7-33, MR7-34, MR7-35, MR7-36A to MR7-36C inclusive, MR7-37, MR7-38, MR7-39A to MR7-39D inclusive and identified by a stamp of the Registrar of Regulations dated July 11, 1994.

1. In the Township of Tyendinaga,

<i>Concession</i>	<i>Lot</i>	
III	3-15	inclusive
IV	4-16	inclusive
V	2-8	inclusive
VI	2-9	inclusive

2. In the Township of Huntingdon,

<i>Concession</i>	<i>Lot</i>	
VIII	16-18	inclusive
IX	14-20	inclusive
X	13-20	inclusive
XI	14-18	inclusive
XII	16-20	inclusive

3. In the Township of Hungerford,

Concession	Lot	
I	8, 9	
	18-22	inclusive
	31-36	inclusive
II	8-10	inclusive
	21-23	inclusive
	31-36	inclusive
III	17, 18	
	23-25	inclusive
IV	17, 18	
	24-28	inclusive
V	17-19	inclusive
	24-29	inclusive
	33-37	inclusive
VI	2-6	inclusive
	19-21	inclusive
	25	
	27	
	28	
VII	6	
	7	
	E 1/2 15	
	16-21	inclusive
VIII	18	
	19	
	23-27	inclusive
IX	1	
	23-33	inclusive
X	1	
	22-30	inclusive
	32-34	inclusive
XI	4-6	inclusive
	15-17	inclusive
	23-28	inclusive
XII	4-7	inclusive
	16-22	inclusive
	26-28	inclusive
XIII	16-23	inclusive
XIV	19-23	inclusive

4. In the Township of Madoc,

Concession	Lot	
I	5-9	inclusive
II	6	
V	7-12	inclusive
VI	8	
	11	
	12	
	14-20	inclusive
VII	8-14	inclusive
	16-19	inclusive
VIII	11-14	inclusive
IX	4, 5	
X	4, 5	
	16-18	inclusive
XI	15-17	inclusive

5. In the Township of Marmora,

Concession	Lot	
V	1-3	inclusive
VI	1-6	inclusive
VII	6	
VIII	7	
	8	
IX	6-12	inclusive
X	7-13	inclusive
XI	5-12	inclusive

6. In the Township of Sheffield,

Concession	Lot	
I	9-13	inclusive
II	12-16	inclusive
III	14-16	inclusive

7. In the Township of Kaladar,

Concession	Lot	
I	2-4	inclusive
II	3-6	inclusive
III	5-8	inclusive
IV	8	

8. In the Township of Rawdon,

Concession	Lot	
XII	1, 2	
XIII	1, 2	
XIV	15, 16	

9. In the Township of Elzevir,

Concession	Lot	
I	14-17	inclusive

10. In the Township of Richmond,

Concession	Lot	
XI	6-9	inclusive

MOIRA RIVER CONSERVATION AUTHORITY:

HARRY BROWN  
Chair

TERRY MURPHY  
Secretary-Treasurer

Dated at Belleville on October 6, 1994.

50/94

**ONTARIO REGULATION 726/94**  
made under the  
**JUSTICES OF THE PEACE ACT**

Made: November 16, 1994  
Filed: November 21, 1994

Amending O. Reg. 247/94  
(Salaries and Benefits of Justices of the Peace--  
Regions Designated under Section 22 of the Act)

Note: Since it was made, Ontario Regulation 247/94 has been amended by Ontario Regulations 505/94 and 521/94.

1. Subsections 1 (2) and (3) of Ontario Regulation 247/94 are revoked and the following substituted:

(2) Sections 4 and 18 and subsection 17 (2) of the Act apply in the areas of Ontario that make up the following regions designated in the Schedule to Regulation 186 of the Revised Regulations of Ontario, 1990:

1. Central West Region.
2. Central South Region.
3. Central East Region.
4. Toronto Region.

2. Subsection 5 (2) of the Regulation is revoked and the following substituted:

(2) The additional salary that a justice of the peace may receive for a special assignment to duties that may not be assigned to a non-presiding justice of the peace shall be calculated on an annual basis by multiplying \$58,197 by the percentage that the number of hours per week worked by the justice of the peace on the special assignment is of the number of hours per week normally assigned to a full-time presiding justice of the peace, and prorated over the number of weeks worked on the special assignment.

(3) The additional salary that a justice of the peace may receive for a special assignment to duties that may be assigned to a non-presiding justice of the peace shall be calculated on an annual basis by multiplying \$37,760 by the percentage that the number of hours per week worked by the justice of the peace on the special assignment is of the number of hours per week normally assigned to a full-time non-presiding justice of the peace, and prorated over the number of weeks worked on the special assignment.

3. This Regulation comes into force on December 1, 1994.

50/94

**ONTARIO REGULATION 727/94**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: November 16, 1994  
Filed: November 22, 1994

Amending O. Reg. 340/94  
(Drivers' Licences)

Note: Since it was made, Ontario Regulation 340/94 has not been amended.

1. Subsection 28 (1) of Ontario Regulation 340/94 is amended by striking out "Ontario Regulation 339/94" in the fourth line and substituting "Ontario Regulation 341/94".

50/94

**ONTARIO REGULATION 728/94**  
made under the  
**MUNICIPAL ACT**

Made: November 16, 1994  
Filed: November 23, 1994

Amending O. Reg. 376/94  
(Determination of Apportionments and Levies, 1994)

Note: Since it was made, Ontario Regulation 376/94 has not been amended.

1. Schedule 1 to Ontario Regulation 376/94 is amended by striking out "4.29" in Column 2 opposite London Tp under the heading "Middlesex County - General Levy" and substituting "4.62".

2. Schedule 1 to the Regulation is amended by striking out "4.29" in Column 2 opposite London Tp under the heading "Middlesex County - Library Levy" and substituting "4.62".

3. Schedule 1 to the Regulation is amended by striking out the portion below the heading "Simcoe County - General Levy" and substituting the following:

Collingwood T	13.59
Midland T	7.79
Penetanguishene T	4.69
Wasaga Beach T	64.55
Innisfil T	2.08
Bradford-West Gwillimbury T	12.06
New Tecumseth T	9.82
Essa Tp	3.39
Tiny TP	2.36
Adjala-Tosorontio	7.57
Clearview Tp	15.26
Oro-Medonte Tp	47.45
Ramara Tp	2.66
Severn Tp	5.61
Springwater Tp	43.08
Tay Tp	54.76

4. This Regulation applies to apportionments and levies made on or after January 1, 1994.

50/94

**ONTARIO REGULATION 729/94**  
made under the  
**EDUCATION ACT**

Made: October 6, 1994  
Approved: November 16, 1994  
Filed: November 24, 1994

Amending Reg. 297 of R.R.O. 1990  
(Ontario Teacher's Qualifications)

Note: Regulation 297 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 12 of Regulation 297 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(1.1) The Letter of Eligibility is valid for three years from its date of issue.

2. Section 13 of the Regulation is amended by adding the following subsection:

(2) The Letter of Eligibility is valid for three years from its date of issue.

3. Forms 5 and 5a of the Regulation are revoked and the following substituted:

FORM 5

Education Act

LETTER OF ELIGIBILITY

TO

.....  
(Name)

In consideration of your academic and professional education, you are hereby issued a LETTER OF ELIGIBILITY, valid for three years, under section.....of the 12(1) or 13

Ontario Teacher's Qualifications Regulation. When you have conformed with the requirements of section....., 12(2) or 14 you will qualify for a Temporary Letter of Standing that shows professional education has been received in:

.....  
.....

Dated at Toronto, this.....day of....., 19....

.....  
Deputy Minister

Statement of Board Supervisory Officer

This is to certify that ....., the (Name) holder of this Letter of Eligibility, has been offered a position as a teacher with ..... (Name of Board) for the school year....., subject to the granting of a Temporary Letter of Standing, and further, that the applicant has

adequate fluency in the use of the English language to carry out the duties and responsibilities of a teacher.

Dated at....., this.....day of ....., 19....

.....  
Supervisory Officer

.....  
Position

FORM 5a

*Loi sur l'éducation*

ATTESTATION D'ADMISSIBILITÉ

DÉCERNÉE À

.....  
(nom)

Eu égard à votre formation scolaire et professionnelle, nous vous décernons par la présente une ATTESTATION D'ADMISSIBILITÉ, valide pour trois ans, en vertu de l'article.....  
12(1) or 13

du Règlement sur la qualification requise de l'enseignant en Ontario. Lorsque vous aurez satisfait aux exigences de l'article....., vous pourrez recevoir une attestation  
12(2) ou 14

temporaire de compétence indiquant que vous avez reçu une formation professionnelle en:

.....  
.....

Fait à Toronto, le....., 19.....

.....  
Le sous-ministre

---

Déclaration de l'agent de supervision du conseil scolaire

Je soussigné(e) certifie que.....,  
(nom)

titulaire de la présente attestation d'admissibilité, a reçu une  
offre d'emploi comme enseignant du conseil scolaire

..... pour l'année scolaire.....,  
(nom du conseil scolaire)

sous réserve de l'obtention d'une attestation temporaire de  
compétence. Je certifie de plus que cette personne possède une  
maîtrise du français suffisante pour satisfaire aux tâches et aux  
exigences de sa profession d'enseignant.

Fait à ....., le....., 19..

.....  
L'agent de supervision

.....  
Poste

DAVE COOKE  
*Minister of Education and Training*

Dated at Toronto on October 6, 1994.

50/94



**ONTARIO REGULATION 730/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: November 16, 1994  
Filed: November 25, 1994

Amending Reg. 420 of R.R.O. 1990  
(Hogs-Plan)

Note: There are no prior amendments to Regulation 420.

**1. The Schedule to Regulation 420 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**Schedule**

*Farm Products Marketing Act*

PLAN

TITLE AND DEFINITIONS

1. This plan may be cited as the Ontario Pork Producers Marketing Plan.

2. In this plan,

"county" means,

- (a) a county, excluding a united county, or a regional municipality that forms part of a district,
- (b) a county that is part of a united county that forms part of a district, or
- (c) the area comprising the territorial districts of Cochrane and Timiskaming;

"district" means a district described in subsection 4 (1);

"hogs" means domestic swine produced in Ontario;

"producer" means a person engaged in the production of hogs.

LOCAL BOARD

3. (1) The local board known as the Ontario Pork Producers Marketing Board is continued as the local board that administers this plan.

(2) The local board shall be composed of 14 members.

4. (1) Producers are divided into 12 districts as follows:

- 1. District 1, comprising the counties of Essex, Kent and Lambton.
- 2. District 2, comprising the counties of Middlesex and Elgin.
- 3. District 3, comprising the County of Huron.
- 4. District 4, comprising the County of Perth.
- 5. District 5, comprising the County of Oxford.
- 6. District 6, comprising The Regional Municipality of Waterloo.

7. District 7, comprising the County of Brant and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth and Niagara.

8. District 8, comprising the County of Wellington.

9. District 9, comprising the counties of Bruce and Grey.

10. District 10, comprising the counties of Simcoe and Dufferin, the regional municipalities of Halton, Peel and York and the territorial districts of Cochrane and Timiskaming.

11. District 11, comprising the County of Hastings, the United Counties of Lennox and Addington, the counties of Northumberland, Peterborough, Prince Edward and Victoria and The Regional Municipality of Durham.

12. District 12, comprising the counties of Frontenac, Lanark and Renfrew, the united counties of Leeds and Grenville, Prescott and Russell, and Stormont, Dundas and Glengarry and The Regional Municipality of Ottawa-Carleton.

(2) The twelve districts are divided into two zones as follows:

1. Zone A comprising districts 1 to 6.

2. Zone B comprising districts 7 to 12.

5. (1) There is hereby established a council in each district to be known as the District Pork Producers Council.

(2) The Area Pork Producers Councils established under this plan as it read before November 25, 1994 are abolished on December 31, 1994.

6. (1) Each District Pork Producers Council shall elect one of its councillors as a member of the local board by February 28 in the year in which the member is to begin holding office.

(2) The councillors of all District Pork Producers Councils in Zone A shall elect one of the councillors as a member of the local board no later than the annual meeting of the producers under this plan immediately preceding the time at which the member is to begin holding office.

(3) The councillors of all District Pork Producers Councils in Zone B shall elect one of the councillors as a member of the local board no later than the annual meeting of the producers under this plan immediately preceding the time at which the member is to begin holding office.

(4) If a District Pork Producers Council does not elect a member to the local board within the time specified in subsection (1) or if the councillors of all District Pork Producers Councils in Zone A or B do not elect a member to the local board within the time specified in subsection (2) or (3), the local board may appoint a councillor from any district as the member.

7. (1) Subject to subsection (3), the term of office of a member elected to the local board begins on April 1 in the year of the election.

(2) Subject to subsection (3), the term of office of a member appointed to the local board begins on the later of April 1 in the year of the election and the day on which the member was appointed.

(3) The term of office of the first members elected to the local board after November 25, 1994 begins on April 1, 1995.

8. (1) Subject to subsections (2) and (3), each member of the local board shall hold office until March 31 in the second year following the year in which the member was elected or appointed to the board.

(2) The members elected in 1995 to the local board by a District Pork Producers Council in Zone B or by the councillors of all District Pork Producers Councils in Zone B shall hold office until March 31, 1998.

(3) The term of office of all members on the local board as of November 25, 1994 expires on March 31, 1995.

(4) A member shall not be elected to the local board under subsection 6 (1) for more than six consecutive terms.

9. (1) Subject to subsection (2), a member of a local board ceases to be eligible to be a member upon ceasing to qualify as a councillor of a District Pork Producers Council.

(2) A member of the local board whose term as a councillor of a District Pork Producers Council expires does not for that reason cease to be eligible to be a member of the local board.

10. (1) If a member of the local board elected under subsection 6 (1), (2) or (3) ceases to be eligible to be a member or dies or resigns before the term of office expires, the persons who elected the member may, within 30 days, elect as a replacement for the remainder of the term of office an individual who meets the requirements of that subsection.

(2) If a member of the local board appointed by the board under subsection 6 (4) ceases to be eligible to be a member or dies or resigns before the term of office expires, the board may, within 30 days, appoint as a replacement for the remainder of the term of office an individual who meets the requirements of that subsection.

(3) If the persons who elected a member do not elect a replacement within the time specified in subsection (1) or if the local board does not appoint a replacement within the time specified in subsection (2), the Commission may appoint as a replacement for the remainder of the term of office a councillor from any district.

(4) If a member of the local board appointed by the Commission ceases to be eligible to be a member or dies or resigns before the term of office expires, the Commission may appoint as a replacement for the remainder of the term of office a councillor from any district.

#### DISTRICT PORK PRODUCERS COUNCILS

11. Each County Pork Producers Association in a district shall elect its allotted number of councillors to the District Pork Producers Council in accordance with sections 12 to 20.

12. (1) A producer may register with the local board,

- (a) for the county in which the producer has a hog production facility; or
- (b) for the county in which the producer resides, if the producer is an individual.

(2) A producer shall not register with the local board for more than one county.

(3) An applicant for registration with the local board shall submit an application to the board in the form approved by the board that specifies the county for which the applicant is applying for registration.

(4) A producer who has registered with the local board before November 25, 1994 shall be deemed to be registered with the local board for the county specified in the registration.

(5) A producer who has registered with the local board for a county and who becomes eligible to register with the board for another county, may change the registration to the other county by notifying the board

in writing no later than January 1 in the year in which the County Pork Producers Association of the other county is scheduled to elect councillors to the District Pork Producers Council in which the other county is located.

(6) The registration of a producer with the local board for a county expires if the producer ceases to be eligible to register with the board for the county.

13. (1) In each year, as soon as practicable after statistical information respecting the preceding 12-month period ending on November 30 is available, the local board shall calculate the number of councillors on the District Pork Producers Council that shall be allotted to each County Pork Producers Association in the district in which the county is located.

(2) Before each meeting of a County Pork Producers Association at which the Association is scheduled to elect councillors to the District Pork Producers Council, the local board shall inform the Association of the number of councillors allotted to it on the District Pork Producers Council.

14. (1) Subject to this section and section 15, each County Pork Producers Association shall be allotted the number of councillors on its District Pork Producers Council represented by the product of 200 and the sum of,

- (a) 60 per cent of the proportion of the number of producers who are registered with the local board for the county on the preceding November 30 to the total number of producers who are registered with the local board on the preceding November 30; and
- (b) 40 per cent of the proportion of the number of hogs marketed from the county during the 12-month period ending on the preceding November 30 to the total number of hogs marketed from all districts during that period.

(2) At least one councillor shall be allotted to a County Pork Producers Association for a county for which at least five producers had registered with the local board by the preceding November 30.

(3) A County Pork Producers Association that has not taken part in an amalgamation under section 15 shall not be allotted a councillor on its District Pork Producers Council unless at least five producers had registered with the local board for the county by the preceding November 30.

(4) If the allocation of councillors results in the allocation of fewer than three councillors to a County Pork Producers Association that has not taken part in an amalgamation and also results in a fraction, then the fraction shall be rounded up to the nearest whole number.

15. (1) Two or more County Pork Producers Associations in the same district may amalgamate for the purpose of electing councillors to their District Pork Producers Council by giving notice of the amalgamation to the local board no later than December 31 in the year preceding the year in which the amalgamated County Pork Producers Association elects councillors to its District Pork Producers Council.

(2) Each County Pork Producers Association that has taken part in an amalgamation shall be allotted councillors on the District Pork Producers Council in accordance with subsections 14 (1) and (2).

(3) At least one councillor shall be allotted to a County Pork Producers Association that has taken part in an amalgamation if,

- (a) the Association had been allotted a councillor at the time of the immediately preceding election of councillors to the District Pork Producers Council or to the Area Pork Producers Council,

if there has been no preceding election of councillors to the District Pork Producers Council; and

(b) by the preceding November 30 at least five producers had registered with the local board for the counties that form part of the amalgamated county.

(4) A County Pork Producers Association that has taken part in an amalgamation shall not be allotted a councillor on its District Pork Producers Council except in accordance with subsection 14 (2) or 15 (3).

(5) If the allocation of councillors results in the allocation of fewer than three councillors to an amalgamated County Pork Producers Association and also results in a fraction, then the fraction shall be rounded up to the nearest whole number.

16. (1) Subject to subsection (2), each councillor elected to a District Pork Producers Council shall hold office until December 31 in the year following the year of the election.

(2) The councillors elected in 1995 to a District Pork Producers Council in Zone B who shall hold office until December 31, 1997.

(3) The term of office of all councillors elected to the Area Pork Producers Councils before November 25, 1994 expires on December 31, 1994.

17. (1) No later than January 1, 1995, each of the County Pork Producers Associations in all districts shall fix a date and place for a meeting of the Association to elect councillors to the District Pork Producers Council in the district in which the county is located.

(2) The date fixed for the meeting shall be not later than February 15, 1995.

(3) No later than January 1 in a year following a December 31 on which the term of office of its councillors on a District Pork Producers Council is scheduled to end, each of the County Pork Producers Associations in the district shall fix a date and place for a meeting of the Association to elect councillors to the District Pork Producers Council.

(4) The date fixed for the meeting shall be not later than February 15 in the year in which the date is fixed.

(5) A County Pork Producers Association that fixes a date and place for a meeting under this section shall notify the local board of the date and place fixed for the meeting.

(6) If a County Pork Producers Association does not fix a date and place for a meeting as required by subsection (1) or (3), the local board shall, within 30 days, fix a date and place for a meeting of the Association.

(7) At least 10 days before a meeting under this section, the County Pork Producers Association shall give notice of the day, time and place of the meeting to the producers who are members of the Association,

- (a) by means of a written notice given to each producer; or
- (b) by publishing notice in a newspaper or periodical of general circulation among the members of the Association.

(8) If a County Pork Producers Association does not give the notice required by subsection (7), the local board shall give the required notice by publishing or posting, at its expense, the notices that it considers necessary or advisable.

18. (1) At a meeting of an Association under section 17, the Association shall elect councillors to fill the vacancies in the number of

councillors on the District Pork Producers Council allotted to the Association as of the time of the meeting.

(2) The allotted number shall be the allotted number mentioned in subsection 13 (2) of which the local board has informed the Association most recently before the meeting.

(3) A person is not entitled to a vote at a meeting to elect councillors to the District Pork Producers Council except under this section.

(4) Each producer who has registered with the local board for the county is entitled to two votes at the meeting.

(5) The producer's first vote shall be exercised by,

- (a) the producer, if the producer is an individual; or
- (b) an individual of at least 18 years of age whom the producer has designated in writing, if the producer is not an individual.

(6) The producer's second vote shall be exercised by an individual of at least 18 years of age who resides in the county, is designated in writing by the producer in the form specified by the local board and who,

- (a) is employed by the producer in the production of hogs;
- (b) in cases where the producer is not an individual,
  - (i) has an interest in the producer by way of owning shares or a partnership interest in the producer, or
  - (ii) is a spouse, parent, child, grandchild, sibling or child of a sibling of the individual who has the interest described in subclause (i); or
- (c) in cases where the producer is an individual, is a spouse, parent, child, grandchild, sibling or child of a sibling of the producer.

(7) No individual shall exercise two votes for the same producer.

(8) An individual who is not entitled to exercise a vote at a meeting to elect councillors to the District Pork Producers Council is not entitled to be nominated or elected or to serve as a councillor on the District Pork Producers Council.

(9) At a meeting, an Association may elect one, two or three individuals who are entitled to a vote at the meeting to act as substitute councillors for the purpose of subsection 21 (2).

19. (1) If for any reason a County Pork Producers Association does not elect councillors to fill the vacancies in the number of councillors on the District Pork Producers Council allotted to the Association as of the time of the meeting, the local board shall fix a date and place as soon as is practicable for a meeting of the Association for that purpose.

(2) The local board shall give notice of the day, time and place of the meeting to the producers who are members of the County Pork Producers Association by publishing or posting, at its expense, the notices that it considers necessary or advisable.

20. (1) A councillor on a District Pork Producers Council who is a producer ceases to be eligible to be a councillor,

- (a) upon ceasing to be a producer; or
- (b) upon ceasing to be eligible to register with the local board for the county of the County Pork Producers Association that elected the individual as a councillor.

(2) A councillor on a District Pork Producers Council who is an individual described in clause 18 (5) (b) or subsection 18 (6) ceases to be eligible to be a councillor if,

- (a) the producer whom the individual represents ceases to be a producer;
- (b) the producer whom the individual represents ceases to be eligible to register with the local board for the county of the County Pork Producers Association that elected the individual as a councillor;
- (c) the producer whom the individual represents notifies the local board and the District Pork Producers Council in writing that it revokes the designation of the individual under clause 18 (5) (b) or subsection 18 (6), as the case may be; or
- (d) the individual ceases to meet the requirements set out in clause 18 (5) (b) or subsection 18 (6), as the case may be.

21. (1) If a councillor elected to a District Pork Producers Council ceases to be eligible to be a councillor or dies or resigns before the term of office expires, the local board may appoint as a replacement for the remainder of the term of office an individual who is eligible to be a councillor on the Council.

(2) A substitute councillor elected under subsection 18 (9) may act in the place of a councillor elected to a District Pork Producers Council who is temporarily unable to act as a councillor if,

- (a) the councillor who is temporarily unable to act notifies the County Pork Producers Association that elected the councillor; and
- (b) promptly after receiving the notice, the County Pork Producers Association notifies the local board of the name of the substitute councillor.

#### GENERAL

22. A mistake or an irregularity in the proceedings in relation to the election of a councillor to a District Pork Producers Council, the election of a substitute councillor or the election of a member to the local board does not invalidate the election if,

- (a) it appears that the election was conducted in substantial conformity with the procedural requirements for the election; and
- (b) it does not appear that the mistake or irregularity affected the result of the election.

50/94

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—12—17

## ONTARIO REGULATION 731/94 made under the CROP INSURANCE ACT (ONTARIO)

Made: September 15, 1994  
Approved: November 16, 1994  
Filed: November 28, 1994

Amending Reg. 246 of R.R.O. 1990  
(Crop Insurance Plan—Seed Corn)

Note: Regulation 246 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**I. (1) Subsection 8 (3) of the Schedule to Regulation 246 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(3) Subject to subsections (3.1) and (3.2), the insured person's previous year's election, as described in the renewal notice, apply.

(3.1) The Commission may supersede the insured person's previous year's election by indicating another election on the renewal notice and this election, subject to subsection (3.2), is part of the insured person's contract.

(3.2) The insured person may forward the change notice indicating a different election from the one made by the Commission and that different election becomes part of the insured person's contract.

**(2) Subsection 9 (1) of the Schedule to the Regulation is revoked and the following substituted:**

(1) The guaranteed production for each variety of seed corn under a contract of insurance is determined by the following formulas:

$$T \times Z_1 \times 80\% \text{ or} \\ T \times Z_2 \times 80\%$$

Where,

"T" is the insured person's total acreage planted to both the female and male corn plant less the acreage planted to the male corn plant in an area where the female and the male corn plants are planted in alternate rows,

"Z" is the average of previous yields of grain corn as determined on the basis of production records or on such other basis as the Commission may determine,

"Z<sub>1</sub>" is the average of previous yields of grain corn in Kent and Essex counties,

"Z<sub>2</sub>" is the average of previous yields of grain corn in all other parts of Ontario save Kent and Essex counties.

## RÈGLEMENT DE L'ONTARIO 731/94 pris en application de la LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)

pris le 15 septembre 1994  
approuvé le 16 novembre 1994  
déposé le 28 novembre 1994

modifiant le Règl. 246 des R.R.O. de 1990  
(Régime d'assurance-récolte sur le maïs de semence)

Remarque : Le Règlement 246 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. (1) Le paragraphe 8 (3) de l'annexe du Règlement 246 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

(3) Sous réserve des paragraphes (3.1) et (3.2), le choix exercé par l'assuré pour l'année précédente, tel qu'il est décrit dans l'avis de renouvellement, s'applique.

(3.1) La Commission peut remplacer le choix exercé par l'assuré pour l'année précédente en indiquant un autre choix sur l'avis de renouvellement et ce choix, sous réserve du paragraphe (3.2), fait alors partie du contrat de l'assuré.

(3.2) L'assuré peut faire parvenir à la Commission l'avis de changement en indiquant un choix différent et ce choix différent fait alors partie du contrat de l'assuré.

**(2) Le paragraphe 9 (1) de l'annexe du Règlement est abrogé et remplacé par ce qui suit :**

(1) La production garantie pour chaque variété de maïs de semence aux termes d'un contrat d'assurance est déterminée selon les formules suivantes :

$$T \times Z_1 \times 80\% \text{ ou} \\ T \times Z_2 \times 80\%$$

où :

«T» correspond à la différence entre d'une part la superficie totale de l'assuré plantée en plants de maïs mâle et en plants de maïs femelle et d'autre part la superficie plantée en plants de maïs mâle dans une zone où les rangées de plants de maïs mâle et de plants de maïs femelle alternent,

«Z» correspond à la moyenne des rendements antérieurs de maïs-grain déterminée en fonction des registres de production ou de tout autre moyen que la Commission détermine,

«Z<sub>1</sub>» correspond à la moyenne des rendements antérieurs de maïs-grain dans les comtés de Kent et d'Essex,

«Z<sub>2</sub>» correspond à la moyenne des rendements antérieurs de maïs-grain dans le reste de l'Ontario, à l'exception des comtés de Kent et d'Essex.

**(3) Section 11 of the Schedule to the Regulation is revoked and the following substituted:**

11. (1) In the formulas used in this section,

“A” is the surcharge or discount rate determined in accordance with subsections (4) and (5),

“B” is the number of years the insured person has been enrolled in the plan,

“C” is the insured person’s loss to coverage ratio determined in accordance with subsection (6), and

“D” is the plan’s loss to coverage ratio determined in accordance with subsection (7).

(2) The premium payable in the crop year is determined by multiplying the total number of acres planted to seed corn by the premium rate as determined under subsection (3).

(3) The premium rate is determined by multiplying (1 + A) by \$50.80 per acre.

(4) “A” is determined by the following formula:

$$A = \frac{B(C-1)}{20(D)}$$

(5) For an insured person who has participated in the plan for one year, if the application of the formula in subsection (4) produces a value for A that is,

(a) more than 0.25, A shall be deemed to be 0.25; or

(b) less than minus 0.25, A shall be deemed to be minus 0.25.

(6) The insured person’s loss to coverage ratio is determined by dividing the total dollar value of the payments made by the Commission to the insured person for the number of years the insured person has been enrolled in the plan, by the total dollar value of the insured person’s coverage for the number of years the insured person has been enrolled in the plan.

(7) The plan’s loss to coverage ratio is determined by dividing the total dollar value of the payments made by the Commission in respect of all claims made by insured persons under the plan for the number of years the plan has been in effect, by the total dollar value of coverage extended by the plan for the number of years it has been in effect.

(8) The premium determined in accordance with subsections (1) to (7) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

**(4) Subsections 12 (1) and (2) of the Schedule to the Regulation are revoked and the following substituted:**

(1) For the purposes of this plan, the established price for seed corn is the insurance price per bushel determined under subsection (2).

(2) The insurance price per bushel is the amount of the premium payment established in the contract between a processing company and the insured person payable by the processing company to the insured person for the crop year in question plus the lesser of,

**(3) L'article 11 de l'annexe du Règlement est abrogé et remplacé par ce qui suit :**

11. (1) Les variables suivantes s'appliquent aux formules utilisées dans le présent article.

«A» correspond à la majoration ou à la réduction de prime déterminée conformément aux paragraphes (4) et (5),

«B» correspond au nombre d'années d'adhésion de l'assuré au régime,

«C» correspond au rapport sinistres-garantie de l'assuré, déterminé conformément au paragraphe (6),

«D» correspond au rapport sinistres-garantie du régime, déterminé conformément au paragraphe (7).

(2) La prime payable au cours de la campagne agricole est déterminée en multipliant le nombre total d'acres plantés en maïs de semence par le taux de la prime déterminé aux termes du paragraphe (3).

(3) Le taux de la prime est déterminé en multipliant (1 + A) par 50,80 \$ l'acre.

(4) La valeur de la variable «A» est déterminée au moyen de la formule suivante :

$$A = \frac{B(C-1)}{20(D)}$$

(5) Lorsque l'assuré participe au régime depuis une année, si l'application de la formule prévue au paragraphe (4) donne à A une valeur qui est :

a) supérieure à 0,25, A est réputé égal à 0,25;

b) inférieure à moins 0,25, A est réputé égal à moins 0,25.

(6) Le rapport sinistres-garantie de l'assuré est déterminé en divisant la valeur totale en dollars des versements que la Commission a effectués à l'assuré au cours des années pendant lesquelles celui-ci a participé au régime par la valeur totale en dollars de la garantie de l'assuré au cours de ces années.

(7) Le rapport sinistres-garantie du régime est déterminé en divisant la valeur totale en dollars des versements que la Commission a effectués à l'égard de toutes les demandes d'indemnité présentées par les assurés dans le cadre du régime au cours des années où le régime était en vigueur par la valeur totale en dollars de la garantie offerte par le régime au cours de ces années.

(8) La prime déterminée conformément aux paragraphes (1) à (7) comprend les versements relatifs aux primes qu'effectuent la province de l'Ontario et le gouvernement du Canada en vertu de la *Loi sur l'assurance-récolte* (Canada).

**(4) Les paragraphes 12 (1) et (2) de l'annexe du Règlement sont abrogés et remplacés par ce qui suit :**

(1) Pour l'application du présent régime, le prix fixé pour le maïs de semence est le prix assuré au boisseau déterminé aux termes du paragraphe (2).

(2) Le prix assuré au boisseau est le montant du versement de la prime établi dans le contrat conclu entre une société de transformation et l'assuré et payable par cette société à celui-ci pour la campagne agricole en question, majoré du moindre des montants suivants :

- (a) the target price for the current crop year as defined in the Interim Gross Revenue Insurance Plan Program established by Order-in-Council; and
- (b) the average daily elevator board price per bushel of grain corn at Hensall, Ontario, plus the difference between the average daily elevator track price per bushel of grain corn at Chatham, Ontario and the average daily elevator board price per bushel of grain corn at Chatham, Ontario, as reported by the Farm Market News for the period October 21 to November 10.

2. (1) Subparagraph 2 (2) of Form 1 of the Regulation is amended by striking out "\$75" in the third line and substituting "\$55".

(2) Subparagraph 2 (3) of Form 1 of the Regulation is amended by striking out "\$75" in the third line and substituting "\$55".

(3) Subparagraph 3 (4) of Form 1 of the Regulation is revoked and the following substituted:

(4) If an insured person suffers a loss in production, an indemnity is payable in the following circumstances according to one of the formulas found in paragraph 1 or 2:

1. If the insured person has entered into a processing contract with a processor, and the product of the formula below is less than the guaranteed production for the acreage, the indemnity payable is calculated by multiplying the established price by the difference between the guaranteed production and the product of the following formula:

$$\frac{\text{Insured's actual variety yield}}{\text{Average yield of the variety}} \times \frac{\text{Average yield (all varieties)}}{\text{Average variety norm (all varieties)}} \times \text{Zone norm} \times \text{total acres seeded}$$

$$\frac{\text{Rendement réel de la variété de l'assuré}}{\text{Rendement moyen de la variété}} \times \frac{\text{Rendement moyen (toutes variétés)}}{\text{Norme moyenne de la variété (toutes variétés)}} \times \text{Norme de la zone} \times \text{Total des acres ensemencés}$$

Where,

"Average yield of the variety" means the average actual yield of all growers under contract with Pioneer Hybrid Ltd. for the current year, ("rendement moyen de la variété")

"Average yield for all varieties" means the average actual yield of all growers under contract with Pioneer Hybrid Ltd. for the current year for all varieties of seed corn, ("rendement moyen pour toutes les variétés")

"Average variety norm" means the average of previous yields of the variety grown on the basis of production records or on such other basis as the Commission determines. ("norme moyenne de la variété")

2. If the insured person has entered into a processing contract with a processor and the product of the formula below is less than the guaranteed production for the acreage, the indemnity payable is calculated by multiplying the established price by the difference between the guaranteed production and the product of the following formula:

$$\frac{\text{Insured's actual variety yield}}{\text{Variety norm}} \times \text{Zone norm} \times \text{total acres seeded}$$

$$\frac{\text{Rendement réel de la variété de l'assuré}}{\text{Norme de la variété}} \times \text{Norme de la zone} \times \text{Total des acres ensemencés}$$

- a) le prix cible pour la campagne agricole en cours, précisé dans le cadre du Programme temporaire d'assurance du revenu brut établi par décret;

- b) la moyenne des prix cotés au silo quotidiens au boisseau du maïs-grain à Hensall, en Ontario, majorée de la différence entre la moyenne des prix sur voie au silo quotidiens au boisseau du maïs-grain à Chatham, en Ontario, et la moyenne des prix cotés au silo quotidiens au boisseau du maïs-grain à Chatham, en Ontario, selon les Services d'information sur les marchés agricoles, pour la période allant du 21 octobre au 10 novembre.

2. (1) La sous-disposition 2 (2) de la formule 1 du Règlement est modifiée par substitution, à «75 \$» à la troisième ligne, de «55 \$».

(2) La sous-disposition 2 (3) de la formule 1 du Règlement est modifiée par substitution, à «75 \$» à la troisième ligne, de «55 \$».

(3) La sous-disposition 3 (4) de la formule 1 du Règlement est abrogée et remplacée par ce qui suit :

(4) Lorsque l'assuré subit une perte de production, une indemnité est payable dans les circonstances suivantes conformément à l'une des formules énoncées à la disposition 1 ou 2 :

1. Lorsque l'assuré a conclu un contrat de transformation avec une société de transformation et que le produit de la formule qui suit est inférieur à la production garantie pour la superficie, l'indemnité payable est calculée en multipliant le prix établi par la différence entre la production garantie et le produit de la formule qui suit :

où :

«norme moyenne de la variété» S'entend de la moyenne des rendements antérieurs de la variété cultivée en fonction des registres de production ou de tout autre moyen que la Commission détermine. («average variety norm»)

«rendement moyen de la variété» S'entend du rendement réel moyen de tous les producteurs qui ont conclu un contrat avec Pioneer Hybrid Ltd. pour l'année en cours. («average yield of the variety»)

«rendement moyen pour toutes les variétés» S'entend du rendement réel moyen de tous les producteurs qui ont conclu un contrat avec Pioneer Hybrid Ltd. pour l'année en cours pour toutes les variétés de maïs de semence. («average yield for all varieties»)

2. Lorsque l'assuré a conclu un contrat de transformation avec une société de transformation et que le produit de la formule qui suit est inférieur à la production garantie pour la superficie, l'indemnité payable est calculée en multipliant le prix établi par la différence entre la production garantie et le produit de la formule qui suit :

Where,

"Variety norm" means the average farm yield per acre for that variety as calculated by the processor. ("norme de la variété")

**(4) Subparagraph 4 (4) of Form 1 of the Regulation is revoked and the following substituted:**

(4) The amount of loss to be taken into account in the final adjustment of loss under this section is the amount by which the guaranteed production under this plan for the damaged acreage exceeds the actual production for the damaged acreage multiplied by the insurance price.

THE CROP INSURANCE COMMISSION OF ONTARIO:

WILLIAM JONGEJAN  
Chair

MATT TULLOCH  
Secretary

Dated at Toronto on September 15, 1994.

51/94

où :

«norme de la variété» S'entend du rendement moyen de l'exploitation agricole, à l'acre, pour cette variété, calculé par la société de transformation. («variety norm»)

**(4) La sous-disposition 4 (4) de la formule 1 du Règlement est abrogée et remplacée par ce qui suit :**

(4) La valeur de la perte devant être retenue pour l'évaluation définitive de la perte aux termes du présent article correspond à la différence entre la production garantie prévue au présent régime pour la superficie endommagée et la production réelle de la superficie endommagée, multipliée par le prix assuré.

COMMISSION ONTARIENNE DE L'ASSURANCE-RÉCOLTE :

WILLIAM JONGEJAN  
Président

MATT TULLOCH  
Secrétaire

Fait à Toronto le 15 septembre 1994.

51/94

transport, the operator of the vehicle transporting them shall arrange for them to be examined by a veterinarian licensed under the *Veterinarians Act* and then transport them to a plant licensed under the *Meat Inspection Act* (Ontario) or to an establishment registered under the *Meat Inspection Act* (Canada).

51/94

**ONTARIO REGULATION 733/94**  
made under the  
**LIVESTOCK COMMUNITY SALES ACT**

Made: November 16, 1994  
Filed: November 28, 1994

Amending Reg. 729 of R.R.O. 1990  
(General)

Note: Regulation 729 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Clause 12 (1) (b) of Regulation 729 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

- (b) permitting the livestock to be offered for sale at the community sale at which the mark is applied, to a person described in subsection (1.1) for the purposes of slaughter, within the time specified in the certificate of inspection by the veterinarian, at,
- (i) a plant that complies with the *Meat Inspection Act* (Ontario) and the regulations under it;
  - (ii) an establishment operated under the *Meat Inspection Act* (Canada); or
  - (iii) a plant operating under the laws of a jurisdiction in the United States of America or Canada, other than Ontario.

**(2) Section 12 of the Regulation is amended by adding the following subsections:**

**ONTARIO REGULATION 732/94**  
made under the  
**LIVESTOCK AND LIVESTOCK PRODUCTS ACT**

Made: November 16, 1994  
Filed: November 28, 1994

**TRANSPORTING NON-AMBULATORY ANIMALS**

1. In this Regulation,

"non-ambulatory" means unable to stand without assistance or to move without being dragged or carried.

2. Goats, horses for slaughter, sheep, wild swine, domestic swine, ratites, deer, elk and bison that are non-ambulatory are designated as livestock.

3. Dealers who deal in goats, horses for slaughter, sheep, wild swine, domestic swine, ratites, deer, elk or bison are exempt from section 2 of the Act.

4. No person shall load, unload or transfer non-ambulatory cattle, goats, horses for slaughter, sheep, wild swine, domestic swine, ratites, deer, elk or bison in a manner that,

- (a) drags them in direct contact with the ground; or
- (b) pulls them by the head, horns, neck, feet or tail.

5. No person shall move non-ambulatory cattle, goats, horses for slaughter, sheep, wild swine, domestic swine, ratites, deer, elk or bison unless,

- (a) they are accompanied by a certificate for direct transport to slaughter issued by a veterinarian; and
- (b) they are physically separated from other animals in the vehicle.

6. If cattle, goats, horses for slaughter, sheep, wild swine, domestic swine, ratites, deer, elk and bison become non-ambulatory during



(1.1) The person mentioned in clause (1) (b) shall be a person who,

(a) is licensed as a livestock dealer under the *Livestock and Livestock Products Act*; and

(b) operates a plant for slaughtering livestock.

. . . . .

(3) If an inspector who is a veterinarian examines livestock and finds that it is unable to stand without assistance or to move without being dragged or carried, he or she shall,

(a) issue a certificate for direct transport to slaughter; or

(b) release the livestock to the operator, who shall arrange for it to receive the immediate care of a veterinarian.

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

16. Where livestock is assembled on the premises of an operator, no person shall,

(a) stable animals that show evidence of disease or injury in the same area as other animals on the premises; or

(b) move sick or injured animals in a manner that,

(i) drags them in direct contact with the ground, or

(ii) pulls them by the head, horns, neck, feet or tail.

**3. The Regulation is amended by adding the following section:**

DETENTION OF NON-AMBULATORY ANIMALS FOUND ON VEHICLES

17.1 (1) An inspector shall detain any animal that is unable to stand without assistance or to move without being dragged or carried that is found in a vehicle on the premises of an operator.

(2) No person shall move a vehicle if an animal has been detained on it under subsection (1) unless a veterinarian,

(a) issues a certificate for direct transport to slaughter; or

(b) releases the livestock to the driver of the vehicle, who shall arrange for the livestock to receive the immediate care of a veterinarian.

51/94

**ONTARIO REGULATION 734/94**  
made under the  
**MEAT INSPECTION ACT (ONTARIO)**

Made: November 16, 1994  
Filed: November 28, 1994

Amending O. Reg. 632/92  
(General)

Note: There are no prior amendments to Ontario Regulation 632/92.

**1. Ontario Regulation 632/92 is amended by adding the following section:**

28.1 An operator of a plant shall ensure that no animal is unloaded at the plant in a manner that,

(a) drags the animal in direct contact with the ground; or

(b) pulls the animal by the head, horns, neck, feet or tail.

**2. Section 57 of the Regulation is amended by adding the following subsection:**

(4) Despite subsection (1), the inspector is not required to refer the animal for inspection by a veterinary inspector if,

(a) the animal is accompanied by a certificate for direct transport to slaughter issued by a veterinarian; and

(b) a regional veterinarian so instructs.

**3. Section 59 of the Regulation is amended by striking out "An animal shall be" at the beginning and substituting "An operator shall ensure that an animal is".**

51/94

**ONTARIO REGULATION 735/94**  
made under the  
**GASOLINE TAX ACT**

Made: November 24, 1994  
Filed: November 29, 1994

Amending Reg. 534 of R.R.O. 1990  
(Returns and Refunds)

Note: Regulation 534 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 1 of Regulation 534 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

1. (1) For the purposes of subsections 3.1 (1) and 4.4 (1) of the Act, every importer or collector shall collect,

(a) from every wholesaler or retailer to whom the importer or collector sells gasoline, aviation fuel or propane, at the time of the sale, an amount as security equal to the tax imposed under section 2 of the Act; and

(b) from every purchaser to whom the importer or collector sells gasoline, aviation fuel or propane, at the time of the sale, the tax payable under section 2 of the Act.

(2) On or before the 21st day of each month, every collector shall deliver to the Minister, with respect to the calendar month immediately preceding, a return in the form entitled "Collector Gasoline Tax Return - GT66" published by the Ministry of Finance of taxes collectable and taxes payable by the collector, in which the collector shall also report,

(a) quantities of gasoline, aviation fuel and propane on hand, produced, received, consumed, imported, sold and otherwise disposed of by the collector; and

(b) quantities of gasoline, aviation fuel or propane, which are lost on account of shrinkage due to variation in temperature or evaporation.

(3) Where a loss occurs due to a cause other than temperature variation or evaporation, the collector shall notify the Minister within 30 days of the occurrence of the loss.

(4) For the purposes of subsection 4 (5) of the Act, every importer who is not a registered importer and who imports gasoline or aviation

fuel into Ontario from outside Canada shall deliver a statement in the form entitled "Ontario Fuel and Gasoline Tax (Border) FGTB-1" published by the Ministry of Finance to the Minister, or to a person authorized by the Minister, at the time of entry into Ontario of each shipment of gasoline or aviation fuel.

(5) The statement required by subsection (4) shall set out the quantity of gasoline or aviation fuel imported into Ontario by the importer, the name and address of the consignee and the name of the person transporting the gasoline or aviation fuel.

(6) Every importer shall, on or before the 21st day of the month following the calendar month in which the gasoline or aviation fuel was imported into or received in Ontario, deliver a statement in the form entitled "Importer Gasoline Tax Return - GT61" published by the Ministry of Finance to the Minister specifying,

- (a) the quantity of gasoline or aviation fuel; and
- (b) the name and address of the person from whom the gasoline or aviation fuel was purchased and the date of the purchase.

(7) Every importer shall remit the tax and security collectable and payable by the importer in respect of the sales of gasoline or aviation fuel under subsection (1) with the statement required by subsection (6).

(8) An importer who has complied with subsection 4 (3) of the Act may deduct from remittances required under subsection (7) all amounts paid under clause 4 (3) (a) of the Act in respect of gasoline or aviation fuel imported during the previous calendar month.

(9) On or before the 21st day of each month, every person required to pay tax under subsection 2 (4.1) of the Act shall deliver to the Minister, with respect to the aviation fuel transferred into the fuel tanks of aircraft in the calendar month immediately preceding, a return of the tax payable by such person.

(10) For the purposes of subsection 2 (5.2) of the Act, every purchaser who receives delivery of gasoline or aviation fuel in Ontario shall, on or before the 21st day of the month, deliver to the Minister, with respect to the gasoline or aviation fuel delivered in the calendar month immediately preceding, a return of the tax payable by such person under section 2 of the Act.

(11) The Minister may require a wholesaler or retailer of gasoline, aviation fuel or propane who is not a collector to deliver a return to the Minister on or before the 15th day of every month showing the quantity of gasoline, aviation fuel or propane sold by the wholesaler or retailer and the names and addresses of all persons to whom the gasoline, aviation fuel or propane was sold during the preceding calendar month.

(12) The Minister may require a purchaser of gasoline, aviation fuel or propane who is not a collector or who is not required to file a return under subsections 2 (5.1) or (5.2) of the Act, to deliver a return to the Minister on or before the 15th day of every month showing the quantity of gasoline, aviation fuel or propane purchased or received, and the names and addresses of the persons from whom the gasoline, aviation fuel or propane was purchased or received in the preceding calendar month.

(13) Every person shall remit to the Minister the tax payable and the tax collectable along with the returns required under this section.

1.1 (1) Every exporter shall deliver to the Minister, at least 10 days prior to the delivery of gasoline in bulk or aviation fuel in bulk to a person carrying on business outside Ontario, a return in the form entitled "Advance Notice of Exportation - GT608" published by the Ministry of Finance with respect to the gasoline or aviation fuel to be delivered outside Ontario.

(2) Despite subsection (1) the Minister may extend or abridge the time for making the return before the time of export.

(3) On or before the 21st day of every month, every exporter shall deliver to the Minister a return in the form entitled "Exporter Gasoline Tax Return - GT62" published by the Ministry of Finance with supporting schedule, with respect to the gasoline or aviation fuel delivered outside Ontario in the immediately preceding calendar month.

(4) When gasoline or aviation fuel is exported out of Ontario to the United States using a motor vehicle or railway equipment, the return required under subsection (3) shall be supported by,

- (a) a photocopy of the front and back of the U. S. Customs Proforma Invoice prepared by a Canadian customs broker and stamped by the U. S. Customs Service;
- (b) U. S. Customs document Form 7533;
- (c) all petroleum loading tickets;
- (d) all receipted invoices from the exporter's supplier as proof of payment of Ontario tax on the gasoline or aviation fuel exported, if a refund is being applied for;
- (e) a copy of a properly completed straight bill of lading;
- (f) all export sales invoices issued by the exporter; and
- (g) any other evidence deemed necessary by the Minister to prove delivery of product to a location outside Ontario.

(5) When gasoline in bulk or aviation fuel in bulk is exported out of Ontario to another province or territory using a motor vehicle or railway equipment, the return required under subsection (3) shall be supported by,

- (a) all receipted invoices from the exporter's supplier as proof of payment of Ontario tax on gasoline or aviation fuel exported, if a refund is being applied for;
- (b) a copy of a properly completed straight bill of lading;
- (c) all export sales invoices issued by the exporter; and
- (d) any other evidence deemed necessary by the Minister to prove delivery of product to a location outside Ontario.

(6) When gasoline in bulk or aviation fuel in bulk is exported out of Ontario through a pipeline, the return required under subsection (3) shall be supported by,

- (a) all receipted invoices from the exporter's supplier as proof of payment of Ontario tax on the gasoline in bulk or aviation fuel in bulk exported, if a refund is being applied for;
- (b) a copy of the pipeline report showing the amount of gasoline or aviation fuel loaded into the pipeline and the location where the gasoline or aviation fuel left the pipeline;
- (c) all export sales invoices issued by the exporter; and
- (d) any other evidence deemed necessary by the Minister to prove delivery of product to a location outside Ontario.

(7) When gasoline in bulk or aviation fuel in bulk is exported out of Ontario by a vessel, the return required under subsection (3) shall be supported by,

- (a) all receipted invoices from the exporter's supplier as proof of payment of Ontario tax on the gasoline or aviation fuel exported, if a refund is being applied for;

- (b) a copy of each survey report prepared when the gasoline or aviation fuel is loaded onto the vessel and when it is off-loaded at the delivery point;
- (c) all export sales invoices issued by the exporter; and
- (d) any other evidence deemed necessary by the Minister to prove delivery of product to a location outside Ontario.

(8) Upon receipt of the return required under subsection (3) and the required evidence to prove delivery of product to a location outside Ontario, the Minister may refund the tax paid on product exported from Ontario.

1.2 On or before the 21st day of each month, every registered interjurisdictional transporter shall deliver to the Minister a return in the form entitled "ITPP Gasoline Return - GT63" published by the Ministry of Finance with respect to the calendar month immediately preceding.

1.3 (1) For the purposes of subsection 15 (3) of the Act, every invoice shall show,

- (a) the name and address of the vendor and of the purchaser;
- (b) the selling price per litre of the gasoline;
- (c) the amount of tax charged;
- (d) the quantity of gasoline sold;
- (e) the date of the sale; and
- (f) the location where title to the gasoline changed from the vendor to the purchaser of the gasoline.

(2) Every collector designated under the Act who sells gasoline, aviation fuel or propane exempt of tax shall deliver to the purchaser an invoice showing, in addition to the information required under subsection (1),

- (a) the collector's registration number; or
- (b) the exporter's certificate of registration number.

(3) For the purposes of subsection 15 (6) of the Act, every invoice shall show,

- (a) the name of the vendor;
- (b) the selling price of the gasoline, aviation fuel or propane;
- (c) the amount of tax charged;
- (d) the quantity of gasoline, aviation fuel or propane purchased; and
- (e) the date of the sale.

**2. Section 5 of the Regulation is revoked and the following substituted:**

5. (1) For the purposes of subsection 15 (1) of the Act, every importer, collector, exporter, interjurisdictional transporter, wholesaler and retailer shall maintain a record of,

- (a) the quantities of gasoline, aviation fuel and propane imported, purchased or otherwise received from suppliers or the person's own production;

- (b) the quantities of gasoline, aviation fuel and propane sold, delivered, exported or consumed by the person including sales and deliveries to other collectors, importers, wholesalers, retailers and purchasers;

- (c) the person's inventory of gasoline, aviation fuel and propane; and
- (d) the tax collectable and payable.

(2) The records and all invoices, books of account and other related documents maintained in accordance with subsection (1) shall be retained for at least seven years from the making of the record, invoice or document or the last entry in the book of account.

**3. Clause 6 (2) (f) of the Regulation is amended by striking out "five" in the first line and substituting "seven".**

**4. Section 7 of the Regulation is revoked and the following substituted:**

7. (1) A notice of assessment under section 11 of the Act shall be in the form entitled "Notice of Assessment - GT53" published by the Ministry of Finance.

(2) An application for a refund under section 3 of Regulation 533 of the Revised Regulations of Ontario, 1990 shall be in the form entitled "Application for Refund - GT260 (Allowance to Retailers)" published by the Ministry of Finance.

(3) An application for a refund under section 1.1, 3 or 4 shall be in the form entitled "Application for Refund of Gasoline Tax - GT257" published by the Ministry of Finance.

(4) A statement of disallowance made under section 11 of the Act shall be in the form entitled "Statement of Disallowance - GT262" published by the Ministry of Finance.

(5) An application for a refund under section 4 of Regulation 533 of the Revised Regulations of Ontario, 1990 shall be in the form entitled "Application for Gasoline Tax Refund - GT52" published by the Ministry of Finance.

(6) A notice of objection under section 13 of the Act shall be in Form 8.

(7) A notice of appeal under section 14 of the Act shall be in Form 9.

(8) The return made by a person under subsection 1 (9) shall be in the form entitled "Gasoline Tax Return - Aviation Fuel - GT65" published by the Ministry of Finance.

(9) The return made by a purchaser under subsection 1 (10) shall be in the form entitled "Purchaser's Gasoline Tax Return - GT64" published by the Ministry of Finance.

(10) An application under subsections 4.1 (4), 4.2 (2) and 5 (2) of the Act shall be in the form entitled "Application for Registration Certificate - GT702" published by the Ministry of Finance.

(11) A person wishing to be designated a collector under subsection 3 (1) of the Act shall complete an application in the form entitled "Application for Appointment as a Gasoline Tax Collector - GT701" published by the Ministry of Finance.

(12) Every person registered under the Act who enters into a written agreement to have another person act as his or her agent for the purposes of preparing and delivering to the Minister the returns required under subsection 8 (2) of the Act shall provide to the Minister written authorization for the agent in the form entitled "Agent's Direction and Authorization - GT606" published by the Ministry of Finance.

5. Forms 1 to 7 and 10 to 12 of the Regulation are revoked.

6. This Regulation shall be deemed to have come into force on January 1, 1992.

FLOYD LAUGHREN  
Minister of Finance

Dated at Toronto on November 24, 1994.

51/94

**ONTARIO REGULATION 736/94**  
made under the  
**MOTORIZED SNOW VEHICLES ACT**

Made: October 27, 1994  
Filed: December 1, 1994

Amending Reg. 804 of R.R.O. 1990  
(General)

Note: Regulation 804 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Regulation 804 of the Revised Regulations of Ontario, 1990 is amended by adding the following sections:**

25. Until April 1, 1995, section 2, clauses 9 (1) (b), (c) and (d), (2) (b), (3) (b) and subsection 16 (1) of the Act do not apply to a person who operates a motorized snow vehicle within the areas designated in Schedule 1.

26. Subsection 19 (2) of the Act does not apply to a driver of a motorized snow vehicle which is towing a conveyance on a serviced roadway within the areas designated in Schedule 1 if two red reflectors,

- (a) are securely attached to the back of the conveyance;
- (b) are located as far apart as practicable and are at the same height; and
- (c) are positioned so as to reflect the light from the headlights of a vehicle approaching from the rear.

**2. The Regulation is amended by adding the following Schedule :**

**Schedule 1**

1. Those areas in the districts of Kenora and Thunder Bay north of the railway tracks of the Canadian National Railways passing through the municipalities of Malachi, Minaki, Quibell, Sioux Lookout, Savant Lake, Armstrong and Nakina.

2. Those areas in the Territorial District of Cochrane north of 50 degrees latitude.

3. Those areas in the Territorial District of Algoma north of the railway tracks of the Canadian Pacific Limited passing through the municipalities of Amyot, Franz and Missanabie.

4. Those areas in the territorial districts of Rainy River, Kenora, Thunder Bay, Cochrane, Algoma and Sudbury that are not within a city, town, village or police village and not within eight kilometres of a highway designated as a King's Highway or secondary highway under the *Public Transportation and Highway Improvement Act*.

51/94

**ONTARIO REGULATION 737/94**  
made under the  
**FARM REGISTRATION AND FARM  
ORGANIZATIONS FUNDING ACT, 1993**

Made: November 28, 1994  
Filed: December 1, 1994

Amending O. Reg. 722/93  
(Filing Dates)

Note: Since January 1, 1994, Ontario Regulation 722/93 has been amended by Ontario Regulation 443/94. There are no prior amendments.

**1. Paragraphs 1 and 2 of section 1 of Ontario Regulation 722/93 are revoked and the following substituted:**

1. If the mailing address of the farming business is in Canada, the form shall be filed in each year on or before the date shown in Column 2 of the Table that is opposite the range of letters shown in Column 1 in which the fifth character of the postal code in the mailing address of the farming business falls.

**RÈGLEMENT DE L'ONTARIO 737/94**  
pris en application de la  
**LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES  
AGRICOLES ET LE FINANCEMENT DES  
ORGANISMES AGRICOLES**

pris le 28 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. de l'Ont. 722/93  
(Dates de dépôt)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement de l'Ontario 722/93 a été modifié par le Règlement de l'Ontario 443/94. Aucune modification antérieure n'a été apportée.

**1. Les dispositions 1 et 2 de l'article 1 du Règlement de l'Ontario 722/93 sont abrogées et remplacées par ce qui suit :**

1. Si l'adresse postale de l'entreprise agricole est au Canada, la formule est déposée chaque année au plus tard à la date indiquée dans la colonne 2 du tableau qui est en regard de la série de lettres indiquée dans la colonne 1 où se trouve le cinquième caractère du code postal de l'entreprise agricole.

TABLE

COLUMN 1	COLUMN 2
A to G	January 31
H to P	February 28
Q to Z	March 31

2. If the mailing address of the farming business is outside Canada, the form shall be filed on or before March 31 in each year.

ELMER BUCHANAN  
Minister of Agriculture, Food and Rural Affairs

Dated at Toronto on November 28, 1994.

51/94

TABLEAU

COLONNE 1	COLONNE 2
A à G	le 31 janvier
H à P	le 28 février
Q à Z	le 31 mars

2. Si l'adresse postale de l'entreprise agricole est à l'extérieur du Canada, la formule est déposée au plus tard le 31 mars de chaque année.

ELMER BUCHANAN  
Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales

Fait à Toronto le 28 novembre 1994.

**ONTARIO REGULATION 738/94**  
made under the  
**GAME AND FISH ACT**

Made: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 492 of R.R.O. 1990  
(Furs)

Note: Regulation 492 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 20 (1) of Regulation 492 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) The royalties for taking or shipping any fur-bearing animal or its pelt to a point outside Ontario or sending or having sent any fur-bearing animal or its pelt to a tanner or taxidermist to be tanned, plucked or treated are as follows:

1.	Badger	\$ .40
2.	Beaver	1.50
3.	Bobcat	1.65
4.	Coyote	1.50
5.	Fisher	2.00
6.	Fox (Arctic)	1.20
7.	Fox (Coloured)	1.20
8.	Fox (Grey)	.80
9.	Lynx	4.60
10.	Marten	2.65
11.	Mink	1.60
12.	Muskrat	.15
13.	Opossum	.15
14.	Otter	4.55
15.	Raccoon	.90
16.	Red Squirrel	.10
17.	Skunk	.30
18.	Timber Wolf	3.20
19.	Weasel	.20
20.	Wolverine	8.50

**RÈGLEMENT DE L'ONTARIO 738/94**  
pris en application de la  
**LOI SUR LA CHASSE ET LA PÊCHE**

pris le 30 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. 492 des R.R.O. de 1990  
(Fourrures)

Remarque : Le Règlement 492 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. Le paragraphe 20 (1) du Règlement 492 des Règlements de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

(1) Les redevances à payer pour transporter ou expédier un animal à fourrure ou sa peau à un endroit à l'extérieur de l'Ontario ou pour envoyer ou faire envoyer un animal à fourrure ou sa peau chez un tanneur ou un taxidermiste à des fins de tannage, d'écharnage ou de traitement sont les suivantes :

1.	Blaireau	0,40 \$
2.	Castor	1,50
3.	Lynx roux	1,65
4.	Coyote	1,50
5.	Pékan	2,00
6.	Renard arctique	1,20
7.	Renard roux	1,20
8.	Renard gris	0,80
9.	Lynx du Canada	4,60
10.	Martre	2,65
11.	Vison	1,60
12.	Rat musqué	0,15
13.	Opossum	0,15
14.	Loutre	4,55
15.	Raton laveur	0,90
16.	Écureuil roux	0,10
17.	Mouffette	0,30
18.	Loup gris	3,20
19.	Belette	0,20
20.	Carcajou	8,50

51/94

**ONTARIO REGULATION 739/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 23, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 194 of R.R.O. 1990  
(Rules of Civil Procedure)

Note: Since January 1, 1994, Regulation 194 has been amended by Ontario Regulations 351/94 and 484/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Subrule 15.04 (4) of Regulation 194 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

*Contents of Order*

- (4) The order removing a solicitor from the record shall include,
- (a) the client's last known address; and
  - (b) if the client is a corporation, the text of subrules (6) and (7).

(2) Rule 15.04 of the Regulation is amended by adding the following subrules:

*Corporations*

(6) A client that is a corporation shall, within 10 days after being served with the order removing the solicitor from the record,

- (a) appoint a new solicitor of record by serving a notice under subrule 15.03 (2); or
- (b) obtain and serve an order under subrule 15.01 (2) granting it leave to be represented by a person other than a solicitor.

(7) If the corporation fails to comply with subrule (6), the court may dismiss its proceeding or strike out its defence.

2. (1) Clause 34.04 (1) (b) of the Regulation is revoked and the following substituted:

- (b) where the party acts in person, on the party, personally or by an alternative to personal service.

(2) The French version of clause 34.04 (3) (b) of the Regulation is amended by striking out "interrogée" and substituting "contre-interrogée".

3. Subrule 59.03 (2) of the Regulation is revoked.

4. Subrule 59.04 (6) of the Regulation is revoked.

5. Rule 60.07 of the Regulation is amended by adding the following subrule:

*Change of Address*

(12.1) If the address of the creditor or the creditor's solicitor changes after the writ is issued, the creditor may have the new address noted on the writ by filing a requisition to that effect with the sheriff.

6. Subrule 60.18 (7) of the Regulation is revoked and the following substituted:

**RÈGLEMENT DE L'ONTARIO 739/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 23 novembre 1994  
approuvé le 30 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. 194 des R.R.O. de 1990  
(Règles de procédure civile)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 194 a été modifié par les Règlements de l'Ontario 351/94 et 484/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. (1) Le paragraphe 15.04 (4) du Règlement 194 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

*Contenu de l'ordonnance*

- (4) L'ordonnance comprend ce qui suit :
- a) la dernière adresse connue du client;
  - b) si le client est une personne morale, le texte des paragraphes (6) et (7).

(2) La règle 15.04 du Règlement est modifiée par adjonction des paragraphes suivants :

*Personnes morales*

(6) Au plus tard 10 jours après que l'ordonnance lui a été signifiée, le client qui est une personne morale :

- a) soit constitue un nouveau procureur en signifiant un avis aux termes du paragraphe 15.03 (2);
- b) soit obtient et signifie une ordonnance aux termes du paragraphe 15.01 (2) qui l'autorise à se faire représenter par une personne autre qu'un procureur.

(7) Si la personne morale ne se conforme pas au paragraphe (6), le tribunal peut rejeter l'instance qu'elle a introduite ou radier sa défense.

2. (1) L'alinéa 34.04 (1) b) du Règlement est abrogé et remplacé par ce qui suit :

- b) si la partie agit en son propre nom, à la partie elle-même, par voie de signification à personne ou selon un autre mode de signification directe.

(2) La version française de l'alinéa 34.04 (3) b) du Règlement est modifiée par substitution, à «interrogée», de «contre-interrogée».

3. Le paragraphe 59.03 (2) du Règlement est abrogé.

4. Le paragraphe 59.04 (6) du Règlement est abrogé.

5. La règle 60.07 du Règlement est modifiée par adjonction du paragraphe suivant :

*Changement d'adresse*

(12.1) Si l'adresse du créancier ou de son procureur a changé après la délivrance du bref, le créancier peut faire inscrire la nouvelle adresse sur le bref en déposant une requisition à cet effet auprès du shérif.

6. Le paragraphe 60.18 (7) du Règlement est abrogé et remplacé par ce qui suit :

**Service on Debtor**

(7) A party who is to be examined in aid of execution may be served with a notice of examination personally or by an alternative to personal service.

**7. Rule 61 of the Regulation is amended by adding the following rule:**

**MOTION IN WRITING FOR LEAVE TO APPEAL TO COURT OF APPEAL****Scope of Rule 61.03.1**

**61.03.1** (1) Motions for leave to appeal to the Court of Appeal are governed by subrules (2) to (11), not by rule 61.03.

**Motion in Writing**

(2) Where an appeal to the Court of Appeal requires the leave of that court, the motion for leave shall be made in writing.

**Notice of Motion**

- (3) The notice of motion for leave to appeal shall,
- (a) state that the motion is made under rule 61.03.1;
  - (b) be served within 15 days after the date of the order or decision from which leave to appeal is sought, unless a statute provides otherwise; and
  - (c) be filed with proof of service in the office of the Registrar, within five days after service.

**Moving Party's Motion Record, Factum and Transcripts**

(4) The moving party shall serve a motion record and transcripts of evidence, if any, in accordance with subrule 61.03 (2), and a factum consisting of the following elements, in paragraphs numbered consecutively throughout the factum:

1. Part I, containing a statement identifying the moving party and the court appealed from and stating the result in that court.
2. Part II, containing a concise summary of the facts relevant to the issues on the appeal, with such reference to the evidence by page and line as is necessary.
3. Part III, containing the specific questions that it is proposed the court should answer if leave to appeal is granted.
4. Part IV, containing a statement of each issue raised, immediately followed by a concise statement of the law and authorities relating to that issue.

(5) Three copies of the moving party's motion record, factum and transcripts, if any, shall be filed with proof of service within 30 days after the filing of the notice of motion for leave to appeal.

**Responding Party's Motion Record and Factum**

(6) The responding party may, if of the opinion that the moving party's motion record is incomplete, serve a motion record in accordance with subrule 61.03 (3).

**Signification au débiteur**

(7) L'avis de l'interrogatoire d'une partie à l'appui d'une exécution forcée peut lui être signifié à personne ou par un autre mode de signification directe.

**7. La règle 61 du Règlement est modifiée par adjonction de la règle suivante :**

**MOTION EN AUTORISATION D'INTERJETER APPEL DEVANT LA COUR D'APPEL PRÉSENTÉE PAR ÉCRIT****Portée de la règle 61.03.1**

**61.03.1** (1) Les motions en autorisation d'interjeter appel devant la Cour d'appel sont régies par les paragraphes (2) à (11) et non par la règle 61.03.

**Motion présentée par écrit**

(2) Si un appel ne peut être interjeté devant la Cour d'appel qu'avec son autorisation, la motion en autorisation est présentée par écrit.

**Avis de motion**

- (3) L'avis de motion en autorisation d'interjeter appel :
- a) précise que la motion est présentée aux termes de la règle 61.03.1;
  - b) est signifié dans les 15 jours qui suivent la date de l'ordonnance ou de la décision qui fait l'objet de la motion en autorisation d'interjeter appel, sauf disposition contraire d'une loi;
  - c) est déposé, avec la preuve de sa signification, au bureau du greffier dans les cinq jours qui suivent la signification.

**Dossier de motion, mémoire et transcriptions de l'auteur de la motion**

(4) L'auteur de la motion signifie un dossier de motion et les transcriptions des témoignages, le cas échéant, conformément au paragraphe 61.03 (2), ainsi qu'un mémoire exposant, sous forme de dispositions numérotées consécutivement dans l'ensemble du mémoire, les éléments suivants :

1. La première partie comprend un énoncé identifiant l'auteur de la motion et le tribunal dont l'ordonnance ou la décision est portée en appel et précise la décision rendue par celui-ci.
2. La deuxième partie comprend un résumé concis des faits se rapportant aux questions en litige dans l'appel, avec les renvois nécessaires à la ligne et à la page correspondantes des transcriptions.
3. La troisième partie comprend les questions précises que l'on entend soumettre au tribunal si l'autorisation d'interjeter appel est accordée.
4. La quatrième partie comprend un exposé des questions soulevées, suivi immédiatement d'un exposé concis des règles de droit, ainsi que de la doctrine et de la jurisprudence pertinentes.

(5) Trois copies du dossier de motion, du mémoire et, le cas échéant, des transcriptions de l'auteur de la motion sont déposées, avec la preuve de leur signification, dans les 30 jours qui suivent le dépôt de l'avis de motion en autorisation d'interjeter appel.

**Dossier de motion et mémoire de la partie intimée**

(6) La partie intimée peut, si elle est d'avis que le dossier de motion de l'auteur de la motion est incomplet, signifier un dossier de motion conformément au paragraphe 61.03 (3).

(7) The responding party may serve a factum consisting of the following elements, in paragraphs numbered consecutively throughout the factum:

1. Part I, containing a statement of the facts in the moving party's summary of relevant facts that the respondent accepts as correct and those facts with which the respondent disagrees and a concise summary of any additional facts relied on, with such reference to the evidence by page and line as is necessary.
2. Part II, containing the position of the respondent with respect to each issue raised by the moving party, immediately followed by a concise statement of the law and authorities relating to that issue.
3. Part III, containing a statement of any additional issues raised by the respondent, the statement of each issue to be followed by a concise statement of the law and authorities relating to that issue.

(8) Three copies of the responding party's motion record and factum shall be filed with proof of service within 15 days after service of the moving party's motion record, factum and transcripts.

#### *Determination of Motion*

(9) The court shall determine the motion if it is clear from the written material filed that no oral hearing is warranted, and otherwise shall order an oral hearing to determine the motion.

#### *Date for Oral Hearing*

(10) If the court orders an oral hearing, the Registrar shall fix a date for it.

#### *Time for Delivering Notice of Appeal*

(11) Where leave is granted, the notice of appeal shall be delivered within seven days after the granting of leave.

#### *Revocation*

(12) This rule is revoked on April 1, 1996.

8. This Regulation comes into force on April 1, 1995.

51/94

(7) La partie intimée peut signifier un mémoire exposant, sous forme de dispositions numérotées consécutivement dans l'ensemble du mémoire, les éléments suivants :

1. La première partie comprend un exposé des faits contenus dans le résumé des faits pertinents présentés par l'auteur de la motion et dont l'intimé reconnaît l'exactitude ainsi que ceux avec lesquels il est en désaccord, et un résumé concis des faits supplémentaires invoqués, accompagné des renvois nécessaires à la ligne et à la page correspondantes des transcriptions.
2. La deuxième partie comprend la position de l'intimé sur chacune des questions soulevées par l'auteur de la motion, suivie immédiatement d'un exposé concis des règles de droit, ainsi que de la doctrine et de la jurisprudence pertinentes.
3. La troisième partie comprend un exposé des questions supplémentaires soulevées par l'intimé, chacune étant suivie d'un exposé concis des règles de droit, ainsi que de la doctrine et de la jurisprudence pertinentes.

(8) Trois copies du dossier de motion et du mémoire de l'intimé sont déposées, avec la preuve de leur signification, dans les 15 jours qui suivent le dépôt du dossier de motion, du mémoire et des transcriptions de l'auteur de la motion.

#### *Jugement*

(9) Le tribunal juge la motion si, d'après les documents déposés, il est clair qu'une audience orale n'est pas justifiée; sinon, il ordonne la tenue d'une audience orale.

#### *Date de l'audience orale*

(10) Si le tribunal ordonne la tenue d'une audience orale, le greffier en fixe la date.

#### *Remise de l'avis*

(11) Si l'autorisation d'interjeter appel est accordée, l'avis d'appel est remis dans les sept jours qui suivent.

#### *Abrogation*

(12) La présente règle est abrogée le 1<sup>er</sup> avril 1996.

8. Le présent règlement entre en vigueur le 1<sup>er</sup> avril 1995.

### ONTARIO REGULATION 740/94 made under the COURTS OF JUSTICE ACT

Made: November 23, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 194 of R.R.O. 1990  
(Rules of Civil Procedure)

Note: Since January 1, 1994, Regulation 194 has been amended by Ontario Regulations 351/94, 484/94 and 739/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Rules 74.04 and 74.05 of Regulation 194 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

### RÈGLEMENT DE L'ONTARIO 740/94 pris en application de la LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 23 novembre 1994  
approuvé le 30 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. 194 des R.R.O. de 1990  
(Règles de procédure civile)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 194 a été modifié par les Règlements de l'Ontario 351/94, 484/94 et 739/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. Les règles 74.04 et 74.05 du Règlement 194 des Règlements refondus de l'Ontario de 1990 sont abrogées et remplacées par ce qui suit :



**CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE  
WITH A WILL****Material to Accompany Application**

**74.04** (1) An application for a certificate of appointment of estate trustee with a will (Form 74.4 or 74.5) shall be accompanied by,

- (a) the original of the will and of every codicil;
- (b) an affidavit (Form 74.6) attesting that notice of the application (Form 74.7) has been served in accordance with subrules (2) to (7);
- (c) an affidavit of execution (Form 74.8) of the will and of every codicil, or if neither of the witnesses to the will or the codicil can be found, or both have died, such other evidence of due execution as the court may require;
- (d) if the will or a codicil is in holograph form, an affidavit (Form 74.9) attesting that the handwriting and signature in the will or codicil are those of the deceased;
- (e) if the will or a codicil is not in holograph form but contains an alteration, erasure, obliteration or interlineation that has not been attested, an affidavit as to the condition of the will or codicil at the time of execution (Form 74.10);
- (f) a renunciation (Form 74.11) from every living person who is named in the will or codicil as estate trustee who has not joined in the application and is entitled to do so;
- (g) if the applicant is not named as an estate trustee in the will or codicil, a consent to the applicant's appointment (Form 74.12) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;
- (h) the security required by the *Estates Act*; and
- (i) such additional or other material as the court directs.

**Notice to Interested Persons**

(2) Notice of the application shall be served on all persons entitled to share in the distribution of the estate, including charities and contingent beneficiaries.

**Notice—Charity**

(3) If a charity is entitled to share in the distribution of the estate, notice of the application shall also be served on the Public Trustee.

**Notice—Minor**

(4) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, notice of the application shall not be served on the person, despite subrule (2), but shall be served on a parent or guardian and on the Official Guardian.

**Notice—Unborn or Unascertained Persons**

(5) If there may be unborn or unascertained beneficiaries, notice of the application shall be served on the Official Guardian.

**CERTIFICAT DE NOMINATION À TITRE DE FIDUCIAIRE DE  
LA SUCCESSION TESTAMENTAIRE****Pièces devant accompagner la requête**

**74.04** (1) La requête en vue d'obtenir un certificat de nomination à titre de fiduciaire de la succession testamentaire (formule 74.4 ou 74.5) doit être accompagnée des pièces suivantes :

- a) l'original du testament et de tous les codicilles;
- b) un affidavit (formule 74.6) attestant que l'avis de requête (formule 74.7) a été signifié conformément aux paragraphes (2) à (7);
- c) un affidavit de passation (formule 74.8) du testament et de chaque codicille ou, si les témoins signataires sont introuvables ou sont tous deux décédés, toute autre preuve de passation régulière exigée par le tribunal;
- d) si le testament ou un codicille est fait dans la forme olographe, un affidavit (formule 74.9) attestant que l'écriture et la signature y figurant sont de la main du défunt;
- e) si le testament ou un codicille n'est pas fait dans la forme olographe, mais comporte des modifications, effacements, ratures, surcharges ou interlignes non attestés, un affidavit sur l'état du testament ou du codicille au moment de sa passation (formule 74.10);
- f) une renonciation (formule 74.11) de chaque personne vivante qui est désignée comme fiduciaire de la succession dans le testament ou le codicille et qui ne s'est pas jointe comme partie à la requête même si elle en a le droit;
- g) si le requérant n'est pas désigné comme fiduciaire de la succession dans le testament ou le codicille, un consentement à la nomination du requérant (formule 74.12) de la part de personnes qui ont droit à une partie de la succession et qui détiennent, ensemble, un intérêt majoritaire sur les biens de la succession, selon la valeur de ceux-ci à la date du décès;
- h) la garantie exigée par la *Loi sur les successions*;
- i) tout document supplémentaire ou toute autre pièce, suivant les directives du tribunal.

**Avis aux intéressés**

(2) L'avis de requête est signifié à toutes les personnes qui ont droit à une partie de la succession, y compris les œuvres de bienfaisance et les bénéficiaires éventuels.

**Avis — œuvres de bienfaisance**

(3) Si une œuvre de bienfaisance a droit à une partie de la succession, l'avis de requête est également signifié au curateur public.

**Avis — mineurs**

(4) Si une personne qui a droit à une partie de la succession est âgée de moins de 18 ans, l'avis de requête ne doit pas être signifié à la personne, malgré le paragraphe (2), mais à son père ou à sa mère, ou encore à son tuteur, ainsi qu'au tuteur public.

**Avis — personnes non encore nées ou non identifiées**

(5) S'il se peut qu'il y ait des bénéficiaires qui ne sont pas encore nés ou qui ne sont pas identifiés, l'avis de requête est signifié au tuteur public.

**Notice—Mentally Incompetent Person**

(6) If a person who is entitled to share in the distribution of the estate is mentally incompetent or incapable of managing his or her affairs, notice of the application shall also be served,

- (a) if the person has a committee, on the committee;
- (b) if the person has no committee, on the Public Trustee.

**Regular Lettermail**

(7) Notice under this rule shall be served on all persons, including charities, the Official Guardian and the Public Trustee, by regular lettermail sent to the person's last known address.

**Certificate**

(8) The certificate of appointment of estate trustee with a will shall be in Form 74.13.

**CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITHOUT A WILL****Material to Accompany Application**

**74.05** (1) An application for a certificate of appointment of estate trustee without a will (Form 74.14 or 74.15) shall be accompanied by,

- (a) an affidavit (Form 74.16) attesting that notice of the application (Form 74.17) has been served in accordance with subrules (2) to (5);
- (b) a renunciation (Form 74.18) from every person who is entitled in priority to be named as estate trustee and who has not joined in the application;
- (c) a consent to the applicant's appointment (Form 74.19) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;
- (d) the security required by the *Estates Act*; and
- (e) such additional or other material as the court directs.

**Notice to Interested Persons**

(2) Notice of the application shall be served on all persons entitled to share in the distribution of the estate.

**Notice—Minor**

(3) If a person who is entitled to share in the distribution of the estate is less than 18 years of age, notice of the application shall not be served on the person, despite subrule (2), but shall be served on a parent or guardian and on the Official Guardian.

**Notice—Mentally Incompetent Person**

(4) If a person who is entitled to share in the distribution of the estate is mentally incompetent or incapable of managing his or her affairs, notice of the application shall also be served,

- (a) if the person has a committee, on the committee;
- (b) if the person has no committee, on the Public Trustee.

**Avis — incapables mentaux**

(6) Si une personne qui a droit à une partie de la succession est un incapable mental ou est incapable de gérer ses affaires, l'avis de requête est également signifié :

- a) si la personne a un curateur, au curateur;
- b) si la personne n'a pas de curateur, au curateur public.

**Courrier ordinaire**

(7) Les avis prévus par la présente règle sont signifiés à toutes les personnes, y compris les œuvres de bienfaisance, le tuteur public et le curateur public, par courrier ordinaire, à leur dernière adresse connue.

**Certificat**

(8) Le certificat de nomination à titre de fiduciaire de la succession testamentaire est rédigé selon la formule 74.13.

**CERTIFICAT DE NOMINATION À TITRE DE FIDUCIAIRE DE LA SUCCESSION NON TESTAMENTAIRE****Pièces devant accompagner la requête**

**74.05** (1) La requête en vue d'obtenir un certificat de nomination à titre de fiduciaire de la succession non testamentaire (formule 74.14 ou 74.15) doit être accompagnée des pièces suivantes :

- a) un affidavit (formule 74.16) attestant que l'avis de requête (formule 74.17) a été signifié conformément aux paragraphes (2) à (5);
- b) une renonciation (formule 74.18) de chaque personne qui a priorité de rang en ce qui concerne la nomination à titre de fiduciaire de la succession et qui ne s'est pas jointe comme partie à la requête;
- c) un consentement à la nomination d'un requérant (formule 74.19) de la part de personnes qui ont droit à une partie de la succession et qui détiennent, ensemble, un intérêt majoritaire sur les biens de la succession, selon la valeur de ceux-ci à la date du décès;
- d) la garantie exigée par la *Loi sur les successions*;
- e) tout document supplémentaire ou toute autre pièce, suivant les directives du tribunal.

**Avis aux intéressés**

(2) L'avis de requête est signifié à toutes les personnes qui ont droit à une partie de la succession.

**Avis — mineurs**

(3) Si une personne qui a droit à une partie de la succession est âgée de moins de 18 ans, l'avis de requête ne doit pas être signifié à la personne, malgré le paragraphe (2), mais à son père ou à sa mère, ou encore à son tuteur, ainsi qu'au tuteur public.

**Avis — incapables mentaux**

(4) Si une personne qui a droit à une partie de la succession est un incapable mental ou est incapable de gérer ses affaires, l'avis de requête est également signifié :

- a) si la personne a un curateur, au curateur;
- b) si la personne n'a pas de curateur, au curateur public.

**Regular Lettermail**

(5) Notice under this rule shall be served on all persons, including the Official Guardian and the Public Trustee, by regular lettermail sent to the person's last known address.

**Certificate**

(6) The certificate of appointment of estate trustee without a will shall be in Form 74.20.

**2. Clause 74.08 (1) (a) of the Regulation is revoked and the following substituted:**

- (a) a certified copy of the document under the seal of the court that granted it, and a certificate under the seal of that court, stating that the grant is still effective;

**3. Clause 74.09 (1) (a) of the Regulation is revoked and the following substituted:**

- (a) two certified copies of the document under the seal of the court that granted it, and a certificate under the seal of that court, stating that the grant is still effective;

**4. Subrule 74.14 (1) of the Regulation is amended by striking out "the order of the court to issue the certificate may be made by the registrar of the court" in the third and fourth lines and substituting "the registrar may issue the certificate".**

**5. Subrule 75.07 (3) of the Regulation is revoked.**

**6. Rule 75 of the Regulation is amended by adding the following rule:**

**SUBMISSION OF RIGHTS TO COURT**

**75.07.1** Where a person files a statement of submission of rights to the court in response to service of a statement of claim or on a motion or application for directions,

- (a) the person is not a party to the proceeding and is entitled only to service by the plaintiff of written notice of the time and place of the trial and a copy of the judgment disposing of the matter;
- (b) the person is not entitled to costs in the proceeding and is not liable for costs, except indirectly to the extent that costs are ordered to be paid out of the estate; and
- (c) a judgment on consent following settlement shall not be given without,
- (i) the written consent of the person, or
- (ii) an affidavit of a solicitor of record in the proceeding attesting that a notice of settlement (Form 75.11), appended as an exhibit to the affidavit, has been personally served on the person and no rejection of settlement (Form 75.12) has been filed with the court within 10 days after service of the notice.

**7. Forms 74.4 and 74.5 of the Regulation are revoked and the following substituted:**

**Courrier ordinaire**

(5) Les avis prévus par la présente règle sont signifiés à toutes les personnes, y compris le tuteur public et le curateur public, par courrier ordinaire, à leur dernière adresse connue.

**Certificat**

(6) Le certificat de nomination à titre de fiduciaire de la succession non testamentaire est rédigé selon la formule 74.20.

**2. L'alinéa 74.08 (1) a) du Règlement est abrogé et remplacé par ce qui suit :**

- a) une copie certifiée conforme du document, revêtu du sceau du tribunal qui a accordé la nomination, et un certificat, revêtu du sceau de ce tribunal, indiquant que la nomination est encore en vigueur;

**3. L'alinéa 74.09 (1) a) du Règlement est abrogé et remplacé par ce qui suit :**

- a) deux copies certifiées conformes du document, revêtues du sceau du tribunal qui a accordé la nomination, et un certificat, revêtu du sceau de ce tribunal, indiquant que la nomination est encore en vigueur;

**4. Le paragraphe 74.14 (1) du Règlement est modifié par substitution, à «l'ordonnance de délivrance du certificat peut être rendue par le greffier du tribunal» aux troisième et quatrième lignes, de «le greffier peut délivrer le certificat».**

**5. Le paragraphe 75.07 (3) du Règlement est abrogé.**

**6. La règle 75 du Règlement est modifiée par adjonction de la règle suivante :**

**SOUSSION DE DROITS AU TRIBUNAL**

**75.07.1** Si une personne dépose une déclaration de soumission de droits au tribunal en réponse à la signification d'une déclaration ou sur présentation d'une motion ou d'une requête en vue d'obtenir des directives :

- a) elle n'est pas partie à l'instance et n'a droit qu'à la signification, par le demandeur, d'un avis écrit des date, heure et lieu du procès ainsi que d'une copie du jugement qui décide l'affaire;
- b) elle n'a pas droit aux dépens de l'instance et ne peut être tenue de les payer, sauf indirectement, dans la mesure où le tribunal ordonne que les dépens soient prélevés sur la succession;
- c) aucun jugement sur consentement ne peut être rendu à la suite d'une transaction sans qu'ait été obtenu :
- (i) soit son consentement écrit,
- (ii) soit un affidavit d'un procureur de l'instance attestant que la personne a reçu signification à personne d'un avis de transaction (formule 75.11), annexé comme pièce à l'affidavit, et qu'aucune déclaration de rejet de la transaction (formule 75.12) n'a été déposée au tribunal dans les 10 jours qui ont suivi la signification.

**7. Les formules 74.4 et 74.5 du Règlement sont abrogées et remplacées par ce qui suit :**

**Ontario Court (General Division)**  
at

**APPLICATION FOR CERTIFICATE OF  
APPOINTMENT OF ESTATE TRUSTEE  
WITH A WILL (INDIVIDUAL APPLICANT)**

*Form 74.4 under the Rules (Page 1 of 2)*

This application is filed by *(insert name and address)*

**DETAILS ABOUT THE DECEASED PERSON**

**Name** *(insert surname and forename(s), and, if applicable, any other name by which the deceased person was known)*

**Address of fixed place of abode** *(street or postal address) (city or town)* *(county, district, regional or metropolitan municipality)*

If the deceased person had no fixed place of abode in Ontario, did he or she have property in Ontario? <input type="checkbox"/> No <input type="checkbox"/> Yes	<b>Last occupation of deceased person</b>
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<b>Place of death</b> <i>(city or town; county, district, regional or metropolitan municipality)</i>	<b>Date of death</b> <i>(day, month, year)</i>	<b>Date of last will</b> <i>(marked as Exhibit "A") (day, month, year)</i>
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Was the deceased person 18 years of age or older at the date of the will (or 21 years of age or older if the will is dated earlier than September 1, 1971)?  No  Yes  
 If not, explain why certificate is being sought. Give details in an attached schedule.

<b>Date of codicil</b> <i>(marked as Exhibit "B") (day, month, year)</i>	<b>Date of codicil</b> <i>(marked as Exhibit "C") (day, month, year)</i>
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<b>Date of codicil</b> <i>(marked as Exhibit "D") (day, month, year)</i>	<b>Date of codicil</b> <i>(marked as Exhibit "E") (day, month, year)</i>  <i>(additional codicils may be described in an attached schedule and marked as exhibits)</i>
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<b>Marital status</b> <input type="checkbox"/> Unmarried <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Divorced	Did the deceased person marry after the date of the will? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, explain why certificate is being sought. Give details in an attached schedule.
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Was a marriage of the deceased person terminated by a judgment absolute of divorce, or declared a nullity, after the date of the will? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, give details in an attached schedule.	Is any person who signed the will or a codicil as witness or for the testator, or the spouse of such a person, a beneficiary under the will? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, give details in an attached schedule.
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**VALUE OF ASSETS OF ESTATE**

Do not include in the total amount: insurance payable to a named beneficiary or assigned for value, property held jointly and passing by survivorship, or real estate outside Ontario.

Personal property	Real estate, net of encumbrances	Total
\$	\$	\$

If a person named in the will as estate trustee is not an applicant, explain.

If a person not named in the will or a codicil as estate trustee is an applicant, explain why that person is entitled to apply.

**AFFIDAVIT(S) OF APPLICANT(S)**

*(Attach a separate sheet for additional affidavits, if necessary.)*

**I, an applicant named in this application, make oath and say/affirm:**

- |   |  |
|---|--|
| <p>1. I am 18 years of age or older.</p> <p>2. The exhibit(s) referred to in this application are the last will and each codicil (where applicable) of the deceased person and I do not know of any later will or codicil.</p> <p>3. I will faithfully administer the deceased person's property according to law and render a complete and true account of my administration when lawfully required.</p> | <p>4. If I am not named as estate trustee in the will or codicil, consents of persons who together have a majority interest in the value of the assets of the estate at the date of death are attached.</p> <p>5. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.</p> |
|---|--|

<b>Name</b> <i>(surname and forename(s))</i>		<b>Occupation</b>	
<hr/>			
<b>Address</b> <i>(street or postal address)</i>	<i>(city or town)</i>	<i>(province)</i>	<i>(postal code)</i>

Sworn/Affirmed before me at the  
of  
in the  
of  
this      day of      , 19      }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of applicant

Cour de l'Ontario (Division générale)  
à

REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION  
TESTAMENTAIRE (PARTICULIER REQUÉRANT)

Formule 74.4

La présente requête est déposée par *(inscrire le nom)*

**RENSEIGNEMENTS SUR LE DÉFUNT**

Nom *(inscrire les nom de famille et prénom(s) et, le cas échéant, tout autre nom sous lequel le défunt était connu)*

Adresse de la résidence permanente *(numéro et rue ou adresse postale; cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)*

Si le défunt n'avait pas de résidence permanente en Ontario, y avait-il des biens? <input type="checkbox"/> Non <input type="checkbox"/> Oui		Dernière profession du défunt	
Lieu du décès <i>(cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)</i>		Date du décès <i>(jour, mois, année)</i>	Date du testament <i>(pièce «A»)</i> <i>(jour, mois, année)</i>
Le défunt avait-il au moins 18 ans à la date du testament (ou au moins 21 ans s'il s'agit d'un testament antérieur au 1 <sup>er</sup> septembre 1971)? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans la négative, expliquer pourquoi la délivrance d'un certificat est demandée. Préciser dans une annexe.			
Date du codicille (pièce «B») <i>(jour, mois, année)</i>		Date du codicille (pièce «C») <i>(jour, mois, année)</i>	
Date du codicille (pièce «D») <i>(jour, mois, année)</i>		Date du codicille (pièce «E») <i>(jour, mois, année)</i>	
<i>(Les codicilles additionnels peuvent être décrits dans une annexe et cotés comme pièces.)</i>			
État civil <input type="checkbox"/> célibataire <input type="checkbox"/> marié(e) <input type="checkbox"/> veuf, veuve <input type="checkbox"/> divorcé(e)		Le défunt s'était-il marié après la date du testament? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, expliquer pourquoi la délivrance d'un certificat est demandée. Préciser dans une annexe.	
Après la date du testament, un mariage du défunt avait-il été dissous par un jugement irrévocable de divorce ou déclaré nul? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.		Le signataire du testament ou d'un codicille à titre de témoin ou pour le testateur, ou son conjoint, est-il un bénéficiaire aux termes du testament? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.	

**VALEUR DES BIENS DE LA SUCCESSION**

Le montant total ne doit pas comprendre l'assurance payable à un bénéficiaire désigné ou cédée à titre onéreux, les biens détenus conjointement et transmis avec gain de survie, ni les biens immeubles situés à l'extérieur de l'Ontario.

Biens meubles	Biens Immeubles, déduction faite des sûretés	Total
\$	\$	\$

Si une personne désignée dans le testament comme fiduciaire de la succession n'est pas un requérant, expliquer.

Si une personne non désignée dans le testament ou un codicille comme fiduciaire de la succession est un requérant, expliquer pourquoi elle a le droit de présenter une requête.

**AFFIDAVIT(S) DU/DES REQUÉRANT(S)***(Annexer au besoin une autre feuille pour les affidavits additionnels.)*

Je soussigné(e), requérant désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. J'ai au moins 18 ans.
2. La ou les pièces visées dans la présente requête constituent le testament et tous les codicilles (*le cas échéant*) du défunt. Je ne connais aucun testament ni codicille postérieurs.
3. J'administrerai fidèlement les biens du défunt conformément à la loi et rendrai compte de mon administration de façon exacte et complète dans les cas où la loi m'y oblige.
4. Si je ne suis pas désigné(e) comme fiduciaire de la succession dans le testament ou un codicille, les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens de la succession, selon la valeur de ceux-ci à la date du décès, sont annexés.
5. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Nom <i>(nom de famille et prénom(s))</i>	Profession
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Adresse *(numéro et rue ou adresse postale; cité ou ville; province; code postal)*

Déclaré sous serment/  
affirmé solennellement devant moi  
dans le/la  
de  
situé(e) dans le/la  
de/du  
le

19

\_\_\_\_\_  
Signature du requérant

\_\_\_\_\_  
Commissaire aux affidavits *(ou la personne autorisée)*

**Ontario Court (General Division)**  
at

**APPLICATION FOR CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL (CORPORATE APPLICANT)**

*Form 74.5 under the Rules (Page 1 of 2)*

This application is filed by *(insert name and address)*

**DETAILS ABOUT THE DECEASED PERSON**

**Name** *(insert surname and forename(s), and, if applicable, any other name by which the deceased person was known)*

<b>Address of fixed place of abode</b> <i>(street or postal address) (city or town)</i>	<i>(county, district, regional or metropolitan municipality)</i>
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If the deceased person had no fixed place of abode in Ontario, did he or she have property in Ontario? <input type="checkbox"/> No <input type="checkbox"/> Yes	<b>Last occupation of deceased person</b>
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<b>Place of death</b> <i>(city or town; county, district, regional or metropolitan municipality)</i>	<b>Date of death</b> <i>(day, month, year)</i>	<b>Date of last will</b> <i>(marked as Exhibit "A") (day, month, year)</i>
--	--	--

Was the deceased person 18 years of age or older at the date of the will (or 21 years of age or older if the will is dated earlier than September 1, 1971)?  No  Yes  
If not, explain why certificate is being sought. Give details in an attached schedule.

<b>Date of codicil</b> <i>(marked as Exhibit "B") (day, month, year)</i>	<b>Date of codicil</b> <i>(marked as Exhibit "C") (day, month, year)</i>
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<b>Date of codicil</b> <i>(marked as Exhibit "D") (day, month, year)</i>	<b>Date of codicil</b> <i>(marked as Exhibit "E") (day, month, year)</i>  <i>(additional codicils may be described in an attached schedule and marked as exhibits)</i>
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<b>Marital status</b> <input type="checkbox"/> Unmarried <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Divorced	Did the deceased person marry after the date of the will? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, explain why certificate is being sought. Give details in an attached schedule.
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Was a marriage of the deceased person terminated by a judgment absolute of divorce, or declared a nullity, after the date of the will? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, give details in an attached schedule.	Is any person who signed the will or a codicil as witness or for the testator, or the spouse of such a person, a beneficiary under the will? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, give details in an attached schedule.
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**VALUE OF ASSETS OF ESTATE**

Do not include in the total amount: insurance payable to a named beneficiary or assigned for value, property held jointly and passing by survivorship, or real estate outside Ontario.

Personal property	Real estate, net of encumbrances	Total
\$	\$	\$

If a person named in the will as estate trustee is not an applicant, explain.

If a person not named in the will or a codicil as estate trustee is an applicant, explain why that person is entitled to apply.



**AFFIDAVIT(S) OF APPLICANT(S)**

*(Attach a separate sheet for additional affidavits, if necessary.)*

**I, a trust officer named in this application, make oath and say/affirm:**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. I am a trust officer of the corporate applicant.</li> <li>2. I am 18 years of age or older.</li> <li>3. The exhibit(s) referred to in this application are the last will and each codicil (where applicable) of the deceased person and I do not know of any later will or codicil.</li> <li>4. The corporate applicant will faithfully administer the deceased person's property according to law and render a complete and</li> </ol> | <ol style="list-style-type: none"> <li>5. If the corporate applicant is not named as estate trustee in the will or codicil, consents of persons who together have a majority interest in the value of the assets of the estate at the date of death are attached.</li> <li>6. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.</li> </ol> |
|---|---|

<b>Name of corporate applicant</b>	<b>Name of trust officer</b>
------------------------------------	------------------------------

**Address of corporate applicant** *(street or postal address) (city or town) (province) (postal code)*

Sworn/Affirmed before me at the  
of  
in the  
of  
this      day of      , 19      }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of trust officer

**I, an applicant named in this application, make oath and say/affirm:**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. I am 18 years of age or older.</li> <li>2. The exhibit(s) referred to in this application are the last will and each codicil (where applicable) of the deceased person and I do not know of any later will or codicil.</li> <li>3. I will faithfully administer the deceased person's property according to law and render a complete and true account of my administration when lawfully required.</li> </ol> | <ol style="list-style-type: none"> <li>4. If I am not named as estate trustee in the will or codicil, consents of persons who together have a majority interest in the value of the assets of the estate at the date of death are attached.</li> <li>5. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.</li> </ol> |
|--|---|

<b>Name</b> <i>(surname and forename(s))</i>	<b>Occupation</b>
--	-------------------

**Address** *(street or postal address) (city or town) (province) (postal code)*

Sworn/Affirmed before me at the  
of  
in the  
of  
this      day of      , 19      }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of applicant

Cour de l'Ontario (Division générale)  
à

REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION  
TESTAMENTAIRE (PERSONNE MORALE REQUÉRANTE)

Formule 74.5

La présente requête est déposée par (inscrire le nom)

**RENSEIGNEMENTS SUR LE DÉFUNT**

NOM (inscrire les nom de famille et prénom(s) et, le cas échéant, tout autre nom sous lequel le défunt était connu)

Adresse de la résidence permanente (numéro et rue ou adresse postale; cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)

Si le défunt n'avait pas de résidence permanente en Ontario, y avait-il des biens? <input type="checkbox"/> Non <input type="checkbox"/> Oui		Dernière profession du défunt	
Lieu du décès (cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)		Date du décès (jour, mois, année)	Date du testament (pièce «A») (jour, mois, année)
Le défunt avait-il au moins 18 ans à la date du testament (ou au moins 21 ans s'il s'agit d'un testament antérieur au 1 <sup>er</sup> septembre 1971)? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans la négative, expliquer pourquoi la délivrance d'un certificat est demandée. Préciser dans une annexe.			
Date du codicille (pièce «B») (jour, mois, année)		Date du codicille (pièce «C») (jour, mois, année)	
Date du codicille (pièce «D») (jour, mois, année)		Date du codicille (pièce «E») (jour, mois, année)	
<i>(Les codicilles additionnels peuvent être décrits dans une annexe et cotés comme pièces.)</i>			
État civil <input type="checkbox"/> célibataire <input type="checkbox"/> marié(e) <input type="checkbox"/> veuf, veuve <input type="checkbox"/> divorcé(e)		Le défunt s'était-il marié après la date du testament? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, expliquer pourquoi la délivrance d'un certificat est demandée. Préciser dans une annexe.	
Après la date du testament, un mariage du défunt avait-il été dissous par un jugement irrévocable de divorce ou déclaré nul? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.		Le signataire du testament ou d'un codicille à titre de témoin ou pour le testateur, ou son conjoint, est-il un bénéficiaire aux termes du testament? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.	

**VALEUR DES BIENS DE LA SUCCESSION**

Le montant total ne doit pas comprendre l'assurance payable à un bénéficiaire désigné ou cédée à titre onéreux, les biens détenus conjointement et transmis avec gain de survie, ni les biens immeubles situés à l'extérieur de l'Ontario.

Biens meubles	Biens immeubles, déduction faite des sûretés	Total
\$	\$	\$

Si une personne désignée dans le testament comme fiduciaire de la succession n'est pas un requérant, expliquer.

Si une personne non désignée dans le testament ou un codicille comme fiduciaire de la succession est un requérant, expliquer pourquoi elle a le droit de présenter une requête.

**AFFIDAVIT(S) DU/DES REQUÉRANT(S)***(Annexer au besoin une autre feuille pour les affidavits additionnels.)*

Je soussigné(e), agent fiduciaire désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. Je suis un agent fiduciaire de la personne morale requérante.
2. J'ai au moins 18 ans.
3. La ou les pièces visées dans la présente requête constituent le testament et tous les codicilles (*le cas échéant*) du défunt. Je ne connais aucun testament ni codicille postérieurs.
4. La personne morale requérante administrera fidèlement les biens du défunt conformément à la loi et rendra compte de son administration de façon exacte et complète dans les cas où la loi l'y oblige.
5. Si la personne morale requérante n'est pas désignée comme fiduciaire de la succession dans le testament ou un codicille, les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens de la succession, selon la valeur de ceux-ci à la date du décès, sont annexés.
6. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Dénomination de la personne morale requérante

Nom de l'agent fiduciaire

Adresse de la personne morale requérante (*numéro et rue ou adresse postale; cité ou ville; province; code postal*)

Déclaré sous serment/affirmé solennellement devant moi  
dans le/la  
de  
situé(e) dans le/la  
de/du  
le

19

Signature de l'agent fiduciaire

Commissaire aux affidavits (*ou la personne autorisée*)

Je soussigné(e), requérant désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. J'ai au moins 18 ans.
2. Les pièces visées dans la présente requête constituent le testament et tous les codicilles (*le cas échéant*) du défunt. Je ne connais aucun testament ni codicille postérieurs.
3. J'administrerai fidèlement les biens du défunt conformément à la loi et rendrai compte de mon administration de façon exacte et complète dans les cas où la loi m'y oblige.
4. Si la personne morale requérante n'est pas désignée comme fiduciaire de la succession dans le testament ou un codicille, les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens de la succession, selon la valeur de ceux-ci à la date du décès, sont annexés.
5. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Nom (*nom de famille et prénom(s)*)

Profession

Adresse (*numéro et rue ou adresse postale; cité ou ville; province; code postal*)

Déclaré sous serment/affirmé solennellement devant moi  
dans le/la  
de  
situé(e) dans le/la  
de/du  
le

19

Signature du requérant

Commissaire aux affidavits (*ou la personne autorisée*)

8. Form 74.6 of the Regulation is amended,

(a) by striking out paragraph 2 and substituting the following:

2. I have sent a notice in Form 74.7, a copy of which is marked as Exhibit "A" to this affidavit, together with a copy of the will of the deceased (and codicil(s), if any), to all adult persons and charities named in the notice, to the Public Trustee if paragraph 4 or 7 of the notice applies, to a parent or guardian of the minor and to the Official Guardian if paragraph 5 applies, and to the Official Guardian if paragraph 8 applies, all by regular lettermail.

(b) by striking out paragraph 3 and substituting the following:

3. To the best of my knowledge and belief, the persons named in the notice are all the persons who are entitled to share in the distribution of the estate.

(c) by striking out "3" in the second line of the note and substituting "2".

9. Form 74.7 of the Regulation is revoked and the following substituted:

8. La formule 74.6 du Règlement est modifiée :

a) par substitution, à la disposition 2, de ce qui suit :

2. J'ai envoyé, par courrier ordinaire, un avis rédigé selon la formule 74.7, dont une copie est cotée comme pièce «A» et jointe au présent affidavit, avec une copie du testament du défunt (et du ou des codicilles, le cas échéant) à toutes les personnes adultes et œuvres de bienfaisance nommées dans l'avis, au curateur public si la disposition 4 ou 7 de l'avis s'applique, au père, à la mère ou au tuteur du mineur et au tuteur public si la disposition 5 s'applique, et au tuteur public si la disposition 8 s'applique.

b) par substitution, à la disposition 3, de ce qui suit :

3. Au mieux de ma connaissance et de ce que je tiens pour véridique, les personnes nommées dans l'avis constituent toutes les personnes qui ont droit à une partie de la succession.

c) par substitution, à «3» à la troisième ligne de la remarque, de «2».

9. La formule 74.7 du Règlement est abrogée et remplacée par ce qui suit :

FORM 74.7

NOTICE OF AN APPLICATION FOR A  
CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

ONTARIO COURT (GENERAL DIVISION)

NOTICE OF AN APPLICATION FOR A  
CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL

IN THE ESTATE OF (insert name) , deceased.

1. The deceased died on (insert date).
2. A copy of the will (and codicil(s), if any) is attached to this notice.
3. The applicant named in this notice is applying for a certificate of appointment of estate trustee with a will.

APPLICANT

NAME	ADDRESS
------	---------

4. The following charities are entitled to share in the distribution of the estate:

Name	Address	Estimated value of interest in estate
------	---------	---------------------------------------

5. The following persons who are less than 18 years of age are entitled to share in the distribution of the estate:

Name	Date of birth	Name and address of parent or guardian	Estimated value of interest in estate
------	---------------	--	---------------------------------------

6. The following persons who are mentally incompetent or incapable of managing their affairs and who have committees are entitled to share in the distribution of the estate:

Name and address of person	Name and address of committee	Estimated value of interest in estate
----------------------------	-------------------------------	---------------------------------------

7. The following persons who are mentally incompetent or incapable of managing their affairs and who do not have committees are entitled to share in the distribution of the estate:

Name and address of person	Estimated value of interest in estate
----------------------------	---------------------------------------

8. Unborn or unascertained persons may be entitled to share in the distribution of the estate. *(Delete if inapplicable.)*

9. All other persons entitled to share in the distribution of the estate are as follows:

Name	Address
------	---------

10. This notice is being sent, by regular lettermail, to all adult persons and charities named in this notice, to the Public Trustee if paragraph 4 or 7 applies, to a parent or guardian of the minor and to the Official Guardian if paragraph 5 applies, and to the Official Guardian if paragraph 8 applies.

DATE

## FORMULE 74.7

AVIS DE REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION TESTAMENTAIRE

COUR DE L'ONTARIO (DIVISION GÉNÉRALE)

AVIS DE REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION TESTAMENTAIRE

SUCCESSION DE FEU (inscrire le nom).

1. Le défunt est décédé le (inscrire la date).
2. Une copie du testament (et du ou des codicilles, le cas échéant) est jointe au présent avis.
3. Le requérant désigné dans le présent avis présente une requête en vue d'obtenir un certificat de nomination à titre de fiduciaire de la succession testamentaire.

## REQUÉRANT

NOM

ADRESSE

4. Les oeuvres de bienfaisance suivantes ont droit à une partie de la succession :

Nom

Adresse

Estimation de la valeur  
de l'intérêt sur la  
succession

5. Les personnes suivantes qui sont âgées de moins de 18 ans ont droit à une partie de la succession :

Nom	Date de naissance	Nom et adresse du père ou de la mère ou du tuteur	Estimation de la valeur de l'intérêt sur la succession
-----	-------------------	---	--

6. Les personnes suivantes qui sont des incapables mentaux ou sont incapables de gérer leurs affaires et qui ont un curateur ont droit à une partie de la succession :

Nom et adresse de la personne	Nom et adresse du curateur	Estimation de la valeur de l'intérêt sur la succession
-------------------------------	----------------------------	--

7. Les personnes suivantes qui sont des incapables mentaux ou sont incapables de gérer leurs affaires et qui n'ont pas de curateur ont droit à une partie de la succession :

Nom et adresse de la personne	Estimation de la valeur de l'intérêt sur la succession
-------------------------------	--

8. Des personnes non encore nées ou non identifiées peuvent avoir droit à une partie de la succession. (*Rayer cette disposition si elle est sans objet.*)

9. Les autres personnes qui ont droit à une partie de la succession sont les suivantes :

Nom	Adresse
-----	---------

10. Le présent avis est envoyé, par courrier ordinaire, à toutes les personnes adultes et oeuvres de bienfaisance qui y sont nommées, au curateur public si la disposition 4 ou 7 s'applique, au père, à la mère ou au tuteur du mineur et au tuteur public si la disposition 5 s'applique, ainsi qu'au tuteur public si la disposition 8 s'applique.

DATE

10. Forms 74.13, 74.20, 74.23, 74.26 and 74.29 of the Regulation are amended by striking out "By order of the Ontario Court (General Division), this CERTIFICATE" in each case and substituting "This CERTIFICATE".

11. Forms 74.14 and 74.15 of the Regulation are revoked and the following substituted:

10. Les formules 74.13, 74.20, 74.23, 74.26 et 74.29 du Règlement sont modifiées par substitution, à «Sur ordonnance de la Cour de l'Ontario (Division générale), le présent CERTIFICAT», de «Le présent CERTIFICAT».

11. Les formules 74.14 et 74.15 du Règlement sont abrogées et remplacées par ce qui suit :

**Ontario Court (General Division)**

at

**APPLICATION FOR CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITHOUT A WILL (INDIVIDUAL APPLICANT)**

*Form 74.14 under the Rules (Page 1 of 2)*

This application is filed by *(insert name and address)*

**DETAILS ABOUT THE DECEASED PERSON**

**Name** *(insert surname and forename(s), and, if applicable, any other name by which the deceased person was known)*

**Address of fixed place of abode** *(street or postal address) (city or town)* *(county, district, regional or metropolitan municipality)*

If the deceased person had no fixed place of abode in Ontario, did he or she have property in Ontario?  
 No  Yes

**Last occupation of deceased person**

**Place of death** *(city or town; county, district, regional or metropolitan municipality)*

**Date of death** *(day, month, year)*

**Marital status**  
 Unmarried  Widowed  
 Married  Divorced

Was the deceased person's marriage terminated by a judgment absolute of divorce, or declared a nullity?  No  Yes  
 If yes, give details in an attached schedule.

Did the deceased person go through a form of marriage with another person where it appears uncertain whether an earlier marriage of the deceased person had been terminated by divorce or declared a nullity?  No  Yes  
 If yes, give the other person's name and address, and the names and addresses of any children (including deceased children) of the marriage, in an attached schedule.

Was any earlier marriage of another person with whom the deceased person went through a form of marriage terminated by divorce or declared a nullity?  No  Yes  
 If yes, give details in an attached schedule.

Was the deceased person immediately before his or her death, living in a conjugal relationship with a person of the opposite sex?  No  Yes  
 If yes, give the person's name and address in an attached schedule.

**PERSONS ENTITLED TO SHARE IN THE ESTATE**

*(Attach a schedule if more space is needed. If a person entitled to share in the estate is not a spouse, child, parent, brother or sister of the deceased person, show how the relationship is traced.)*

Name	Address	Relationship to deceased person	Age if under 18
------	---------	---------------------------------	-----------------



**VALUE OF ASSETS OF ESTATE**

Do not include in the total amount: insurance payable to a named beneficiary or assigned for value, property held jointly and passing by survivorship, or real estate outside Ontario.

Personal property	Real estate, net of encumbrances	Total
\$	\$	\$

Explain why the applicant is entitled to apply.

**AFFIDAVIT(S) OF APPLICANT(S)**

*(Attach a separate sheet for additional affidavits, if necessary.)*

**I, an applicant named in this application, make oath and say/affirm:**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. I am 18 years of age or older and a resident of Ontario.</li> <li>2. I have made a careful search and inquiry for a will or other testamentary document of the deceased person, but none has been found. I believe that the person did not leave a will or other testamentary document.</li> <li>3. I will faithfully administer the deceased person's property according to law and</li> </ol> | <ol style="list-style-type: none"> <li>render a complete and true account of my administration when lawfully required.</li> <li>4. Consents of persons who together have a majority interest in the value of the assets of the estate at the date of death are attached.</li> <li>5. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.</li> </ol> |
|---|--|

<b>Name</b> <i>(surname and forename(s))</i>		<b>Occupation</b>	
<b>Address</b> <i>(street or postal address)</i>	<i>(city or town)</i>	<i>(province)</i>	<i>(postal code)</i>

Sworn/Affirmed before me at the  
of  
in the  
of  
this      day of      , 19      }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of applicant

Cour de l'Ontario (Division générale)  
à

REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION  
NON TESTAMENTAIRE (PARTICULIER REQUÉRANT)  
Formule 74.14

La présente requête est déposée par *(inscrire le nom)*

### RENSEIGNEMENTS SUR LE DÉFUNT

Nom *(inscrire les nom de famille et prénom(s) et, le cas échéant, tout autre nom sous lequel le défunt était connu)*

Adresse de la résidence permanente *(numéro et rue ou adresse postale; cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)*

Si le défunt n'avait pas de résidence permanente en Ontario, y avait-il des biens? <input type="checkbox"/> Non <input type="checkbox"/> Oui	Dernière profession du défunt
Lieu du décès <i>(cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)</i>	Date du décès <i>(jour, mois, année)</i>
État civil <input type="checkbox"/> célibataire <input type="checkbox"/> marié(e) <input type="checkbox"/> veuf, veuve <input type="checkbox"/> divorcé(e)	
Le mariage du défunt avait-il été dissous par un jugement irrévocable de divorce ou déclaré nul? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.	
Le défunt s'était-il prêté à une forme de mariage avec une autre personne dans le cas où il semble incertain qu'un mariage antérieur du défunt ait été dissous par un divorce ou déclaré nul? Dans l'affirmative, donner dans une annexe les nom et adresse de l'autre personne et des enfants (y compris les enfants décédés) issus de ce mariage. <input type="checkbox"/> Non <input type="checkbox"/> Oui	
Un mariage antérieur d'une personne avec laquelle le défunt s'était prêté à une forme de mariage avait-il été dissous par un divorce ou déclaré nul? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.	
Immédiatement avant son décès, le défunt vivait-il dans une relation conjugale avec une personne du sexe opposé? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, donner dans une annexe les nom et adresse de la personne.	

### PERSONNES QUI ONT DROIT À UNE PARTIE DE LA SUCCESSION

*(Joindre une annexe si l'espace est insuffisant. Si la personne qui a droit à une partie de la succession n'est pas un conjoint, un enfant, un père, une mère, un frère ou une soeur du défunt, indiquer comment s'établit le lien de parenté.)*

Nom	Adresse	Lien de parenté avec le défunt	Âge (si la personne a moins de 18 ans)
-----	---------	--------------------------------	--

**VALEUR DES BIENS DE LA SUCCESSION**

Le montant total ne doit pas comprendre l'assurance payable à un bénéficiaire désigné ou cédée à titre onéreux, les biens détenus conjointement et transmis avec gain de survie, ni les biens immeubles situés à l'extérieur de l'Ontario.

Biens meubles	Biens immeubles, déduction faite des sûretés	Total
\$	\$	\$

Expliquer pourquoi le requérant a le droit de présenter la requête.

**AFFIDAVIT(S) DU/DES REQUÉRANT(S)**

*(Annexer au besoin une autre feuille pour les affidavits additionnels.)*

Je soussigné(e), requérant désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. J'ai au moins 18 ans et je suis un résident de l'Ontario.
2. J'ai recherché consciencieusement un testament ou autre document testamentaire, mais sans résultat. Je crois que le défunt n'a laissé ni testament ni autre document testamentaire.
3. J'administrerai fidèlement les biens du défunt conformément à la loi et rendrai compte de mon administration de façon exacte et complète dans les cas où la loi l'y oblige.
4. Les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens de la succession, selon la valeur de ceux-ci à la date du décès, sont annexés.
5. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Nom <i>(nom de famille et prénom(s))</i>	Profession
--	------------

Adresse *(numéro et rue ou adresse postale; cité ou ville; province; code postal)*

Déclaré sous serment/  
affirmé solennellement devant moi  
dans le/la  
de  
situé(e) dans le/la  
de/du  
le

19

Signature du requérant

Commissaire aux affidavits *(ou la personne autorisée)*

**Ontario Court (General Division)**  
at

**APPLICATION FOR CERTIFICATE OF  
APPOINTMENT OF ESTATE TRUSTEE  
WITHOUT A WILL (CORPORATE APPLICANT)**

*Form 74.15 under the Rules (Page 1 of 2)*

This application is filed by *(insert name and address)*

**DETAILS ABOUT THE DECEASED PERSON**

**Name** *(insert surname and forename(s), and, if applicable, any other name by which the deceased person was known)*

**Address of fixed place of abode** *(street or postal address) (city or town)* *(county, district, regional or metropolitan municipality)*

If the deceased person had no fixed place of abode in Ontario, did he or she have property in Ontario?

No  Yes

**Last occupation of deceased person**

**Place of death** *(city or town; county, district, regional or metropolitan municipality)*

**Date of death**  
*(day, month, year)*

**Marital status**

Unmarried  Widowed

Married  Divorced

Was the deceased person's marriage terminated by a judgment absolute of divorce, or declared a nullity?  No  Yes  
If yes, give details in an attached schedule.

Did the deceased person go through a form of marriage with another person where it appears uncertain whether an earlier marriage of the deceased person had been terminated by divorce or declared a nullity?  No  Yes If yes, give the other person's name and address, and the names and addresses of any children (including deceased children) of the marriage, in an attached schedule.

Was any earlier marriage of another person with whom the deceased person went through a form of marriage terminated by divorce or declared a nullity?  No  Yes  
If yes, give details in an attached schedule.

Was the deceased person immediately before his or her death, living in a conjugal relationship with a person of the opposite sex?  No  Yes  
If yes, give the person's name in an attached schedule.

**PERSONS ENTITLED TO SHARE IN THE ESTATE**

*(Attach a schedule if more space is needed. If a person entitled to share in the estate is not a spouse, child, parent, brother or sister of the deceased person, show how the relationship is traced.)*

Name	Address	Relationship to deceased person	Age if under 18
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**PERSONS ENTITLED TO SHARE IN THE ESTATE (Continued)**

Name	Address	Relationship to deceased person	Age if under 18
------	---------	---------------------------------	-----------------

**VALUE OF ASSETS OF ESTATE**

Do not include in the total amount: insurance payable to a named beneficiary or assigned for value, property held jointly and passing by survivorship, or real estate outside Ontario.

Personal property	Real estate, net of encumbrances	Total
\$	\$	\$

Explain why the applicant is entitled to apply.

**AFFIDAVIT(S) OF APPLICANT(S)**

*(Attach a separate sheet for additional affidavits, if necessary.)*

**I, a trust officer named in this application, make oath and say/affirm:**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. I am a trust officer of the corporate applicant.</li> <li>2. I am 18 years of age or older.</li> <li>3. I have made a careful search and inquiry for a will or other testamentary document of the deceased person, but none has been found. I believe that the person did not leave a will or other testamentary document.</li> <li>4. The corporate applicant will faithfully admin-</li> </ol> | <ol style="list-style-type: none"> <li>ister the deceased person's property according to law and render a complete and true account of its administration when lawfully required.</li> <li>5. Consents of persons who together have a majority interest in the value of the assets of the estate at the date of death are attached.</li> <li>6. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.</li> </ol> |
|--|---|

<b>Name of corporate applicant</b>	<b>Name of trust officer</b>
------------------------------------	------------------------------

**Address of corporate applicant** *(street or postal address) (city or town) (province) (postal code)*

Sworn/Affirmed before me at the  
of  
in the  
of  
this      day of      , 19      }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of trust officer

Cour de l'Ontario (Division générale)  
à

**REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION  
NON TESTAMENTAIRE (PERSONNE MORALE REQUÉRANTE)**

Formule 74.15

La présente requête est déposée par *(inscrire le nom)*

**RENSEIGNEMENTS SUR LE DÉFUNT**

Nom *(inscrire les nom de famille et prénom(s) et, le cas échéant, tout autre nom sous lequel le défunt était connu)*

Adresse de la résidence permanente *(numéro et rue ou adresse postale; cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)*

Si le défunt n'avait pas de résidence permanente en Ontario, y avait-il des biens? <input type="checkbox"/> Non <input type="checkbox"/> Oui	Dernière profession du défunt
Lieu du décès <i>(cité ou ville; comté, district, municipalité régionale ou de communauté urbaine)</i>	Date du décès <i>(jour, mois, année)</i>
État civil <input type="checkbox"/> célibataire <input type="checkbox"/> marié(e) <input type="checkbox"/> veuf, veuve <input type="checkbox"/> divorcé(e)	
Le mariage du défunt avait-il été dissous par un jugement irrévocable de divorce ou déclaré nul? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.	
Le défunt s'était-il prêté à une forme de mariage avec une autre personne dans le cas où il semble incertain qu'un mariage antérieur du défunt ait été dissous par un divorce ou déclaré nul? Dans l'affirmative, donner dans une annexe les nom et adresse de l'autre personne et des enfants (y compris les enfants décédés) issus de ce mariage. <input type="checkbox"/> Non <input type="checkbox"/> Oui	
Un mariage antérieur d'une personne avec laquelle le défunt s'était prêté à une forme de mariage avait-il été dissous par un divorce ou déclaré nul? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, préciser dans une annexe.	
Immédiatement avant son décès, le défunt vivait-il dans une relation conjugale avec une personne du sexe opposé? <input type="checkbox"/> Non <input type="checkbox"/> Oui Dans l'affirmative, donner dans une annexe les nom et adresse de la personne.	

**PERSONNES QUI ONT DROIT À UNE PARTIE DE LA SUCCESSION**

*(Joindre une annexe si l'espace est insuffisant. Si la personne qui a droit à une partie de la succession n'est pas un conjoint, un enfant, un père, une mère, un frère ou une sœur du défunt, indiquer comment s'établit le lien de parenté.)*

Nom	Adresse	Lien de parenté avec le défunt	Âge (si la personne a moins de 18 ans)
-----	---------	--------------------------------	--

**VALEUR DES BIENS DE LA SUCCESSION**

Le montant total ne doit pas comprendre l'assurance payable à un bénéficiaire désigné ou cédée à titre onéreux, les biens détenus conjointement et transmis avec gain de survie, ni les biens immeubles situés à l'extérieur de l'Ontario.

Biens meubles \$	Biens immeubles, déduction faite des sûretés \$	Total \$
---------------------	---	-------------

Expliquer pourquoi le requérant a le droit de présenter la requête.

**AFFIDAVIT(S) DU/DES REQUÉRANT(S)**

*(Annexer au besoin une autre feuille pour les affidavits additionnels.)*

Je soussigné(e), agent fiduciaire désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. Je suis un agent fiduciaire de la personne morale requérante.
2. J'ai au moins 18 ans.
3. J'ai recherché consciencieusement un testament ou autre document testamentaire, mais sans résultat. Je crois que le défunt n'a laissé ni testament ni autre document testamentaire.
4. La personne morale requérante administrera fidèlement les biens du défunt conformément à la loi et rendra compte de son administration de façon exacte et complète dans les cas où la loi l'y oblige.
5. Les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens de la succession, selon la valeur de ceux-ci à la date du décès, sont annexés.
6. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Dénomination de la personne morale requérante	Nom de l'agent fiduciaire
---	---------------------------

Adresse de la personne morale requérante *(numéro et rue ou adresse postale; cité ou ville; province; code postal)*

Déclaré sous serment/affirmé solennellement devant moi  
dans le/la  
de  
situé(e) dans le/la  
de/du  
le

19

Signature de l'agent fiduciaire

Commissaire aux affidavits *(ou la personne autorisée)*

**12. Form 74.16 of the Regulation is amended,****(a) by striking out paragraph 2 and substituting the following:**

2. I have sent a notice in Form 74.17, a copy of which is marked as Exhibit "A" to this affidavit, to all adult persons named in the notice, to the Public Trustee if paragraph 5 applies, and to a parent or guardian of the minor and to the Official Guardian if paragraph 3 applies, all by regular lettermail.

**(b) by striking out "those persons" in paragraph 3 and substituting "the persons named in the notice";****(c) by striking out "3" in the second line of the note and substituting "2".****13. Form 74.17 of the Regulation is revoked and the following substituted:****12. La formule 74.16 du Règlement est modifiée :****a) par substitution, à la disposition 2, de ce qui suit :**

2. J'ai envoyé, par courrier ordinaire, un avis rédigé selon la formule 74.17, dont une copie est cotée comme pièce «A» et jointe au présent affidavit, à toutes les personnes adultes nommées dans l'avis, au curateur public si la disposition 5 s'applique, ainsi qu'au père, à la mère ou au tuteur du mineur et au tuteur public si la disposition 3 s'applique.

**b) par substitution, à «ces personnes» à la disposition 3, de «les personnes nommées dans l'avis»;****c) par substitution, à «3» à la troisième ligne de la remarque, de «2».****13. La formule 74.17 du Règlement est abrogée et remplacée par ce qui suit :**



FORM 74.17

NOTICE OF AN APPLICATION FOR A  
CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITHOUT A WILL

ONTARIO COURT (GENERAL DIVISION)

NOTICE OF AN APPLICATION FOR A  
CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITHOUT A WILL

IN THE ESTATE OF (insert name) , deceased.

- 1. The deceased died on (insert date), without a will.
- 2. The applicant named in this notice is applying for a certificate of appointment of estate trustee without a will.

APPLICANT

NAME	ADDRESS
------	---------

- 3. The following persons who are less than 18 years of age are entitled to share in the distribution of the estate:

Name	Date of birth	Name and address of parent or guardian	Estimated value of interest in estate
------	---------------	--	---------------------------------------

- 4. The following persons who are mentally incompetent or incapable of managing their affairs and who have committees are entitled to share in the distribution of the estate:

Name and address of person	Name and address of committee	Estimated value of interest in estate
----------------------------	-------------------------------	---------------------------------------

5. The following persons who are mentally incompetent or incapable of managing their affairs and who do not have committees are entitled to share in the distribution of the estate:

Name and address of person	Estimated value of interest in estate
----------------------------	---------------------------------------

6. All other persons entitled to share in the distribution of the estate are as follows:

Name	Address
------	---------

7. This notice is being sent, by regular lettermail, to all adult persons named in this notice, to the Public Trustee if paragraph 5 applies, and to a parent or guardian of the minor and to the Official Guardian if paragraph 3 applies.

DATE

## FORMULE 74.17

AVIS DE REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION NON TESTAMENTAIRE

COUR DE L'ONTARIO (DIVISION GÉNÉRALE)

AVIS DE REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION  
À TITRE DE FIDUCIAIRE DE LA SUCCESSION NON TESTAMENTAIRE

SUCCESSION DE FEU (inscrire le nom).

1. Le défunt est décédé le (inscrire la date), sans laisser de testament.
2. Le requérant désigné dans le présent avis présente une requête en vue d'obtenir un certificat de nomination à titre de fiduciaire de la succession non testamentaire.

## REQUÉRANT

NOM

ADRESSE

3. Les personnes suivantes qui sont âgées de moins de 18 ans ont droit à une partie de la succession :

Nom	Date de naissance	Nom et adresse du père ou de la mère ou du tuteur	Estimation de la valeur de l'intérêt sur la succession
-----	-------------------	---	--

4. Les personnes suivantes qui sont des incapables mentaux ou sont incapables de gérer leurs affaires et qui ont un curateur ont droit à une partie de la succession :

Nom et adresse de la personne	Nom et adresse du curateur	Estimation de la valeur de l'intérêt sur la succession
-------------------------------	----------------------------	--

5. Les personnes suivantes qui sont des incapables mentaux ou sont incapables de gérer leurs affaires et qui n'ont pas de curateur ont droit à une partie de la succession :

Nom et adresse de la personne	Estimation de la valeur de l'intérêt sur la succession
----------------------------------	---

6. Les autres personnes qui ont droit à une partie de la succession sont les suivantes :

Nom	Adresse
-----	---------

7. Le présent avis est envoyé, par courrier ordinaire, à toutes les personnes adultes qui y sont nommées, au curateur public si la disposition 5 s'applique, ainsi qu'au père, à la mère ou au tuteur du mineur et au tuteur public si la disposition 3 s'applique.

DATE

14. Forms 74.21 and 74.24 of the Regulation are revoked and the following substituted:

14. Les formules 74.21 et 74.24 du Règlement sont abrogées et remplacées par ce qui suit :

**Ontario Court (General Division)**

at

**APPLICATION FOR CERTIFICATE OF APPOINTMENT AS SUCCEEDING ESTATE TRUSTEE WITH A WILL**

*Form 74.21 under the Rules (Page 1 of 2)*

This application is filed by *(insert name and address)*

**DETAILS ABOUT THE DECEASED PERSON**

**Name** *(insert surname and forename(s), and, if applicable, any other name by which the deceased person was known)*

**PARTICULARS OF FIRST CERTIFICATE**

<b>Name(s) of estate trustee(s)</b>	<b>Date issued</b> <i>(day, month, year)</i>
-------------------------------------	---

**VALUE OF UNDISTRIBUTED ASSETS OF ESTATE**

<b>Personal property</b>	<b>Real estate, net of encumbrances</b>	<b>Total</b>
\$	\$	\$

Explain why the applicant is entitled to apply.

**AFFIDAVIT(S) OF APPLICANT(S)**

*(Attach a separate sheet for additional affidavits, if necessary.)*

**I, a trust officer named in this application, make oath and say/affirm:**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. I am a trust officer of the corporate applicant.</li> <li>2. I am 18 years of age or older.</li> <li>3. The corporate applicant will faithfully administer the deceased person's property according to law and render a complete and true account of its administration when lawfully required.</li> <li>4. If the corporate applicant is not named as</li> </ol> | <p>estate trustee in the will or codicil, consents of persons who together have a majority interest in the value of the undistributed assets of the estate at the date of this application are attached.</p> <ol style="list-style-type: none"> <li>5. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.</li> </ol> |
|---|--|

<b>Name of corporate applicant</b>	<b>Name of trust officer</b>
------------------------------------	------------------------------

**Address of corporate applicant** *(street or postal address) (city or town) (province) (postal code)*

Sworn/Affirmed before me at the  
of  
in the  
of  
this      day of      , 19      }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of trust officer

**AFFIDAVIT(S) OF APPLICANT(S)**

*(Attach a separate sheet for additional affidavits, if necessary.)*

**I, an applicant named in this application, make oath and say/affirm:**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. I am 18 years of age or older.</li> <li>2. I will faithfully administer the deceased person's property according to law and render a complete and true account of my administration when lawfully required.</li> <li>3. If I am not named as estate trustee in the will or codicil, consents of persons who</li> </ol> | <ol style="list-style-type: none"> <li>together have a majority interest in the value of the undistributed assets of the estate at the date of this application are attached.</li> <li>4. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.</li> </ol> |
|--|---|

<b>Name</b> <i>(surname and forename(s))</i>		<b>Occupation</b>	
<b>Address</b> <i>(street or postal address)</i>	<i>(city or town)</i>	<i>(province)</i>	<i>(postal code)</i>

Sworn/Affirmed before me at the  
of  
in the  
of  
this      day of                      , 19      }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of applicant

Cour de l'Ontario (Division générale)  
à

REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION À TITRE  
DE NOUVEAU FIDUCIAIRE DE LA SUCCESSION TESTAMENTAIRE

Formule 74.21

La présente requête est déposée par *(inscrire le nom)*

### RENSEIGNEMENTS SUR LE DÉFUNT

Nom *(inscrire les nom de famille et prénom(s) et, le cas échéant, tout autre nom sous lequel le défunt était connu)*

### PRÉCISIONS CONCERNANT LE PREMIER CERTIFICAT

Nom du fiduciaire de la succession

Date de la délivrance *(jour, mois, année)*

### VALEUR DES BIENS NON RÉPARTIS DE LA SUCCESSION

Biens meubles \$	Biens immeubles, déduction faite des sûretés \$	Total \$
---------------------	---	-------------

Expliquer pourquoi le requérant a le droit de présenter une requête.

**AFFIDAVIT(S) DU/DES REQUÉRANT(S)***(Annexer au besoin une autre feuille pour les affidavits additionnels.)*

Je soussigné(e), agent fiduciaire désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. Je suis un agent fiduciaire de la personne morale requérante.
2. J'ai au moins 18 ans.
3. La personne morale requérante administrera fidèlement les biens du défunt conformément à la loi et rendra compte de son administration de façon exacte et complète dans les cas où la loi l'y oblige.
4. Si la personne morale requérante n'est pas désignée comme fiduciaire de la succession dans le testament ou un codicille, les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens non répartis de la succession, selon la valeur de ceux-ci à la date de la présente requête, sont annexés.
5. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Dénomination de la personne morale requérante	Nom de l'agent fiduciaire
---	---------------------------

Adresse de la personne morale requérante (numéro et rue ou adresse postale; cité ou ville; province; code postal)

Déclaré sous serment/affirmé solennellement devant moi  
dans le/la  
de  
situé(e) dans le/la  
de/du  
le

19

\_\_\_\_\_  
Signature de l'agent fiduciaire

\_\_\_\_\_  
Commissaire aux affidavits (ou la personne autorisée)

Je soussigné(e), requérant désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. J'ai au moins 18 ans.
2. J'administrerai fidèlement les biens du défunt conformément à la loi et rendrai compte de mon administration de façon exacte et complète dans les cas où la loi m'y oblige.
3. Si je ne suis pas désigné(e) comme fiduciaire de la succession dans le testament ou un codicille, les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens non répartis de la succession, selon la valeur de ceux-ci à la date de la présente requête, sont annexés.
4. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Nom (nom de famille et prénom(s))	Profession
-----------------------------------	------------

Adresse (numéro et rue ou adresse postale; cité ou ville; province; code postal)

Déclaré sous serment/affirmé solennellement devant moi  
dans le/la  
de  
situé(e) dans le/la  
de/du  
le

19

\_\_\_\_\_  
Signature du requérant

\_\_\_\_\_  
Commissaire aux affidavits (ou la personne autorisée)



**Ontario Court (General Division)**  
at

**APPLICATION FOR CERTIFICATE OF  
APPOINTMENT AS SUCCEEDING  
ESTATE TRUSTEE WITHOUT A WILL**

*Form 74.24 under the Rules (Page 1 of 2)*

This application is filed by *(insert name and address)*

**DETAILS ABOUT THE DECEASED PERSON**

**Name** *(insert surname and forename(s), and, if applicable, any other name by which the deceased person was known)*

**PARTICULARS OF FIRST CERTIFICATE**

<b>Name(s) of estate trustee(s) or administrator(s)</b>	<b>Date issued</b> <i>(day, month, year)</i>
---	---

**PERSONS ENTITLED TO SHARE IN THE ESTATE  
(at date of this application)**

*(Attach a schedule if more space is needed. If a person entitled to share in the estate is not a spouse, child, parent, brother or sister of the deceased person, show how the relationship is traced.)*

Name	Address	Relationship to deceased person	Age if under 18
------	---------	------------------------------------	--------------------

**VALUE OF UNDISTRIBUTED ASSETS OF ESTATE**

<b>Personal property</b>	<b>Real estate, net of encumbrances</b>	<b>Total</b>
\$	\$	\$

Explain why the applicant is entitled to apply.

**AFFIDAVIT(S) OF APPLICANT(S)**

*(Attach a separate sheet for additional affidavits, if necessary.)*

**I, a trust officer named in this application, make oath and say/affirm:**

- |  |  |
|--|--|
| 1. I am a trust officer of the corporate applicant.<br>2. I am 18 years of age or older.<br>3. The corporate applicant will faithfully administer the deceased person's property according to law and render a complete and true account of its administration when lawfully required. | 4. Consents of persons who together have a majority interest in the value of the undistributed assets of the estate at the date of this application are attached.<br>5. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief. |
|--|--|

<b>Name of corporate applicant</b>	<b>Name of trust officer</b>
------------------------------------	------------------------------

**Address of corporate applicant** *(street or postal address) (city or town) (province) (postal code)*

Sworn/Affirmed before me at the  
of  
in the  
of  
this          day of                          , 19          }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of trust officer

**I, an applicant named in this application, make oath and say/affirm:**

- |  |   |
|--|---|
| 1. I am 18 years of age or older and a resident of Ontario.<br>2. I will faithfully administer the deceased person's property according to law and render a complete and true account of my administration when lawfully required.<br>3. Consents of persons who together have a | majority interest in the value of the undistributed assets of the estate at the date of this application are attached.<br>4. The information contained in this application and in any attached schedules is true, to the best of my knowledge and belief. |
|--|---|

<b>Name</b> <i>(surname and forename(s))</i>	<b>Occupation</b>
--	-------------------

**Address** *(street or postal address) (city or town) (province) (postal code)*

Sworn/Affirmed before me at the  
of  
in the  
of  
this          day of                          , 19          }

\_\_\_\_\_  
A Commissioner for Taking Affidavits  
*(or as may be)*

\_\_\_\_\_  
Signature of applicant

Cour de l'Ontario (Division générale)  
à

REQUÊTE EN VUE D'OBTENIR UN CERTIFICAT DE NOMINATION À TITRE  
DE NOUVEAU FIDUCIAIRE DE LA SUCCESSION NON TESTAMENTAIRE

Formule 74.24

La présente requête est déposée par *(inscrire le nom)*

### RENSEIGNEMENTS SUR LE DÉFUNT

Nom *(inscrire les nom de famille et prénom(s) et, le cas échéant, tout autre nom sous lequel le défunt était connu)*

### PRÉCISIONS CONCERNANT LE PREMIER CERTIFICAT

Nom du/des fiduciaire(s) de la succession ou  
de l'/des administrateur(s) successoral(aux)

Date de la délivrance  
*(jour, mois, année)*

### PERSONNES QUI ONT DROIT À UNE PARTIE DE LA SUCCESSION (à la date de la présente requête)

*(Joindre une annexe si l'espace est insuffisant. Si la personne qui a droit à une partie de la succession n'est pas un conjoint, un enfant, un père, une mère, un frère ou une sœur du défunt, indiquer comment s'établit le lien de parenté.)*

Nom	Adresse	Lien de parenté avec le défunt	Âge (si la personne a moins de 18 ans)
-----	---------	-----------------------------------	---

### VALEUR DES BIENS NON RÉPARTIS DE LA SUCCESSION

Biens meubles	Biens immeubles, déduction faite des sûretés	Total
\$	\$	\$

Expliquer pourquoi le requérant a le droit de présenter une requête.

**AFFIDAVIT(S) DU/DES REQUÉRANT(S)***(Annexer au besoin une autre feuille pour les affidavits additionnels.)*

Je soussigné(e), agent fiduciaire désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. Je suis un agent fiduciaire de la personne morale requérante.
2. J'ai au moins 18 ans.
3. La personne morale requérante administrera fidèlement les biens du défunt conformément à la loi et rendra compte de son administration de façon exacte et complète dans les cas où la loi l'y oblige.
4. Les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens non répartis de la succession, selon la valeur de ceux-ci à la date de la présente requête, sont annexés.
5. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Dénomination de la personne morale requérante

Nom de l'agent fiduciaire

Adresse de la personne morale requérante *(numéro et rue ou adresse postale; cité ou ville; province; code postal)*

Déclaré sous serment/affirmé solennellement devant moi

dans le/la

de

situé(e) dans le/la

de/du

le

19

Signature de l'agent fiduciaire

*Commissaire aux affidavits (ou la personne autorisée)*

Je soussigné(e), requérant désigné dans la présente requête, déclare sous serment/affirme solennellement ce qui suit :

1. J'ai au moins 18 ans et je suis un résident de l'Ontario.
2. J'administrerai fidèlement les biens du défunt conformément à la loi et rendrai compte de mon administration de façon exacte et complète dans les cas où la loi m'y oblige.
3. Les consentements de la part de personnes qui détiennent, ensemble, un intérêt majoritaire sur les biens non répartis de la succession, selon la valeur de ceux-ci à la date de la présente requête, sont annexés.
4. Au mieux de ma connaissance et de ce que je tiens pour véridique, les renseignements contenus dans la présente requête et dans toute annexe de celle-ci sont exacts.

Nom *(nom de famille et prénom(s))*

Profession

Adresse *(numéro et rue ou adresse postale; cité ou ville; province; code postal)*

Déclaré sous serment/affirmé solennellement devant moi

dans le/la

de

situé(e) dans le/la

de/du

le

19

Signature du requérant

*Commissaire aux affidavits (ou la personne autorisée)*

15. Paragraphs 2 to 5 of Form 74.50 of the Regulation are revoked and the following substituted:

15. Les dispositions 2 à 5 de la formule 74.50 du Règlement sont abrogées et remplacées par ce qui suit :

2. THIS COURT DECLARES that the capital receipts and capital disbursements of the applicant for the period are as follows:

CAPITAL ACCOUNT

Credit balance forward (if applicable)	\$		
Receipts	\$_____	\$	(total)
Debit balance forward (if applicable)	\$		
Disbursements	\$_____	\$_____	(total)
Credit (or debit) balance		\$=====	

3. THIS COURT DECLARES that the revenue receipts and revenue disbursements of the applicant for the period are as follows:

REVENUE ACCOUNT

Credit balance forward (if applicable)	\$		
Receipts	\$_____	\$	(total)
Debit balance forward (if applicable)	\$		
Disbursements	\$_____	\$_____	(total)
Credit (or debit) balance		\$=====	

4. THIS COURT ORDERS that the estate trustee shall be paid as fair and reasonable compensation for services as estate trustee of the estate and for disbursements expended in administering the affairs of the estate during the period the total amount of \$..... (including G.S.T.), of which \$..... shall be paid out of the capital of the estate and \$..... shall be paid out of the revenue of the estate.

5. THIS COURT ORDERS that the costs of the passing of the accounts allowed in accordance with Tariff C, and payable out of the capital of the estate, are as follows:

To the estate trustee \$....., and G.S.T. of \$.... for a total of \$.....

To (insert names and amounts, showing each person awarded costs on a separate line)

2. LE TRIBUNAL DÉCLARE que les rentrées et les sorties de fonds du compte capital du requérant pour la période visée sont les suivantes :

COMPTE CAPITAL

Solde créditeur reporté (le cas échéant)		\$		
Rentrées de fonds	_____	\$	\$	(total)
Solde débiteur reporté (le cas échéant)		\$		
Sorties de fonds	_____	\$	_____ \$	(total)
Solde créditeur (ou débiteur)			==== \$	

3. LE TRIBUNAL DÉCLARE que les rentrées et les sorties de fonds du compte revenus du requérant pour la période visée sont les suivantes :

COMPTE REVENUS

Solde créditeur reporté (le cas échéant)		\$		
Rentrées de fonds	_____	\$	\$	(total)
Solde débiteur reporté (le cas échéant)		\$		
Sorties de fonds	_____	\$	_____ \$	(total)
Solde créditeur (ou débiteur)			==== \$	

4. LE TRIBUNAL ORDONNE que le fiduciaire de la succession reçoive à titre de rémunération juste et raisonnable, pour les services rendus en qualité de fiduciaire de la succession et pour les débours engagés pour administrer les affaires de la succession au cours de la période visée, la somme totale de ..... \$, (T.P.S. incluse), dont ..... \$ seront prélevés sur le capital de la succession et ..... \$, sur les revenus de la succession.

5. LE TRIBUNAL ORDONNE que les dépens relatifs à l'approbation des comptes adjugés conformément au tarif C et payables sur le capital de la succession soient les suivants :

Au fiduciaire de la succession ..... \$ et T.P.S. de ..... \$, soit une somme totale de ..... \$.

À (inscrire les noms et montants, en indiquant sur une ligne séparée chaque personne en faveur de laquelle sont adjugés des dépens).

16. Paragraphs 2 to 5 of Form 74.51 of the Regulation are revoked and the following substituted:

16. Les dispositions 2 à 5 de la formule 74.51 du Règlement sont abrogées et remplacées par ce qui suit :

2. THIS COURT DECLARES that the capital receipts and capital disbursements of the applicant for the period are as follows:

CAPITAL ACCOUNT

Credit balance forward (if applicable)	\$		
Receipts	\$_____	\$	(total)
Debit balance forward (if applicable)	\$		
Disbursements	\$_____	\$_____	(total)
Credit (or debit) balance		\$=====	

3. THIS COURT DECLARES that the revenue receipts and revenue disbursements of the applicant for the period are as follows:

REVENUE ACCOUNT

Credit balance forward (if applicable)	\$		
Receipts	\$_____	\$	(total)
Debit balance forward (if applicable)	\$		
Disbursements	\$_____	\$_____	(total)
Credit (or debit) balance		\$=====	

4. THIS COURT ORDERS that the estate trustee shall be paid as fair and reasonable compensation for services as estate trustee of the estate and for disbursements expended in administering the affairs of the estate during the period the total amount of \$..... (including G.S.T.), of which \$..... shall be paid out of the capital of the estate and \$..... shall be paid out of the revenue of the estate.

5. THIS COURT ORDERS that the costs of the passing of the accounts allowed and payable out of the capital of the estate are as follows:

To the estate trustee \$....., and G.S.T. of \$.... for a total of \$.....

To (insert names and amounts, showing each person awarded costs on a separate line)

2. LE TRIBUNAL DÉCLARE que les rentrées et les sorties de fonds du compte capital du requérant pour la période visée sont les suivantes :

COMPTE CAPITAL

Solde créditeur reporté (le cas échéant)		\$		
Rentrées de fonds	_____	\$	\$	(total)
Solde débiteur reporté (le cas échéant)		\$		
Sorties de fonds	_____	\$	_____ \$	(total)
Solde créditeur (ou débiteur)			==== \$	

3. LE TRIBUNAL DÉCLARE que les rentrées et les sorties de fonds du compte revenus du requérant pour la période visée sont les suivantes :

COMPTE REVENUS

Solde créditeur reporté (le cas échéant)		\$		
Rentrées de fonds	_____	\$	\$	(total)
Solde débiteur reporté (le cas échéant)		\$		
Sorties de fonds	_____	\$	_____ \$	(total)
Solde créditeur (ou débiteur)			==== \$	

4. LE TRIBUNAL ORDONNE que le fiduciaire de la succession reçoive à titre de rémunération juste et raisonnable, pour les services rendus en qualité de fiduciaire de la succession et pour les débours engagés pour administrer les affaires de la succession au cours de la période visée, la somme totale de ..... \$, (T.P.S. incluse), dont ..... \$ seront prélevés sur le capital de la succession et ..... \$, sur les revenus de la succession.

5. LE TRIBUNAL ORDONNE que les dépens relatifs à l'approbation des comptes adjugés et payables sur le capital de la succession soient les suivants :

Au fiduciaire de la succession ..... \$ et T.P.S. de ..... \$, soit une somme totale de ..... \$.

À (inscrire les noms et montants, en indiquant sur une ligne séparée chaque personne en faveur de laquelle sont adjugés des dépens).

17. This Regulation comes into force on January 1, 1995.

17. Le présent règlement entre en vigueur le 1<sup>er</sup> janvier 1995.



**ONTARIO REGULATION 741/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 23, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 703/91  
(Toronto Civil Case Management Rules))

Note: Since January 1, 1994, Ontario Regulation 703/91 has been amended by Ontario Regulation 482/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subrule 6.02 (2) of Ontario Regulation 703/91 is revoked and the following substituted:**

**(2) These rules are revoked on December 31, 1995.**

51/94

**ONTARIO REGULATION 742/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 8, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 704/91  
(Toronto Family Case Management Rules)

Note: Since January 1, 1994, Ontario Regulation 704/91 has been amended by Ontario Regulation 483/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Rule 6.02 of Ontario Regulation 704/91 is revoked and the following substituted:**

**6.02 These rules are revoked on December 31, 1995.**

51/94

**ONTARIO REGULATION 743/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 23, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 187 of R.R.O. 1990  
(District of Algoma Civil Case Management Rules)

Note: Regulation 187 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Rule 18 of Regulation 187 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**REVOCATION**

**18. These rules are revoked on December 31, 1995.**

51/94

**RÈGLEMENT DE L'ONTARIO 741/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 23 novembre 1994  
approuvé le 30 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. de l'Ont. 703/91  
(Règles de gestion des causes civiles de Toronto)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement de l'Ontario 703/91 a été modifié par le Règlement de l'Ontario 482/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. Le paragraphe 6.02 (2) du Règlement de l'Ontario 703/91 est abrogé et remplacé par ce qui suit :**

**(2) Les présentes règles sont abrogées le 31 décembre 1995.**

**RÈGLEMENT DE L'ONTARIO 742/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 8 novembre 1994  
approuvé le 30 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. de l'Ont. 704/91  
(Règles de gestion des causes en droit de la famille de Toronto)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement de l'Ontario 704/91 a été modifié par le Règlement de l'Ontario 483/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. La règle 6.02 du Règlement de l'Ontario 704/91 est abrogée et remplacée par ce qui suit :**

**6.02 Les présentes règles sont abrogées le 31 décembre 1995.**

**RÈGLEMENT DE L'ONTARIO 743/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 23 novembre 1994  
approuvé le 30 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. 187 des R.R.O. de 1990  
(Règles de gestion des causes civiles du district d'Algoma)

Remarque : Le Règlement 187 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. La règle 18 du Règlement 187 des Règlements refondus de l'Ontario de 1990 est abrogée et remplacée par ce qui suit :**

**ABROGATION**

**18. Les présentes règles sont abrogées le 31 décembre 1995.**

**ONTARIO REGULATION 744/94**  
made under the  
**COURTS OF JUSTICE ACT**

Made: November 23, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 189 of R.R.O. 1990  
(Essez Civil Case Management Rules)

Note: Regulation 189 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Rule 6 of Regulation 189 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraphs:

**Undefended action**

6.1 If no statement of defence is served and filed, the plaintiff shall require the registrar to sign default judgment, where available, move for judgment, discontinue the action or otherwise terminate it within 60 days after the registrar has noted all defendants in default.

**Default**

6.2 If the plaintiff does not comply with paragraph 6.1, the registrar shall immediately serve on the plaintiff a notice that the action will be dismissed within 15 days after service of the notice. If the plaintiff does not cure the default within that time, the registrar shall dismiss the action with costs.

(2) Paragraph 12 of rule 6 of the Regulation is revoked.

(3) Paragraphs 13 and 14 of rule 6 of the Regulation are revoked and the following substituted:

**Listing for pre-trial conference**

13. After pleadings are closed in the action and in any counterclaim, crossclaim or third party claim, the registrar shall fix the date and time for the pre-trial conference and fix a date by which all parties shall file their pre-trial conference briefs. The date for filing pre-trial conference briefs shall be at least 14 days before the date fixed for the pre-trial conference.

(4) Paragraph 19 of rule 6 of the Regulation is revoked and the following substituted:

**Trial date and setting down for trial**

19. At the pre-trial conference, the pre-trial conference judge shall fix a trial date, which shall be at least 30 days after the pre-trial conference. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

2. (1) Rule 7 of the Regulation is amended by adding the following paragraphs:

**Undefended action**

6.1 If no statement of defence is served and filed, the plaintiff shall require the registrar to sign default judgment, where available,

**RÈGLEMENT DE L'ONTARIO 744/94**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 23 novembre 1994  
approuvé le 30 novembre 1994  
déposé le 1<sup>er</sup> décembre 1994

modifiant le Règl. 189 des R.R.O. de 1990  
(Règles de gestion des causes civiles d'Essez)

Remarque : Le Règlement 189 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. (1) La règle 6 du Règlement 189 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction des dispositions suivantes :

**Action non contestée**

6.1 Si aucune défense n'est signifiée ni déposée, le demandeur demande au greffier de consigner un jugement par défaut, si possible, demande un jugement par voie de motion, se désiste de l'action ou y met fin d'une autre façon au plus tard 60 jours après que le greffier a constaté le défaut des défendeurs.

**Défaut**

6.2 Si le demandeur ne se conforme pas à la disposition 6.1, le greffier lui signifie immédiatement un avis indiquant que l'action sera rejetée dans les 15 jours suivant la signification de l'avis. Si le demandeur ne remédie pas au défaut dans ce délai, le greffier rejette l'action, avec dépens.

(2) La disposition 12 de la règle 6 du Règlement est abrogée.

(3) Les dispositions 13 et 14 de la règle 6 du Règlement sont abrogées et remplacées par ce qui suit :

**Inscription pour conférence préparatoire au procès**

13. Après la clôture de la procédure écrite dans l'action et dans une demande reconventionnelle, une demande entre défendeurs ou une mise en cause, le greffier fixe les date et heure de la conférence préparatoire au procès, ainsi qu'une date limite de dépôt par toutes les parties des mémoires relatifs à la conférence préparatoire au procès. La date de dépôt des mémoires précède d'au moins 14 jours la date fixée pour la tenue de la conférence.

(4) La disposition 19 de la règle 6 du Règlement est abrogée et remplacée par ce qui suit :

**Date du procès et inscription pour instruction**

19. Lors de la conférence préparatoire au procès, le juge qui préside fixe la date du procès, qui suit d'au moins 30 jours la conférence préparatoire au procès. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

2. (1) La règle 7 du Règlement est modifiée par adjonction des dispositions suivantes :

**Action non contestée**

6.1 Si aucune défense n'est signifiée ni déposée, le demandeur demande au greffier de consigner un jugement par défaut, si

move for judgment, discontinue the action or otherwise terminate it within 60 days after the registrar has noted all defendants in default.

#### Default

6.2 If the plaintiff does not comply with paragraph 6.1, the registrar shall immediately serve on the plaintiff a notice that the action will be dismissed within 15 days after service of the notice. If the plaintiff does not cure the default within that time, the registrar shall dismiss the action with costs.

(2) Paragraph 8 of rule 7 of the Regulation is revoked.

(3) Paragraphs 9 and 10 of rule 7 of the Regulation are revoked and the following substituted:

#### Listing for pre-trial conference

9. After pleadings are closed in the action and in any counterclaim, crossclaim or third party claim, the registrar shall fix the date and time for the pre-trial conference and fix a date by which all parties shall file their pre-trial conference briefs. The date for filing pre-trial conference briefs shall be at least 14 days before the date fixed for the pre-trial conference.

(4) Paragraph 17 of rule 7 of the Regulation is revoked and the following substituted:

#### Trial date and setting down for trial

17. At the pre-trial conference, the pre-trial conference judge shall fix a trial date, which shall be at least 30 days after the pre-trial conference. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

3. (1) Paragraph 9 of rule 8 of the Regulation is revoked.

(2) Paragraphs 10 and 11 of rule 8 of the Regulation are revoked and the following substituted:

#### Listing for pre-trial conference

10. After pleadings are closed in the action and in any counterclaim, crossclaim or third party claim, the registrar shall fix the date and time for the management conference and fix a date by which all parties shall file their management conference briefs. The date for filing management conference briefs shall be at least 14 days before the date fixed for the management conference.

(3) Paragraph 26 of rule 8 of the Regulation is revoked and the following substituted:

#### Trial date and setting down for trial

26. At the pre-trial conference, the person presiding shall fix a trial date, which shall be at least 30 days after the pre-trial conference. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If

possible, demande un jugement par voie de motion, se désiste de l'action ou y met fin d'une autre façon au plus tard 60 jours après que le greffier a constaté le défaut des défendeurs.

#### Défaut

6.2 Si le demandeur ne se conforme pas à la disposition 6.1, le greffier lui signifie immédiatement un avis indiquant que l'action sera rejetée dans les 15 jours suivant la signification de l'avis. Si le demandeur ne remédie pas au défaut dans ce délai, le greffier rejette l'action, avec dépens.

(2) La disposition 8 de la règle 7 du Règlement est abrogée.

(3) Les dispositions 9 et 10 de la règle 7 du Règlement sont abrogées et remplacées par ce qui suit :

#### Inscription pour conférence préparatoire au procès

9. Après la clôture de la procédure écrite dans l'action et dans une demande reconventionnelle, une demande entre défendeurs ou une mise en cause, le greffier fixe les date et heure de la conférence préparatoire au procès, ainsi qu'une date limite de dépôt par toutes les parties des mémoires relatifs à la conférence préparatoire au procès. La date de dépôt des mémoires précède d'au moins 14 jours la date fixée pour la tenue de la conférence.

(4) La disposition 17 de la règle 7 du Règlement est abrogée et remplacée par ce qui suit :

#### Date du procès et inscription pour instruction

17. Lors de la conférence préparatoire au procès, le juge qui préside fixe la date du procès, qui suit d'au moins 30 jours la conférence préparatoire au procès. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

3. (1) La disposition 9 de la règle 8 du Règlement est abrogée.

(2) Les dispositions 10 et 11 de la règle 8 du Règlement sont abrogées et remplacées par ce qui suit :

#### Inscription pour conférence préparatoire au procès

10. Après la clôture de la procédure écrite dans l'action et dans une demande reconventionnelle, une demande entre défendeurs ou une mise en cause, le greffier fixe les date et heure de la conférence de gestion, ainsi qu'une date limite de dépôt par toutes les parties des mémoires relatifs à la conférence de gestion. La date de dépôt des mémoires précède d'au moins 14 jours la date fixée pour la tenue de la conférence.

(3) La disposition 26 de la règle 8 du Règlement est abrogée et remplacée par ce qui suit :

#### Date du procès et inscription pour instruction

26. Lors de la conférence préparatoire au procès, la personne qui préside fixe la date du procès, qui suit d'au moins 30 jours la conférence préparatoire au procès. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si

the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

**4. (1) Paragraph 20 of rule 9 of the Regulation is revoked.**

**(2) Paragraphs 23 and 24 of rule 9 of the Regulation are revoked and the following substituted:**

**Trial date and setting down for trial**

23. On the motion referred to in paragraph 12, the judge shall fix a trial date, which shall be at least 30 days after the hearing of the motion. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

**5. The Regulation is amended by adding the following rule:**

**AFFIDAVIT EVIDENCE OR ALTERNATIVE DISPUTE RESOLUTION**

**12.1** At a management, settlement or pre-trial conference, or on a motion, a judge may,

- (a) order that the evidence of an expert or other witness on behalf of a party be given by affidavit, on condition that the affidavit be served on all other parties at least 10 days before trial and that the witness be available for cross-examination at trial; or
- (b) refer any issue, on consent of the parties, to an arbitrator, mediator or other person, on such terms, including reports back to the court, as appear appropriate.

**6. Rule 17 of the Regulation is revoked and the following substituted:**

**REVOCATION**

**17. These rules are revoked on December 31, 1995.**

**7. (1) Form 2 of the Regulation is amended by adding the following paragraphs:**

**Undefended action**

6.1 If no statement of defence is served and filed, the plaintiff shall require the registrar to sign default judgment, where available, move for judgment, discontinue the action or otherwise terminate it within 60 days after the registrar has noted all defendants in default.

**Default**

6.2 If the plaintiff does not comply with paragraph 6.1, the registrar shall immediately serve on the plaintiff a notice that the action will be dismissed within 15 days after service of the notice. If the plaintiff does not cure the default within that time, the registrar shall dismiss the action with costs.

**(2) Paragraph 12 of Form 2 of the Regulation is revoked.**

**(3) Paragraphs 13 and 14 of Form 2 of the Regulation are revoked and the following substituted:**

l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

**4. (1) La disposition 20 de la règle 9 du Règlement est abrogée.**

**(2) Les dispositions 23 et 24 de la règle 9 du Règlement sont abrogées et remplacées par ce qui suit :**

**Date du procès et inscription pour instruction**

23. Sur présentation de la motion visée à la disposition 12, le juge fixe la date du procès, qui suit d'au moins 30 jours l'audition de la motion. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

**5. Le Règlement est modifié par adjonction de la règle suivante :**

**PREUVE PAR AFFIDAVIT OU RÈGLEMENT PARALLÈLE DES DIFFÉRENDS**

**12.1** Lors d'une conférence de gestion, d'une conférence en vue d'une transaction ou d'une conférence préparatoire au procès, ou sur présentation d'une motion, le juge peut :

- a) soit ordonner que le témoignage d'un expert ou d'un autre témoin pour le compte d'une partie soit donné par affidavit, pourvu que celui-ci soit signifié aux autres parties au moins 10 jours avant le procès et que le témoin puisse être contre-interrogé au procès;
- b) soit renvoyer toute question, avec le consentement des parties, à un arbitre, à un médiateur ou à une autre personne, aux conditions qui semblent appropriées, y compris la présentation d'un rapport au tribunal.

**6. La règle 17 du Règlement est abrogée et remplacée par ce qui suit :**

**ABROGATION**

**17. Les présentes règles sont abrogées le 31 décembre 1995.**

**7. (1) La formule 2 du Règlement est modifiée par adjonction des dispositions suivantes :**

**Action non contestée**

6.1 Si aucune défense n'est signifiée ni déposée, le demandeur demande au greffier de consigner un jugement par défaut, si possible, demande un jugement par voie de motion, se désiste de l'action ou y met fin d'une autre façon au plus tard 60 jours après que le greffier a constaté le défaut des défendeurs.

**Défaut**

6.2 Si le demandeur ne se conforme pas à la disposition 6.1, le greffier lui signifie immédiatement un avis indiquant que l'action sera rejetée dans les 15 jours suivant la signification de l'avis. Si le demandeur ne remédie pas au défaut dans ce délai, le greffier rejette l'action, avec dépens.

**(2) La disposition 12 de la formule 2 du Règlement est abrogée.**

**(3) Les dispositions 13 et 14 de la formule 2 du Règlement sont abrogées et remplacées par ce qui suit :**

**Listing for pre-trial conference**

13. After pleadings are closed in the action and in any counterclaim, crossclaim or third party claim, the registrar shall fix the date and time for the pre-trial conference and fix a date by which all parties shall file their pre-trial conference briefs. The date for filing pre-trial conference briefs shall be at least 14 days before the date fixed for the pre-trial conference.

**(4) Paragraph 19 of Form 2 of the Regulation is revoked and the following substituted:**

**Trial date and setting down for trial**

19. At the pre-trial conference, the pre-trial conference judge shall fix a trial date, which shall be at least 30 days after the pre-trial conference. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

**8. (1) Form 3 of the Regulation is amended by adding the following paragraphs:**

**Undefended action**

- 6.1 If no statement of defence is served and filed, the plaintiff shall require the registrar to sign default judgment, where available, move for judgment, discontinue the action or otherwise terminate it within 60 days after the registrar has noted all defendants in default.

**Default**

- 6.2 If the plaintiff does not comply with paragraph 6.1, the registrar shall immediately serve on the plaintiff a notice that the action will be dismissed within 15 days after service of the notice. If the plaintiff does not cure the default within that time, the registrar shall dismiss the action with costs.

**(2) Paragraph 8 of Form 3 of the Regulation is revoked.**

**(3) Paragraphs 9 and 10 of Form 3 of the Regulation are revoked and the following substituted:**

**Listing for pre-trial conference**

9. After pleadings are closed in the action and in any counterclaim, crossclaim or third party claim, the registrar shall fix the date and time for the pre-trial conference and fix a date by which all parties shall file their pre-trial conference briefs. The date for filing pre-trial conference briefs shall be at least 14 days before the date fixed for the pre-trial conference.

**(4) Paragraph 17 of Form 3 of the Regulation is revoked and the following substituted:**

**Trial date and setting down for trial**

17. At the pre-trial conference, the pre-trial conference judge shall fix a trial date, which shall be at least 30 days after the pre-trial conference. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If

**Inscription pour conférence préparatoire au procès**

13. Après la clôture de la procédure écrite dans l'action et dans une demande reconventionnelle, une demande entre défendeurs ou une mise en cause, le greffier fixe les date et heure de la conférence préparatoire au procès, ainsi qu'une date limite de dépôt par toutes les parties des mémoires relatifs à la conférence préparatoire au procès. La date de dépôt des mémoires précède d'au moins 14 jours la date fixée pour la tenue de la conférence.

**(4) La disposition 19 de la formule 2 du Règlement est abrogée et remplacée par ce qui suit :**

**Date du procès et inscription pour instruction**

19. Lors de la conférence préparatoire au procès, le juge qui préside fixe la date du procès, qui suit d'au moins 30 jours la conférence préparatoire au procès. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

**8. (1) La formule 3 du Règlement est modifiée par adjonction des dispositions suivantes :**

**Action non contestée**

- 6.1 Si aucune défense n'est signifiée ni déposée, le demandeur demande au greffier de consigner un jugement par défaut, si possible, demande un jugement par voie de motion, se désiste de l'action ou y met fin d'une autre façon au plus tard 60 jours après que le greffier a constaté le défaut des défendeurs.

**Défaut**

- 6.2 Si le demandeur ne se conforme pas à la disposition 6.1, le greffier lui signifie immédiatement un avis indiquant que l'action sera rejetée dans les 15 jours suivant la signification de l'avis. Si le demandeur ne remédie pas au défaut dans ce délai, le greffier rejette l'action, avec dépens.

**(2) La disposition 8 de la formule 3 du Règlement est abrogée.**

**(3) Les dispositions 9 et 10 de la formule 3 du Règlement sont abrogées et remplacées par ce qui suit :**

**Inscription pour conférence préparatoire au procès**

9. Après la clôture de la procédure écrite dans l'action et dans une demande reconventionnelle, une demande entre défendeurs ou une mise en cause, le greffier fixe les date et heure de la conférence préparatoire au procès, ainsi qu'une date limite de dépôt par toutes les parties des mémoires relatifs à la conférence préparatoire au procès. La date de dépôt des mémoires précède d'au moins 14 jours la date fixée pour la tenue de la conférence.

**(4) La disposition 17 de la formule 3 du Règlement est abrogée et remplacée par ce qui suit :**

**Date du procès et inscription pour instruction**

17. Lors de la conférence préparatoire au procès, le juge qui préside fixe la date du procès, qui suit d'au moins 30 jours la conférence préparatoire au procès. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si

the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

**9. (1) Paragraph 9 of Form 4 of the Regulation is revoked.**

**9. (1) La disposition 9 de la formule 4 du Règlement est abrogée.**

**(2) Paragraphs 10 and 11 of Form 4 of the Regulation are revoked and the following substituted:**

**(2) Les dispositions 10 et 11 de la formule 4 du Règlement sont abrogées et remplacées par ce qui suit :**

**Listing for pre-trial conference**

**Inscription pour conférence préparatoire au procès**

10. After pleadings are closed in the action and in any counterclaim, crossclaim or third party claim, the registrar shall fix the date and time for the management conference and fix a date by which all parties shall file their management conference briefs. The date for filing management conference briefs shall be at least 14 days before the date fixed for the management conference.

10. Après la clôture de la procédure écrite dans l'action et dans une demande reconventionnelle, une demande entre défendeurs ou une mise en cause, le greffier fixe les date et heure de la conférence de gestion, ainsi qu'une date limite de dépôt par toutes les parties des mémoires relatifs à la conférence de gestion. La date de dépôt des mémoires précède d'au moins 14 jours la date fixée pour la tenue de la conférence.

**(3) Paragraph 26 of Form 4 of the Regulation is revoked and the following substituted:**

**(3) La disposition 26 de la formule 4 du Règlement est abrogée et remplacée par ce qui suit :**

**Trial date and setting down for trial**

**Date du procès et inscription pour instruction**

26. At the pre-trial conference, the person presiding shall fix a trial date, which shall be at least 30 days after the pre-trial conference. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

26. Lors de la conférence préparatoire au procès, la personne qui préside fixe la date du procès, qui suit d'au moins 30 jours la conférence préparatoire au procès. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

**10. (1) Paragraph 20 of Form 5 of the Regulation is revoked.**

**10. (1) La disposition 20 de la formule 5 du Règlement est abrogée.**

**(2) Paragraphs 23 and 24 of Form 5 of the Regulation are revoked and the following substituted:**

**(2) Les dispositions 23 et 24 de la formule 5 du Règlement sont abrogées et remplacées par ce qui suit :**

**Trial date and setting down for trial**

**Date du procès et inscription pour instruction**

23. On the motion referred to in paragraph 12, the judge shall fix a trial date, which shall be at least 30 days after the hearing of the motion. The plaintiff shall set the action down for trial not later than 20 days before the trial date. If the plaintiff fails to do so, the defendant may set the action down for trial not later than 15 days before the trial date. When the action is set down, the registrar shall immediately place it on the appropriate trial list. If the action is not set down by 15 days before the trial date, the registrar shall place the matter before a judge, who may make such order as appears just, and the registrar shall serve the order on the parties.

23. Sur présentation de la motion visée à la disposition 12, le juge fixe la date du procès, qui suit d'au moins 30 jours l'audition de la motion. Le demandeur inscrit l'action pour instruction au plus tard 20 jours avant la date du procès. Si le demandeur omet de le faire, le défendeur peut inscrire l'action pour instruction au plus tard 15 jours avant la date du procès. Dès que l'action est inscrite, le greffier l'inscrit au rôle approprié. Si l'action n'est pas inscrite pour instruction au plus tard 15 jours avant la date du procès, le greffier soumet la question à un juge, lequel peut rendre l'ordonnance qui lui semble juste, et le greffier signifie celle-ci aux parties.

51/94

**ONTARIO REGULATION 745/94**  
made under the  
**DENTAL HYGIENE ACT, 1991**

Made: November 3, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 863/93  
(Registration)

Note: There are no prior amendments to Ontario Regulation 863/93.

**1. Ontario Regulation 863/93 is amended by striking out "fifteen" and substituting "18",**

**(a) in the fourth line of paragraph 3 of section 6;**

**(b) in the fifth line of paragraph 2 of subsection 7 (1);**

**(c) in the fourth line of paragraph 3 of subsection 8 (1);**

**(d) in the fourth line of subsection 8 (3);**

(e) in clause 10 (b).

COUNCIL OF THE COLLEGE OF DENTAL  
HYGIENISTS OF ONTARIO:

LYNDA MICKELSON  
*Chair*

EVELYN GAVIN  
*Acting Registrar*

Dated at Toronto on November 3, 1994.

51/94

**ONTARIO REGULATION 746/94**  
made under the  
**CHIROPODY ACT, 1991**

Made: November 7, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 203/94  
(General)

Note: Since it was made, Ontario Regulation 203/94 has not been amended.

**1. Ontario Regulation 203/94 is amended by striking out "Regulation" and substituting "Part",**

- (a) in section 1;
- (b) in subsections 3 (1) and (2);
- (c) in clause 4 (f);
- (d) in the second line of section 6 .

**2. The Regulation is amended by adding the following Parts:**

**PART II**  
**ADVERTISING**

**7. (1)** An advertisement with respect to a member's practice must not contain,

- (a) anything that is false, misleading or self laudatory;
- (b) anything that, because of its nature, cannot be verified;
- (c) an endorsement other than an endorsement by an organization that is known to have expertise relevant to the subject-matter of the endorsement;
- (d) any testimonial;
- (e) a reference to a drug or to a particular brand of equipment used to provide health services;
- (f) a claim or guarantee as to the quality or effectiveness of services provided;
- (g) anything that promotes or is likely to promote the excessive or unnecessary use of services.

(2) An advertisement must be readily comprehensible to the persons to whom it is directed.

**8. (1)** In any advertisement, a member who is registered as a chiropodist shall clearly identify himself or herself as a chiropodist and a member who is registered as a podiatrist shall clearly identify himself or herself as a podiatrist.

(2) No member shall hold himself or herself out,

- (a) as a chiropodist unless the member is registered as a chiropodist; or
- (b) as a podiatrist unless the member is registered as a podiatrist.

**9.** No member shall indicate after his or her name,

- (a) a diploma or degree other than a diploma or degree held by the member; and
- (b) the word "chiropodist" if the member is not registered as a chiropodist or the word "podiatrist" if the member is not registered as a podiatrist.

**10.** A member shall not contact or communicate individually with, or cause or allow any person to contact or communicate individually with, a potential patient either in person, by telephone, by mail or by any other means of individualized communication, in an attempt to solicit business.

**11.** No member shall appear in, or permit the use of the member's name in, an advertisement that is for a purpose other than the promotion of the member's own practice if the advertisement implies, or could be reasonably interpreted to imply, that the professional expertise of the member is relevant to the subject-matter of the advertisement.

**12.** A member shall not advertise or permit advertising with respect to the member's practice in contravention of this Part.

**PART III**  
**RECORDS**

**13. (1)** A member shall, in relation to his or her practice, take all reasonable steps necessary to ensure that records are kept in accordance with this Part.

(2) Reasonable steps under subsection (1) shall include the verification by the member, at reasonable intervals, that the records are kept in accordance with this Part.

**14.** A daily appointment record shall be kept that sets out the name of each patient whom the member examines or treats or to whom the member renders any service.

**15.** An equipment service record shall be kept that sets out the servicing for every potentially hazardous piece of equipment used to examine, treat or render any service to patients.

**16. (1)** If a patient is charged a fee, a financial record shall be kept for the patient.

(2) The financial record must contain,

- (a) the patient's name and address;
- (b) the date the service was rendered; and
- (c) the fees charged to and received from or on behalf of the patient.

**17. (1)** A patient health record shall be kept for each patient.

(2) The patient health record must include the following:

1. The patient's name and address.
2. The date of each of the patient's visits to the member.
3. The name and address of the primary care physician and any referring health professional.
4. A history of the patient.
5. Reasonable information about every examination performed by the member and reasonable information about every clinical finding, diagnosis and assessment made by the member.
6. Reasonable information about every order made by the member for examinations, tests, consultations or treatments to be performed by any other person.
7. Every written report received by the member with respect to examinations, tests, consultations or treatments performed by other health professionals.
8. Reasonable information about all significant advice given by the member and every pre and post-operative instruction given by the member.
9. Reasonable information about every post-operative visit.
10. Reasonable information about every controlled act, within the meaning of subsection 27 (2) of the *Regulated Health Professions Act, 1991*, performed by the member.
11. Reasonable information about every delegation of a controlled act within the meaning of subsection 27 (2) of the *Regulated Health Professions Act, 1991*, delegated by the member.
12. Reasonable information about every referral of the patient by the member to another health professional, service or agency.
13. Any pertinent reasons a patient may give for cancelling an appointment.
14. Reasonable information about every procedure that was commenced but not completed, including reasons for the non-completion.
15. A copy of every written consent.

(3) Every part of a patient health record must have a reference identifying the patient or the patient health record.

(4) The member shall be personally responsible for all things recorded in relation to a patient, including all treatments, orders, advice and referrals and the member responsible and the author of the record should both be identified in the record.

(5) Every patient health record shall be retained for at least 10 years following,

- (a) the patient's last visit; or
- (b) if the patient was less than 18 years old at the time of his or her last visit, the day the patient became or would have become 18 years old.

18. (1) It is an act of professional misconduct for the purpose of clause 51 (1) (c) of the Health Professions Procedural Code if a member fails to provide access to or copies from a patient health record for

which the member has primary responsibility as required by this section.

(2) A member shall provide access to and shall provide copies from a patient health record over which the member has custody and control to any of the following persons upon their request:

1. The patient.
2. A personal representative who is authorized by the patient to obtain copies from the record.
3. If the patient is dead, the patient's legal representative.
4. If the patient lacks capacity to give an authorization described in paragraph 2,
  - i. a committee of the patient appointed under the *Mental Incompetency Act*,
  - ii. a person to whom the patient is married,
  - iii. a person of the opposite or same sex, with whom the patient is living in a conjugal relationship outside marriage, if the patient and the person,
    - A. have cohabited for at least one year,
    - B. are together the parents of a child, or
    - C. have together entered into a cohabitation agreement under section 53 of the *Family Law Act*,
  - iv. the patient's son or daughter,
  - v. the patient's parents.

(3) It is not an act of professional misconduct under paragraph 2 of subsection (2) for a member to refuse to provide copies from a patient health record until the member is paid a reasonable fee.

(4) A member may provide copies from a patient health record for which the member has primary responsibility to any person authorized by a person to whom the member is required to provide copies under subsection (2).

(5) A member may, for the purpose of providing health care or assisting in the provision of health care to a patient, allow a health care professional to examine the patient health record or give a health professional any information, copy or thing from the record.

(6) A member may provide information or copies from a patient health record to a person if,

- (a) the information or copies are to be used for health administration or planning or health research or epidemiological studies;
- (b) the use of the information or copies is in the public interest as determined by the Minister; and
- (c) anything that could identify the patient is removed from the information or copies.

19. (1) A record required to be kept under this Part may be kept by means of an electronic or optical storage system.

(2) The electronic or optical storage system referred to in subsection (1) shall be designed and operated so as to ensure that all reports are secure from loss, tampering, interference or unauthorized use or access.



20. It is an act of professional misconduct for the purpose of clause 51 (1) (c) of the Health Professions Procedural Code for a member to fail to take reasonable steps, before resigning as a member or ceasing to reside in Ontario, to ensure that for each patient health record for which the member has primary responsibility,

- (a) the record is transferred to another member; or
- (b) the patient is notified that the member intends to resign and that the patient can obtain copies from the patient health record.

#### PART IV FEES

21. (1) Every member shall pay an annual fee.

(2) The annual fee is \$550 for a member who holds a General or Academic certificate of registration and \$100 for a member who holds an Educational certificate of registration.

22. (1) The annual fee for a year must be paid on or before February 14 in the year.

(2) No later than 30 days before the annual fee is due, the Registrar shall notify the member of the amount of the fee and the day on which the fee is due.

(3) If the member fails to pay an annual fee on or before the day on which the fee is due, the member shall pay a penalty in addition to the annual fee.

(4) The penalty is 15 per cent of the annual fee.

23. Where a certificate of registration is issued to a person for the first time after August 15 in a year, the annual fee payable for the duration of the year is \$300.

24. Where a person requests the Registrar to do anything that the Registrar is required or authorized to do by statute or by regulation, the person shall pay the prescribed fee or the fee set by the Registrar for doing so.

### 3. Ontario Regulation 675/93 is revoked.

COUNCIL OF THE COLLEGE OF CHIROPODISTS OF ONTARIO:

D.A. SPRINGER  
*Chair*

CHRISTINE ROBINSON  
*Secretary-Treasurer*

Dated at Toronto on November 7, 1994.

51/94

### ONTARIO REGULATION 747/94 made under the CHIROPRACTIC ACT, 1991

Made: November 16, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 204/94  
(General)

Note: Since it was made, Ontario Regulation 204/94 has not been amended.

1. Ontario Regulation 204/94 is amended by striking out "Regulation" and substituting "Part",

- (a) in section 1;
- (b) in subsection 2 (3).

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

#### PART II FEES

6. (1) Every member shall pay an annual fee.

(2) The annual fee is \$850 for a member who holds a General or Academic certificate of registration, \$475 for a member who holds an Inactive certificate of registration and \$150 for a member who holds a Retired certificate of registration.

(3) The annual fee for a member who holds a General or Academic certificate of registration may be paid in two instalments on January 1 and June 1 in each year in amounts to be set by the Registrar.

(4) No later than 60 days before the annual fee or the first instalment of the annual fee is due, the Registrar shall notify the member of,

- (a) the amount of the annual fee or, if the member is paying by instalment, the amounts of the first and second instalments;
- (b) the date on which the annual fee or each of the instalments is due; and
- (c) the penalty for late payment.

7. (1) If a member fails to pay the annual fee or an instalment on or before the day on which it is due, the member shall pay a penalty in addition to the annual fee.

(2) The penalty is \$100 for a member who holds a General or Academic certificate of registration, \$20 for a member who holds an Inactive certificate of registration and \$20 for a member who holds a Retired certificate of registration.

8. Where a person requests the Registrar to do anything that the Registrar is required or authorized to do by statute or by regulation, the person shall pay the prescribed fee or the fee set by the Registrar for doing so.

### 3. Ontario Regulation 613/93 is revoked.

COUNCIL OF THE COLLEGE OF  
CHIROPRACTORS OF ONTARIO:

BERTRAM L. BRANDON  
*President*

STANISLAW W. STOLARSKI  
*Registrar*

Dated at Toronto on November 16, 1994.

51/94

**ONTARIO REGULATION 748/94**  
made under the  
**MASSAGE THERAPY ACT, 1991**

Made: October 31, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 544/94  
(General)

Note: Since it was made, Ontario Regulation 544/94 has not been amended.

1. Subparagraph (i) of paragraph 4 of subsection 13 (2) of Ontario Regulation 544/94 is amended by striking out "*Mental Health Act*" and substituting "*Mental Incompetency Act*".

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

**PART IV**  
**FEES**

14. The fee for an initial application for a certificate of registration of any class is \$50.

15. (1) The fee to issue a certificate of registration is,

- (a) \$375 for a General certificate;
- (b) \$50 for an Inactive certificate; and
- (c) \$325 for a General certificate if the applicant already holds an Inactive certificate.

(2) Every member shall pay an annual fee on or before December 31 of the preceding year.

(3) The annual fee for a certificate of registration is,

- (a) \$375 for a General certificate; and
- (b) \$50 for an Inactive certificate.

(4) Subject to subsection (5), the penalty for late payment of a fee set out in subsection (2) is \$55.

(5) A person shall not be required to pay the \$55 penalty more than once in a year, regardless of the number of classes of certificate for which the fee is late in that year.

16. The fee for reinstatement of a certificate of registration is \$600.

17. (1) The fee to take the examinations for entry to practise is \$400.

(2) The fees to take supplemental examinations for entry to practise are,

- (a) \$100 for the written portion; and
- (b) \$300 for the clinical portion.

(3) The fee to file an appeal of examination results is \$75.

18. (1) A candidate for election to the Council shall pay a fee of \$100 for a recount of the election.

(2) The fee shall be refunded to the candidate if the outcome of the election is changed in his or her favour as a result of the recount.

19. Where a person requests the Registrar to do anything that the Registrar is required or authorized to do by statute or by regulation, the person shall pay the prescribed fee or the fee set by the Registrar for doing so.

**PART V**  
**THE REGISTRAR**

20. (1) The Registrar is the chief administrative officer of the College.

(2) The Registrar is subject to the direction of the Council and the Executive Committee.

**PART VI**  
**THE REGISTER**

21. In addition to the information set out in subsection 23 (2) of the Health Professions Procedural Code, the register shall contain,

- (a) an indication of whether or not the member has expressed a preference to deal with the College in French;
- (b) any information provided by a member on languages in which the member can communicate with clients, including languages used to communicate with speech or hearing impaired persons;
- (c) any other health professions in Ontario of which the member is a member;
- (d) any other jurisdictions in which the member is registered as a massage therapist;
- (e) the member's electoral district for elections to the Council;
- (f) if the member has died, an indication that the member has died and the date of death;
- (g) the result of every disciplinary and incapacity proceeding relating to registration as a massage therapist in another jurisdiction of which the College is aware;
- (h) the birth date of the member;
- (i) the sex of the member;
- (j) any formal post-secondary education obtained by the member, including the name of the institution and year of graduation;
- (k) the date of first registration as a massage therapist in Ontario; and
- (l) the certificate number assigned to the member at the time of first registration.

22. In addition to the information set out in subsection 23 (3) of the Health Professions Procedural Code, a person may obtain, during normal business hours, information contained in the register described in clauses 21 (a) to (f).

23. (1) The information contained in the register which is designated as public shall be,

- (a) capable of being printed promptly; and
- (b) available in printed form to any person during the normal hours of operation of the office of the College.

(2) The Registrar may give any information contained in the register which is designated as public to any person in printed or oral form.

**PART VII  
NOTICE OF MEETINGS AND HEARINGS**

24. (1) The Registrar shall ensure that notice of every Council meeting that is required under the Act to be open to the public is given in accordance with this Part.

(2) The notice must be published in a daily newspaper of general circulation throughout Ontario not less than 14 days before the date of the meeting.

(3) The notice must be in English and French.

(4) The notice must include the intended date, time, and place of the meeting, a statement of the purpose of the meeting, and a contact address or phone number where further information may be obtained.

(5) The Registrar shall give notice of Council meetings that are open to the public to every person who requests it. The notice may be in writing.

(6) No meeting is invalid simply because a person has not strictly complied with a requirement of this Part.

25. (1) The Registrar shall ensure that information concerning every hearing of a panel of the Discipline Committee respecting allegations of a member's professional misconduct or incompetence is given to every person who requests it in writing,

(a) where possible, at least 30 days before the intended date of the hearing, for those requests received by that date; or

(b) for requests received after that date, as soon as is reasonably possible after the request is made.

(2) The information must include the name of the member against whom the allegations have been made, the member's principal place of practice, the intended date, time and place of the hearing and a statement of the purpose of the hearing.

(3) The information must be available in English and French.

(4) No hearing is invalid simply because a person has not strictly complied with a requirement of this Part.

**PART VIII  
PROFESSIONAL MISCONDUCT**

26. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

**ADVERTISING**

1. Advertising or permitting advertising with respect to the member's practice in contravention of the regulations under the Act.

**RECORDS**

2. Allowing any person to examine a client health record or giving any information, copy or thing from a client health record to any person except as required or allowed by law.

3. Failing to provide copies from a client health record for which the member has primary responsibility, as required by the regulations under the Act.

4. Failing to make arrangements with a client for the transfer of the client's records in the care of the member,

- i. when the member retires from practice,
- ii. when the member changes office location and the client requests that the records be transferred, or
- iii. when requested to do so by the client.

**THE PRACTICE OF THE PROFESSION AND THE CARE OF,  
AND RELATIONSHIP WITH, CLIENTS**

5. Contravening a term, condition or limitation imposed on the member's certificate of registration.
6. Contravening a standard of practice of the profession or a published standard of the College, or failing to maintain the standard of practice of the profession.
7. Doing anything to a client for a therapeutic, preventative, palliative, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent.
8. Abusing a client, verbally or physically.
9. Practising the profession while the member's ability to do so is impaired by any substance.
10. Discontinuing professional services that are needed unless,
  - i. the client requests the discontinuation,
  - ii. alternative services are arranged,
  - iii. the client is given a reasonable opportunity to arrange alternative services, or
  - iv. the client is abusive, and the member has made all reasonable attempts to arrange alternative services.
11. Practising the profession while the member is in a conflict of interest.
12. Breaching an agreement with a client relating to professional services for the client or fees for such services.
13. Receiving any form of benefit from the practice of massage therapy while under suspension unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
14. Employing or otherwise benefiting from a suspended member with respect to the practice of massage therapy unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
15. Failing to maintain the member's practice premises in a safe and sanitary manner.
16. Failing to reveal the exact nature of a secret remedy or treatment used by the member following a request to do so by a client, a client's representative or the College.
17. Making a claim respecting the utility of a remedy, treatment, device or procedure other than a claim which can be supported as reasonable professional opinion.
18. Inappropriately using a term, title or designation in respect of the member's practice.
19. Using a name other than the member's name as set out in the register in the course of providing or offering to provide services within the scope of practice of massage therapy.

20. Failing to identify himself or herself, by name or certificate number, on the request of a client, a client's representative or another health professional.
21. Failing to pay any money owing to the College.
22. Failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate.
23. Failing to reply appropriately or within a reasonable time to a written inquiry made by the College that requests a response.
24. Failing to attend an oral caution of the Complaints Committee or an oral reprimand of the Discipline Committee.
25. Failing to permit entry at a reasonable time or to co-operate with an authorized representative of the College conducting an inspection or examination of the member's office, records, equipment or practice.

#### RECORD KEEPING

26. Failing to keep records as required.
27. Falsifying a record relating to the member's practice.
28. Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member, within a reasonable time, to the client or his or her authorized representative after a client or his or her authorized representative has requested such a report or certificate.
29. Signing or issuing, in the member's professional capacity, a document that the member knows contains a false or misleading statement.

#### BUSINESS PRACTICES

30. Submitting an account or charge for services that the member knows is false or misleading.
31. Charging or accepting a fee or amount that is excessive or unreasonable in relation to the services performed.
32. Failing to post, in a location within the practice premises that is readily visible to members of the public, the fees for professional services provided by the member.
33. Charging a fee in excess of the posted fees, without the prior informed consent of the client.
34. Charging a fee less than the posted fees without noting the reduction and the reasons for it in the client's financial record.
35. Charging or accepting a fee or amount under any agreement, if the fee or amount is excessive or unreasonable having regard to the services to be performed or that may be performed under the agreement.
36. Failing to advise, in advance of services being rendered, of the fees proposed to be charged for the services to be rendered.
37. Failing to abide by a written undertaking given by the member to the College or to carry out an agreement entered into with the College.
38. Offering or giving a reduction for prompt payment of an account.

39. Failing to itemize an account for professional services, if requested to do so by the client or the person or agency who is to pay, in whole or in part, for the services.
40. Selling or assigning any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services.

#### MISCELLANEOUS MATTERS

41. Contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
42. Failing to comply with section 27 respecting the use of a practice name.
43. Contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital, within the meaning of the *Public Hospitals Act* if,
  - i. the purpose of the law, by-law or rule is to protect the public health, or
  - ii. the contravention is relevant to the member's suitability to practise.
44. Engaging in conduct or performing an act, in the course of practising the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
45. Treating or attempting to treat a condition beyond the member's competence.
46. Failing to refer a client to a qualified medical practitioner where the member recognizes or ought to have recognized a condition which requires medical examination.

27. (1) If a member practises under a practice name, the member shall notify the College in writing of the number and names of the persons working in the practice who are providing care to clients and, if they are members of the College, of their certificate number.

(2) The member shall notify the College of any change in the information referred to in subsection (1) within 30 days of the change.

(3) If a member practises under a practice name, the member shall use a practice name that is reasonably referable to and describes the location of the practice or that has been approved by the Executive Committee.

#### 3. Ontario Regulations 746/93 and 751/93 are revoked.

COUNCIL OF THE COLLEGE OF  
MESSAGE THERAPISTS OF ONTARIO:

ARLENE WILKINSON  
Chair

DEBORAH WORRAD  
Registrar

Dated at Toronto on October 31, 1994.

**ONTARIO REGULATION 749/94**  
made under the  
**OPTOMETRY ACT, 1991**

Made: November 1, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 119/94  
(General)

Note: Since it was made, Ontario Regulation 119/94 has not been amended.

**1. Subsection 1 (1) of Ontario Regulation 119/94 is amended by striking out "Regulation" in the first line and substituting "Part".**

**2. Subsection 4 (4) of the Regulation is amended by striking out "Regulation" in the third line and substituting "Part".**

**3. The Regulation is amended by adding the following Parts:**

**PART II**  
**THE REGISTRAR**

**5. The Registrar is the chief administrative officer of the College and is subject to the direction of the Council, the Executive Committee and the Complaints Committee.**

**PART III**  
**THE REGISTER**

**6. (1) In addition to the items set out in subsection 23 (2) of the Health Professions Procedural Code, the register shall contain,**

- (a) the information contained in the member's application for certificate of registration;
- (b) the information provided by members each year in their annual report;
- (c) the information provided by members each year in their continuing education report; and
- (d) if an allegation of professional misconduct or incompetence against the member has been referred to the Discipline Committee and not yet decided,
  - (i) a summary of the allegation,
  - (ii) an indication that the matter has been referred to the Discipline Committee, and
  - (iii) the anticipated date of the hearing, if the date has been set.

**(2) In addition to the information set out in subsection 23 (3) of the Health Professions Procedural Code, the information set out in clause 6 (1) (d) shall be available to the public.**

**(3) Upon receiving a written request for information which is accessible to the public under subsection 23 (3) of the Health Professions Procedural Code, the Registrar shall issue a copy of the relevant page or pages of the Register or a certificate containing the information requested.**

**(4) Every member shall provide the Registrar with the address or addresses at which the member practises or holds himself or herself out**

as practising, and shall inform the Registrar within 10 days of any change of address.

**PART IV**  
**RECORDS**

**7. (1) A member shall take all reasonable steps necessary to ensure that records in relation to his or her practice are kept in accordance with this Part.**

**(2) Reasonable steps under subsection (1) shall include the verification by the member, at reasonable intervals, that the records are kept in accordance with this Part.**

**8. Every member shall keep a daily appointment record that sets out the name of each patient whom the member examines or treats or to whom the member provides any service.**

**9. (1) Every member shall keep a financial record for each patient.**

**(2) The financial record must include the member's fees for services and any commercial laboratory costs charged to the member.**

**10. (1) Every member shall keep a patient health record for each patient.**

**(2) The patient health record must include the following:**

- 1. The name and address of the patient and the name of the member who provided the service.
- 2. The date of each visit of the patient.
- 3. The name and address of any referring health professional.
- 4. The patient's health and oculo-visual history.
- 5. The clinical procedures used.
- 6. The clinical findings obtained.
- 7. The diagnosis, when possible.
- 8. Every order made by the member for examinations, tests, consultations or treatments to be performed by any other person.
- 9. Particulars of every referral to or from another health professional.
- 10. Information about every delegation of a controlled act within the meaning of subsection 27 (2) of the *Regulated Health Professions Act, 1991*, delegated by the member.
- 11. Information about a procedure that was commenced but not completed, including reasons for non-completion.
- 12. A copy of every written consent to treatment.

**(3) Every part of a patient health record must be dated and have a reference identifying the patient or the patient health record.**

**(4) Every entry in the patient health record must be dated and the person who made the entry must be readily identifiable.**

**(5) Every patient health record shall be retained for at least 10 years following,**

- (a) the patient's last visit; or

- (b) if the patient was less than 18 years old at the time of his or her last visit, the day the patient became or would have become 18 years old.

11. (1) The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

1. Allowing any person to examine a patient health record or giving a copy of a document or any information from a patient health record to any person except as required by law or as required or allowed by this section.
2. Failing to provide copies from a patient health record for which the member has primary responsibility, as required by this section.

(2) A member shall provide copies from a patient health record for which the member has primary responsibility to any of the following persons on request:

1. The patient.
2. A personal representative who is authorized by the patient to obtain copies from the record.
3. If the patient is dead, the patient's legal representative.
4. If the patient lacks capacity to give an authorization described in paragraph 2,
  - i. a committee of the patient appointed under the *Mental Incompetency Act*,
  - ii. a person to whom the patient is married,
  - iii. a person of the opposite or same sex, with whom the patient is living in a conjugal relationship outside marriage, if the patient and the person,
    - A. have cohabited for at least one year,
    - B. are together the parents of a child, or
    - C. have together entered into a cohabitation agreement under section 53 of the *Family Law Act*,
  - iv. the patient's son or daughter,
  - v. the patient's parent.

(3) It is not an act of professional misconduct under paragraph 2 of subsection (1) for a member to refuse to provide copies from a patient health record until the member is paid a reasonable fee.

(4) A member may provide copies from a patient health record for which the member has primary responsibility to any person authorized by or on behalf of a person to whom the member is required to provide copies under subsection (2).

(5) A member may, for the purposes of providing health care, allow a health professional to examine the patient health record or give a health professional a copy of a document or any information from the record.

12. For record keeping required by this Part, a member may use computer, electronic or other equipment for recording, storing and retrieval of records if,

- (a) the record keeping system provides ready access by an authorized investigator, inspector or assessor of the College, or the patient or the patient's representative to the records;
- (b) ancillary equipment is readily available for the making of hard copies of the record at no expense to an authorized investigator, inspector or assessor of the College;
- (c) the equipment or software being used is such that no amendment, correction, addition or deletion can be made to any record which obliterates the original record or does not show the date of the change.

#### PART V FEES

13. (1) Every member shall pay an annual fee.

(2) The annual fee for a member is \$750.

(3) The annual fee for a calendar year must be paid on or before December 15 in the preceding year.

14. When a member is first issued a General or Academic certificate of registration, the annual fee shall be prorated according to the portion of the year between the day the certificate is issued and the end of the year.

15. (1) The Registrar shall mail to each member annually at least 30 days before the due date of annual fees a request notice for payment of the annual fee.

(2) Upon receipt of payment, the Registrar shall issue a receipt to the member.

16. If a member fails to pay the annual fee on or before December 15 of the preceding year, the member shall pay a penalty of \$50 in addition to the annual fee.

17. A member whose certificate of registration was suspended by any statutory committee of the College shall not be reinstated until the member pays a reinstatement fee of \$150 and all outstanding fees.

18. Where a person requests the Registrar to do anything that the Registrar is required or authorized to do by statute or by regulation, the person shall pay the prescribed fee or the fee set by the Registrar for doing so.

#### PART VI PROFESSIONAL LIABILITY INSURANCE

19. (1) A member shall carry professional liability (malpractice) insurance of not less than,

- (a) \$2,000,000 per occurrence; or
- (b) \$5,000,000 per year.

(2) The insurance shall have no deductible.

(3) Each year, upon the request of the Registrar, the member shall provide a certificate of professional liability insurance which states the amount of the coverage and that the insurance is in effect for the current and the following year.

#### PART VII LIFE MEMBERS

20. (1) Upon receiving a written request, the Registration Committee may designate a member a life member if,

- (a) the member has been registered for 25 years under the *Optometry Act, 1991* or a predecessor of that Act;
- (b) at the time of making the request the member is in good standing; and
- (c) the member has retired from the practice of optometry.

## (2) A life member,

- (a) is entitled to remain on the register of the College;
- (b) is not required to pay any fees; and
- (c) is not entitled to engage in the practice of optometry, to vote in any election of the College or to hold elected office.

**4. Ontario Regulation 769/93 is revoked.**

COUNCIL OF THE COLLEGE OF  
OPTOMETRISTS OF ONTARIO:

JOSEPH MITTELMAN  
*President*

IRVING BAKER  
*Registrar*

Dated at Toronto on November 1, 1994.

51/94

**ONTARIO REGULATION 750/94**  
made under the  
**PHARMACY ACT, 1991**

Made: November 9, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 202/94  
(General)

Note: Since it was made, Ontario Regulation 202/94 has not been amended.

**1. Ontario Regulation 202/94 is amended by striking out the Table of Contents.**

**2. The Regulation is amended by adding the following Part:**

**PART III**  
**FEES**

22. (1) Every person who is registered by the College as a pharmacist shall pay an annual fee of \$345.

(2) Despite subsection (1), a person who is registered as a pharmacist for the first time and whose certificate of registration is issued on or after September 1 in a year shall pay an annual fee of \$175.

23. (1) The annual fee for a year must be paid on or before January 10 in the year or on the date the member is registered if it is after January 10.

(2) No later than 30 days before an annual fee is due, the Registrar shall notify the member of the amount of the fee and the day on which the fee is due.

(3) If a member fails to pay an annual fee on or before the day on which the fee is due, the member shall pay a penalty of 25 per cent of the annual fee, in addition to the annual fee.

(4) If the Registrar suspends a member's certificate of registration for failure to pay a prescribed fee, the Registrar shall lift the suspension upon payment of,

- (a) the fee the member failed to pay;
- (b) the annual fee for the year in which the suspension is to be lifted; and
- (c) any penalty under subsection (3).

(5) If the member fails to pay the fees and penalty payable in accordance with this section on or before December 31 of the year following the year in which the certificate was suspended, the member is deemed to have resigned.

24. Where a person requests the Registrar to do anything that the Registrar is required or authorized to do by statute or by regulation, the person shall pay the prescribed fee or the fee set by the Registrar for doing so.

**3. Ontario Regulation 614/93 is revoked.**

COUNCIL OF THE ONTARIO COLLEGE OF PHARMACISTS:

LAUREEN BRUNI  
*Vice-President*

A.J. DUNSDON  
*Registrar*

Dated at Toronto on November 9, 1994.

51/94

**ONTARIO REGULATION 751/94**  
made under the  
**REGULATED HEALTH PROFESSIONS ACT, 1991**

Made: November 25, 1994  
Approved: November 30, 1994  
Filed: December 1, 1994

Amending O. Reg. 886/93  
(Forms of Energy)

Note: There are no prior amendments to Ontario Regulation 886/93.

**1. Sections 5 and 6 of Ontario Regulation 886/93 are revoked and the following substituted:**

5. (1) A member of the College of Physicians and Surgeons of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying, or ordering the application of, a form of energy listed in paragraphs 1 to 9 and 11 and 12 of section 1.

(2) A member of the College of Physicians and Surgeons of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying magnetic resonance imaging in a public hospital or ordering the application in a public hospital of magnetic resonance imaging.

6. A person is exempt from section 27 (1) of the Act for the purpose of,

- (a) applying diagnostic ultrasound if the application is ordered by a member of the College of Physicians and Surgeons of Ontario;
- (b) applying pregnancy and pelvic diagnostic ultrasound if the application is ordered by a member of the College of Midwives of Ontario; and
- (c) applying magnetic resonance imaging in a public hospital if the application is ordered by a member of the College of Physicians and Surgeons of Ontario.

RUTH GRIER  
Minister of Health

Dated at Toronto on November 25, 1994.

51/94

**ONTARIO REGULATION 752/94**  
made under the  
**HEALTH INSURANCE ACT**

Made: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 552 has been amended by Ontario Regulations 19/94, 199/94, 221/94, 255/94, 302/94, 356/94, 357/94, 486/94, 487/94, 488/94, 489/94, 490/94, 491/94, 492/94, 502/94 and 589/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Items 57 and 62 of Part I of Schedule 5 to Regulation 552 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

57. Scarborough Central Scarborough Physiotherapy Clinic

**(2) Part I of Schedule 5 to the Regulation is amended by adding the following item:**

84.1 Welland Physiotherapy Rehabilitation Centre

51/94

**ONTARIO REGULATION 753/94**  
made under the  
**ONTARIO DRUG BENEFIT ACT**

Made: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 868 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 868 has been amended by Ontario Regulations 48/94, 107/94, 378/94, 451/94 and 616/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 3 (3) of Regulation 868 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(3) For the purposes of subsection 5 (3) of the Act, the Minister shall pay to a physician for dispensing a listed drug product for an eligible

person the amount provided for by this Regulation with respect to the listed drug product and a dispensing service fee that shall be,

- (a) in the case of a physician whose office is within 20 kilometres of an accredited pharmacy, \$4.05; and
- (b) in any other case, \$4.83.

**2. This Regulation shall be deemed to have come into force on April 1, 1994.**

51/94

**ONTARIO REGULATION 754/94**  
made under the  
**ONTARIO DRUG BENEFIT ACT**

Made: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 868 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 868 has been amended by Ontario Regulations 48/94, 107/94, 378/94, 451/94, 616/94 and 753/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) The definition of "Formulary" in subsection 1 (1) of Regulation 868 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

"Formulary" means the Ministry of Health publication titled "Drug Benefit Formulary/Comparative Drug Index (No. 34)" and dated December 1, 1994;

**(2) Subsections 1 (2), (3), (4), (5) and (6) of the Regulation are revoked.**

**2. This Regulation comes into force on December 1, 1994.**

51/94

**ONTARIO REGULATION 755/94**  
made under the  
**PRESCRIPTION DRUG COST REGULATION ACT**

Made: November 30, 1994  
Filed: December 1, 1994

Amending Reg. 935 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 935 has been amended by Ontario Regulations 49/94, 108/94, 377/94, 452/94 and 615/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) The definition of "Formulary" in subsection 1 (1) of Regulation 935 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

"Formulary" means the Ministry of Health publication titled "Drug Benefit Formulary/Comparative Drug Index (No. 34)" and dated December 1, 1994;

**(2) Subsections 1(2), (3), (4), (5), (6), (7) and (8) of the Regulation are revoked.**



**2. This Regulation comes into force on December 1, 1994.**

51/94

**ONTARIO REGULATION 756/94**  
made under the  
**PRIVATE VOCATIONAL SCHOOLS ACT**

Made: November 30, 1994  
Filed: December 2, 1994

Amending Reg. 939 of R.R.O. 1990  
(General)

Note: Regulation 939 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 3 (2) of Regulation 939 of the Revised Regulations of Ontario, 1990 is amended by striking out "and" at the end of clause (b) and by adding the following clause:**

(b.1) March 1, 1995, in the case of an application to renew registration for 1995;

**2. Section 4 of the Regulation is revoked and the following substituted:**

**4. (1) An applicant for registration to conduct or operate a private vocational school in 1994 shall pay the following fees:**

1. An application fee of \$390.
2. A registration fee of \$650 for the school and one course of instruction, plus, for each additional course of instruction,
  - i. \$390, if subparagraph ii does not apply, or
  - ii. \$39, if the school is a branch or franchise of another school that offers the same course and has paid a fee under this subsection in respect of that course.

3. An inspection fee of \$260.

(2) An applicant for registration to conduct or operate a private vocational school in 1995 shall pay the following fees:

1. An application fee of \$480.
2. A registration fee of \$800 for the school and one course of instruction, plus, for each additional course of instruction,
  - i. \$480, if subparagraph ii does not apply, or
  - ii. \$48, if the school is a branch or franchise of another school that offers the same course and has paid a fee under this subsection in respect of that course.

3. An inspection fee of \$320.

(3) An applicant for renewal of registration to conduct or operate a private vocational school in 1994 shall pay the following fees:

1. A registration fee of \$650 for the school and one course of instruction, plus, for each additional course of instruction,
  - i. \$39, if a fee was paid in respect of the course at the time of the last application for registration or renewal of registration,

ii. \$390, if no fee was paid in respect of the course at the time of the last application for registration or renewal of registration and subparagraph iii does not apply,

iii. \$39, if no fee was paid in respect of the course at the time of the last application for registration or renewal of registration and the school is a branch or franchise of another school that offers the same course and has paid a fee under this subsection in respect of that course.

2. An inspection fee of \$260 for each inspection of the school's facilities that was conducted under section 13 of the Act after the last application for registration or renewal of registration, other than an inspection conducted as part of the Superintendent's review of an application for registration.

(4) An applicant for renewal of registration to conduct or operate a private vocational school in 1995 shall pay the following fees:

i. A registration fee of \$800 for the school and one course of instruction, plus, for each additional course of instruction,

i. \$48, if a fee was paid in respect of the course at the time of the last application for registration or renewal of registration,

ii. \$480, if no fee was paid in respect of the course at the time of the last application for registration or renewal of registration and subparagraph iii does not apply,

iii. \$48, if no fee was paid in respect of the course at the time of the last application for registration or renewal of registration and the school is a branch or franchise of another school that offers the same course and has paid a fee under this subsection in respect of that course.

2. An inspection fee of \$320 for each inspection of the school's facilities that was conducted under section 13 of the Act after the last application for registration or renewal of registration, other than an inspection conducted as part of the Superintendent's review of an application for registration.

(5) Despite subsections (3) and (4), the fees required by subsections (3) and (4) shall be increased by 50 per cent if the applicant does not comply with subsection 3 (2), unless the Superintendent is satisfied that there is a reasonable excuse for the non-compliance.

(6) Fees paid under this section are not refundable except in the following circumstances:

1. The registration fee required by paragraph 2 of subsection (1) or paragraph 2 of subsection (2), except the amount paid under subparagraph i of that paragraph, is refundable if the application for registration is refused or the application is withdrawn.

2. The inspection fee required by paragraph 3 of subsection (1) or paragraph 3 of subsection (2) is refundable if the application for registration is withdrawn before an inspection of the school's facilities is conducted under section 13 of the Act.

3. The registration fee required by paragraph 1 of subsection (3) or paragraph 1 of subsection (4), except the amount paid under subparagraph ii of that paragraph, is refundable if the application for renewal of registration is refused or the application is withdrawn.

51/94



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—12—24

## ONTARIO REGULATION 757/94 made under the PUBLIC SERVICE ACT

Approved: November 30, 1994  
Filed: December 2, 1994

Amending Reg. 977 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 977 has been amended by Ontario Regulation 625/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

### 1. Subsection 31 (2) of Regulation 977 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(2) One member of the Board may hear and dispose of a grievance under this Part.

(3) A grievance that has been filed with the Board on or before the date Ontario Regulation 757/94 is filed may be assigned or re-assigned to one member of the Board if the hearing of the grievance has not commenced.

#### CIVIL SERVICE COMMISSION:

JAMES R. THOMAS  
*Chair*

MORAG DION  
*Secretary*

52/94

## ONTARIO REGULATION 758/94 made under the PUBLIC SERVICE ACT

Made: August 30, 1994  
Approved: November 30, 1994  
Filed: December 2, 1994

Amending Reg. 977 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 977 has been amended by Ontario Regulations 625/94 and 757/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

### 1. Schedules 3, 4, 5, 6 and 7 to Regulation 977 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

#### Schedule 3

Accident Claims Supervisor 1, 2  
Accommodation Officer 1, 2, 3  
Architectural Job Captain 1, 2, 3  
Archivist 1, 2, 3  
Artifacts Officer  
Audiologist

Boiler Inspector  
Building Caretaker 6

Cartographer 1, 2, 3, 4  
Cartographic Technician 1, 2, 3  
Case Worker, Homes for Special Care  
Case Worker, Mental Health and Social Services  
Caseworker, Outpatient and Community Services  
Classifier 1, 2, Board of Censors  
Commercial Artist 1, 2  
Communications Technician 3  
Construction Superintendent 1, 2, 3  
Contract Review Officer  
Court Reporter 1, 2, 3  
Court Reporter Apprentice

Data Processing Technician 1, 2, 3, 4, 5, 6, 7  
Data Processing Technician 2, 3, 4, 5, 6, 7 (Excluded)  
Dental Assistant  
Dental Hygienist  
Deputy 1, 2, Administration of Justice  
Deputy Senior 1, Administration of Justice  
Designer 1, 2  
Dietitian 1  
Drafter 1, 2, 3  
Drafter Tracer  
Driver Examination Supervisor 1  
Driver Examiner  
Driver Examiner (Probationary)

E.E.G. Technician 1, 2, 3  
Elevator Inspector 1, 3  
Engineering Officer 1, 2  
Engineering Services Officer 2, 3  
Environmental Officer 1, 2, 3, 4, 5, 6  
Estate Assessor 1, 2  
Estimator and Quantity Surveyor 1, 2  
Exhibition Designer 1, 2

Farm Products Inspector 1, 2  
Field Worker 1, 2, Homes for Special Care  
Fire Safety Officer 3  
Fire Safety Officer 3 (Excluded)  
Fire Services Adviser 2  
Fire Services Investigator 2  
Forensic Analyst 1, 2, 3

Geodetic Control Analyst  
Geologist Assistant 2, 3

Highways Assistant Communications Supervisor  
Home Economics Assistant 1, 2

Indian Development Officer  
Inspector of Signs and Buildings Permits 2  
Inspector of Surveys 2  
Instructor 1, 2, Ontario Fire College  
Instrument Repairer 1, 2  
Instrument Repairer, Foreman/woman  
Insurance Representative  
Interior Designer 1, 2  
Interior Designer, Trainee  
Investigator of Estates

Junior Commercial Artist  
Junior Drafter

Laboratory Attendant 1, 2

Language and Citizenship Training Specialist 1  
 Legislative Assistant Editor  
 Librarian 1, 2, 3, 5  
 Library Technician 1, 2, 3, 4

Maintenance Operations Analyst  
 Maintenance Superintendent 1, 2  
 Mechanical/Electrical Building Systems Specialist

Nurse 1, 2, Clinic  
 Nurse 1, 2, 3, Public Health  
 Nutritionist 1

Occupational Health and Safety Inspector 1, 2  
 Occupational Hygienist  
 Occupational Therapist 1, 2, 3  
 Office Administration 1, 2, 3, 4, 5, 6, 7, 8, 9  
 10, 11, 12, 13  
 Office Administration 1, 2, 3, 4, 5, 6, 7, 8, 9  
 10, 11, 12, 13 (Excluded)  
 Operator 1, 2, 3, Bindery Equipment  
 Operator 1, 2, 3, 4, Microfilm  
 Operator 1, 2, 3, 4, Offset Equipment  
 Operator 1, 2, 3, Whiteprint Equipment  
 Operator 4, X-Ray Unit  
 Organizer 2, X-Ray Surveys

Personalty Valuator 1  
 Pesticide Control Officer 1, 2, 3  
 Pharmacist - Staff  
 Pharmacy Technician 1, 2  
 Photogrammetrist 1, 2, 3, 4  
 Platemaker 1, 2  
 Printing Estimator  
 Psychologist 1  
 Psychometrist 1, 2  
 Purchasing Officer 1, 2, 3  
 Purchasing Officer 1 (Excluded)

Records Officer Junior  
 Records Officer Junior (Excluded)  
 Records Officer 1, 2  
 Records Officer 1, 2 (Excluded)  
 Rehabilitation Officer 1, 2, Correctional Services  
 Rehabilitation Officer 1, 2, Health  
 Research Officer 1, 2(a), 2(b), Transportation  
 and Communications  
 Returning Officer, Ontario Labour Relations Board  
 Review Officer  
 Review Supervisor 2  
 Roofing Specialist

Safety Instruction Officer 1, 2  
 Safety Instruction Officer 2 (Excluded)  
 Schedule Co-ordinator 1, 2, 3  
 Scientist 1, 2, 3  
 Senior Transportation Design Technician  
 Senior Usher and Messenger  
 Service Areas Inspector  
 Services Officer 1 (Bargaining Unit)  
 Services Supervisor 2  
 Sheriff's Officer 1, 2  
 Social Work Assistant  
 Social Work Supervisor 1, 2 (Bargaining Unit)  
 Social Worker 1, 2  
 Specification Officer 1, 2, 3  
 Speech Therapist  
 Staff Training Officer, Community and Social Services  
 (Bargaining Unit)  
 Standards Officer 1, 2, Industrial Training  
 Standards Officer 1, 2, Industrial Training (Excluded)  
 Steam Plant Chief 2  
 Supervisor of Operations (Bargaining Unit)

Technician 1, 2, 3, 4, 5, Chemical Laboratory  
 Technician 3, 4, Construction

Technician 1, 2, Engineering Office  
 Technician 3, 4, Engineering Survey  
 Technician 1, 2, 3, Fuel  
 Technician 3, Legal Survey  
 Technician 1, 2, Municipal Engineering  
 Technician 1, 2, 3, 4, Photographic  
 Technician 1, 2, 3, 4, 5, Physical Laboratory  
 Technician 1, 2, 3, 4, 5, Radiation  
 Technician 1, 2, 3, 4, Road Design  
 Technician 1(a), 1(b), X-Ray  
 Technician X-Ray, Supervisor  
 Technologist 1, 2, 3, Medical Laboratory  
 Telephone Services Officer  
 Traffic Analyst 1, 2, 3, 4, 5  
 Translator 1, 2, 3  
 Transportation Compliance Program Administrator  
 Transportation Design Technician  
 Transportation Enforcement Officer 1, 2, 3  
 Travel Counsellor 1, 2, 3

Usher and Messenger

Vehicle Inspection Administrator  
 Vocational Rehabilitation Services Counsellor

Welfare Field Worker 1, 2  
 Welfare Field Worker (Probationary)

#### Schedule 4

Agricultural Technician 1, 2, 3  
 Agricultural Worker 1, 2, 3  
 Air Engineer 1, 2, 3  
 Ambulance Officer 1, 2, 3, 4  
 Arboriculturist 1  
 Artisan 1, 2, 3, 4  
 Attendant 1, 2, 3, 4, Oak Ridge  
 Audiological Services Technician

Baker 1, 2  
 Bookbinder 1, 2  
 Bridge Operator  
 Building Caretaker 1, 2  
 Building Cleaner and Helper 3 (Bargaining Unit)  
 Butcher 1

Cable Ferry Operator 1, 2  
 Canteen Operator 1, 2  
 Chief Steward  
 Child Care Assistant 1, 2  
 Child Care Worker 1, 2, 3  
 Cleaner 1, 2, 3  
 Cleaner, Office Buildings  
 Clerk 1, 2, 3, 4, 5, 6, Supply  
 Clerk 7, Supply (Bargaining Unit)  
 Communications Operator 1, 2, 3  
 Communications Technician 1, 2  
 Constable  
 Constable (Probationary)  
 Construction Inspector  
 Cook 1, 2  
 Cook 3 (Bargaining Unit)  
 Correctional Officer 1, 2, 3  
 Counsellor 1, 2, 3 Residential Life

Deckhand  
 District Stockroom and Warehouse Clerk

Electronics Repairer  
 Electronics Technician  
 Electronics Technician 1, 2, Government Services  
 Elevator Attendant  
 Elevator Mechanic 1, 2, 3  
 Equipment Spray Painter  
 Exhibit Fabricator 1, 2, 3

Ferry Mate	Recreation Officer 3, Correctional Services (Bargaining Unit)
Fire Safety Officer 1, 2	Residence Supervisor 1
Fire Safety Officer 1, 2 (Excluded)	Resource Technician 1, 2, 3
Fire Services Adviser 1	Resource Technician 4, Conservation Officer
Fire Services Investigator 1	
Garage Attendant	Sergeant Major
Garage Attendant Supervisor	Sergeant, Ontario Provincial Police
	Sewer 1, 2
Hairdresser	Sign Painter
Helper, Food Service	Sign Painter, Foreman/woman
Highway Construction Inspector 1, 2, 3	Sign Painter, Helper
Highway Equipment Operator 1, 2, 3, 4	Sign Painter, Improver
Highway Equipment Supervisor 1	Staff Sergeant, Ontario Provincial Police
Highway General Foreman/woman 1	Steam Plant Engineer 1, 2, 3
Highway Labour Foreman/woman	Steam Plant Technician 1, 2
Hospital Attendant 1	Stores/Reproduction Clerk
Hospital Housekeeper 1, 2 (Bargaining Unit)	Steward
	Supervisor 1, Food Service (Bargaining Unit)
	Supervisor of Juveniles 1, 2
Industrial Officer 1, 2, 3	
Inspector of Weighers and Checkers 1, 2	Tailor
Instructor 1, 2, 3, 4 (Occupational)	Technician 1, 2, Construction
Instructor 1, 2, 3(a), Recreation and Crafts	Technician 1, Engineering Survey
	Technician 2, Engineering Survey (Bargaining Unit)
Landscape Worker	Technician Equipment Development
Laundry Worker 1, 2, 3, 4, 5	Technician 1, 2, 3, 4, 5, Field
Law Enforcement - OPP	Technician 1, 2, Legal Survey
Lineman/woman	Technician 1, 2, 3, Survey
	Technician 1, 2, 3, 4, Traffic
Maintenance Bricklayer	Telephone Installer 1, 2, 3
Maintenance Carpenter	Thermal Operator 1, 2, 3, 4
Maintenance Carpenter, Foreman/woman	Trade Instructor 1, 2, 3
Maintenance Electrician	Trades Apprentice
Maintenance Electrician, Foreman/woman	Traffic Patroller 1, 2, Transportation and Communications
Maintenance Foreman/woman	Trainee (M.R.C. Course), Health
Maintenance Machinist	Transport Despatcher
Maintenance Machinist, Foreman/woman	Transport Driver
Maintenance Mason	
Maintenance Mechanic 1, 2, 3	Upholstery Repairer
Maintenance Painter and Decorator	Utility Plant Electrician
Maintenance Painter and Decorator, Foreman/woman	Utility Plant Instrument Technician
Maintenance Plasterer	
Maintenance Plasterer, Foreman/woman	Vocational Instruction Officer 1, Oak Ridge
Maintenance Plumber	Vocational Instruction Officer 2, Oak Ridge
Maintenance Plumber, Foreman/woman	Volunteer Services Assistant
Maintenance Refrigeration Mechanic	
Maintenance Refrigeration Mechanic, Foreman/woman	Waste Treatment Operator
Maintenance Sheet Metal Worker	Waste and Water Project Operator 1, 2
Maintenance Steamfitter	Waste and Water Project Trainee Operator
Maintenance Welder	Water Level Control Supervisor
Manual Worker	Weigher
Marine Engineer 1, 2	
Meat Inspector 1	<b>Schedule 5</b>
Mechanic 1, 2	
Mechanic, Foreman/woman	Agricultural Support (Bargaining Unit) OAG11
Medical Assistant 1, 2, 3	Agricultural Support OM-10, 11
Mill Worker 1, 2	
Motor Vehicle Operator 1, 2	Clerical Services (Bargaining Unit)
	CCL 8, 9, 10, 11, 12, 13, 14, 15
Nurse 1, 2, 3, General	Clerical Services CM-08, 09, 10, 11, 12, 13, 14, 15, 16, 17
Nurse 1, 2, 3, Nursing Education	Correctional, (Seventh Unit) OCR14
Nurse 2, 3, Special Schools	Correctional OM-13, 14, 15, 16
Observation and Detention Home Worker 1, 2, 3	
	Drafting, Design & Estimating (Bargaining Unit) TDD13
Parking Attendant	Drafting, Design and Estimating TM-11, 12, 13
Powderman/woman	
Provincial Bailiff 1, 2	Engineering & Surveying Support (Bargaining Unit)
Psychiatric Nursing Assistant 1, 2, 3, 4	TEN 13,14,15
	Engineering and Surveying Support TM-11, 12, 13, 14, 15
Radio and T.V. Repairer	
Radio Operator 1, 2, 3	Food Services (Seventh Unit) OFS10,11
Recreation Officer 1, 2, Correctional Services	Food Services OM-08, 09, 10, 11
	General Operational (Seventh Unit) OGN 10,11

General Operational OM-08, 09, 10, 11

Health Care Scientific Support (Bargaining Unit) TSS 12, 15

Information (Bargaining Unit) AIF 16, 17

Information AM-16, 17

Institutional Care, (Seventh Unit) OIN 11, 12, 13

Institutional Care OM-10, 11, 12, 13

Office Equipment Operation (Bargaining Unit)

CEQ 10, 11, 12, 13

Office Equipment Operation CM-08, 09, 10, 11, 12, 13, 14

Operational (Bargaining Unit) OST 12, 13, 14, 15, 16

Photography TM-10, 11, 12, 13, 14, 15

Photography (Bargaining Unit) TPH14

Printing (Bargaining Unit) OPR10, 12

Printing OM-09, 10, 11, 12, 13

Purchasing and Supply AM-12, 13

Purchasing & Supply (Bargaining Unit) APS13

Resources, Technical TM-11, 12

Resources, Technical (Bargaining Unit) TRT12

Scientific Support TM-11, 12, 13, 14, 15

Scientific Support (Bargaining Unit) TSS 12, 15

Skills and Trades (Bargaining Unit) OST 12, 13, 14, 15, 16

Skills and Trades OM-11, 12, 13, 14, 15, 16

#### Schedule 6

Actuarial Science (Seventh Unit) PAC 16, 17, 19

Actuarial Science PM-16, 17, 18, 19, 20, 21, 22

Adviser, Ontario Police Commission

Agricultural Officer 1, 2

Agricultural Specialist 1, 2, 3

Agricultural Specialist 1, 2, Dairy

Agricultural Support OM-12, 13, 14

Agriculture (Seventh Unit) 16, 17, 18, 19, 20

Agriculture PM-15, 16, 17, 18, 19, 20, 21

Air Engineer 4

Ambulance Services OM-14, 15, 16, 17, 18

Architect - Management 06PBA

Architecture PM-15, 16, 17, 18, 19, 20, 21

Archival and Historical (Seventh Unit) PAH 14, 17

Archival and Historical PM-14, 15, 16, 17, 18

Area Supply Supervisor (Bargaining Unit)

Assistant Plant Superintendent, Air Service

Bargaining Architecture 1, 2, 3, 4, 5, 6, 7

Bargaining Engineering 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Chaplain (Seventh Unit) PCH 15, 16, 17

Chaplain PM-14, 15, 16, 17, 18, 19

Chief Inspector of Theatres

Chief Instructor, Ontario Police College

Child Care Worker 4

Commercial Artist 3

Commissioned Officer 1,2,3, Ontario Provincial Police

Community Development Officer 1, 2, 3

Crown Counsel 1, 2, 3, 4, 5

Crown Counsel 1, 2, 3, 4 (Excluded)

Dairy Herd Improvement Officer 1

Dentistry PM-19, 20, 21, 22

Deputy Director, Ontario Police College

Drafting Design & Estimating (Seventh Unit)

TDD14, 15, 16, 18, 19

Drafting, Design and Estimating TM-14, 15, 16, 17, 18, 19

Driver Attendant, Minister

Economic & Statistics (Seventh Unit)

PEC 16, 17, 18, 19, 20, 21

Economics and Statistics PM-16, 17, 18, 19, 20, 21

Economist 1, 2, 3, 4, 5 (Bargaining Unit)

Education (Seventh Unit) PED 19, 20, 21

Education Adviser

Education Officer

Education PM-18, 19, 20, 21, 22

Employment Standards Auditor 1, 2

Employment Standards Officer 1

Engineer - Management 08PBE, 09PBE, 10PBE, 11PBE

Engineer PEN 18, 19, 21, 22

Engineering PM 11, 12, 13, 14, 15, 16, 17,

18, 19, 20, 21, 22

Engineering & Surveying Support (Seventh Unit)

TEN 16, 17, 18, 19, 20

Engineering and Surveying Support TM-16, 17, 18, 19, 20, 21

Engineering Officer 3, 4

Engineering Services Officer 4, 5

Establishment of New Classes Resulting

from CECBA Reform-Professionals

Executive Officer 1, 2, 3 (Bargaining Unit)

Executive Officer 1, 2 (Excluded)

Exhibition Designer 3

Extension Assistant

Financial Administration AM-12, 13, 14, 15, 16, 17,

18, 19, 20, 21, 22

Financial Officer 1, 2, 3, 4, 5 (Bargaining Unit)

Financial Officer 1, 2 (Excluded)

Financial Administration (Seventh Unit) AFA 13, 14,

15, 16, 17, 18, 19, 20, 21, 22

Financial Officer Trainee

Food Services (Seventh Unit) OFS12

Food Services (Seventh Unit) OFS13

Food Services (Seventh Unit) OFS14

Food Services OM-12, 13, 14, 15, 16

French Language Services (Seventh Unit) AFL20

French Language Services AM-20, 21, 22

General Administration (Seventh Unit) AGA 11, 12, 13,

14, 15, 16, 17, 18, 19, 20, 21, 22

General Administration AM-11, 12, 13, 14, 15, 16, 17,

18, 19, 20, 21, 22

General Operational (Seventh Unit) OGN 12, 13, 14, 15

General Operational OM-12, 13, 14, 15, 16, 17

General Scientific (Seventh Unit) PGS 17, 18, 20, 21

General Scientific PM-15, 16, 17, 18, 19, 20, 21

Geoscientist 1, 2, 3, 4

Heating and Power (Seventh Unit) OHP 14, 17

Heating and Power OM-11, 12, 13, 14, 15, 16, 17, 18

Highway Equipment Supervisor 2, 3

Highway Maintenance Supervisor

Highway Services Supervisor

Home Economist 1, 2, 3

Home Economics, Dietetics & Nutrition (Seventh Unit)

PHE 11, 12, 13, 16, 17, 18

Home Economics, Dietetics & Nutrition PM-10, 11, 12, 13,

14, 15, 16, 17, 18

Housing Analyst 1, 2

Human Rights Officer 1, 2

Immigration Officer

Industrial Development Officer 1, 2, 3

Information (Seventh Unit) AIF 18, 19, 20

Information AM-18, 19, 20

Information Officer 1, 2, 3, 4

Information Officer 1, 2, 3, 4 (Excluded)

Inspector, Operating Engineers' Branch

Institutional Care (Seventh Unit) OIN15

Institutional Care OM-14, 15, 16

Institutional Management AM-14, 15, 16, 17, 18, 19,

20, 21, 22, 23

Instructor 1, 2, 3, Ontario Police College

Intelligence Officer, Ontario Police Commission

Investigator 1, Agricultural Products

Investigator 1, 2, Ontario Securities Commission

Labour Relations AM-15, 16, 17, 18, 19, 20, 21, 22, 23

Law Administration (Seventh Unit) ALA 12, 13, 14, 15, 16, 17, 18, 19, 20, 22  
 Law Administration AM-11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23  
 Law Court Administration (Seventh Unit) ALC 12, 13, 14  
 Law Court Administration AM-12, 13, 14, 15, 16, 17, 18, 19, 20, 21  
 Legal Survey Examiner 4  
 Library Services (Seventh Unit) PLS 14, 15, 16, 17  
 Library Services PM-13, 14, 15, 16, 17  
 Medical PM-19, 20, 21, 22, 23, 24, 25, 26  
 Mine Rescue Training Officer 1, 2  
 Northern Affairs Officer 1, 2  
 Nursing (Seventh Unit) PNR 13, 14, 15, 16, 18  
 Occupational and Physical Therapy PM-13, 14, 15, 16  
 Occupational and Physical Therapy (Seventh Unit) POC14  
 Office Equipment Operation CM-15  
 Personnel Administration AM-12, 13, 14, 15, 16, 17, 18, 19, 20, 21  
 Personnel Administration (Seventh Unit) APL 12, 13, 14, 15, 16, 17, 18, 19, 20  
 Pharmacy PM-15, 16, 17, 18, 19, 20, 21, 22  
 Pharmacy (Seventh Unit) PPH 16, 17, 18, 19  
 Photography TM-16  
 Pilot 1, 2, 3, 4, 5  
 Printing OM-14, 15  
 Printing (Seventh Unit) OPR15  
 Probation Officer 1, 2  
 Professional Underfill (Seventh Unit) PMU 12, 14  
 Program Administration (Seventh Unit) APR 16, 17, 18, 19  
 Program Analysis AM-16, 17, 18, 19, 20, 21  
 Program Analysis (Seventh Unit) APA 16, 17, 18, 19, 20, 21  
 Property Administration AM-15, 16, 17, 18, 19, 20, 21, 22  
 Psychologist 2, 3  
 Psychology PM-18, 19, 20, 21  
 Psychology (Seventh Unit) PPY 19, 20  
 Publicity Photographer 1, 2, 3  
 Purchasing and Supply AM-14, 15, 16, 17, 18, 19, 20  
 Purchasing and Supply (Seventh Unit) APS 14, 15, 16, 18, 20  
 Radiation Protection Physicist 1  
 Research Science PM-16, 17, 18, 19, 20, 21  
 Research Scientist 3, 4, 5, Natural Resources  
 Research Science (Seventh Unit) PRS 17, 21  
 Resource Technician, Senior 1, 2, 3, 4 (Bargaining Unit)  
 Resources Planning and Management (Seventh Unit) PRP 14, 15, 16, 17, 18, 19, 20, 21  
 Resources, Technical TM-13, 14, 15, 16, 17, 18  
 Resources Technical (Seventh Unit) TRT 13, 14, 15, 16, 17, 18  
 Safety Instructor Officer 3 (Excluded)  
 Scientific Support TM-16, 17, 18  
 Scientific Support (Seventh Unit) TSS 16, 17  
 Scientist 4  
 Senior Air Engineer  
 Senior Management Group 1, 2, 3  
 Senior Management Group 1 (Seventh Unit) XSMC1  
 Senior Management Group 2 (Seventh Unit) XSMC2  
 Service Areas Manager  
 Skills and Trades OM-17, 18, 19  
 Skills and Trades (Seventh Unit) OST 17, 18, 19  
 Social Programs Administration AM-13, 14, 15, 16, 17, 18, 19, 20, 21, 22  
 Social Programs Administration (Seventh Unit) ASL 15, 16, 17, 18, 19, 20  
 Social Work PM-15, 16, 17, 18, 19  
 Social Work (Seventh Unit) PSW 16, 17, 18  
 Speech Pathology and Audiology PM-15, 16, 17, 18, 19  
 Statistician 1, 2, 3, 4  
 Supervisor 1, 2, Municipal Organization and Administration

Supervisor, Municipal Organization and Administration, Trainee  
 Supreme Court Reporter 1  
 Surveyor PSV 15, 17, 18, 19  
 Surveying PM-11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22  
 Systems Officer 1, 2, 3, 4, 5  
 Systems Officer 1, 2, 3, 4, 5 (Excluded)  
 Systems Officer Junior  
 Systems Officer Junior (Excluded)  
 Systems Services AM-11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21  
 Systems Services (Seventh Unit) ASY 13, 14, 15, 16, 17, 18, 19, 20, 21  
 Technical Consultant 1  
 Telecommunications TM-13, 14, 15, 16  
 Transcription Services CM-13, 14, 15, 16, 17, 18, 19  
 Transcription Services (Seventh Unit) CTR14  
 Transcription Services (Seventh Unit) CTR15  
 Translation AM-18, 19, 20  
 Translation (Seventh Unit) ATR20  
 Veterinary Science PM-17, 18, 19, 20, 21  
 Veterinary Science (Seventh Unit) PVT20  
 Vocational Training Supervisor 1  
 Volunteer Services Organizer

Workers' Compensation Adviser 1, 2

#### Schedule 7

Accident Claims Supervisor 1, 2  
 Accommodation Officer 3  
 Agricultural Technician 1, 2  
 Agricultural Worker 1, 2, 3  
 Air Engineer 1, 2, 3  
 Ambulance Officer 1, 2, 3, 4  
 Arboriculturist 1  
 Architectural Job Captain 1, 2, 3  
 Attendant 1, 2, 3, 4, Oak Ridge  
 Audiological Services Technician  
 Audiologist  
 Baker 1, 2  
 Bookbinder 1, 2  
 Boiler Inspector  
 Bridge Operator  
 Building Caretaker 1, 2, 6  
 Butcher 1  
 Cable Ferry Operator 1, 2  
 Canteen Operator 1, 2  
 Cartographer 1, 2  
 Case Worker, Homes for Special Care  
 Case Worker, Mental Health & Social Services  
 Cartographic Technician 1, 2, 3  
 Case Worker, Homes for Special Care  
 Case Worker, Outpatient and Community Services  
 Child Care Assistant 1, 2  
 Child Care Worker 1, 2, 3  
 Cleaner 1, 2, 3  
 Cleaner, Office Buildings  
 Clerk 1, 2, 3, 4, 5, 6, Supply  
 Communications Operator 1, 2, 3  
 Constable  
 Constable (Probationary)  
 Construction Superintendent 1, 2, 3  
 Cook 1, 2  
 Cook 3 (Bargaining Unit)  
 Correctional Officer 1, 2, 3  
 Counsellor 1, 2, 3 (Residential Life)  
 Data Processing Technician 1, 2, 3, 4, 5, 6, 7  
 Data Processing Technician 2, 3, 4, 5, 6, 7 (Excluded)  
 Deckhand

Dental Assistant	Maintenance Sheet Metal Worker
Dental Hygienist	Maintenance Steamfitter
Deputy 1, 2, Administration of Justice	Maintenance Welder
Deputy Senior 1, Administration of Justice	Manual Worker
District Stockroom and Warehouse Clerk	Marine Engineer 1, 2
Drafter 1, 2	Meat Inspector 1
Drafter Tracer	Mechanic 1, 2
E.E.G. Technician 1, 2, 3	Mechanic Foreman/woman
Electronics Repairer	Mechanical/Electrical Building Systems Specialist
Electronics Technician	Medical Assistant 1, 2, 3
Electronics Technician 1, 2, Government Services	Mill Worker 1, 2
Elevator Attendant	Motor Vehicle Operator 1, 2
Elevator Inspector 1, 3	Nurse 1, 2, Clinic
Elevator Mechanic 1, 2, 3	Nurse 1, 2, 3, General
Environmental Officer 1, 2, 3, 4, 5	Nurse 1, 2, 3, Nursing Education
Equipment Spray Painter	Nurse 1, 2, 3, Public Health
Estimator and Quantity Surveyor 1	Observation and Detention Home Worker 1, 2, 3
Exhibit Fabricator 1, 2, 3	Occupational Health and Safety Inspector 1, 2
Exhibition Designer 1, 2	Occupational Therapist 1, 2, 3
Ferry Mate	Office Administration 1, 2, 3, 4, 5, 6, 7, 8, 9
Field Worker 1, 2, Homes for Special Care	Office Administration 1, 2, 3, 4, 5, 6, 7, 8, 9 (Excluded)
Fire Services Investigator 1, 2	Operator 1, 2, Bindery Equipment
Garage Attendant	Operator 1, 2, 3, Microfilm
Garage Attendant Supervisor	Operator 1, 2, 3, Offset Equipment
Gunsmith 1, 2	Operator 1, 2, 3, Whiteprint Equipment
Hairdresser	Operator 4, X-Ray Unit
Helper, Food Service	Parking Attendant
Highway Equipment Operator 1, 2, 3, 4	Pesticide Control Officer 1, 2, 3
Highway General Foreman/woman 1	Pharmacist - Staff
Highway Labour Foreman/woman	Pharmacy Technician 1, 2
Hospital Attendant 1	Photogrammetrist 1, 2, 3
Indian Development Officer	Platemaker 1, 2
Industrial Officer 1, 2, 3	Powderman/woman
Instructor 1, 2, 3, 4 (Occupational)	Printing Estimator
Instructor 1, 2, 3(a), Recreation and Crafts	Psychiatric Nursing Assistant 1, 2, 3, 4
Instrument Repairer 1, 2	Psychologist 1
Instrument Repairer, Foreman/woman	Psychometrist 1, 2
Interior Designer 1, 2	Radio and T.V. Repairer
Interior Designer, Trainee	Radio Operator 1, 2, 3
Investigator of Estates	Records Officer Junior
Junior Commercial Artist	Records Officer Junior (Excluded)
Junior Drafter	Records Officer 1, 2
Laboratory Attendant 1, 2	Records Officer 1, 2 (Excluded)
Landscape Worker	Recreation Officer 1, 2, Correctional Services
Language and Citizenship Training Specialist 1	Rehabilitation Officer 1, 2, Correctional Services
Laundry Worker 1, 2, 3, 4, 5	Rehabilitation Officer 1, 2, Health
Law Enforcement - OPP	Residence Supervisor 1
Librarian 1, 2, 3	Resource Technician 1, 2, 3
Library Technician 1, 2, 3, 4	Resource Technician 4, Conservation Officer
Lineman/woman	Roofing Specialist
Maintenance Bricklayer	Safety Instruction Officer 1, 2
Maintenance Carpenter	Security Officer 1, 2, 3, 4
Maintenance Carpenter, Foreman/woman	Senior Bridge Operator
Maintenance Electrician	Senior Marine Engineer 1, 2
Maintenance Electrician, Foreman/woman	Senior Usher and Messenger
Maintenance Foreman/woman	Sergeant Major
Maintenance Machinist	Sergeant, Ontario Provincial Police
Maintenance Machinist, Foreman/woman	Services Officer 1 (Bargaining Unit)
Maintenance Mason	Services Supervisor 2
Maintenance Mechanic 1, 2, 3	Sewer 1, 2
Maintenance Painter and Decorator	Sheriff's Officer 1, 2
Maintenance Painter and Decorator, Foreman/woman	Sign Painter
Maintenance Plasterer	Sign Painter, Foreman/woman
Maintenance Plasterer, Foreman/woman	Sign Painter, Helper
Maintenance Plumber	Sign Painter, Improver
Maintenance Plumber, Foreman/woman	Social Work Assistant
Maintenance Refrigeration Mechanic	Social Worker 1, 2
Maintenance Refrigeration Mechanic, Foreman/woman	Speech Therapist
	Staff Sergeant, Ontario Provincial Police
	Standards Officer 1, 2, Industrial Training



Steam Plant Chief 2  
 Steam Plant Engineer 1, 2, 3  
 Steam Plant Technician 1, 2  
 Steward  
 Stores/Reproduction Clerk  
 Supervisor 1, Food Service (Bargaining Unit)  
 Supervisor of Juveniles 1, 2  
 Supervisor of Operations (Bargaining Unit)

Tailor  
 Technician 1, 2, 3, Chemical Laboratory  
 Technician 1, 2, Field  
 Technician 1, 2, 3, Fuel  
 Technician 1, 2, 3, 4, Photographic  
 Technician 1, 2, 3, Physical Laboratory  
 Technician 1, 2, 3, Radiation  
 Technician 1, 2, 3, Road Design  
 Technician 1(a), 1(b), X-Ray  
 Technologist 1, 2, Medical Laboratory  
 Telephone Installer 1, 2, 3  
 Thermal Operator 1, 2, 3, 4  
 Trade Instructor 1, 2, 3  
 Trades Apprentice  
 Traffic Analyst 1, 2, 3  
 Traffic Patroller 1, 2, Transportation and  
 Communications  
 Trainee (M.R.C. Course), Health  
 Translator 1, 2, 3  
 Transport Despatcher  
 Transport Driver  
 Transportation Design Technician  
 Transportation Enforcement Officer 1, 2, 3  
 Travel Counsellor 1, 2, 3

Upholstery Repairer  
 Usher and Messenger  
 Utility Plant Electrician  
 Utility Plant Instrument Technician

Vocational Instruction Officer 1, Oak Ridge  
 Vocational Instruction Officer 2, Oak Ridge  
 Vocational Rehabilitation Services Counsellor  
 Volunteer Services Assistant

Waste Treatment Operator  
 Waste and Water Project Operator 1, 2  
 Waste and Water Project Trainee Operator  
 Welfare Field Worker 1, 2  
 Welfare Field Worker (Probationary)

CIVIL SERVICE COMMISSION:

PHYLLIS CLARK  
*Acting Chair*

MORAG DION  
*Secretary*

**ONTARIO REGULATION 759/94**  
 made under the  
**LIQUOR LICENCE ACT**

Made: November 30, 1994  
 Filed: December 5, 1994

Amending O. Reg. 389/91  
 (Special Occasion Permits)

Note: Ontario Regulation 389/91 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Ontario Regulation 389/91 is amended by adding the following section:**

**3.1** (1) An application for a special occasion permit shall be made on a form provided by the Board.

(2) The application shall be made to a store manager employed by the Liquor Control Board of Ontario or to an employee of that Board whose responsibilities include the considering of applications for such permits,

(a) at a government store in the municipality where the event is to take place; or

(b) if there is no government store in the municipality where the event is to take place, at the government store that is closest to the premises where the event is to take place.

(3) At the request of a person referred to in subsection (2), the applicant shall,

(a) attend at the government store in person to make the application; and

(b) produce one of the types of identification referred to in paragraphs 1 to 4 of subsection 29 (5) or a passport issued by a government of another country.

(4) An applicant for a permit shall ensure that the premises at which the event is to take place are not disqualified premises under section 20 of the Act.

**2. Section 36 of the Regulation is amended by adding the following subsections:**

(2) A permit holder who wishes to designate a person to attend the event in the permit holder's place shall obtain the person's consent to the designation on a form provided by the Board.

(3) The permit holder and the designated person shall sign the designation, which shall be posted at the event along with the permit.

(4) The designated person shall not be the subject of a Board order prohibiting the issuance of a permit to that person under section 23 of the Act.

(5) All of the requirements that apply to the permit holder apply to the designated person as well.

52/94

**ONTARIO REGULATION 760/94**  
 made under the  
**INSURANCE ACT**

Made: November 30, 1994  
 Filed: December 5, 1994

Amending Reg. 663 of R.R.O. 1990  
 (Agents' Licences)

Note: There are no prior amendments to Regulation 663.

**1. The title to Regulation 663 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**AGENTS**

**2. Sections 1 and 2 of the Regulation are revoked and the following substituted:**

## DEFINITIONS

## 1. In this Regulation,

"full-time" means 30 hours or more per week as averaged over the most recent three-month period;

"Level II life insurance examination" means an examination set by the Superintendent for agents who have held life insurance licences for at least two years;

"life insurance licence" means a licence referred to in clause 393 (2) (a) of the Act.

## LICENCES

1.1 Where an application for a licence is made by a corporation, a separate application shall be made in the corporate name by any shareholder to whom has been issued or who is entitled to more than one-half of the issued shares of the corporation.

2. (1) No individual, partnership or corporation shall act as an agent unless the individual, partnership or corporation is licensed under this Regulation.

(2) Subsection (1) applies to an individual, corporation or partnership who acts as an agent even if they are an employee, director, officer, shareholder or partner of an agent licensed under this Regulation.

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

(1) An application for an agent's licence shall be accompanied by,

- (a) the certificate of an insurer certifying that the applicant is appointed to act as the insurer's agent; and
- (b) a statement by the insurer indicating that it is satisfied that the applicant is suitable to carry on business as an agent.

(1.1) Subsection (1) does not apply to an application by a corporation or partnership for a life insurance licence.

(1.2) If the applicant is a partnership, the application shall state the date of the formation of the partnership.

(2) **Subsection 3 (2) of the Regulation is amended by striking out "and" at the end of clause (a) and by revoking clause (b) and substituting the following:**

- (b) the names of the directors and officers of the corporation and of any shareholders who hold shares that entitle them to voting rights, the addresses of their places of residence, their occupations and, in the case of the shareholders, the number and class of shares held; and
- (c) the names of all individuals, corporations and partnerships that are authorized to act as agents on behalf of the applicant.

(3) **Subsection 3 (3) of the Regulation is amended by striking out "insurance agent" in the fourth line and substituting "agent".**

4. (1) **Clause 4 (1) (b) of the Regulation is revoked and the following substituted:**

- (b) is possessed of a reasonable educational background, if the applicant is an individual;

(2) **Clause 4 (1) (d) of the Regulation is revoked and the following substituted:**

- (d) has passed a qualifying examination set by the Superintendent for the purpose, if the applicant is an individual;

(3) **Clause 4 (1) (f) of the Regulation is amended by striking out "insurance agent" in the last line and substituting "agent".**

(4) **Clause 4 (1) (g) of the Regulation is amended by striking out "insurance agent" in the second line and substituting "agent".**

(5) **Clause 4 (1) (h) of the Regulation is revoked and the following substituted:**

- (h) is not in a position to offer inducement or use coercion or undue influence in order to control, direct or secure insurance business and, if the applicant is a corporation, no director, officer, shareholder or employee of the corporation is in a position to offer inducement or use coercion or undue influence in order to control, direct or secure insurance business.

(6) **Subsection 4 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(2) Without limiting the generality of clause (1) (h), if the application is for a licence referred to in clause 393 (2) (b) or (c) of the Act, the applicant shall be deemed to be in a position to offer inducement or use coercion or undue influence in order to control, direct or secure insurance business if the applicant is,

(7) **Clause 4 (2) (f) of the Regulation is amended by striking out "subclauses 5 (3) (b) (i) and (ii)" and substituting "clauses 5 (6) (a) and (b)".**

(8) **Section 4 of the Regulation is amended by adding the following subsections:**

(2.1) Subsection (2) does not apply if the applicant is also applying for a life insurance licence or if the applicant already holds a life insurance licence.

(2.2) Without limiting the generality of clause (1) (h), if the application is for a life insurance licence, the applicant shall be deemed to be in a position to offer inducement or use coercion or undue influence in order to control, direct or secure insurance business if the applicant is,

- (a) an officer or employee of a bank or other deposit-taking institution, a loan corporation or a finance company;
- (b) a doctor or a dentist;
- (c) a lawyer or an employee thereof;
- (d) an accountant, auditor or trustee in bankruptcy;
- (e) a police officer;
- (f) a member of the clergy or a minister;
- (g) a mortgage broker who is not also registered as a real estate broker under the *Real Estate and Business Brokers Act*;
- (h) a full-time employee of the Government of Canada or any branch thereof, of any municipal or provincial government in Canada or any branch thereof or of a Crown corporation;
- (i) a person occupying office space in the office of any person referred to in clauses (a) to (h).

**(9) Subsection 4 (3) of the Regulation is amended by striking out “of the province or state” in the third line and substituting “of the province or territory of Canada or the state of the United States of America”.**

**(10) Subsection 4 (4) of the Regulation is revoked.**

**5. Sections 5 and 6 of the Regulation are revoked and the following substituted:**

5. (1) A licence referred to in clause 393 (2) (b) or (c) of the Act or the renewal of such a licence shall not be granted unless,

- (a) the applicant is working or intends to work as an agent on a full-time basis; and
- (b) the sole business, occupation or employment of the applicant is that of an agent.

(2) Subsection (1) does not apply if the applicant is also applying for a life insurance licence or if the applicant already holds a life insurance licence.

(3) A life insurance licence or the renewal of a life insurance licence shall not be granted to an individual unless the applicant intends to have his or her sole business in the provision of financial services.

(4) Subsection (3) does not apply if the applicant has held a life insurance licence for at least two years and,

- (a) the applicant has passed the Level II life insurance examination; or
- (b) the Superintendent is satisfied that the agent has the qualifications tested by the Level II life insurance examination.

(5) Subsections (1) and (3) do not apply to an applicant who carries on the main portion of his, her or its business as an agent in a township having a population of less than 10,000 or in any other municipality having a population of less than 5,000.

(6) Subsections (1) and (3) do not apply to an applicant who,

- (a) carries on business as a travel agent registered under the *Travel Industry Act* and whose activities as an agent are restricted to travel, accident and baggage insurance; or
- (b) carries on business as a real estate broker or real estate salesperson.

(7) The Superintendent may require an applicant for a licence or renewal of a licence to verify by statutory declaration that,

- (a) for the purpose of subsection (1), the applicant complies with clauses (1) (a) and (b); or
- (b) for the purpose of subsection (3), the applicant intends to have his or her sole business in the provision of financial services.

6. No licence shall be issued to a corporation incorporated or with its head office outside Canada or to a partnership in which any partner is resident outside Canada unless the corporation or partnership held a licence on July 6, 1961 and was one to which a predecessor of this section applied on that date.

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

9. (1) The licence of an individual expires on the first anniversary of his or her birth that follows the second anniversary of the date the licence was last issued or renewed.

(2) The licence of a corporation expires on the first anniversary of the corporation's incorporation that follows the second anniversary of the date the licence was last issued or renewed.

(3) The licence of a partnership expires on,

- (a) the first anniversary of the date specified under subsection 3 (1.2) that follows the second anniversary of the date the licence was last issued or renewed; or
- (b) if the licence was last issued or renewed before Ontario Regulation 760/94 came into force, on January 1, 1997.

(4) Subsections (1) to (3) do not apply if a different expiration date is specified in the licence.

**7. (1) Section 10 of the Regulation is amended by adding the following subsection:**

(1.1) Despite subsection (1), subsection 3 (1) of this Regulation and subsections 393 (3) and (4) of the Act do not apply in respect of an application for the renewal of a life insurance licence if the applicant has held the licence for at least two years and,

- (a) the applicant has passed the Level II life insurance examination; or
- (b) the Superintendent is satisfied that the agent has the qualifications tested by the Level II life insurance examination.

**(2) Subsection 10 (2) of the Regulation is amended by striking out “and” at the end of clause (a) and by adding the following clauses:**

- (c) a statement certifying what continuing education courses have been completed by the applicant since the licence was issued or last renewed;
- (d) a statement certifying that the applicant maintains errors and omissions insurance in accordance with section 17; and
- (e) such other information as the Superintendent may require.

**(3) Section 10 of the Regulation is amended by adding the following subsections:**

(4) An application for renewal of a life insurance licence may be refused if the applicant is not in compliance with section 17 or 18.

(5) An application by an individual for renewal of a life insurance licence shall be refused if,

- (a) the applicant has held a life insurance licence for four years or more;
- (b) the applicant has not passed the Level II life insurance examination; and
- (c) the Superintendent is not satisfied that the agent has the qualifications tested by the Level II life insurance examination.

**8. Section 11 of the Regulation is amended by adding the following subsection:**

(3) Subsections (1) and (2) and subsection 393 (6) of the Act do not apply in respect of an agent who holds a life insurance licence if,

- (a) the agent is a corporation or partnership; or
- (b) the agent has held the licence for at least two years and has notified the insurer that,
  - (i) the agent has passed the Level II life insurance examination, or
  - (ii) the Superintendent is satisfied that the agent has the qualifications tested by the Level II life insurance examination.

**9. Section 12 of the Regulation is amended by adding the following subsection:**

(2) Subsection (1) does not apply in respect of an agent who holds a life insurance licence if the agent has held the licence for at least two years and,

- (a) the agent has passed the Level II life insurance examination; or
- (b) the Superintendent is satisfied that the agent has the qualifications tested by the Level II life insurance examination.

**10. Clause 13 (a) of the Regulation is amended by striking out "insurance agent" in the last line and substituting "agent".**

**11. Sections 14 and 15 of the Regulation are revoked and the following substituted:**

**14.** (1) The Superintendent may suspend, revoke or refuse to renew a licence referred to in clause 393 (2) (b) or (c) of the Act if, during the term of the licence, the licensee has,

- (a) carried on any business or occupation other than as an agent; or
- (b) carried on the business of an agent other than on a full-time basis.

(2) The Superintendent may suspend, revoke or refuse to renew a life insurance licence if the licensee is an individual and, during the term of the licence, the licensee has carried on a business or occupation that is not in the provision of financial services.

- (3) Subsections (1) and (2) do not apply if,
  - (a) the only other business or occupation carried on by the licensee is a business referred to in clause 5 (6) (a) or (b); or
  - (b) the licensee carries on the main portion of his, her or its business as an agent in a township having a population of less than 10,000 or in any other municipality having a population of less than 5,000.

(4) Subsection (2) does not apply if the licensee has held the licence for at least two years and,

- (a) the licensee has passed the Level II life insurance examination; or
- (b) the Superintendent is satisfied that the agent has the qualifications tested by the Level II life insurance examination.

**15.** Clauses 5 (1) (a) and 14 (1) (b) do not apply to an applicant who was licensed as an agent on August 15, 1986.

EXEMPTIONS FROM LICENSING

**15.1** (1) Subsection 393 (23) of the Act and section 2 of this Regulation do not apply to the following persons in the following circumstances:

1. A collector of insurance premiums who does not solicit applications for or the renewal or continuance of insurance contracts or act or aid in negotiating insurance contracts or the renewal of insurance contracts, if the collector's collection fee does not exceed 5 per cent of any amount collected.
2. An officer or a salaried employee of the head office of a fraternal society who solicits insurance contracts on behalf of the society and does not receive any commission.
3. A member of a fraternal society who solicits insurance contracts on behalf of the society and who is not an officer or salaried employee described in paragraph 2, unless the member devotes or intends to devote more than half of his or her time to soliciting such contracts or has in the previous 12 months solicited and procured life insurance contracts on behalf of the society in an amount in excess of \$20,000.
4. An officer or salaried employee of the head office of an insurer who solicits contracts of life insurance, accident insurance and sickness insurance on behalf of the insurer and who does not receive any commission.
5. A transportation company or an officer or employee of a transportation company, when acting as an agent for an insurer with respect to travel, accident and baggage insurance.

(2) Paragraph 4 of subsection (1) does not apply without the written approval of the Superintendent to an officer or employee whose application for a licence as an agent has been refused or whose licence as an agent has been revoked or suspended.

DUTIES OF INSURERS

**15.2** (1) Every insurer that authorizes one or more agents to act on behalf of the insurer shall establish and maintain a system that is reasonably designed to ensure that each agent complies with the Act and the regulations.

(2) The system referred to in subsection (1) must screen each agent for suitability to carry on business as an agent.

(3) An insurer shall report to the Superintendent if it has reasonable grounds to believe that an agent who acts on behalf of the insurer is not suitable to carry on business as an agent.

**(4) This section comes into force on July 1, 1995.**

**12. Section 16 of the Regulation is amended by adding the following subsection:**

(2) Subsection (1) does not apply in respect of an agent who holds a life insurance licence.

**13. The Regulation is amended by adding the following sections:**

DUTIES OF LIFE INSURANCE AGENTS

**17.** An agent who holds a life insurance licence shall maintain,

- (a) errors and omissions insurance in a form approved by the Superintendent in an amount of at least \$1,000,000 in respect of any one occurrence with extended coverage for loss resulting from fraudulent acts; or

- (b) another form of financial guarantee in a form approved by the Superintendent in an amount of at least \$1,000,000 in respect of any one occurrence.

18. An individual who holds a life insurance licence shall complete at least 30 hours every two years of continuing education acceptable to the Superintendent in respect of life insurance.

19. (1) An individual who holds a life insurance licence shall disclose in writing the names of all the insurers that the individual represents to every prospective insured and to every insured who makes an application to renew or replace a policy of life insurance.

(2) An individual who holds a life insurance licence shall disclose in writing the names of all the providers of financial products or services that the individual represents to every prospective purchaser of a financial product or service other than insurance.

20. An agent who holds a life insurance licence shall not,

- (a) offer inducement or use coercion or undue influence in order to control, direct or secure insurance business;
- (b) induce or attempt to induce an insured, directly or indirectly, contrary to the insured's interests, to,
- (i) lapse,
- (ii) surrender for cash paid up or extended insurance, or other valuable consideration, or

- (iii) subject to substantial borrowing whether in a single loan or over a period of time,

any contract with one insurer of life insurance that contains provision for cash surrender and paid up values for the purpose of effecting a contract of life insurance with another insurer;

- (c) make a false and misleading statement or representation in the solicitation or registration of insurance;
- (d) make or deliver any incomplete comparison of any policy or contract of insurance with that of any other insurer in the solicitation or registration of insurance;
- (e) coerce or propose, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a professional or a business relationship or otherwise to give a preference with respect to the policy of life insurance that would not otherwise be given on the effecting of a life insurance contract; or
- (f) hold himself, herself or itself out, directly or indirectly, by representation or omission, in a way that is misleading in respect of the insurers on whose behalf the agent acts.

14. This Regulation comes into force on the day section 339 of the *Financial Services Statute Law Reform Amendment Act, 1994* comes into force.

52/94

ONTARIO REGULATION 761/94  
made under the  
INSURANCE ACT

Made: November 30, 1994

Filed: December 5, 1994

Amending Reg. 674 of R.R.O. 1990  
(Replacement of Life Insurance Contracts)

Note: There are no prior amendments to Regulation 674.

1. Clause 2 (2) (b) of Regulation 674 of the Revised Regulations of Ontario, 1990 is amended by adding at the end "without the information recorded under the column entitled "Proposed Replacement Policy" ".

2. Form 1 of the Regulation is revoked and the following substituted:

## Form 1

**LIFE INSURANCE DISCLOSURE FORM**

If you are replacing a current insurance policy, you should be given this form *before* you fill out an application for the new insurance. The form outlines some of the details of your current policy and the proposed policy.

The new insurance company must give you a copy of your policy once it has been approved. You have 20 days from the time you receive a copy of this disclosure form to withdraw the new application and receive a full refund of any premiums paid.

**Ask yourself the following questions as you look over this form.**

- ▶ **Is the new policy enough of an improvement to justify any new costs?** All new policies have some new costs, such as those for underwriting, administration and agent's commission.
- ▶ **Do premiums under the new policy rise as you age?** The premiums on some policies go up as you get older or if you get sick.
- ▶ **Are there circumstances where your new policy does not pay benefits?** Part A of this form tells you if your policy will not pay because of suicide or because you provided incomplete information.
- ▶ **Does the new policy pay you as much as the current one?** Make sure you look over the details of death benefits, cash value, and dividends carefully.
- ▶ **Does the new policy guarantee to insure you, or allow you to increase your insurance coverage, no matter what your future medical condition?** Your current policy may do this.
- ▶ **Does your new policy let you borrow money at attractive interest rates?** Your current policy may do this.
- ▶ **Are you losing tax advantages or creating a tax liability?** Many current insurance policies provide valuable income tax benefits. These benefits are not available with some new policies. Cancellation of your current policy may increase your income tax this year. Make sure that you fully understand the tax consequences of changing policies.

**IMPORTANT**

1. DO NOT SIGN THIS FORM UNLESS IT HAS BEEN COMPLETELY FILLED OUT.
2. DO NOT CANCEL YOUR OLD INSURANCE POLICY UNTIL THE NEW ONE IS IN FORCE AND DELIVERED. SIGNING THIS FORM DOES NOT CANCEL YOUR OLD POLICY.
3. NOTE THAT YOU HAVE TO SIGN THE FORM HERE AND ON THE THIRD PAGE.

**I have read this notice completely, and the agent explained the significance of the information contained in all parts of the form to me.**

Consumer's signature:  X \_\_\_\_\_

Date: \_\_\_\_\_

## LIFE INSURANCE DISCLOSURE FORM

<i>please print</i>	Your Current Policy	Proposed Replacement Policy
<b>PART A — General Information</b>		
Policy number		<i>not applicable</i>
Insurance company		
Date of issue		<i>not applicable</i>
Name of the person whose life is insured		
Name of the person who owns the policy (if not owned by the person who is insured)		
Type of policy (whole life, term, universal, etc.)		
Will you have to pay extra premiums or will your coverage be reduced if you smoke, have health problems, or work at a risky occupation?		
Is the policy registered as an RRSP?		
Most policies will not pay if the person insured commits suicide within two years of the policy's issue date. When does the suicide period on this policy expire?		
A policy may not pay if information on the application was incomplete (for example, if the insured person did not disclose a previous illness to the insurance company). If this information is not discovered within a certain period (usually two years), however, the policy will pay, in the absence of fraud. On what date does this period expire?		
Does the policy give the right to buy additional insurance, whatever the insured person's health? If yes, when and how much?		
Does the policy have any other benefits, e.g., waiver of premium?		
<b>PART B — Premiums</b>		
A premium is the amount of money you pay the insurance company to be insured. Some policies guarantee that the premium amount will stay the same for the length of the policy. Will this policy's premium stay the same?		
What is the annual premium? If Universal Life, what premium is being paid currently? Is there a minimum premium? Is there a maximum premium?		
How and when will it change?		
If Universal Life, is the formula by which expenses are calculated guaranteed?		
Does any of the coverage change over time?		
If yes, which coverage changes?		
By how much?		

**LIFE INSURANCE DISCLOSURE FORM *Continued***

<i>please print</i>	Your Current Policy	Proposed Replacement Policy
<b>PART C — Guaranteed Death Benefits</b>		
What does the policy pay if the insured person dies today?		
Will this amount change or expire at any time?		
If so, how?		
If Universal Life, is the charge for the death benefit guaranteed?		
<b>PART D — Cash Value, Dividends and Loans</b>		
Some policies have a cash value, which means that some of the insurance premium goes into a reserve that grows in value. The owner of the policy has the option of taking out this cash value, which may end the policy or reduce the death benefit. Does this policy have a cash value?		
If yes, what is the total cash value at the last anniversary?		
What will the guaranteed cash value be at:   age 65? age 70? age 75?		
Can loans be taken out on this policy? If yes, at what interest rate may money be borrowed, and on what terms (for example, a set maximum or a variable rate)?		
Is there a loan currently outstanding on the policy?		
Some policies pay dividends based on the performance of the insurance company. Is this policy eligible for dividends?		
If so, what dividend option was selected? (For example, increased insurance coverage, reduced premiums, cash payouts, accumulation)		
How much was the most recent dividend?		
If Universal Life, is there a minimum investment guarantee?		

**NOTE: Because there are many costs associated with issuing a new policy, it may be in your financial interests to amend the current policy rather than replacing it. In considering your replacement decision, you may wish to seek the advice of the company that issued your current policy.**

	Consumer's Name <i>(please print)</i>
X	Consumer's Signature
	Date

	Agent's Name <i>(please print)</i>
X	Agent's Signature
	Province and Licence Number

**Agent's Statement**

I have completed this form fully and accurately, and have explained the significance of all of the information contained on the form to the consumer.



3. (1) Section 1 comes into force on July 1, 1995.

(2) Section 2 comes into force on the day section 339 of the *Financial Services Statute Law Reform Amendment Act, 1994* comes into force.

52/94

**ONTARIO REGULATION 762/94**  
made under the  
**INSURANCE ACT**

Made: November 30, 1994  
Filed: December 5, 1994

Amending Reg. 675 of R.R.O. 1990  
(Schedule of Fees)

Note: Regulation 675 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Item II of the Schedule to Regulation 675 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

11. For agents' licences for any class of insurance,

- |  |           |
|--|-----------|
| i. for renewal of the licence of an individual . . . .   | \$ 150.00 |
| ii. for renewal of the licence of a partnership . . . .  | 200.00    |
| iii. for renewal of the licence of a corporation . . . . | 400.00    |
| iv. for the transfer or revival of a licence . . . . .   | 50.00     |

11.1 For the issue of agents' licences for any class of insurance, the fee that would be payable for a renewal plus a pro-rated amount, based on that renewal fee, for the time by which the term of the licence exceeds two years.

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

2. An agent who holds a licence that, but for the amendments made by Ontario Regulation 760/94, would have expired on March 31, 1995, shall pay a renewal fee on or before April 1, 1995. The amount of the fee shall be a pro-rated amount, based on the amount that would be payable for a renewal for the time between March 31, 1995 and the date the licence will expire.

3. An agent who holds a licence that, but for the amendments made by Ontario Regulation 760/94, would have expired on September 30, 1995, shall pay a renewal fee on or before October 1, 1995. The amount of the fee shall be a pro-rated amount, based on the amount that would be payable for a renewal for the time between September 30, 1995 and the date the licence will expire.

3. This Regulation comes into force on the day section 339 of the *Financial Services Statute Law Reform Amendment Act, 1994* comes into force.

52/94

**ONTARIO REGULATION 763/94**  
made under the  
**CHILD AND FAMILY SERVICES ACT**

Made: November 30, 1994  
Filed: December 6, 1994

Amending Reg. 70 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 70 has been amended by Ontario Regulations 50/94, 509/94 and 539/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 15 (6) of Regulation 70 of the Revised Regulations of Ontario, 1990 is amended by striking out "and" at the end of clause (b), by adding "and" at the end of clause (c) and by adding the following clause:

(d) Wabaseemoong Family Services, Inc.

52/94

**ONTARIO REGULATION 764/94**  
made under the  
**FARM PRODUCTS PAYMENTS ACT**

Made: November 30, 1994  
Filed: December 6, 1994

Amending Reg. 448 of R.R.O. 1990  
(Fund for Producers of Grain Corn)

Note: There are no prior amendments to Regulation 448.

1. (1) Clause 16 (1) (a) of Regulation 448 of the Revised Regulations of Ontario, 1990 is amended by striking out "90" in the first line and substituting "95".

(2) Clause 16 (1) (b) of the Regulation is amended by striking out "90" in the second line and substituting "95".

(3) Clause 16 (1) (c) of the Regulation is amended by striking out "90" in the second line and substituting "95".

(4) Clause 16 (1) (d) of the Regulation is amended by striking out "90" in the first line and substituting "95".

52/94

**ONTARIO REGULATION 765/94**  
made under the  
**ENVIRONMENTAL ASSESSMENT ACT**

Approved: November 30, 1994  
Filed: December 7, 1994

**EXEMPTION—THE METROPOLITAN TORONTO AND  
REGION CONSERVATION AUTHORITY—MTRC-A-2**

Having received a request from the Metropolitan Toronto and Region Conservation Authority (Authority) that an undertaking, namely:

the activity of creating public open space and public facilities including a stormwater management system and the waterfront drive right of way utilizing lakefill as required and shoreline stabilization with significant emphasis on environmental enhancement, in the

area of the City of Etobicoke (Etobicoke) known as the "Motel Strip",

be exempt from the application of the Act pursuant to section 29; and

Having been advised by the Authority that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

- A. The people of the City of Etobicoke and the rest of Metropolitan Toronto will be interfered with and damaged by the undue delay and expense required to prepare an environmental assessment for an activity which will provide the implementation mechanism to secure public open space and access in advance of private development, and for which an exemption order has been issued and filed as Ontario Regulation 623/91.
- B. The people of the City of Etobicoke and the rest of Metropolitan Toronto will be interfered with and damaged by the undue delay in providing public open space which will improve the environmental conditions of the Motel Strip and Humber Bay East. In addition, this delay will affect the property acquisition for the public amenity area which is required before redevelopment of the Motel Strip can proceed in accordance with Official Plan Amendment C-65-86 (Motel Strip Secondary Plan) as approved.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:

- A. The undertaking has been proceeding in keeping with the Official Plan Amendment C-65-86 (Motel Strip Secondary Plan) as approved, with amendments, by the Lieutenant Governor in Council on December 16, 1992.
- B. The limit of lakefill has been established to the satisfaction of the provincial agencies with detailed plans and activities subject to further review and approval by the Federal and Provincial ministries.
- C. The proposed undertaking provides for a public amenity area, including the creation of additional aquatic habitat and treatment facilities for storm water.
- D. The undertaking by the Authority provides the implementation mechanism to satisfy the Official Plan Amendment C-65-86 (Motel Strip Secondary Plan) as approved.
- E. The purpose of this order is to replace Ontario Regulation 623/91 to provide for extended periods to submit a land use plan and commence construction.

This exemption is subject to the following terms and conditions:

1. Where any activity which is the subject of this order is being carried out as or is part of another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with the terms or conditions in that exemption order as well as the conditions in this order.

2. The undertaking will comply with the detailed engineering plan as prepared by the Authority and will be a minimum of 76 metres in width including the Waterfront Drive right of way (26 metres).
3. The Authority must submit for approval to the Director of Central Region, Ministry of Environment and Energy, a detailed plan on lakefill prior to construction to include:
  - plans for landform which must fulfil federal requirements pertaining to fisheries, reflect the Authority fill line, and satisfy the storm water management requirements of the Ministry of Environment and Energy;
  - fill quality;
  - methods for control of fill quality;
  - construction methodology to minimize displacement of contaminated sediments and impact on water quality;
  - monitoring during construction and to establish baseline conditions following construction.
4. All lakefilling must be completed prior to the development of the uses in the public strip other than storm water management and the lakeshore drive for which the plan is required.
5. The Authority must prepare and submit to the Minister of Environment and Energy for approval, by December 31, 1995, or such later date as the Minister of Environment and Energy may specify by notice in writing to the proponent and published in *The Ontario Gazette*, a land use plan for the activities to be sited on the area of the undertaking, excluding the stormwater management system and the lakeshore drive right of way. This plan shall include a built-in mechanism for its alteration.

The land use plan will be prepared with public consultation involving local citizens and groups as a Park Master Plan which, if it is approved by the Minister of Environment and Energy, will be submitted for incorporation into the Official Plan Amendment C-65-86 (Motel Strip Secondary Plan).

The creation of activities shall be limited to filling, passive recreation, implementation of the storm water management system and construction of Waterfront Drive until such time as the Minister of Environment and Energy has approved the land use plan referred to in this condition.

6. The public amenity area shall not be sold to anyone other than The Corporation of the City of Etobicoke or The Municipality of Metropolitan Toronto. Should such a sale take place, the use shall be for the use approved in the land use plan referred to in Condition No. 5 and is subject to these conditions.
7. This order shall expire if construction to implement the amenity area has not commenced by December 31, 1996, or such later date as the Minister of Environment and Energy may specify by notice in writing to the proponent and published in *The Ontario Gazette*.
8. This exemption replaces the exemption contained in Ontario Regulation 623/91, which expires on December 16, 1994.

BUD WILDMAN  
Minister of Environment and Energy

**ONTARIO REGULATION 766/94**  
made under the  
**GAME AND FISH ACT**

Made: December 7, 1994  
Filed: December 8, 1994

**PROHIBITION OF HUNTING AND  
POSSESSION OF FIREARMS**

1. No person, while in the area described in the Table, shall,
- (a) possess a firearm for the purpose of hunting except if the firearm is unloaded and encased; or
- (b) use a firearm.

TABLE

1. The land known immediately before December 1, 1987 as Cyprus Lake Provincial Park or Fathom Five Provincial Park.
2. All that portion of the waters and bed of Lake St. Clair lying in front of the towns of Belle River and Tecumseh, the Village of St. Clair Beach and the Township of Maidstone, in the County of Essex and Province of Ontario, more particularly described as follows:

STARTING at a point in the water's edge of Lake St. Clair at the intersection of the line between lots 149 and 150, Concession 1, as shown on the plan of the geographic Township of Sandwich;

THEN northerly along the production of that lot line to the intersection with a line drawn parallel to and distant 200 metres perpendicularly from the water's edge of Lake St. Clair;

THEN easterly along that parallel line to its intersection with a line drawn north astronomic from the intersection of the westerly water's edge of Duck Creek with the water's edge of Lake St. Clair;

THEN south astronomic to the said intersection of the water's edge of Duck Creek with the water's edge of Lake St. Clair;

THEN westerly along that water's edge to the starting point.

2. (1) In this section, "thoroughfare" means the King's Highway or a secondary highway or what is commonly known as a county road, a regional road or an improved local municipal road.

(2) No person, for the purpose of hunting, shall possess a loaded firearm while on or within eight metres of the travelled portion of a thoroughfare unless,

- (a) the person is on privately owned property; or
- (b) there is, between the person and the travelled portion of the thoroughfare, a fence that demarcates the boundary between the thoroughfare and the adjoining land.

(3) No person, for the purpose of hunting, shall possess a loaded firearm while between a thoroughfare and a fence that demarcates the boundary between the thoroughfare and the adjoining land.

(4) This section applies only in a county or regional municipality described in Schedule 1 or 2 to Ontario Regulation 603/89 as it read on December 31, 1990 (Discharge of Fire-Arms From or Across Highways and Roads).

(5) This section applies in a county or regional municipality described in Schedule 2 to Ontario Regulation 603/89 as it read on December 31, 1990 only during an open season for deer in that county

or regional municipality other than a season during which only bows and arrows may be used to hunt deer.

3. Regulation 518 of the Revised Regulations of Ontario, 1990 is revoked.

52/94

**ONTARIO REGULATION 767/94**  
made under the  
**PROVINCIAL PARKS ACT**

Made: December 7, 1994  
Filed: December 8, 1994

Amending Reg. 952 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 952 has been amended by Ontario Regulations 151/94 and 180/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The definition "shelter equipment" in section 1 of Regulation 952 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"shelter equipment" means any equipment designed for overnight sleeping accommodation and includes a tent, tent trailer, travel trailer, self-propelled camping unit or other similar equipment;

2. (1) Subsection 5 (1) of the Regulation is revoked and the following substituted:

(1) No person in control of a domestic animal shall, except in an area operated by the superintendent for the purpose, permit a domestic animal to be,

- (a) at large in a provincial park;
- (b) in any waters in a provincial park operated by the superintendent as a swimming area or upon any part of the beach adjacent to it; or
- (c) in any area posted to prohibit domestic animals.

(2) Section 5 of the Regulation is amended by adding the following subsection:

(1.1) Clauses (1) (b) and (c) do not apply to a person who is a holder of a National Identity Card issued by the Canadian Institute for the Blind or equivalent proof of legal blindness.

(3) Subsection 5 (2) of the Regulation is revoked and the following substituted:

(2) No person shall permit a domestic animal, while in a provincial park, to,

- (a) make excessive noise;
- (b) disturb other persons;
- (c) damage park property or park vegetation;
- (d) chase or molest wild animals or birds; or
- (e) injure, or attempt to injure, any person or any other domestic animal in the park.

(4) Subsection 5 (4) of the Regulation is revoked and the following substituted:

(4) The person in charge of a domestic animal that is at large shall capture and leash the animal at the request of an officer.

(4.1) An officer may detain and impound or cause to be detained or impounded a domestic animal if the person in control of the animal is in contravention of subsection (1), (2) or (4).

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

(8) The person in control of a domestic animal shall immediately dispose of excrement from that domestic animal in a manner and at a location where the excrement will not cause a health hazard or public inconvenience.

(9) Subsection (8) does not apply to a person who is unable to stoop and scoop because of a disability.

3. Subsection 7 (2) of the Regulation is revoked and the following substituted:

(2) An officer who believes on reasonable and probable grounds that a person has contravened subsection 2 (1), 5 (2) or 7 (1) of this Regulation, subsection 31 (2) of the *Liquor Licence Act*, a regulation made under paragraph 34 of subsection 62 (1) of the *Liquor Licence Act*, or a provision of the *Criminal Code* (Canada) may,

- (a) remove the person from the provincial park; and
- (b) cancel any permit issued to the person for the provincial park in which the contravention occurred.

4. Subsection 13 (1) of the Regulation is revoked and the following substituted:

(1) No person shall place or cause to be placed on a camp-site more than three pieces of shelter equipment or one dining shelter and one tarp used for shelter.

5. (1) Subsection 14 (7) of the Regulation is revoked and the following substituted:

(7) No person shall camp in Algonquin Provincial Park under the authority of an interior camping permit except in the zones specified on the permit and on a designated interior camp-site.

(7.1) No person shall camp in Algonquin Provincial Park between December 1 and March 31 at a spot that is less than 30 metres from the nearest shoreline.

(2) Subsection 14 (11) of the Regulation is amended by striking out "district manager" in the first line and substituting "superintendent".

6. Subsection 16 (1) is amended by,

- (a) striking out "or" in the second last line; and
- (b) inserting "or courtesy pass" immediately before "issued" in the second last line.

7. (1) Subsection 27 (1) of the Regulation is amended by inserting after "boat" in the first line "except for the purpose of park management".

(2) Clauses 27 (2) (i) and (j) of the Regulation are revoked and the following substituted:

- (i) in Quetico Provincial Park,
  - (i) a power boat or other similar equipment is permitted in the organized campground at Dawson Trail,
  - (ii) a member of the Lac LaCroix Indian Band who is also a member of the Lac LaCroix Guides Association may operate,
    - (A) a power boat with an engine rating not exceeding 10 horsepower on Quetico Lake, Beaverhouse Lake, Cirrus Lake, Conk Lake, Jean Lake, Wolseley Lake, Tanner Lake, Minn Lake, McAree Lake or the Maligne River from Lac LaCroix to Tanner Lake, and
    - (B) a boat with unlimited horsepower on Wegwagum Bay of Lac LaCroix, and
  - (iii) the holder of a licence in Form 1 of Regulation 492 of the Revised Regulations of Ontario, 1990 who is authorized to hunt or trap in Quetico Provincial Park may possess and operate a power boat with an engine rating not exceeding 10 horsepower for the purpose of trapping during the open season for trapping; and

8. Section 28 of the Regulation is revoked and the following substituted:

28. (1) No person shall possess a power saw, gasoline generator, power ice auger, mechanical portage device, portage wheels, all terrain vehicle or similar mechanized equipment in Quetico Provincial Park.

(2) Despite subsection (1),

- (a) a person may possess and operate a power saw, gasoline generator, power ice auger, mechanical portage device, portage wheels or similar mechanical equipment in the organized campground at Dawson Trail;
- (b) the holder of a licence in Form 1 of Regulation 492 of the Revised Regulations of Ontario, 1990 who is authorized to trap in Quetico Provincial Park may possess and operate an all terrain vehicle for the purpose of trapping during the open season for trapping.

52/94

## ONTARIO REGULATION 768/94 made under the PROVINCIAL PARKS ACT

Made: December 7, 1994  
Filed: December 8, 1994

Amending Reg. 951 of R.R.O. 1990  
(Designation of Parks)

Note: Since January 1, 1994, Regulation 951 has been amended by Ontario Regulations 179/94 and 582/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Section 2 of Regulation 951 of the Revised Regulations of Ontario, 1990 is amended by adding the following descriptions:

### HICKS-OKE BOG PROVINCIAL NATURE RESERVE

In the geographic townships of Hicks and Oke, in the Territorial District of Cochrane and Province of Ontario, containing 5,880 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as Hicks-Oke

Provincial Nature Reserve, filed in the Office of the Surveyor General on November 17, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

#### HOLLAND LANDING PRAIRIE PROVINCIAL NATURE RESERVE

In the municipal Township of East Gwillimbury, in The Regional Municipality of York, containing 34,200 hectares, more or less, being composed of that part of the Townplot of Gwillimbury designated as Part 1 on a plan known as Holland Landing Prairie Provincial Nature Reserve, filed in the Office of the Surveyor General on October 17, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

#### KENNY FOREST PROVINCIAL PARK

In the geographic townships of Gladman and Kenny, in the Territorial District of Nipissing, containing 2,200 hectares, more or less, being composed of that part of the said townships designated as Part 1 on a plan known as Kenny Forest Provincial Park, filed on October 17, 1994, in the Office of the Surveyor General at the Ministry of Natural Resources in Toronto, Ontario.

#### NAKINA MORAINÉ PROVINCIAL PARK

In the geographic townships of Nakina, Exton and Fauteux, in the Territorial District of Thunder Bay, containing 5,319 hectares, more or less, being composed of that part of the said townships designated as Parts 1 and 2 on a plan known as Nakina Moraine Provincial Park, filed on October 4, 1994, in the Office of the Surveyor General at the Ministry of Natural Resources in Toronto, Ontario.

#### NOTTAWASAGA LOOKOUT PROVINCIAL NATURE RESERVE

In the municipal and geographic Township of Nottawasaga, in the County of Simcoe, containing 130 hectares, more or less, being composed of that part of the said township, designated as Part 1 on a plan known as Nottawasaga Lookout Provincial Nature Reserve, filed in the Office of the Surveyor General on October 17, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

#### WEST SANDY ISLAND PROVINCIAL NATURE RESERVE

In the geographic Township of Bertram, in the Territorial District of Nipissing, containing 266 hectares, more or less, being composed of that part of West Sandy Island in the said township designated as Part 1 on a plan known as West Sandy Island Provincial Nature Reserve, filed on October 4, 1994, in the Office of the Surveyor General at the Ministry of Natural Resources in Toronto, Ontario.

(2) Section 2 of the Regulation is amended by striking out the description of "Oxtongue River-Ragged Falls Provincial Park" and substituting the following:

#### OXTONGUE RIVER-RAGGED FALLS PROVINCIAL PARK

In the municipal Township of Lake of Bays, in the Territorial District of Muskoka, and in the municipal Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale, in the County of Haliburton, containing 507 hectares, more or less, being composed of that part of the geographic Township of Finlayson, and that part of the geographic Township of McClintock, designated as Part 1 on a plan known as Oxtongue River - Ragged Falls Provincial Park, filed in the Office of the Surveyor General on October 17, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

2. (1) The Table to the Regulation is amended by striking out "Schedule 207, Appendix B" in Column 2 opposite "Oxtongue River-Ragged Falls Provincial Park" in Column 1 and substituting "Section 2".

(2) The Table to the Regulation is amended by adding the following:

Hicks-Oke Bog Provincial Nature Reserve	Section 2
Holland Landing Prairie Provincial Nature Reserve	Section 2
Kenny Forest Provincial Park	Section 2
Nakina Moraine Provincial Park	Section 2
Nottawasaga Lookout Provincial Nature Reserve	Section 2
West Sandy Island Provincial Nature Reserve	Section 2

52/94

#### ONTARIO REGULATION 769/94 made under the DEVELOPMENT CORPORATIONS ACT

Made: December 7, 1994

Filed: December 8, 1994

Amending O. Reg. 512/94  
(Ontario International Trade Corporation)

Note: Since it was made, Ontario Regulation 512/94 has been amended by Ontario Regulation 713/94.

1. Section 3 of Ontario Regulation 512/94 is revoked and the following substituted:

3. The Ontario International Trade Corporation shall consist of a maximum of 21 members appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

52/94

**ONTARIO REGULATION 770/94**  
made under the  
**EMPLOYMENT STANDARDS ACT**

Made: December 7, 1994  
Filed: December 8, 1994

Amending Reg. 325 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 325 has been amended by Ontario Regulations 173/94, 423/94 and 674/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Subsection 10 (1) of Regulation 325 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) For the work week in which January 1, 1995 occurs and thereafter, an employer shall pay not less than the following minimum wage:

1. To an employee who is a student under 18 years of age, if the weekly hours of the student are not in excess of 28 hours or if the student is employed during a school holiday, \$6.40 an hour.
2. To an employee who, as a regular part of his or her employment, serves liquor directly to customers, guests, members or patrons in premises for which a licence or permit has been issued under the *Liquor Licence Act*, \$5.95 an hour.
3. For the services of a hunting or fishing guide, \$34.25 for less than five consecutive hours in a day and \$68.50 for five or more hours in a day whether or not the hours are consecutive.
- 3.1 To an employee who is a homeworker, 110 per cent of the amount set out in paragraph 4.
4. To an employee other than one to whom paragraph 1, 2, 3 or 3.1 applies, \$6.85 an hour.

**(2) Subsection 10 (2) of the Regulation is revoked and the following substituted:**

(2) For the week in which January 1, 1995 occurs and thereafter, if meals or room or both are taken into account by an employer in calculating the minimum wage of an employee, the maximum amount at which meals or room or both shall be valued for the purposes of determining if the minimum wage has been paid to the person is as follows:

- |                        |  |
|------------------------|--|
| 1. Room                | \$31.70 a week if the room is private and \$15.85 a week if the room is not private. |
| 2. Meals               | \$2.55 a meal and not more than \$53.55 a week.                                      |
| 3. Both room and meals | \$85.25 a week if the room is private and \$69.40 a week if the room is not private. |

**2. Ontario Regulation 674/94 is revoked.**

**3. Despite sections 1 and 2 of this Regulation, subsections 10 (1) and (2) of Regulation 325 as they read immediately before Ontario Regulation 674/94 came into force continue to apply with respect to work weeks up to but not including the work week in which January 1, 1995 occurs.**

**RÈGLEMENT DE L'ONTARIO 770/94**  
pris en application de la  
**LOI SUR LES NORMES D'EMPLOI**

pris le 7 décembre 1994  
déposé le 8 décembre 1994

modifiant le Règl. 325 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 325 a été modifié par les Règlements de l'Ontario 173/94, 423/94 et 674/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

**1. (1) Le paragraphe 10 (1) du Règlement 325 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

(1) Pendant la semaine de travail qui comprend le 1<sup>er</sup> janvier 1995 et par la suite, l'employeur verse au moins le salaire minimum prescrit ci-après :

1. Un salaire horaire de 6,40 \$, à l'employé qui est un étudiant âgé de moins de 18 ans et qui ne travaille pas plus de 28 heures par semaine ou qui est employé pendant un congé scolaire.
2. Un salaire horaire de 5,95 \$, à l'employé qui, dans le cours normal de son emploi, sert des boissons alcooliques directement aux clients, aux hôtes ou aux membres dans un établissement qui détient un permis ou un permis de circonstance délivré en vertu de la *Loi sur les permis d'alcool*.
3. La somme de 34,25 \$, au guide de chasse ou de pêche qui travaille moins de cinq heures consécutives par jour, et la somme de 68,50 \$ pour cinq heures ou plus par jour, que ces heures soient consécutives ou non.
- 3.1 110 pour cent de la somme indiquée à la disposition 4, à l'employé qui est un travailleur à domicile.
4. Un salaire horaire de 6,85 \$, à l'employé qui n'est pas visé par la disposition 1, 2, 3 ou 3.1.

**(2) Le paragraphe 10 (2) du Règlement est abrogé et remplacé par ce qui suit :**

(2) Pendant la semaine qui comprend le 1<sup>er</sup> janvier 1995 et par la suite, si, lors du calcul du salaire minimum de l'employé, l'employeur tient compte de la chambre, des repas ou des deux, la valeur maximale qui leur est attribuée afin de déterminer si le salaire minimum prescrit a été versé à l'employé est la suivante :

- |                     |   |
|---------------------|---|
| 1. Chambre          | 31,70 \$ par semaine si la chambre est à un lit et 15,85 \$ par semaine si elle n'est pas à un lit. |
| 2. Repas            | 2,55 \$ par repas, avec un maximum de 53,55 \$ par semaine.   |
| 3. Chambre et repas | 85,25 \$ par semaine si la chambre est à un lit et 69,40 \$ par semaine si elle n'est pas à un lit. |

**2. Le Règlement de l'Ontario 674/94 est abrogé.**

**3. Malgré les articles 1 et 2 du présent règlement, les paragraphes 10 (1) et (2) du Règlement 325, tels qu'ils existaient immédiatement avant l'entrée en vigueur du Règlement de l'Ontario 674/94, continuent de s'appliquer aux semaines de travail précédant celle qui comprend le 1<sup>er</sup> janvier 1995.**

**ONTARIO REGULATION 771/94**  
made under the  
**MILK ACT**

Made: November 21, 1994  
Approved: December 7, 1994  
Filed: December 9, 1994

Amending Reg. 761 of R.R.O. 1990  
(Milk and Milk Products)

Note: Regulation 761 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Clauses 55 (1) (a) to (e) of Regulation 761 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

- (a) \$3 per hectolitre in the case of a first penalty;
- (b) \$4 per hectolitre in the case of a second penalty; and
- (c) \$5 per hectolitre in the case of a third or subsequent penalty.

**(2) Subsection 55 (7) of the Regulation is amended by striking out "six" in the first line and substituting "four".**

**2. This Regulation comes into force on January 1, 1995.**

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

DOUGLAS A. GENDRON  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated at Toronto on November 21, 1994.

52/94

**ONTARIO REGULATION 772/94**  
made under the  
**ANATOMY ACT**

Made: December 7, 1994  
Filed: December 9, 1994

Amending Reg. 21 of R.R.O. 1990  
(General)

Note: There are no prior amendments to Regulation 21.

**1. Paragraphs 1, 2, 3, 7 and 9 of section 1 of Regulation 21 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

- 1. Queen's University—Department of Anatomy and Cell Biology
- 2. University of Ottawa—Department of Anatomy and Neurobiology
- 3. University of Toronto—Department of Anatomy and Cell Biology

. . . . .

- 7. McMaster University—Education Programme in Anatomy

. . . . .

- 9. Humber College of Applied Arts and Technology—Human Anatomy Section

52/94





# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1994—12—31

## ONTARIO REGULATION 773/94 made under the LIQUOR LICENCE ACT

Made: October 7, 1994  
Filed: December 12, 1994

Amending Reg. 719 of R.R.O. 1990  
(Licences to Sell Liquor)

Note: Since January 1, 1994, Regulation 719 has been amended by Ontario Regulations 31/94, 161/94, 249/94, 261/94, 336/94 and 696/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Subsection 101 (3) of Regulation 719 of the Revised Regulations of Ontario, 1990 is amended by striking out "or renewal".

(2) Section 101 of the Regulation is amended by adding the following subsection:

(4) A fee of \$300 is payable upon the renewal of a liquor sales licence.

53/94

## ONTARIO REGULATION 774/94 made under the PLANNING ACT

Made: December 2, 1994  
Filed: December 12, 1994

Amending O. Reg. 672/81  
(Restricted Areas—District of Manitoulin, Geographical townships of Campbell, Dawson, Mills and Robinson)

Note: Since January 1, 1994, Ontario Regulation 672/81 has been amended by Ontario Regulations 2/94, 7/94, 47/94, 312/94, 457/94, 464/94 and 516/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1991, 1992 and 1993.

1. Ontario Regulation 672/81 is amended by adding the following section:

179. (1) Despite sections 13 and 51, one mobile home, on a permanent foundation, may be erected, located and used as a private hunting camp on the land described in subsection (2), if the following requirements are met:

Minimum lot frontage	400 metres
Minimum lot area	40 hectares
Minimum distance of any building or structure from the front lot line	25 metres
Minimum distance of any building or structure from any other lot line	15 metres

Maximum lot coverage	5 percent
Minimum ground floor area for mobile home	50 square metres

(2) Subsection (1) applies to that parcel of land in the Township of Mills, in the District of Manitoulin, comprising all of Lot 2, Concession 11.

BRYAN O. HILL  
*Director  
Plans Administration Branch  
North and East  
Ministry of Municipal Affairs*

Dated at Toronto on December 2, 1994.

53/94

## ONTARIO REGULATION 775/94 made under the ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT

Made: December 7, 1994  
Filed: December 13, 1994

Amending Reg. 890 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 890 has been amended by Ontario Regulations 81/94 and 694/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Subsection 21 (1.4) of Regulation 890 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(1.4) Despite subsection (1.1), the inflation adjustment for 1995 is 100 per cent of the inflation increase for that year.

2. This Regulation comes into force on January 1, 1995.

53/94

## ONTARIO REGULATION 776/94 made under the PROVINCIAL OFFENCES ACT

Made: December 12, 1994  
Filed: December 13, 1994

Amending Reg. 949 of R.R.O. 1990  
(Parking Infractions)

Note: Since January 1, 1994, Regulation 949 has been amended by Ontario Regulations 494/94, 506/94, 538/94, 581/94, 639/94 and 720/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 14 of Regulation 949 of the Revised Regulations of Ontario, 1990 is amended by adding after "17.1 (3)" in the second line "17.1 (6)".

2. This Regulation comes into force on the day subsections 52 (1), (2) and (3) of the *Statute Law Amendment Act (Government Management and Services), 1994* comes into force.

53/94

**ONTARIO REGULATION 777/94**  
made under the  
**INSURANCE ACT**

Made: November 30, 1990  
Filed: December 13, 1994

**INVESTMENTS UNDER SUBSECTION 433 (9)  
OF THE ACT**

1. (1) The following classes of bodies corporate are prescribed for the purpose of subsection 433 (9) of the Act:

1. Bodies corporate the activities of which are limited to activities that are ancillary to the business of insurance.
2. Insurers licensed in Ontario that are incorporated by or under the laws of Canada, Ontario or another province of Canada.
3. Loan or trust corporations registered under the *Loan and Trust Corporations Act* that are incorporated by or under the laws of Canada, Ontario or another province of Canada.
4. Banks to which the *Bank Act* (Canada) applies.
5. Bodies corporate that,
  - i. are incorporated or formed by or under the laws of Canada, Ontario or another province of Canada, and
  - ii. are primarily engaged in dealing in securities, including portfolio management and investment counselling.
6. Bodies corporate that are primarily engaged in,
  - i. providing the collection, manipulation and transmission of information that is primarily financial or economic in nature or that relates to the business of a body corporate referred to in this section,
  - ii. providing advisory or other services in the design, development and implementation of information management systems, or
  - iii. designing, developing and marketing computer software.
7. Bodies corporate the principal activity of which consists of,
  - i. the offering of advice or advising on investments, or
  - ii. the investment or control, in any way that involves an element of discretionary judgment by the bodies corporate, of money, property, deposits or securities that,
    - A. are not owned by the bodies corporate, or
    - B. are not money deposited with the bodies corporate in the ordinary course of business.

8. Bodies corporate the activities of which are limited to the investing of their own funds, including bodies corporate that are issuers of securities that entitle the holder to receive, on demand or within a specified period after demand, an amount computed by reference to the value of a proportionate interest in the whole or in a part of the net assets, including a separate fund or trust account, of the issuers of those securities.

9. Bodies corporate the principal activity of which is acting as selling agents of units, shares or other interests in one or more mutual funds and acting as a collecting agent in the collection of payments for any such interests if,

- i. the proceeds of the sales of any such interests, less any sales commissions and service fees, are paid to the funds, and
- ii. the existence of a sales commission and service fee in respect of the sale of any such interests is disclosed to the purchaser of the interests prior to the purchase thereof.

10. Bodies corporate that are primarily engaged in,

- i. acting as agents for vendors, purchasers, mortgagors, mortgagees, lessors or lessees of real estate, and
- ii. the provision of consulting or appraisal services in respect of real estate.

11. Bodies corporate that are engaged exclusively in providing services to,

- i. one or more mutual insurance corporations that participate in the Fire Mutuals Guarantee Fund, or
- ii. a corporation that, as a result of an investment under subsection 433 (9) of the Act, is or will be controlled by one or more mutual insurance corporations that participate in the Fire Mutuals Guarantee Fund.

(2) The activities of a body corporate referred to in paragraph 6 of subsection (1) may include, as an ancillary activity, the design, development, manufacture or sale of computer hardware.

2. For the purpose of subsection 433 (9) of the Act and paragraph 11 of subsection 1 (1), one or more mutual insurance corporations control a body corporate if they own, other than by way of security, shares of the body corporate carrying more than 50 per cent of the votes for the election of directors and the votes carried by the shares are sufficient, if exercised, to elect a majority of the body corporate's board of directors.

**3. This Regulation comes into force on the day section 338 of the *Financial Services Statute Law Reform Amendment Act, 1994* comes into force.**

53/94

**ONTARIO REGULATION 778/94**  
made under the  
**PUBLIC SERVICE ACT**

Made: December 9, 1994  
Approved: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 977 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 977 has been amended by Ontario Regulations 625/94, 757/94 and 758/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. (1) Section 51 of Regulation 977 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:**

(4.1) Despite subsection (4), the Chair shall not refer to the Committee a grievance that he or she receives before April 1, 1996.

**(2) Subsection 51 (5) of the Regulation is revoked and the following substituted:**

(5) The Committee shall hold a hearing within 14 days after the Committee receives the grievance.

(5.1) Despite subsection (5), the Committee shall not hear a grievance under this section that is referred to it before April 1, 1996.

(5.2) At least seven days before the hearing, the Committee shall notify the grievor, the employee representative and the deputy minister concerned about the day, time and place of the hearing.

**(3) Section 51 of the Regulation is amended by adding the following subsections:**

(8) The Committee shall not decide a grievance under this section with respect to all or any part of the period after March 31, 1993 and before April 1, 1996.

(9) The Committee shall not decide a grievance under this section referred to it after March 31, 1993 and before April 1, 1996 if the Committee has not rendered a decision on the grievance before December 16, 1994.

(10) The Board shall not decide a grievance that the Committee cannot decide because of subsection (8) or (9).

CIVIL SERVICE COMMISSION:

JAMES R. THOMAS  
*Chair*

Dated at Toronto on December 9, 1994.

53/94

**ONTARIO REGULATION 779/94**  
made under the  
**OCCUPATIONAL HEALTH AND SAFETY ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 854 of R.R.O. 1990  
(Mines and Mining Plants)

Note: Since January 1, 1994, Regulation 854 has been amended by Ontario Regulation 60/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 23 (1) of Regulation 854 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) If an underground mine has been permanently shut down or abandoned or if operations at the mine have been discontinued or suspended for more than three months, the owner shall, before dewatering, exploring or resuming work at the mine,

- (a) notify the Director of the owner's intention to enter the mine; and
- (b) furnish the Director with such drawings, plans, specifications and descriptions of procedures as are necessary to determine whether it is safe to enter the mine.

**2. Subsection 25 (7) of the Regulation is revoked and the following substituted:**

(7) Despite clause (6) (a), an alternative means of alarm may be used if the alarm system is agreed upon by the employer and the joint health and safety committee or the health and safety representative, if any, for the workplace.

**3. Section 147 of the Regulation is revoked and the following substituted:**

**147. (1)** A worker performing blasting operations shall not permit any person to return to a workplace affected by the operation until the applicable minimum period of time described in this section has elapsed.

(2) If safety fuses are used, the minimum period is,

- (a) 10 minutes after the worker performing the blasting operations hears the last shot, if a single fuse is used; or
- (b) 30 minutes after the worker performing the blasting operations hears the last shot, if more than one fuse is used.

(3) In the case of a misfire when at least one safety fuse is used, the minimum period is 30 minutes after a reblast.

(4) If detonators that are not safety fuses are used, the minimum period is,

- (a) the time for the blasting contaminants to clear, if one detonator is used; or
- (b) 10 minutes after the worker performing the blasting operations hears the last shot, if more than one detonator is used.

(5) If the worker performing the blasting operations does not hear a shot when using detonators that are not safety fuses, the minimum period is 10 minutes after,

- (a) the worker has disconnected the lead wires from the power source and short-circuited them and locked the blasting switch, if any, in the open position; or
- (b) the worker has disconnected the initiation device from the blasting system.

**4. Subsection 147.1 (1) of the Regulation is revoked and the following substituted:**

(1) No worker shall use safety fuses in an underground mine for blasting operations in chutes, passes, millholes or drawpoints.

**5. Section 180 of the Regulation is revoked and the following substituted:**

**180. (1)** In an underground mine with trolley lines installed underground, the owner shall ensure that the requirements of this section are met.

(2) The lines must be designed to have a nominal voltage less than 1,200 volts and operated with a nominal voltage less than 1,200 volts.

(3) The lines must have ground fault protection if they use alternating current.

(4) If the operating voltage of the lines is greater than 300 volts, there must be,

- (a) lighting or reflectors sufficient to indicate the location of the lines; and

(b) warning signs installed at points of access to the lines.

(5) Trolley lines of the bare conductor type must be protected by guards made of insulating materials.

(6) The guards must extend at least 75 millimetres below the lowest point of the trolley line and must be placed not more than 150 millimetres from the nearest line.

(7) Despite subsection (5), guards are not required on trolley lines of the bare conductor type that use alternating current if the trolley lines have ground fault protection that prevents a worker from being exposed to an electrical current sufficient to cause ventricular fibrillation.

(8) Trolley lines of the bare conductor type that are installed underground after December 31, 1994 must be located,

(a) at least 2.4 metres above grade, if the operating voltage is 300 volts or less;

(b) at least 2.7 metres above grade, if the operating voltage is more than 300 volts but less than 750 volts;

(c) at least 4.0 metres above grade, if the operating voltage is 750 volts or more.

(9) Trolley lines of the busway conductor type that are installed underground after December 31, 1994 must be located at least 2.4 metres above grade.

(10) Subsections (8) and (9) do not apply with respect to trolley lines that are an extension of a trolley line system,

(a) if the system is installed before January 1, 1995;

(b) if the system has an operating voltage of 300 volts or less; and

(c) if the extension is located at least 1.8 metres above grade.

**6. Section 182 of the Regulation is revoked and the following substituted:**

**182.** (1) Before diesel-powered equipment is first used in an underground mine, an employer shall ensure that notice in Form 1 is given to the Ministry.

(2) Non-rail-bound diesel-powered equipment that is first used in an underground mine after June 1, 1995 must meet the requirements set out in CAN/CSA-M424.2-M90 "Non-Rail-Bound Diesel-Powered Machines for use in Non-Gassy Underground Mines" excluding the requirements in sections 4.5, 5.3 and 5.4 of that document.

(3) Gasoline or another volatile fuel shall not be used in the starting mechanism of diesel-powered equipment.

(4) An employer shall ensure that fuel used in diesel-powered equipment has,

(a) a flash point greater than 52° Celsius when tested by a closed-cup method; and

(b) a sulphur content of less than 0.25 per cent by weight.

(5) An employer shall ensure that the undiluted exhaust gases from diesel-powered equipment is less than 1,500 parts per million by volume of carbon monoxide.

(6) For each piece of diesel-powered equipment, the employer shall ensure that a record containing the following information is maintained:

1. The company identification number.

2. The make and model of the piece of equipment.

3. The prescribed ventilation rate in cubic metres per second.

4. The maximum rated load in kilowatts.

5. The maximum speed at the maximum rated load in revolutions per minute.

6. The maximum fuel injection rate at the maximum rated load and speed in kilograms per hour.

7. The results of any test made under paragraph 2 of subsection 183.2 (1).

**7. Section 183 of the Regulation is revoked and the following substituted:**

**183.** (1) An employer shall maintain a chart of procedures for the use and operation of diesel-powered equipment that sets out,

(a) the actual volume of air flowing in the underground haulageways and workings where the equipment is operating; and

(b) the total ventilation requirements for the equipment when it is operating normally in a single continuous course of air.

(2) The employer shall post the chart in a location where it is clearly visible and readily accessible to the operator of the diesel-powered equipment.

**183.1** (1) The employer shall ensure that a flow of air that meets the requirements of this section is provided to the workplace where diesel-powered equipment is operating.

(2) The flow of air must be provided by a mechanical ventilation system.

(3) The flow of air must be at least 0.06 cubic metres per second for each kilowatt of power of the diesel-powered equipment operating in the workplace.

(4) The flow of air must reduce the concentration of toxic substances in diesel exhaust emissions to prevent exposure of a worker to a level of no more than,

(a) the concentration limits prescribed under section 4 of Regulation 833 of the Revised Regulations of Ontario, 1990 ("Control of Exposure to Biological or Chemical Agents") made under the Act; or

(b) if no limits are prescribed under that section, the threshold limit values adopted as criteria or guides under section 283.

(5) The flow of air must reduce the time-weighted average exposure of a worker to airborne respirable combustible dust to not more than 1.5 milligrams per cubic metre of air.

**183.2** (1) The employer shall ensure that tests are conducted to determine the following matters at the times indicated:

1. The volume of air flowing in underground haulageways and workings where diesel-powered equipment is operating. This must be tested at least weekly.

2. The carbon monoxide content of the undiluted exhaust discharging from diesel-powered equipment to the atmosphere. This must be tested,

- i. immediately after repairs are made to the engine or the exhaust system or both, and
- ii. at routine intervals for maintenance as the manufacturer recommends or, if there is no such recommendation, at least once a month.

3. The volume of air flow and the carbon monoxide, nitrogen dioxide, formaldehyde or respirable combustible dust contents of the atmosphere. These must be tested at the request of a worker.

(2) The employer shall provide the results of every test conducted under subsection (1) to the joint health and safety committee or the health and safety representative, if any, for the workplace.

(3) The employer shall record the results of every test conducted under paragraph 3 of subsection (1) and shall maintain the record.

(4) If a test indicates that a worker has been exposed to diesel exhaust emissions containing a toxic substance in excess of the level set out in subsections 183.1 (4) and (5) and if this test result could not have been predicted in the circumstances, the employer shall,

- (a) investigate the cause and take remedial action, if possible, to prevent a recurrence of the situation;
- (b) notify the worker and the joint health and safety committee or the health and safety representative, if any, for the workplace; and
- (c) conduct tests of the emissions until the results show that the concentration of the toxic substance does not exceed the level set out in subsections 183.1 (4) and (5).

**8. Subsection 186 (5) of the Regulation is revoked and the following substituted:**

(5) An elevator installation shall meet the following standard:

- 1. If it was installed before October 15, 1991, CSA Standard B44-1975, "Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks".
- 2. Otherwise, National Standard CAN/CSA-B44-M90, "Safety Code for Elevators".

**9. Subsection 209 (2) of the Regulation is revoked and the following substituted:**

(2) A barrier or obstruction to prevent a shaft conveyance from being lowered into water in the shaft bottom must be installed in the shaft except,

- (a) when the shaft is being sunk; or
- (b) where a friction hoist is installed.

(3) A probe indicating the high water level shall be installed below the lowest working level in a shaft in which natural drainage is not provided and in which flooding may occur due to equipment failure.

(4) The probe shall be installed so that it can be read by the person in control of the hoist.

(5) The probe shall be installed so that,

- (a) it enables the person in control of the hoist to prevent a shaft conveyance from being lowered into water; or
- (b) it prevents a shaft conveyance from being lowered into water.

(6) If a probe is installed, a procedure must be established to prevent a conveyance with occupants from being lowered into water.

(7) The employer shall establish the procedure in consultation with the joint health and safety committee.

(8) The procedure shall be implemented when the probe indicates that there is water at the high water level.

**10. (1) Subsection 228 (2) of the Regulation is revoked and the following substituted:**

(2) The test described in subsection (2.1) shall be performed not more than six months after a hoisting rope is first used on a drum hoist, and afterwards at intervals of not more than six months.

(2.1) A piece of the rope at least 2.5 metres long located at the lower end above the attachment to the conveyance shall be cut off, have its ends fastened to prevent unravelling and be tested in accordance with section 20.

**(2) Clause 228 (4) (c) of the Regulation is revoked and the following substituted:**

(c) at intervals shorter than four months where, by extrapolation from past tests, the loss in breaking strength will exceed 10 per cent before the next prescribed test.

**(3) Subsection 228 (10) of the Regulation is revoked and the following substituted:**

(10) A rope shall not be used as a shaft rope if it has been spliced.

(10.1) A shaft rope shall not be reversed unless it is used on a friction hoist.

**(4) Subsection 228 (20) of the Regulation is revoked and the following substituted:**

(20) If hoisting is discontinued or suspended in a shaft compartment, each shaft rope shall be removed from the shaft immediately.

(21) Despite subsection (20), shaft ropes may be left in a shaft compartment if the ropes are continually maintained and tested in accordance with this Regulation.

**11. Subsection 248 (5) of the Regulation is revoked.**

**12. The Regulation is amended by adding the following Form:**

Form 1

(Subsection 182 (1))

Diesel Powered Equipment Notice

Company		Date
Mine	Area of Operation	
Type	Purpose	
Manufacturer's Recommended Grade (for Mobile Units) %	Maximum Operating Grade for Unit	Maximum Authorized Load
Unit Identification Data		
Make Model	Company Unit Number (if applicable)	Does the unit conform to the CSA standards Yes _____ No _____
Engine Data		
Make	Model	Serial Number
Maximum Rated Load (kW)	Maximum Speed (RPM)	Maximum Fuel Injection Rate (kg/hr)
Aftertreatment Device Data		
Type	Manufacturer	Model
Fuel		
Capacity of Tanks		
Hydraulic Fluid		
Trade Name	Quantity	Fire Retardant Yes _____ No _____
Fire Suppression System		
Type	No. of Nozzles	Size of Unit
Fire Extinguisher Type and Size		
Ventilation - State amount of air required for diesel engine		
Braking System		
Service		
Emergency		
Parking Brake		
Company Representative (Name and Signature)		Title

**ONTARIO REGULATION 780/94**  
made under the  
**OCCUPATIONAL HEALTH AND SAFETY ACT**

Made: December 15, 1994  
Filed: December 16, 1994

**TRAINING PROGRAMS**

**1.** (1) The employer is required under clause 26 (1) (1) of the Act to carry out the training programs necessary to enable a committee member to become a certified member, which must be selected in accordance with the policies and guidelines of the Workplace Health and Safety Agency.

(2) In subsection (1), "carry out" includes paying for the training.

53/94

**ONTARIO REGULATION 781/94**  
made under the  
**INSURANCE ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending O. Reg. 776/93  
(Statutory Accident Benefits Schedule—  
Accidents on or After January 1, 1994)

Note: Since January 1, 1994, Ontario Regulation 776/93 has been amended by Ontario Regulation 635/94. There are no prior amendments.

**1. (1) The definition of "health practitioner" in section 1 of Ontario Regulation 776/93 is amended by striking out "or" at the end of clause (c), by adding "or" at the end of clause (d) and by adding the following clause:**

(e) a physiotherapist, if the impairment is one that a physiotherapist is authorized by law to treat;

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

"physiotherapist" means a person authorized by law to practise physiotherapy; ("physiothérapeute")

**2. (1) Subparagraph i of paragraph 3 of subsection 7 (1) of the Regulation is revoked and the following substituted:**

i. was entitled at the time of the accident to start work within one year under a legitimate contract of employment that was made before the accident and that is evidenced in writing, and

**(2) Subparagraph i of paragraph 6 of subsection 7 (1) of the Regulation is revoked and the following substituted:**

i. was on pregnancy leave, parental leave or unpaid leave from an employment at the time of the accident, and

**3. Section 15 of the Regulation is amended by adding the following subsections:**

(6) The insurer may deduct from the amount of the weekly education disability benefits payable to an insured person under this section a percentage of the net income received by the insured person in respect of any employment subsequent to the accident.

**RÈGLEMENT DE L'ONTARIO 781/94**  
pris en application de la  
**LOI SUR LES ASSURANCES**

pris le 15 décembre 1994  
déposé le 16 décembre 1994

modifiant le Règl. de l'Ont. 776/93  
(Annexe sur les indemnités d'accident légales —  
accidents survenus depuis le 1<sup>er</sup> janvier 1994)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement de l'Ontario 776/93 a été modifié par le Règlement de l'Ontario 635/94. Il n'y a pas de modifications antérieures.

**1. (1) La définition de «praticien de la santé» à l'article 1 du Règlement de l'Ontario 776/93 est modifiée par adjonction de l'alinéa suivant :**

e) d'un physiothérapeute.

**(2) L'article 1 du Règlement est modifié par adjonction de la définition suivante :**

«physiothérapeute» Personne que la loi autorise à exercer la physiothérapie. («physiothérapeute»)

**2. (1) La sous-disposition i de la disposition 3 du paragraphe 7 (1) du Règlement est abrogée et remplacée par ce qui suit :**

i. avait le droit, au moment de l'accident, de commencer à travailler dans l'année aux termes d'un contrat de travail légitime, conclu avant l'accident et attesté par écrit,

**(2) La sous-disposition i de la disposition 6 du paragraphe 7 (1) du Règlement est abrogée et remplacée par ce qui suit :**

i. était, au moment de l'accident, en congé de maternité, en congé parental ou en congé non payé relativement à un emploi,

**3. L'article 15 du Règlement est modifié par adjonction des paragraphes suivants :**

(6) L'assureur peut déduire du montant des indemnités hebdomadaires pour incapacité à poursuivre ses études payables à une personne assurée aux termes du présent article un pourcentage du revenu net que la personne assurée a reçu à l'égard d'un emploi après l'accident.

- (7) The percentage mentioned in subsection (6) shall be,
- (a) 75 per cent, if the insured person started the employment more than 26 weeks after the onset of the disability in respect of which the weekly education disability benefits are paid and has been engaged in the employment for less than 26 weeks; and

(b) 90 per cent, in any other case.

(8) Subject to section 82, for the purpose of subsection (6), the net income received by a person in respect of an employment subsequent to the accident shall be determined by subtracting the following amounts from the gross income received by the person in respect of the employment subsequent to the accident:

1. The premium payable by the person under the *Unemployment Insurance Act* (Canada) on the gross income.
2. The contribution payable by the person under the *Canada Pension Plan* on the gross income.
3. The income tax payable by the person under the *Income Tax Act* (Canada) and the *Income Tax Act* (Ontario) on the gross income.

(9) No weekly education disability benefits are payable to a person under this section,

- (a) after the person attains 65 years of age, if the person had not attained that age at the time of the accident; or
- (b) for more than 104 weeks, if the person had attained 65 years of age at the time of the accident.

(10) Subsection (9) does not prevent a person from qualifying for weekly disability benefits under Part V.

**4. Section 18 of the Regulation is amended by adding the following subsections:**

(6) The insurer may deduct from the amount of the weekly caregiver benefits payable to an insured person under this section a percentage of the net income received by the insured person in respect of any employment subsequent to the accident.

- (7) The percentage mentioned in subsection (6) shall be,
- (a) 75 per cent, if the insured person started the employment more than 26 weeks after the onset of the disability in respect of which the weekly caregiver benefits are paid and has been engaged in the employment for less than 26 weeks; and

(b) 90 per cent, in any other case.

(8) Subject to section 82, for the purpose of subsection (6), the net income received by a person in respect of an employment subsequent to the accident shall be determined by subtracting the following amounts from the gross income received by the person in respect of the employment subsequent to the accident:

1. The premium payable by the person under the *Unemployment Insurance Act* (Canada) on the gross income.
2. The contribution payable by the person under the *Canada Pension Plan* on the gross income.
3. The income tax payable by the person under the *Income Tax Act* (Canada) and the *Income Tax Act* (Ontario) on the gross income.

**5. Clause 19 (1) (b) of the Regulation is revoked and the following substituted:**

(7) Le pourcentage visé au paragraphe (6) correspond à :

- a) 75 pour cent si, d'une part, la personne assurée a commencé à occuper l'emploi plus de 26 semaines après le début de l'invalidité à l'égard de laquelle les indemnités hebdomadaires pour incapacité à poursuivre ses études sont versées et, d'autre part, elle a occupé cet emploi pendant moins de 26 semaines;

b) 90 pour cent, dans les autres cas.

(8) Sous réserve de l'article 82 et pour l'application du paragraphe (6), le revenu net qu'une personne a reçu à l'égard d'un emploi après l'accident est déterminé en soustrayant du revenu brut qu'elle a reçu à l'égard de l'emploi après l'accident les montants suivants :

1. La cotisation payable par la personne sur le revenu brut sous le régime de la *Loi sur l'assurance-chômage* (Canada).
2. La cotisation payable par la personne sur le revenu brut dans le cadre du *Régime de pensions du Canada*.
3. L'impôt sur le revenu payable par la personne sur le revenu brut sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario).

(9) Aucune indemnité hebdomadaire pour incapacité à poursuivre ses études n'est payable aux termes du présent article, selon le cas :

- a) après le 65<sup>e</sup> anniversaire de naissance de la personne, si ce jour est postérieur à l'accident;
- b) pendant plus de 104 semaines, si la personne a déjà 65 ans au moment de l'accident.

(10) Le paragraphe (9) n'a pas pour effet d'empêcher une personne d'être admissible aux indemnités hebdomadaires d'invalidité prévues par la partie V.

**4. L'article 18 du Règlement est modifié par adjonction des paragraphes suivants :**

(6) L'assureur peut déduire du montant des indemnités hebdomadaires de soignant payables à une personne assurée aux termes du présent article un pourcentage du revenu net que la personne assurée a reçu à l'égard d'un emploi après l'accident.

(7) Le pourcentage visé au paragraphe (6) correspond à :

- a) 75 pour cent si, d'une part, la personne assurée a commencé à occuper l'emploi plus de 26 semaines après le début de l'invalidité à l'égard de laquelle les indemnités hebdomadaires de soignant sont versées et, d'autre part, elle a occupé cet emploi pendant moins de 26 semaines;

b) 90 pour cent, dans les autres cas.

(8) Sous réserve de l'article 82 et pour l'application du paragraphe (6), le revenu net qu'une personne a reçu à l'égard d'un emploi après l'accident est déterminé en soustrayant du revenu brut qu'elle a reçu à l'égard de l'emploi après l'accident les montants suivants :

1. La cotisation payable par la personne sur le revenu brut sous le régime de la *Loi sur l'assurance-chômage* (Canada).
2. La cotisation payable par la personne sur le revenu brut dans le cadre du *Régime de pensions du Canada*.
3. L'impôt sur le revenu payable par la personne sur le revenu brut sous le régime de la *Loi de l'impôt sur le revenu* (Canada) et de la *Loi de l'impôt sur le revenu* (Ontario).

**5. L'alinéa 19 (1) b) du Règlement est abrogé et remplacé par ce qui suit :**



- (b) the insured person received weekly income replacement benefits under Part II or weekly education disability benefits under section 15 as a result of the accident and payment of the benefits ceased under section 11 or 12 or subsection 15 (9); or

**6. (1) Subsection 23 (5) of the Regulation is revoked and the following substituted:**

(5) Subject to subsection (8), if an insured person rejects the insurer's offer in respect of residual earning capacity or both residual earning capacity and pre-accident earning capacity, the insurer may commence paying weekly loss of earning capacity benefits to the insured person 14 days after receiving the report from the designated assessment centre under subsection 27 (5).

(5.1) The benefits paid under subsection (5) shall be based on,

- (a) the insurer's offer made under section 21, in respect of the insured person's pre-accident earning capacity; and
- (b) the determination made by the designated assessment centre of the insured person's gross annual income, in respect of the person's residual earning capacity.

(5.2) Subject to subsection (8), if an insured person rejects the insurer's offer in respect of pre-accident earning capacity but not residual earning capacity, the insurer may, upon receiving the rejection, commence paying weekly loss of earning capacity benefits to the insured person based on the insurer's offer made under section 21.

**(2) Subsection 23 (6) of the Regulation is amended by striking out "six months" in the first line.**

**(3) Clauses 23 (7) (c) and (d) of the Regulation are revoked.**

**(4) Subsection 23 (8) of the Regulation is revoked and the following substituted:**

(8) Subject to subsection (6) and to subsection 281 (4) of the *Insurance Act*, the insurer shall continue to pay benefits under Part IV or V pending the resolution of a dispute under subsection (3) or (4), if the person continues to qualify for those benefits.

**7. (1) Section 27 of the Regulation is amended by adding the following subsection:**

(1.1) If, before the assessment has commenced, the designated assessment centre nearest to the insured person has disclosed to the insurer and the insured person that it has a conflict of interest with either of the parties within the meaning of that term in the guidelines established by the accident benefits advisory committee under subsection 38 (2),

- (a) the designated assessment centre or another centre shall conduct the assessment, if the parties agree; or
- (b) the designated assessment centre that is next nearest to the residence of the insured person shall conduct the assessment, if the parties do not agree under clause (a).

**(2) Subsection 27 (2) of the Regulation is revoked and the following substituted:**

(2) The centre conducting the assessment shall promptly notify the insured person and shall arrange for the assessment.

**8. (1) Subsections 39 (5) and (6) of the Regulation are revoked and the following substituted:**

- b) elle a reçu des indemnités hebdomadaires de remplacement de revenu aux termes de la partie II ou des indemnités hebdomadaires pour incapacité à poursuivre ses études aux termes de l'article 15 à la suite de l'accident, et les versements ont cessé aux termes de l'article 11 ou 12 ou du paragraphe 15 (9);

**6. (1) Le paragraphe 23 (5) du Règlement est abrogé et remplacé par ce qui suit :**

(5) Sous réserve du paragraphe (8), si la personne assurée rejette l'offre de l'assureur à l'égard de sa capacité de gain résiduelle ou à l'égard tant de sa capacité de gain résiduelle que de sa capacité de gain avant l'accident, l'assureur peut commencer à lui verser des indemnités hebdomadaires pour perte de capacité de gain 14 jours après avoir reçu le rapport du centre d'évaluation désigné prévu au paragraphe 27 (5).

(5.1) Les indemnités versées en vertu du paragraphe (5) sont fondées :

- a) d'une part, sur l'offre que l'assureur a faite aux termes de l'article 21 à l'égard de la capacité de gain avant l'accident de la personne assurée;
- b) d'autre part, sur le revenu annuel brut de la personne assurée, déterminé par le centre d'évaluation désigné, à l'égard de la capacité de gain résiduelle de la personne assurée.

(5.2) Sous réserve du paragraphe (8), si la personne assurée rejette l'offre de l'assureur à l'égard de sa capacité de gain avant l'accident, mais non à l'égard de sa capacité de gain résiduelle, l'assureur peut, sur réception de son rejet, commencer à lui verser des indemnités hebdomadaires pour perte de capacité de gain fondées sur l'offre qu'il lui a faite aux termes de l'article 21.

**(2) Le paragraphe 23 (6) du Règlement est modifié par suppression de «six mois se sont écoulés depuis que» à la première ligne.**

**(3) Les alinéas 23 (7) c) et d) du Règlement sont abrogés.**

**(4) Le paragraphe 23 (8) du Règlement est abrogé et remplacé par ce qui suit :**

(8) Sous réserve du paragraphe (6) et du paragraphe 281 (4) de la *Loi sur les assurances*, l'assureur continue de verser les indemnités prévues à la partie IV ou V en attendant que le différend soit réglé en vertu du paragraphe (3) ou (4), si la personne y est toujours admissible.

**7. (1) L'article 27 du Règlement est modifié par adjonction du paragraphe suivant :**

(1.1) Si, avant le début de l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de l'endroit où se trouve la personne assurée a divulgué à l'assureur et à la personne assurée qu'il est en situation de conflit d'intérêts avec l'une ou l'autre des parties au sens que donnent à ce terme les lignes directrices établies par le comité consultatif sur les indemnités d'accidents en vertu du paragraphe 38 (2) :

- a) le centre d'évaluation désigné ou un autre centre procède à l'évaluation, si les parties s'entendent à cet effet;
- b) le deuxième centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation, si les parties ne s'entendent pas comme le prévoit l'alinéa a).

**(2) Le paragraphe 27 (2) du Règlement est abrogé et remplacé par ce qui suit :**

(2) Le centre qui procède à l'évaluation avise promptement la personne assurée et prend des dispositions pour l'évaluation.

**8. (1) Les paragraphes 39 (5) et (6) du Règlement sont abrogés et remplacés par ce qui suit :**

(5) If the insurer gives a notice under subsection (1) and if, within 100 kilometres of the residence of the insured person, there is no designated assessment centre that is authorized to assess impairments of the type sustained by the insured person, the insurer and the insured person shall endeavour to agree on one or more people, at least one of whom shall be a health practitioner, to conduct the assessment.

(6) If there is a designated assessment centre within 100 kilometres of the residence of the insured person or if, within 14 days after the insured person received notice under subsection (1), the insurer and the insured person cannot agree under subsection (5) on who shall conduct the assessment, the designated assessment centre nearest to the residence of the insured person shall conduct the assessment.

(6.1) If, before the assessment has commenced, the designated assessment centre nearest to the residence of the insured person has disclosed to the insurer and the insured person that it has a conflict of interest with either of the parties within the meaning of that term in the guidelines established by the accident benefits advisory committee under subsection 38 (2),

- (a) the designated assessment centre or another centre shall conduct the assessment, if the parties agree; or
- (b) the designated assessment centre that is next nearest to the residence of the insured person shall conduct the assessment, if the parties do not agree under clause (a).

**(2) Subsection 39 (12) of the Regulation is revoked and the following substituted:**

(12) The insurer is not required to pay the expense for the period that the insured person does not,

- (a) make himself or herself reasonably available for an assessment under this section; or
- (b) provide information that is reasonably necessary for an assessment under this section and that the person or persons conducting the assessment have required the insured person to provide.

**9. The Regulation is amended by adding the following section:**

#### PAYMENT OF BENEFITS

**39.1 (1)** Subject to subsection 65 (5), an insurer shall mail or deliver a benefit that is payable under this Part to the person entitled within 14 days after the insurer receives an application for the benefit.

(2) An amount payable under this Part is overdue if the insurer fails to comply with subsection (1).

(3) If, before payment becomes overdue under subsection (2), the insurer requires that a certificate be furnished under subsection 37 (1) in respect of the benefit,

- (a) subsections (1) and (2) do not apply;
- (b) the insurer shall mail or deliver the benefit to the person entitled within 14 days after the insurer receives the certificate; and
- (c) the amount payable becomes overdue if the insurer fails to comply with clause (b).

(5) Si l'assureur donne l'avis visé au paragraphe (1) et qu'il ne se trouve pas, dans un rayon de 100 kilomètres de la résidence de la personne assurée, de centre d'évaluation désigné autorisé à évaluer les déficiences du type de celle dont elle souffre, l'assureur et la personne assurée s'efforcent de s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation. Au moins l'une d'elles est un praticien de la santé.

(6) S'il se trouve un centre d'évaluation désigné dans un rayon de 100 kilomètres de la résidence de la personne assurée ou que l'assureur et la personne assurée ne peuvent, dans les 14 jours qui suivent la réception par celle-ci de l'avis visé au paragraphe (1), s'entendre, aux termes du paragraphe (5), sur les personnes qui procéderont à l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation.

(6.1) Si, avant le début de l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée a divulgué à l'assureur et à la personne assurée qu'il est en situation de conflit d'intérêts avec l'une ou l'autre des parties au sens que donnent à ce terme les lignes directrices établies par le comité consultatif sur les indemnités d'accidents en vertu du paragraphe 38 (2) :

- a) le centre d'évaluation désigné ou un autre centre procède à l'évaluation, si les parties s'entendent à cet effet;
- b) le deuxième centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation, si les parties ne s'entendent pas comme le prévoit l'alinéa a).

**(2) Le paragraphe 39 (12) du Règlement est abrogé et remplacé par ce qui suit :**

(12) L'assureur n'est pas tenu de payer les frais pour la période durant laquelle la personne assurée :

- a) soit ne se rend pas raisonnablement disponible pour l'évaluation prévue au présent article;
- b) soit ne fournit pas les renseignements qui sont raisonnablement nécessaires à l'évaluation prévue au présent article et que les personnes qui procèdent à celle-ci ont exigé qu'elle fournisse.

**9. Le Règlement est modifié par adjonction de l'article suivant :**

#### VERSEMENT DES INDEMNITÉS

**39.1 (1)** Sous réserve du paragraphe 65 (5), l'assureur envoie par la poste ou remet à la personne qui y a droit l'indemnité payable aux termes de la présente partie dans les 14 jours qui suivent la réception par l'assureur de la demande d'indemnités.

(2) Le montant payable aux termes de la présente partie est en souffrance si l'assureur omet de se conformer au paragraphe (1).

(3) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes du paragraphe (2), qu'un certificat lui soit fourni aux termes du paragraphe 37 (1) à l'égard de l'indemnité :

- a) les paragraphes (1) et (2) ne s'appliquent pas;
- b) l'assureur envoie par la poste ou remet l'indemnité à la personne qui y a droit dans les 14 jours qui suivent la réception du certificat par l'assureur;
- c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(4) If, before payment becomes overdue under clause (3) (b) in respect of an expense under clause 36 (1) (a), (b) or (c) for services or medication received outside Canada on an elective basis, or an expense under clause 36 (1) (f) for an item for which the Ministry of Health is not paying part of the cost, or an expense under clause 36 (1) (h), the insurer requires that an assessment be conducted under section 39,

- (a) subsections (1), (2) and (3) do not apply;
- (b) the insurer shall mail or deliver the payment of the expense to the person entitled within 14 days after the insurer receives a report under section 39 stating that, in the opinion of the person or persons who conducted the assessment, the expense is reasonable and is necessary for the insured person's treatment; and
- (c) the amount payable becomes overdue if the insurer fails to comply with clause (b).

(5) When a benefit is paid under this Part, the insurer shall provide the insured person with a written explanation of how the amount of the benefit was determined.

(6) If the insurer refuses to pay a benefit under this Part, it shall give the insured person notice of the reasons for the refusal within 14 days after the insurer receives the application or the certificate, if the insurer has required a certificate under subsection 37 (1).

**10. (1) Subsection 45 (3) of the Regulation is revoked and the following substituted:**

(3) If the insurer gives a notice under subsection (1) and if, within 100 kilometres of the residence of the insured person, there is no designated assessment centre that is authorized to assess impairments of the type sustained by the insured person, the insurer and the insured person shall endeavour to agree on one or more people, at least one of whom shall be a health practitioner, to conduct the assessment.

**(2) Subsection 45 (6) of the Regulation is revoked and the following substituted:**

(6) If there is a designated assessment centre within 100 kilometres of the residence of the insured person or if, within 14 days after the insured person received notice under subsection (1), the insurer and the insured person cannot agree under subsection (3) on who shall conduct the assessment, the designated assessment centre nearest to the residence of the insured person shall conduct the assessment.

(6.1) If, before the assessment has commenced, the designated assessment centre nearest to the residence of the insured person has disclosed to the insurer and the insured person that it has a conflict of interest with either of the parties within the meaning of that term in the guidelines established by the accident benefits advisory committee under subsection 38 (2),

- (a) the designated assessment centre or another centre shall conduct the assessment, if the parties agree; or
- (b) the designated assessment centre that is next nearest to the residence of the insured person shall conduct the assessment, if the parties do not agree under clause (a).

**(3) Subsection 45 (12) of the Regulation is revoked and the following substituted:**

(12) The insurer is not required to pay the expense for the period that the insured person does not,

- (a) make himself or herself reasonably available for an assessment under this section; or

(4) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes de l'alinéa (3) b) à l'égard soit de frais visés à l'alinéa 36 (1) a), b) ou c) pour des services ou des médicaments qu'on a choisi de recevoir à l'extérieur du Canada, soit de frais visés à l'alinéa 36 (1) f) pour un article dont le ministère de la Santé n'assume aucune partie du coût, soit de frais visés à l'alinéa 36 (1) h), qu'une évaluation soit faite en vertu de l'article 39 :

- a) les paragraphes (1), (2) et (3) ne s'appliquent pas;
- b) l'assureur envoie par la poste ou remet à la personne qui y a droit le montant des frais dans les 14 jours qui suivent la réception par l'assureur du rapport prévu à l'article 39 et portant que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires au traitement de la personne assurée;
- c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(5) Lorsqu'une indemnité est versée aux termes de la présente partie, l'assureur fournit à la personne assurée des explications écrites sur la façon dont le montant de l'indemnité a été déterminé.

(6) L'assureur qui refuse de verser une indemnité visée à la présente partie donne à la personne assurée un avis précisant les motifs du refus dans les 14 jours qui suivent la réception par l'assureur de la demande ou du certificat, s'il a exigé qu'un certificat lui soit fourni aux termes du paragraphe 37 (1).

**10. (1) Le paragraphe 45 (3) du Règlement est abrogé et remplacé par ce qui suit :**

(3) Si l'assureur donne l'avis visé au paragraphe (1) et qu'il ne se trouve pas, dans un rayon de 100 kilomètres de la résidence de la personne assurée, de centre d'évaluation désigné autorisé à évaluer les déficiences du type de celle dont elle souffre, l'assureur et la personne assurée s'efforcent de s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation. Au moins l'une d'elles est un praticien de la santé.

**(2) Le paragraphe 45 (6) du Règlement est abrogé et remplacé par ce qui suit :**

(6) S'il se trouve un centre d'évaluation désigné dans un rayon de 100 kilomètres de la résidence de la personne assurée ou que l'assureur et la personne assurée ne peuvent, dans les 14 jours qui suivent la réception par celle-ci de l'avis visé au paragraphe (1), s'entendre, aux termes du paragraphe (3), sur les personnes qui procéderont à l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation.

(6.1) Si, avant le début de l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée a divulgué à l'assureur et à la personne assurée qu'il est en situation de conflit d'intérêts avec l'une ou l'autre des parties au sens que donnent à ce terme les lignes directrices établies par le comité consultatif sur les indemnités d'accidents en vertu du paragraphe 38 (2) :

- a) le centre d'évaluation désigné ou un autre centre procède à l'évaluation, si les parties s'entendent à cet effet;
- b) le deuxième centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation, si les parties ne s'entendent pas comme le prévoit l'alinéa a).

**(3) Le paragraphe 45 (12) du Règlement est abrogé et remplacé par ce qui suit :**

(12) L'assureur n'est pas tenu de payer les frais pour la période durant laquelle la personne assurée :

- a) soit ne se rend pas raisonnablement disponible pour l'évaluation prévue au présent article;

(b) provide information that is reasonably necessary for an assessment under this section and that the person or persons conducting the assessment have required the insured person to provide.

**11. The Regulation is amended by adding the following section:**

**PAYMENT OF BENEFITS**

**45.1 (1)** Subject to subsection 65 (5), an insurer shall mail or deliver a benefit that is payable under this Part to the person entitled within 14 days after the insurer receives an application for the benefit.

(2) An amount payable under this Part is overdue if the insurer fails to comply with subsection (1).

(3) If, before payment becomes overdue under subsection (2), the insurer requires that a certificate be furnished under subsection 43 (1) in respect of the benefit,

(a) subsections (1) and (2) do not apply;

(b) the insurer shall mail or deliver the benefit to the person entitled within 14 days after the insurer receives the certificate; and

(c) the amount payable becomes overdue if the insurer fails to comply with clause (b).

(4) If, before payment becomes overdue under clause (3) (b) in respect of an expense under section 40, the insurer requires that an assessment be conducted under section 45,

(a) subsections (1), (2) and (3) do not apply;

(b) the insurer shall mail or deliver the payment of the expense to the person entitled within 14 days after the insurer receives a report under section 45 stating that, in the opinion of the person or persons who conducted the assessment, the expense is reasonable and is necessary for the insured person's rehabilitation; and

(c) the amount payable becomes overdue if the insurer fails to comply with clause (b).

(5) When a benefit is paid under this Part, the insurer shall provide the insured person with a written explanation of how the amount of the benefit was determined.

(6) If the insurer refuses to pay a benefit under this Part, it shall give the insured person notice of the reasons for the refusal within 14 days after the insurer receives the application or the certificate, if the insurer has required a certificate under subsection 43 (1).

**12. (1) Subsection 47 (8) of the Regulation is amended by striking out "or would have scored" in the third line.**

**(2) Section 47 of the Regulation is amended by adding the following subsection:**

(9) The benefits payable to an insured person under this section shall be determined in accordance with Form 1 and subsection 50 (10).

**13. (1) Subsections 50 (4) and (5) of the Regulation are revoked and the following substituted:**

(4) If the insured person gives a notice under subsection (1) or the insurer gives a notice under subsection (2), the assessment shall be conducted by the designated assessment centre nearest to the residence of the insured person that is authorized to assess impairments of the type sustained by the insured person.

b) soit ne fournit pas les renseignements qui sont raisonnablement nécessaires à l'évaluation prévue au présent article et que les personnes qui procèdent à celle-ci ont exigé qu'elle fournisse.

**11. Le Règlement est modifié par adjonction de l'article suivant :**

**VERSEMENT DES INDEMNITÉS**

**45.1 (1)** Sous réserve du paragraphe 65 (5), l'assureur envoie par la poste ou remet à la personne qui y a droit l'indemnité payable aux termes de la présente partie dans les 14 jours qui suivent la réception par l'assureur de la demande d'indemnités.

(2) Le montant payable aux termes de la présente partie est en souffrance si l'assureur omet de se conformer au paragraphe (1).

(3) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes du paragraphe (2), qu'un certificat lui soit fourni aux termes du paragraphe 43 (1) à l'égard de l'indemnité :

a) les paragraphes (1) et (2) ne s'appliquent pas;

b) l'assureur envoie par la poste ou remet l'indemnité à la personne qui y a droit dans les 14 jours qui suivent la réception du certificat par l'assureur;

c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(4) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes de l'alinéa (3) b) à l'égard de frais visés à l'article 40, qu'une évaluation soit faite en vertu de l'article 45 :

a) les paragraphes (1), (2) et (3) ne s'appliquent pas;

b) l'assureur envoie par la poste ou remet à la personne qui y a droit le montant des frais dans les 14 jours qui suivent la réception par l'assureur du rapport prévu à l'article 45 et portant que, de l'avis des personnes qui ont procédé à l'évaluation, les frais sont raisonnables et nécessaires à la réadaptation de la personne assurée;

c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(5) Lorsqu'une indemnité est versée aux termes de la présente partie, l'assureur fournit à la personne assurée des explications écrites sur la façon dont le montant de l'indemnité a été déterminé.

(6) L'assureur qui refuse de verser une indemnité visée à la présente partie donne à la personne assurée un avis précisant les motifs du refus dans les 14 jours qui suivent la réception par l'assureur de la demande ou du certificat, s'il a exigé qu'un certificat lui soit fourni aux termes du paragraphe 43 (1).

**12. (1) Le paragraphe 47 (8) du Règlement est modifié par suppression de «ou aurait» à la troisième ligne.**

**(2) L'article 47 du Règlement est modifié par adjonction du paragraphe suivant :**

(9) Les indemnités payables à la personne assurée aux termes du présent article sont déterminées conformément à la formule 1 et au paragraphe 50 (10).

**13. (1) Les paragraphes 50 (4) et (5) du Règlement sont abrogés et remplacés par ce qui suit :**

(4) Si la personne assurée donne l'avis visé au paragraphe (1) ou que l'assureur donne l'avis visé au paragraphe (2), le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée et qui est autorisé à évaluer les déficiences du type de celle dont elle souffre procède à l'évaluation.

(5) If, before the assessment has commenced, the designated assessment centre nearest to the residence of the insured person has disclosed to the insurer and the insured person that it has a conflict of interest with either of the parties within the meaning of that term in the guidelines established by the accident benefits advisory committee under subsection 38 (2),

- (a) the designated assessment centre or another centre shall conduct the assessment, if the parties agree; or
- (b) the designated assessment centre that is next nearest to the residence of the insured person shall conduct the assessment, if the parties do not agree under clause (a).

**(2) Paragraphs 1, 2 and 3 of subsection 50 (10) of the Regulation are revoked and the following substituted:**

1. For care described in Part I of Form 1, \$8.75 per hour.
2. For care described in Part II of Form 1, the minimum hourly wage established by paragraph 4 of subsection 10 (1) of Regulation 325 of the Revised Regulations of Ontario, 1990.
3. For care described in Part III of Form 1, \$14 per hour.

**(3) Subsection 50 (11) of the Regulation is revoked.**

**(4) Subsection 50 (13) of the Regulation is revoked and the following substituted:**

(13) The insurer is not required to pay the expense for the period that the insured person does not,

- (a) make himself or herself reasonably available for an assessment under this section; or
- (b) provide information that is reasonably necessary for an assessment under this section and that the person or persons conducting the assessment have required the insured person to provide.

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

PAYMENT OF BENEFITS

**50.1 (1)** Subject to subsection 65 (5), an insurer shall mail or deliver a benefit that is payable under this Part to the person entitled within 14 days after the insurer receives an application for the benefit.

(2) An amount payable under this Part is overdue if the insurer fails to comply with subsection (1).

(3) If, before payment becomes overdue under subsection (2), the insurer requires that a certificate be furnished under subsection 48 (1) in respect of the benefit,

- (a) subsections (1) and (2) do not apply;
- (b) the insurer shall mail or deliver the benefit to the person entitled within 14 days after the insurer receives the certificate; and
- (c) the amount payable becomes overdue if the insurer fails to comply with clause (b).

(4) When a benefit is paid under this Part, the insurer shall provide the insured person with a written explanation of how the amount of the benefit was determined.

(5) Si, avant le début de l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée a divulgué à l'assureur et à la personne assurée qu'il est en situation de conflit d'intérêts avec l'une ou l'autre des parties au sens que donnent à ce terme les lignes directrices établies par le comité consultatif sur les indemnités d'accidents en vertu du paragraphe 38 (2) :

- a) le centre d'évaluation désigné ou un autre centre procède à l'évaluation, si les parties s'entendent à cet effet;
- b) le deuxième centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation, si les parties ne s'entendent pas comme le prévoit l'alinéa a).

**(2) Les dispositions 1, 2 et 3 du paragraphe 50 (10) du Règlement sont abrogées et remplacées par ce qui suit :**

1. 8,75 \$ l'heure, dans le cas de soins visés à la partie I de la formule 1.
2. Le salaire horaire minimum fixé par la disposition 4 du paragraphe 10 (1) du Règlement 325 des Règlements refondus de l'Ontario de 1990, dans le cas de soins visés à la partie II de la formule 1.
3. 14 \$ l'heure, dans le cas de soins visés à la partie III de la formule 1.

**(3) Le paragraphe 50 (11) du Règlement est abrogé.**

**(4) Le paragraphe 50 (13) du Règlement est abrogé et remplacé par ce qui suit :**

(13) L'assureur n'est pas tenu de payer les frais pour la période durant laquelle la personne assurée :

- a) soit ne se rend pas raisonnablement disponible pour l'évaluation prévue au présent article;
- b) soit ne fournit pas les renseignements qui sont raisonnablement nécessaires à l'évaluation prévue au présent article et que les personnes qui procèdent à celle-ci ont exigé qu'elle fournisse.

**14. Le Règlement est modifié par adjonction de l'article suivant :**

VERSEMENT DES INDEMNITÉS

**50.1 (1)** Sous réserve du paragraphe 65 (5), l'assureur envoie par la poste ou remet à la personne qui y a droit l'indemnité payable aux termes de la présente partie dans les 14 jours qui suivent la réception par l'assureur de la demande d'indemnités.

(2) Le montant payable aux termes de la présente partie est en souffrance si l'assureur omet de se conformer au paragraphe (1).

(3) Si l'assureur exige, avant que le versement ne devienne en souffrance aux termes du paragraphe (2), qu'un certificat lui soit fourni aux termes du paragraphe 48 (1) à l'égard de l'indemnité :

- a) les paragraphes (1) et (2) ne s'appliquent pas;
- b) l'assureur envoie par la poste ou remet l'indemnité à la personne qui y a droit dans les 14 jours qui suivent la réception du certificat par l'assureur;
- c) le montant payable devient en souffrance si l'assureur omet de se conformer à l'alinéa b).

(4) Lorsqu'une indemnité est versée aux termes de la présente partie, l'assureur fournit à la personne assurée des explications écrites sur la façon dont le montant de l'indemnité a été déterminé.

(5) If the insurer refuses to pay a benefit under this Part, it shall give the insured person notice of the reasons for the refusal within 14 days after the insurer receives the application or the certificate, if the insurer has required a certificate under subsection 48 (1).

**15. Section 60 of the Regulation is revoked and the following substituted:**

CERTIFICATE FOR WEEKLY BENEFITS

60. An insurer may require a person who has applied for or who is receiving weekly benefits under Part II, section 15 or Part IV or V to furnish a certificate from a health practitioner of the insured person's choice as to the cause and nature of the impairment, an estimate of the duration of the disability caused by the accident and a treatment plan.

**16. Subsection 62 (8) of the Regulation is revoked and the following substituted:**

(8) If the insurer refuses to pay weekly benefits under Part II, section 15 or Part IV or V, it shall give the insured person notice of the reasons for the refusal.

- (a) within 14 days after receiving an application for the benefits, if the refusal occurs before the application is approved;
- 9b) by the day on which it would have paid the next weekly benefit, if the refusal occurs after the application is approved.

**17. Section 64 of the Regulation is revoked and the following substituted:**

64. (1) An insurer shall not stop payment of weekly benefits under Part II, section 15 or Part IV or V on the ground that the insured person no longer suffers from a disability as a result of the accident in respect of which weekly benefits are paid, except in accordance with this section.

(2) The insurer may give notice to the insured person that the insurer will stop paying benefits on a date specified in the notice and the notice shall provide the information contained in subsections (3) to (7) and the reasons for the stoppage in payment.

(3) The insurer may stop payment of the weekly benefits on or after the date specified in the notice unless the insured person gives the insurer written notice that he or she wishes to be assessed in accordance with subsections (5) and (6).

(4) The insurer shall not specify a date for stopping payment under subsection (3) earlier than 14 days after the insured person receives the notice mentioned in subsection (2).

(5) If the insured person gives a notice under subsection (3) and if, within 100 kilometres of the residence of the insured person, there is no designated assessment centre that is authorized to assess impairments of the type sustained by the insured person, the insurer and the insured person shall endeavour to agree on one or more people, at least one of whom shall be a health practitioner, to conduct the assessment.

(6) If there is a designated assessment centre within 100 kilometres of the residence of the insured person or if, within 14 days after the insurer received notice under subsection (3), the insurer and the insured person cannot agree under subsection (5) on who shall conduct the assessment, the designated assessment centre nearest to the residence of the insured person shall conduct the assessment.

(7) If, before the assessment has commenced, the designated assessment centre nearest to the residence of the insured person has disclosed to the insurer and the insured person that it has a conflict of

(5) L'assureur qui refuse de verser une indemnité visée à la présente partie donne à la personne assurée un avis précisant les motifs du refus dans les 14 jours qui suivent la réception par l'assureur de la demande ou du certificat, s'il a exigé qu'un certificat lui soit fourni aux termes du paragraphe 48 (1).

**15. L'article 60 du Règlement est abrogé et remplacé par ce qui suit :**

CERTIFICAT RELATIF AUX INDEMNITÉS HEBDOMADAIRES

60. L'assureur peut exiger que la personne qui a présenté une demande d'indemnités hebdomadaires, ou qui reçoit de telles indemnités, aux termes de la partie II, de l'article 15 ou de la partie IV ou V fournisse un certificat, délivré par un praticien de la santé choisi par la personne assurée, qui indique la cause et la nature de la déficience, ainsi qu'une estimation de la durée de l'invalidité découlant de l'accident et un plan de traitement.

**16. Le paragraphe 62 (8) du Règlement est abrogé et remplacé par ce qui suit :**

(8) L'assureur qui refuse de verser des indemnités hebdomadaires visées à la partie II, à l'article 15, à la partie IV ou à la partie V donne à la personne assurée un avis précisant les motifs du refus :

- a) dans les 14 jours qui suivent la réception de la demande d'indemnités, si le refus survient avant l'approbation de la demande;
- b) au plus tard le jour où il aurait versé l'indemnité hebdomadaire suivante, si le refus survient après l'approbation de la demande.

**17. L'article 64 du Règlement est abrogé et remplacé par ce qui suit :**

64. (1) L'assureur ne peut interrompre le versement des indemnités hebdomadaires visées à la partie II, à l'article 15 ou à la partie IV ou V pour le motif que la personne assurée ne souffre plus de l'invalidité consécutive à l'accident pour laquelle les indemnités sont versées, si ce n'est conformément au présent article.

(2) L'assureur peut donner à la personne assurée un avis selon lequel il interrompra le versement des indemnités à la date précisée dans l'avis. L'avis contient les renseignements prévus aux paragraphes (3) à (7) et les motifs de l'interruption.

(3) L'assureur peut interrompre le versement des indemnités hebdomadaires à la date précisée dans l'avis, ou après cette date, sauf si la personne assurée lui donne un avis écrit indiquant qu'elle souhaite être évaluée conformément aux paragraphes (5) et (6).

(4) L'assureur ne peut préciser de date d'interruption des versements en vertu du paragraphe (3) qui survienne moins de 14 jours après que la personne assurée a reçu l'avis visé au paragraphe (2).

(5) Si l'assureur donne l'avis visé au paragraphe (3) et qu'il ne se trouve pas, dans un rayon de 100 kilomètres de la résidence de la personne assurée, de centre d'évaluation désigné autorisé à évaluer les déficiences du type de celle dont elle souffre, l'assureur et la personne assurée s'efforcent de s'entendre sur une ou plusieurs personnes pour procéder à l'évaluation. Au moins l'une d'elles est un praticien de la santé.

(6) S'il se trouve un centre d'évaluation désigné dans un rayon de 100 kilomètres de la résidence de la personne assurée ou que l'assureur et la personne assurée ne peuvent, dans les 14 jours qui suivent la réception par l'assureur de l'avis visé au paragraphe (3), s'entendre, aux termes du paragraphe (5), sur les personnes qui procéderont à l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation.

(7) Si, avant le début de l'évaluation, le centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée a divulgué à l'assureur et à la personne assurée qu'il est en situation de conflit

interest with either of the parties within the meaning of that term in the guidelines established by the accident benefits advisory committee under subsection 38 (2),

- (a) the designated assessment centre or another centre shall conduct the assessment, if the parties agree; or
- (b) the designated assessment centre that is next nearest to the residence of the insured person shall conduct the assessment, if the parties do not agree under clause (a).

(8) If a designated assessment centre is required to conduct the assessment,

- (a) the insurer shall, within 15 days, notify the designated assessment centre; and
- (b) the centre shall promptly notify the insured person and arrange for the assessment.

(9) For the purpose of the assessment,

- (a) the insured person and the insurer shall provide the person or persons who conduct the assessment with such information as is reasonably necessary; and
- (b) the insured person shall submit to such reasonable, physical, psychological and mental examinations as are requested by the person or persons who conduct the assessment.

(10) After conducting the assessment, the person or persons who conducted the assessment shall prepare a report and provide a copy of the report to the insurer, the insured person and the insured person's health practitioner.

(11) If the report states that the insured person is no longer suffering from a disability resulting from the accident in respect of which the weekly benefits are paid, the insurer may stop paying the benefits.

(12) If the report states that the insured person continues to suffer from a disability resulting from the accident in respect of which the weekly benefits are paid, the insurer may dispute the obligation to pay benefits in accordance with sections 279 to 283 of the *Insurance Act*, and, pending the resolution of the dispute, the insurer shall pay the benefits.

(13) Nothing in this section prevents an insured person from disputing a stoppage in the payment of weekly benefits in accordance with sections 279 to 283 of the *Insurance Act* and, if it is finally determined that payment of the benefits should not have been stopped, the insurer shall,

- (a) resume payment of the benefits; and
- (b) pay the benefits that were not paid.

(14) If the insured person does not submit to an assessment that he or she requests under subsection (3) or does not comply with the requirements of subsection (9), the insurer may withhold payment of the weekly benefits until the person submits to the assessment or complies with subsection (9) respectively, and when the person submits to the assessment or complies with subsection (9), respectively, the insurer shall,

- (a) resume payment of the benefits; and
- (b) pay the benefits that were not paid if the assessment report determines that benefits should continue to be paid.

**18. (1) The heading immediately preceding section 65 of the Regulation is revoked and the following substituted:**

d'intérêts avec l'une ou l'autre des parties au sens que donnent à ce terme les lignes directrices établies par le comité consultatif sur les indemnités d'accidents en vertu du paragraphe 38 (2) :

- a) le centre d'évaluation désigné ou un autre centre procède à l'évaluation, si les parties s'entendent à cet effet;
- b) le deuxième centre d'évaluation désigné qui est situé le plus proche de la résidence de la personne assurée procède à l'évaluation, si les parties ne s'entendent pas comme le prévoit l'alinéa a).

(8) Si un centre d'évaluation désigné doit procéder à l'évaluation :

- a) d'une part, l'assureur avise le centre d'évaluation désigné dans les 15 jours;
- b) d'autre part, le centre avise promptement la personne assurée et prend des dispositions pour l'évaluation.

(9) Aux fins de l'évaluation :

- a) d'une part, la personne assurée et l'assureur fournissent les renseignements raisonnablement nécessaires aux personnes qui procèdent à l'évaluation;
- b) d'autre part, la personne assurée se soumet aux examens physiques, psychologiques et mentaux raisonnables que demandent les personnes qui procèdent à l'évaluation.

(10) Les personnes qui ont procédé à l'évaluation dressent un rapport et en remettent une copie à l'assureur ainsi qu'à la personne assurée et à son praticien de la santé.

(11) Si le rapport indique que la personne assurée ne souffre plus de l'invalidité consécutive à l'accident pour laquelle les indemnités hebdomadaires sont versées, l'assureur peut en interrompre le versement.

(12) Si le rapport indique que la personne assurée souffre toujours de l'invalidité consécutive à l'accident pour laquelle les indemnités hebdomadaires sont versées, l'assureur peut contester son obligation de verser les indemnités conformément aux articles 279 à 283 de la *Loi sur les assurances*. En attendant le règlement du différend, l'assureur verse les indemnités.

(13) Le présent article n'a pas pour effet d'empêcher la personne assurée de contester l'interruption du versement des indemnités hebdomadaires conformément aux articles 279 à 283 de la *Loi sur les assurances*. Si la décision définitive est que le versement des indemnités n'aurait pas dû être interrompu, l'assureur :

- a) d'une part, reprend le versement des indemnités;
- b) d'autre part, verse les indemnités non versées.

(14) Si la personne assurée ne se soumet pas à l'évaluation qu'elle demande aux termes du paragraphe (3) ou qu'elle ne se conforme pas aux exigences du paragraphe (9), l'assureur peut retenir le versement des indemnités hebdomadaires jusqu'à ce que la personne assurée se soumette à l'évaluation ou se conforme au paragraphe (9), selon le cas, après quoi l'assureur :

- a) d'une part, reprend le versement des indemnités;
- b) d'autre part, verse les indemnités non versées si le rapport de l'évaluation indique que les indemnités devraient continuer d'être versées.

**18. (1) L'intertitre qui précède l'article 65 du Règlement est abrogé et remplacé par ce qui suit :**

## INSURER EXAMINATIONS

## EXAMENS EXIGÉS PAR L'ASSUREUR

(2) Subsection 65 (1) of the Regulation is amended by striking out "Part VII, VIII or X" in the first line and substituting "any of Parts II to VIII, X and XIII".

(3) Subsection 65 (5) of the Regulation is revoked and the following substituted:

(5) If the insured person fails or refuses to make himself or herself reasonably available for an examination under subsection (1), the insurer is not required to pay the benefits under section 16 or Part VII, VIII, X or XIII, as specified in the notice under subsection (1), until the person submits to the examination.

(5.1) If the insured person fails or refuses to submit to an examination under subsection (1), the insurer may withhold payment of the weekly benefits under Part II, section 15 or Part IV, V or VI until the person submits to the examination and, when the person submits to the examination, the insurer shall,

- (a) resume payment of the benefits; and
- (b) pay the benefits that were not paid.

19. Section 66 of the Regulation is revoked.

20. (1) The heading immediately preceding section 67 of the Regulation is revoked and the following substituted:

## PAYMENT OF CERTAIN BENEFITS

(2) Subsection 67 (1) of the Regulation is amended by adding at the beginning "Subject to subsection 65 (5)".

(3) Subsection 67 (4) of the Regulation is amended by adding at the end "within 30 days after receiving an application for the benefit".

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

## ASSESSMENT BEFORE MEDIATION

71.1 No insured person shall commence a mediation proceeding under section 280 of the *Insurance Act* unless he or she,

- (a) has complied with section 59;
- (b) when required, has submitted to and provided the information required for an assessment under section 23, 25, 39, 45, 50 or 64, as the case may be; and
- (c) has made himself or herself reasonably available for an examination under section 65.

22. Subsection 75 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(1) The insurer may deduct the following amounts from the amount payable to an insured person for weekly income replacement benefits under Part II, education disability benefits under section 15, caregiver benefits under Part IV, other disability benefits under Part V or weekly loss of earning capacity benefits under Part VI:

. . . . .

23. Subsection 80 (3) of the Regulation is amended by adding the following paragraphs:

- 4.1 The \$3,000 amount referred to in subsection 36 (5).

(2) Le paragraphe 65 (1) du Règlement est modifié par substitution, à «la partie VII, VIII ou X» à la première ligne, de «l'une ou l'autre des parties II à VIII, X et XIII».

(3) Le paragraphe 65 (5) du Règlement est abrogé et remplacé par ce qui suit :

(5) Si la personne assurée omet ou refuse de se rendre raisonnablement disponible pour l'examen visé au paragraphe (1), l'assureur n'est pas tenu de payer les indemnités prévues à l'article 16 ou à la partie VII, VIII, X ou XIII, telles qu'elles sont précisées dans l'avis visé au paragraphe (1), tant qu'elle ne s'y est pas soumise.

(5.1) Si la personne assurée omet ou refuse de se soumettre à l'examen visé au paragraphe (1), l'assureur peut retenir le versement des indemnités hebdomadaires prévues à la partie II, à l'article 15 ou à la partie IV, V ou VI jusqu'à ce qu'elle s'y soumette. Lorsqu'elle s'y soumet, l'assureur :

- a) d'une part, reprend le versement des indemnités;
- b) d'autre part, verse les indemnités non versées.

19. L'article 66 du Règlement est abrogé.

20. (1) L'intertitre qui précède l'article 67 du Règlement est abrogé et remplacé par ce qui suit :

## VERSEMENT DE CERTAINES INDEMNITÉS OU PRESTATIONS

(2) Le paragraphe 67 (1) du Règlement est modifié par insertion, au début du paragraphe, de «Sous réserve du paragraphe 65 (5)».

(3) Le paragraphe 67 (4) du Règlement est modifié par adjonction de «dans les 30 jours qui suivent la réception de la demande d'indemnités».

21. Le Règlement est modifié par adjonction de l'article suivant :

## ÉVALUATION AVANT LA MÉDIATION

71.1 La personne assurée ne peut engager une procédure de médiation en vertu de l'article 280 de la *Loi sur les assurances* que si elle remplit les conditions suivantes :

- a) elle s'est conformée à l'article 59;
- b) quand elle était tenue de le faire, elle s'est soumise à l'évaluation visée à l'article 23, 25, 39, 45, 50 ou 64, selon le cas, et a fourni les renseignements exigés;
- c) elle s'est rendue raisonnablement disponible pour l'examen visé à l'article 65.

22. Le paragraphe 75 (1) du Règlement est modifié par substitution, au passage qui précède la disposition 1, de ce qui suit :

(1) L'assureur peut déduire les montants qui suivent du montant payable à la personne assurée au titre des indemnités hebdomadaires de remplacement de revenu visées à la partie II, des indemnités pour incapacité à poursuivre ses études visées à l'article 15, des indemnités de soignant visées à la partie IV, des autres indemnités d'invalidité visées à la partie V ou des indemnités hebdomadaires pour perte de capacité de gain visées à la partie VI :

. . . . .

23. Le paragraphe 80 (3) du Règlement est modifié par adjonction des dispositions suivantes :

- 4.1 Le montant de 3 000 \$ visé au paragraphe 36 (5).



4.2 The \$2,000 amount referred to in clause 39 (2) (b).

4.3 The \$1,850 amount referred to in subsection 75 (11).

. . . . .

7. The \$96,200 amount referred to in clause 82 (3) (a).

8. The \$1,850 amount referred to in clause 82 (3) (b).

**24. (1) Subsection 91 (1) of the Regulation is amended by adding at the beginning "Subject to subsection (3)".**

**(2) Subsection 91 (2) of the Regulation is amended by adding at the beginning "Subject to subsection (3)".**

**(3) Section 91 of the Regulation is amended by adding the following subsections:**

(3) Subsections (1) and (2) apply in respect of accidents occurring before January 1, 1995.

(4) Subject to subsection (7), if an insured automobile is made available for the regular use of an individual who is living and ordinarily present in Ontario by a corporation, unincorporated association, partnership, sole proprietorship or other entity, or if an insured automobile is rented for a period of more than 30 days to an individual who is living and ordinarily present in Ontario, the individual shall be deemed to be the named insured under the policy insuring the automobile for the purpose of payment of the statutory accident benefits set out in this Regulation.

(5) Subject to subsection (7), if an insured automobile is rented for a period of 30 days or less to an individual who is living and ordinarily present in Ontario, the individual shall be deemed not to be the named insured under the policy insuring the automobile for the purpose of payment of the statutory accident benefits set out in this Regulation.

(6) Subject to subsection (7), if an insured automobile is made available for the regular use of an individual who is not living and ordinarily present in Ontario by a corporation, unincorporated association, partnership, sole proprietorship or other entity, the individual shall be deemed to be the named insured under the policy insuring the automobile while the individual, his or her spouse or any dependant of either of them is an occupant of the insured automobile.

(7) Subsections (4), (5) and (6) apply in respect of accidents occurring on or after January 1, 1995.

**25. (1) Section 94 of the Regulation is amended by adding the following paragraphs:**

4.1 An explanation under subsection 39.1 (5).

4.2 A notice under subsection 39.1 (6).

. . . . .

5.1 An explanation under subsection 45.1 (5).

5.2 A notice under subsection 45.1 (6).

5.3 An explanation under subsection 50.1 (4).

5.4 A notice under subsection 50.1 (5).

**(2) Paragraph 12 of section 94 of the Regulation is revoked.**

**(3) Paragraph 13 of section 94 of the Regulation is revoked and the following substituted:**

13. A report under subsection 64 (10).

4.2 Le montant de 2 000 \$ visé à l'alinéa 39 (2) b).

4.3 Le montant de 1 850 \$ visé au paragraphe 75 (11).

. . . . .

7. Le montant de 96 200 \$ visé à l'alinéa 82 (3) a).

8. Le montant de 1 850 \$ visé à l'alinéa 82 (3) b).

**24. (1) Le paragraphe 91 (1) du Règlement est modifié par insertion, au début du paragraphe, de «Sous réserve du paragraphe (3),».**

**(2) Le paragraphe 91 (2) du Règlement est modifié par insertion, au début du paragraphe, de «Sous réserve du paragraphe (3),».**

**(3) L'article 91 du Règlement est modifié par adjonction des paragraphes suivants :**

(3) Les paragraphes (1) et (2) s'appliquent à l'égard des accidents qui surviennent avant le 1<sup>er</sup> janvier 1995.

(4) Sous réserve du paragraphe (7), si une entité, notamment une personne morale, une association sans personnalité morale, une société en nom collectif ou une entreprise à propriétaire unique, met, sur une base régulière, une automobile assurée à la disposition d'un particulier qui vit et est ordinairement présent en Ontario, ou si une automobile assurée est louée pour plus de 30 jours à un particulier qui vit et est ordinairement présent en Ontario, le particulier est réputé l'assuré nommément désigné dans la police d'assurance visant l'automobile aux fins du versement des indemnités d'accident légales énoncées dans le présent règlement.

(5) Sous réserve du paragraphe (7), si une automobile assurée est louée pour 30 jours ou moins à un particulier qui vit et est ordinairement présent en Ontario, le particulier est réputé ne pas être l'assuré nommément désigné dans la police d'assurance visant l'automobile aux fins du versement des indemnités d'accident légales énoncées dans le présent règlement.

(6) Sous réserve du paragraphe (7), si une entité, notamment une personne morale, une association sans personnalité morale, une société en nom collectif ou une entreprise à propriétaire unique, met, sur une base régulière, une automobile assurée à la disposition d'un particulier qui ne vit pas et n'est pas ordinairement présent en Ontario, le particulier est réputé l'assuré nommément désigné dans la police d'assurance visant l'automobile, lorsque lui-même, son conjoint ou une personne à la charge de l'une ou l'autre de ces personnes est une personne transportée dans l'automobile assurée.

(7) Les paragraphes (4), (5) et (6) s'appliquent à l'égard des accidents qui surviennent le 1<sup>er</sup> janvier 1995 ou après cette date.

**25. (1) L'article 94 du Règlement est modifié par adjonction des dispositions suivantes :**

4.1 Les explications visées au paragraphe 39.1 (5).

4.2 L'avis visé au paragraphe 39.1 (6).

. . . . .

5.1 Les explications visées au paragraphe 45.1 (5).

5.2 L'avis visé au paragraphe 45.1 (6).

5.3 Les explications visées au paragraphe 50.1 (4).

5.4 L'avis visé au paragraphe 50.1 (5).

**(2) La disposition 12 de l'article 94 du Règlement est abrogée.**

**(3) La disposition 13 de l'article 94 du Règlement est abrogée et remplacée par ce qui suit :**

13. Le rapport visé au paragraphe 64 (10).

(4) Paragraphs 14 and 15 of section 94 of the Regulation are revoked.

26. (1) Form 1 of the Regulation is amended by striking out,

Part 1: Personal Attendant Care  
Part 2: Basic/Supervisory Attendant Care  
Part 3: Skilled Attendant Care

in the first paragraph and substituting the following:

Part 1: Level 1 Attendant Care  
Part 2: Level 2 Attendant Care  
Part 3: Level 3 Attendant Care

(2) The heading to Part 1 of Form 1 of the Regulation is revoked and the following substituted:

Part 1: Level 1 Attendant Care

(3) Part 1 of Form 1 of the Regulation is amended by striking out "Personal attendant" in the first line of the first paragraph and substituting "Level 1 attendant".

(4) The heading to Part 2 of Form 1 of the Regulation is revoked and the following substituted:

Part 2: Level 2 Attendant Care

(5) Part 2 of Form 1 of the Regulation is amended by striking out "Basic/Supervisory attendant care is for basic supervisory functions that require responsible personnel" in the first and second lines of the first paragraph and substituting "Level 2 attendant care is for basic supervisory functions".

(6) The heading to Part 3 of Form 1 of the Regulation is revoked and the following substituted:

Part 3: Level 3 Attendant Care

(7) Part 3 of Form 1 of the Regulation is amended by striking out "Skilled attendant care is for complex health/care and hygiene functions that require trained or skilled personnel" in the first and second lines of the first paragraph and substituting "Level 3 attendant care is for complex health/care and hygiene functions".

53/94

**ONTARIO REGULATION 782/94**  
made under the  
**PLANNING ACT**

Made: December 12, 1994  
Filed: December 16, 1994

Amending O. Reg. 104/72  
(Restricted Areas—Regional Municipality of York,  
Town of Markham)

Note: Ontario Regulation 104/72 has not been amended in 1994. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991, 1992 and 1993.

1. Ontario Regulation 104/72 is amended by adding the following section:

74. (1) Despite section 4, the lands described in subsection (3) may be used for an outdoor golf driving range, practice putting green and

(4) Les dispositions 14 et 15 de l'article 94 du Règlement sont abrogées.

26. (1) La formule 1 du Règlement est modifiée par substitution, à :

Partie 1 : Soins auxiliaires d'hygiène personnelle  
Partie 2 : Soins auxiliaires élémentaires et de surveillance  
Partie 3 : Soins auxiliaires spécialisés

à la disposition 1 de ce qui suit :

Partie 1 : Soins auxiliaires de niveau 1  
Partie 2 : Soins auxiliaires de niveau 2  
Partie 3 : Soins auxiliaires de niveau 3

(2) Le titre de la partie 1 de la formule 1 du Règlement est abrogé et remplacé par ce qui suit :

Partie 1 : Soins auxiliaires de niveau 1

(3) La partie 1 de la formule 1 du Règlement est modifiée par substitution, à «auxiliaires d'hygiène personnelle» à la première ligne du premier paragraphe, de «auxiliaires de niveau 1».

(4) Le titre de la partie 2 de la formule 1 du Règlement est abrogé et remplacé par ce qui suit :

Partie 2 : Soins auxiliaires de niveau 2

(5) La partie 2 de la formule 1 du Règlement est modifiée par substitution, à «Ces soins auxiliaires sont consacrés aux fonctions élémentaires et de surveillance qui exigent un personnel fiable.» aux première et deuxième lignes du premier paragraphe, de «Les soins auxiliaires de niveau 2 sont consacrés aux fonctions élémentaires et de surveillance.».

(6) Le titre de la partie 3 de la formule 1 du Règlement est abrogé et remplacé par ce qui suit :

Partie 3 : Soins auxiliaires de niveau 3

(7) La partie 3 de la formule 1 du Règlement est modifiée par substitution, à «Les soins auxiliaires spécialisés sont consacrés aux fonctions complexes en matière de soins de santé ou d'hygiène qui exigent un personnel spécialisé ou qualifié.» aux première, deuxième et troisième lignes du premier paragraphe, de «Les soins auxiliaires de niveau 3 sont consacrés aux fonctions complexes en matière de soins de santé ou d'hygiène.».

equipment maintenance area, together with accessory buildings and structures which may include a retail shop for the sale of golf equipment and supplies, an office, an equipment maintenance shed and a retail shop for the sale of food and beverages, if the following requirements are met:

Minimum lot frontage	190 metres
Minimum lot area	7 hectares
Minimum side yard	6 metres
Minimum rear yard	15 metres

(2) Except in the case of the buildings existing on the date this section comes into force, all buildings and structures on the land described in subsection (3) shall be located a minimum distance of 23 metres from the centre of Seventeenth Avenue.

(3) Subsection (1) applies to that parcel of land in the Town of Markham in The Regional Municipality of York being part of Lot 21, Concession VII, described as follows:

**FIRSTLY:**

Commencing at a point in the southerly limit of Lot 21 distant 1,995.46 feet easterly from the southwest angle of Lot 21;

Thence north 74 degrees east along the southerly limit 303.30 feet to an iron pipe planted;

Thence north 11 degrees 50 minutes 10 seconds west, 1,326.70 feet to an iron pipe planted in the northerly limit of Lot 21;

Thence south 73 degrees 34 minutes 50 seconds west along the fence line forming the limit between lots 21 and 22, 556.38 feet to an iron pipe planted;

Thence south 8 degrees 13 minutes 40 seconds east, 1,199.54 feet to an iron pipe planted;

Thence north 74 degrees east, 337 feet to an iron pipe planted;

Thence south 8 degrees 13 minutes 40 seconds east, 132 feet to the point of commencement.

**SECONDLY:**

Commencing at a point in the southerly limit of Lot 21 which point is in the line of a post and wire fence running northerly 1,658.46 feet easterly from the southwest angle of Lot 21;

Thence north 8 degrees 13 minutes 40 seconds west along said fence, 132 feet to a point;

Thence north 74 degrees east, 337 feet to an iron pipe planted in the post and wire fence running southerly;

Thence south 8 degrees 13 minutes 40 seconds east along said fence, 132 feet to a point in the southerly limit of Lot 21;

Thence westerly along the southerly limit of Lot 21, 337 feet to the point of commencement.

Save and except that part of Lot 21 in Concession VII of the said Town designated as Part 1 on a Plan of Expropriation registered in the Registry Office for the Registry Division of Toronto Boroughs and York South on July 22, 1976 as Number 10210 registered as Number 95474 Markham.

DIANA L. JARDINE  
Director  
Plans Administration Branch  
Central and Southwest  
Ministry of Municipal Affairs

Dated at Toronto on December 12, 1994.

53/94

**ONTARIO REGULATION 783/94**  
made under the  
**LIQUOR LICENCE ACT**

Made: December 15, 1994

Filed: December 16, 1994

**PRESCRIBED REGULATIONS UNDER SUBSECTIONS  
19 (14) AND 34.1 (1) AND SECTION 48 OF THE ACT**

1. All of the provisions of Ontario Regulation 389/91 are prescribed for the purposes of subsection 19 (14) of the Act.

2. All of the provisions of Regulations 719, 721 and 723 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 389/91 and 434/93 are prescribed for the purposes of subsection 34.1 (1) and section 48 of the Act.

53/94

**ONTARIO REGULATION 784/94**  
made under the  
**DRUG AND PHARMACIES REGULATION ACT  
AND HEALTH DISCIPLINES ACT**

Made: November 29, 1994

Approved: December 15, 1994

Filed: December 16, 1994

Amending Reg. 551 of R.R.O. 1990  
(Pharmacy)

Note: Regulation 551 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The title to Regulation 551 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

**GENERAL**

2. The definition of "preceptor" in section 1 of the Regulation is revoked.

3. Sections 2 to 40 and sections 45, 47, 48, 49, 50 and 51 of the Regulation are revoked.

4. Subsections 80 (1), (2), (3), (4) and (5) of the Regulation are revoked and the following substituted:

(1) The fee payable upon application for a certificate of accreditation of a pharmacy is \$365.

(2) The annual fee for renewal of a certificate of accreditation of a pharmacy is \$620 and is due on March 10 in each year.

(3) No later than thirty days before the renewal fee is due, the Registrar shall give notice of the amount of the fee and of the day on which it is due to the operator of a pharmacy.

(4) If the renewal fee is not paid on or before March 10 in any year, the operator of a pharmacy shall pay, in addition to the renewal fee, a late payment fee of \$155.

5. Form 1 of the Regulation is amended by striking out "Health Disciplines Act" in the first line and substituting "Drug and Pharmacies Regulation Act".

6. Form 2 of the Regulation is revoked.

7. Form 3 of the Regulation is amended by striking out "Health Disciplines Act" in the first line and substituting "Drug and Pharmacies Regulation Act".

8. Form 4 of the Regulation is amended by striking out "*Health Disciplines Act*" in the first line and in the sixth line and substituting in each case "*Drug and Pharmacies Regulation Act*".

9. Form 5 of the Regulation is amended by striking out "*Health Disciplines Act*" in the first line and substituting "*Drug and Pharmacies Regulation Act*".

10. Schedule C to the Regulation is amended by striking out "Ibuprofen and its salts when sold in strengths of 200 mg. or less per dosage form and not in combination with another medicinal ingredient".

11. (1) Part I of Schedule F to the Regulation is amended by adding "(except in preparations for topical or vaginal use)" after "Clotrimazole and its salts".

(2) Part I of Schedule F to the Regulation is amended by adding "(except in preparations for topical or vaginal use)" after "Miconazole and its salts".

(3) Part I of Schedule F to the Regulation is amended by striking out "or when sold in combination with another medicinal ingredient" at the end of the item "Ibuprofen".

COUNCIL OF THE ONTARIO COLLEGE OF PHARMACISTS:

P. L. HUDSON  
*President*

A. J. DUNSDON  
*Registrar*

Dated at Toronto on November 29, 1994.

53/94

**ONTARIO REGULATION 785/94**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: December 15, 1994

Filed: December 16, 1994

**VICTIM FINE SURCHARGES**

1. The fine surcharges set out in Column 2 of the Table are prescribed in respect of the range of fines set out in Column 1 of the Table for the purposes of section 60.1 of the Act.

TABLE

COLUMN 1	COLUMN 2
Fine Range \$	Surcharge \$
0 - 50	5
51 - 75	10
76 - 100	15
101 - 150	20
151 - 200	30
201 - 250	40
251 - 300	50
301 - 350	60
351 - 400	70
401 - 450	80
451 - 500	90
501 - 1000	100
1000+	20% of actual fine

2. This Regulation comes into force on January 1, 1995.

53/94

**ONTARIO REGULATION 786/94**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: October 27, 1994  
Filed: December 16, 1994

Amending Reg. 950 of R.R.O. 1990  
(Proceedings Commenced by Certificate of Offence)

Note: Since January 1, 1994, Regulation 950 has been amended by Ontario Regulations 36/94, 106/94, 276/94, 307/94, 321/94, 410/94, 411/94, 445/94, 465/94, 495/94, 496/94, 507/94, 511/94, 534/94 and 614/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Forms 1, 2, 3, 4, 5, 8 and 9 of Regulation 950 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

**RÈGLEMENT DE L'ONTARIO 786/94**  
pris en application de la  
**LOI SUR LES INFRACTIONS PROVINCIALES**

pris le 27 octobre 1994  
déposé le 16 décembre 1994

modifiant le Règl. 950 des R.R.O. de 1990  
(Instances introduites au moyen du dépôt d'un  
procès-verbal d'infraction)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement 950 a été modifié par les Règlements de l'Ontario 36/94, 106/94, 276/94, 307/94, 321/94, 410/94, 411/94, 445/94, 465/94, 495/94, 496/94, 507/94, 511/94, 534/94 et 614/94. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. Les formules 1, 2, 3, 4, 5, 8 et 9 du Règlement 950 des Règlements refondus de l'Ontario de 1990 sont abrogées et remplacées par ce qui suit :



ONTARIO COURT (PROVINCIAL DIVISION), PROVINCE OF ONTARIO  
COUR DE L'ONTARIO (DIVISION PROVINCIALE), PROVINCE DE L'ONTARIO

**PHOTO-RADAR CERTIFICATE OF OFFENCE  
PROCÈS-VERBAL D'INFRACTION CONSTATÉE  
PAR RADAR PHOTOGRAPHIQUE**

OFFENCE NO./N° DE L'INFRACTION

FORM 1 FORMULE 2, REG IRÉGL. 950  
PROVINCIAL OFFENCES ACT / LOI SUR LES INFRACTIONS PROVINCIALES

FILING DATE/DATE DE DÉPÔT

I, believe and certify that I have viewed the photographic equivalent of a photograph recorded on roll frame that was obtained through the use of a prescribed photo-radar system, and I have determined that the motor vehicle shown therein bears the number plate and that it indicates the rate of speed at which the motor vehicle was being driven was kilometres per hour when photographed on the day of 19 at a.m./p.m., and that (Name) (Address) was the owner of the motor vehicle bearing number plate on the date of offence, as recorded with the Ministry of Transportation and shown in the appended certificate, and on that date the owner did commit the offence of speeding at or near (Location) (Municipality) (Speed Limit) (Rate of Speed of Vehicle) thereby committing an offence contrary to section 128 and pursuant to section 207 of the Highway Traffic Act. Date of Issue: Signature of Issuing Officer: Officer No.: Enforcement Agency: Set Fine of \$ (including costs) is included in the total payable along with the applicable victim fine surcharge TOTAL PAYABLE \$

Je, soussigné(e) crois et atteste avoir vu l'équivalent photographique d'une photographie enregistrée sur le rouleau et le photogramme qui a été obtenu au moyen d'un système de radar photographique prescrit, et j'ai déterminé que le véhicule automobile qui y apparaît porte la plaque d'immatriculation et qu'il indique que la vitesse à laquelle le véhicule automobile roulait était de kilomètres/heure lorsqu'il a été photographié le 19 à (heure); et que (nom) (adresse) était le propriétaire du véhicule automobile portant la plaque d'immatriculation le jour de l'infraction, comme il a été enregistré auprès du ministère des Transports et comme il ressort du certificat ci-joint, et à cette date, le propriétaire a effectivement commis une infraction d'excès de vitesse à (lieu) (municipalité) (limite de vitesse) ou près de cet endroit commettant ainsi une infraction, contrairement à l'art. 128 et conformément à l'art. 207 du Code de la route Date d'émission: Signature de l'agent de police émetteur N° de l'agent de police Organisme chargé de l'exécution L'amende fixée de \$ (incluant les frais) et la suramende compensatoire applicable sont comprises dans le MONTANT TOTAL EXIGIBLE DE \$

**CERTIFICATE OF QUALIFIED OPERATOR**

I, a qualified operator of the prescribed photo-radar system described herein, certify that I was operating a (make/model of machine) on the day of 19 between a.m./p.m. and a.m./p.m. at or near (location) in the municipality/township of and that the above system was tested by me in accordance with manufacturer's specifications prior to and at the conclusion of my operation of the system at the above noted time, date and location, and found to be in proper working order, and that this system recorded the speed of, and photographed vehicles at the date and place set out herein, commencing with roll number frame and ending with frame and that the speed limit at that location on that date was kilometers per hour. Signature of System Operator: Date: Operator No.: Enforcement Agency:

**CERTIFICAT DE L'OPÉRATEUR QUALIFIÉ**

Je, soussigné(e) opérateur qualifié du système de radar photographique prescrit, atteste que je faisais fonctionner (marque/modèle de machine) le jour de 19 entre heure(s) et heure(s) dans la municipalité/canton de que j'ai vérifié le système ci-dessus, conformément aux normes du fabricant, avant et après l'utilisation du système à l'heure, à la date et au lieu indiqués ci-dessus et qu'il a été jugé en bon état de fonctionnement. En outre, j'atteste que ce système a enregistré la vitesse et a photographié des véhicules automobiles, à la date et au lieu indiqués ci-dessus sur le rouleau numéro jusqu'au photogramme et que la limite de vitesse en ce lieu et à cette date était de kilomètres/heure. Signature de l'opérateur du système Date: N° de l'opérateur Organisme chargé de l'exécution

I certify that I have mailed Offence Notice to the defendant on at the address of the defendant as recorded with the Ministry of Transportation.

J'atteste que j'ai expédié par courrier l'avis d'infraction au défendeur, le à l'adresse du défendeur qui est enregistrée auprès du ministère des Transports.

Signature of Issuing Officer: Agency: Officer No.:

Signature de l'agent de police émetteur: Organisme: N° de l'agent de police:

**CERTIFICATE OF OWNERSHIP**

To be inserted or appended

**CERTIFICAT DE PROPRIÉTÉ**

Le certificat peut être inscrit ici ou annexé.

CONVICTION ENTERED. SET FINE (INCLUDING COSTS) IMPOSED

CONDAMNATION INSCRITE, AMENDE FIXÉE IMPOSÉE (Y COMPRIS LES FRAIS)

Justice/Judge Date D M Y

Juge Date J M A

OFFENCE LOCATION CODE	OFFENCE NUMBER N° D'INFRACTION
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FORM 3 REG. 950 PROVINCIAL OFFENCES ACT / ONTARIO COURT (PROVINCIAL DIVISION)  
 FORMULE 3 RÉG. 950 L.O.I. SUR LES INFRACTIONS PROVINCIALES / COUR DE L'ONTARIO (DIVISION PROVINCIALE)

**OFFENCE NOTICE / AVIS D'INFRACTION**

BELIEVES AND CERTIFIES THAT  
 CROIT ET ATTESTE QUE

ON THE DAY OF 19 TIME [ ] M  
 LE JOUR DE JOUR DE A (HEURE)

NAME FAMILY/NOM DE FAMILLE GIVEN/PRÉNOM INITIALS/INITIALES  
 NOM

ADDRESS NUMBER AND STREET/N° ET RUE  
 ADRESSE

MUNICIPALITY/MUNICIPALITÉ PD / C.P. PROVINCE POSTAL CODE / CODE POSTAL

AT/A

MUNICIPALITY / MUNICIPALITÉ

DID COMMIT THE OFFENCE OF:  
 A COMMIS L'INFRACTION SUIVANTE :

CONTRARY TO:  
 CONTRAIREMENT À :

SECT./ART.				
DRIVER'S LICENCE NO / NUMERO DE PERMIS DE CONDUIRE				OVOR/OVU
SEX / SEXE	BIRTHDATE / DATE DE NAISSANCE	MOTOR VEHICLE INVOLVED / VEHICULE IMPLIQUE	PLATE NUMBER / N° DE PLAQUE D'IMMATRICULATION	PROVINCE
D/J	M/M	Y/A	YES / OUI	NO / NON

I BELIEVE AND CERTIFY THAT THE ABOVE OFFENCE HAS BEEN COMMITTED  
 je crois et atteste que l'INFRACTION CI-DESSUS A ÉTÉ COMMISE

SIGNATURE OF ISSUING PROVINCIAL OFFENCES OFFICER SIGNATURE DE L'AGENT DES INFRACTIONS PROVINCIALES	OFFICER NO / AGENT N°	PLATOON / PELOTON	UNIT / UNITÉ
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SIGNATURE OF PERSON CHARGED (OPTIONAL) / SIGNATURE DE L'ACCUSÉ(E) (FACULTATIF)

SET FINE OF / L'AMENDE FIXÉE DE \$	TOTAL PAYABLE \$
(INCLUDING COSTS) IS INCLUDED IN THE TOTAL PAYABLE ALONG WITH THE APPLICABLE VICTIM FINE SURCHARGE (INCLUANT LES FRAIS) ET LA SURAMENDE COMPENSATOIRE APPLICABLE SONT COMPRIS DANS LE MONTANT TOTAL À PAYER.	MONTANT TOTAL EXIGIBLE \$

SUMMONS ISSUED FOR / ASSIGNATION DÉLIVRÉE POUR

THE DAY OF 19 AT [ ] M  
 LE JOUR DE JOUR DE A (HEURE)

ONTARIO COURT (PROVINCIAL DIVISION) AT / COUR DE L'ONTARIO (DIVISION PROVINCIALE) A

DATE OF SERVICE IF OTHER THAN OFFENCE DATE  
 DATE DE LA SIGNIFICATION DE L'AVIS SI ELLE DIFFÈRE DE CELLE DE L'INFRACTION

D/J M/M Y/A

**IMPORTANT - PLEASE READ CAREFULLY - WITHIN 15 DAYS OF RECEIVING THIS NOTICE, CHOOSE ONE OF THE FOLLOWING OPTIONS, COMPLETE THE SELECTED OPTION (SIGN WHERE NECESSARY AND DELIVER IT (AND PAYMENT WHERE APPLICABLE)) TO THE ADDRESS SHOWN ON THE NOTICE. IF YOU FAIL TO EXERCISE YOUR CHOICE WITHIN THE 15 DAY PERIOD, OR IF YOU DO NOT APPEAR FOR TRIAL, YOU WILL BE DEEMED NOT TO WISH TO DISPUTE THE CHARGE AND A JUSTICE MAY ENTER A CONVICTION IN YOUR ABSENCE. UPON CONVICTION YOU WILL BE REQUIRED TO PAY THE SET FINE (INCLUDING COSTS) AND THE APPLICABLE VICTIM FINE SURCHARGE. IN ADDITION AN ADMINISTRATIVE FEE IS APPLICABLE IF THE FINE GOES INTO DEFAULT, AND THE INFORMATION MAY BE PROVIDED TO A CREDIT BUREAU.**

**IMPORTANT - VEUILLEZ LIRE ATTENTIVEMENT - DANS LES QUINZE JOURS QUI SUIVENT LA DATE À LAQUELLE VOUS RECEVEZ LE PRÉSENT AVIS, CHOISISSEZ L'UNE DES OPTIONS SUIVANTES. REMPLISSEZ L'OPTION CHOISIE (SIGNÉZ LA DÙ C'EST NECESSAIRE) ET REMETTEZ L'AVIS (AVEC VOTRE PAIEMENT, LE CAS ÉCHÉANT) À L'ADRESSE INDICUÉE SUR L'AVIS. SI VOUS N'EXERCÉZ PAS VOTRE CHOIX DANS LES QUINZE JOURS OU SI VOUS NE COMPAREZ PAS VOUS SEREZ REPUTÉ(E) NE PAS VOULOIR CONTESTER L'ACCUSATION ET UN JUGE POURRA INSCRIRE UNE DÉCLARATION DE CULPABILITÉ EN VOTRE ABSENCE. EN CAS DE DÉCLARATION DE CULPABILITÉ, VOUS SEREZ TENUE(E) DE PAYER L'AMENDE FIXÉE (Y COMPRIS LES FRAIS) ET LA SURAMENDE COMPENSATOIRE APPLICABLE. DE PLUS, DES FRAIS ADMINISTRATIFS S'APPLIQUENT EN CAS DE DÉFAUT DE PAIEMENT DE L'AMENDE ET LES RENSEIGNEMENTS PEUVENT ÊTRE COMMUNIQUÉS À UN SERVICE D'INFORMATIONS FINANCIÈRES.**

**1** **OPTION 1**  
**PLEA OF GUILTY - PAYMENT DUT OF COURT: I PLEAD PLADOYER DE CULPABILITÉ - PAIEMENT À LAMENDE :**  
 GUILTY AND PAYMENT OF THE TOTAL PAIABLE. I IS JE PLAIDE COUPLABLE ET J'INCLUS LE PAIEMENT DE LA  
 ENCLOSED FOLLOW THE INSTRUCTIONS ON THE SOMME TOTALE À PAYER (SUIVEZ LES INSTRUCTIONS SUR  
 PAYMENT NOTICE.) L'AVIS DE PAIEMENT.)

**SIGNATURE**  
 CHANGE OF NAME OR ADDRESS IF APPLICABLE/CHANGEMENT DE NOM OU D'ADRESSE LE CAS ÉCHÉANT

NAME/NOM \_\_\_\_\_  
 (PLEASE PRINT/LETTRIS MÔUÉES)

ADDRESS/ADRESSE \_\_\_\_\_

**LANGUAGE AT TRIAL/LANGUE AU PROCÈS :**  
 I REQUEST MY TRIAL TO BE HELD IN THE / JE DEMANDE QUE MON PROCÈS SOIT TENU :  
 ENGLISH LANGUAGE/EN ANGLAIS OR/OU  FRENCH LANGUAGE/EN FRANÇAIS

**2** **OPTION 2**  
**TO PLEAD GUILTY WITH AN EXPLANATION: ATTEND THE PLAIDOYER DE CULPABILITÉ ACCOMPAGNÉ D'UNE**  
 COURT OFFICE SHOWN BELOW (OPTION 2) WITHIN THE EXPLICATION: PRÉSENTEZ-VOUS AU GREFFE INDICUÉE CI-  
 TIMES AND DAYS SHOWN. YOU MUST BRING THIS NOTICE DESSOUS (OPTION 2) DURANT LES HEURES ET LES JOURS  
 WITH YOU. AVOUÉS. VOUS DEVEZ APPORTER LE PRÉSENT AVIS AVEC  
 VOUS.

**3** **OPTION 3: TRIAL OPTION**  
**DEMANDE DE PROCÈS**  
 ONTARIO COURT (PROVINCIAL DIVISION)  
 COUR DE L'ONTARIO (DIVISION PROVINCIALE)

**NOTICE OF INTENTION TO APPEAR IN COURT:**  
 1. I INTEND TO APPEAR IN COURT TO ENTER A PLEA AT THE TIME AND DATE SET FOR TRIAL.  
 2. I INTEND TO CHALLENGE THE EVIDENCE OF THE PROVINCIAL OFFENCES OFFICER.

**AVIS D'INTENTION DE COMPARAÎTRE :**  
 1. J'AI L'INTENTION DE COMPARAÎTRE POUR INSCRIRE UN PLAIDOYER AUX DATE ET HEURE FIXÉS POUR LE PROCÈS.  
 2. J'AI L'INTENTION DE CONTESTER LA PREUVE DE L'AGENT DES INFRACTIONS PROVINCIALES.

NOTE: IF YOU INDICATE "NO" ABOVE, THE OFFICER MAY NOT ATTEND AND THE PROSECUTOR MAY RELY ON CERTIFIED STATEMENTS AS EVIDENCE AGAINST YOU.  
 NOTE: SI VOUS COCHÉZ LA CASE «NON» CI-DESSUS, IL SE PEUT QUE L'AGENT NE SOIT PAS PRÉSENT ET QUE LE POURSUIVANT S'APPUIE SUR LES DÉCLARATIONS CERTIFIÉES POUR Prouver VOTRE CULPABILITÉ.

NO  YES  NON  OUI

**SIGNATURE**



ICON LOCATION CODE	OFFENCE NUMBER N° D'INFRACTION
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FORM 4 REG 950 PROVINCIAL OFFENCES ACT ONTARIO COURT (PROVINCIAL DIVISION)  
 FORMULE 4 RÉG 950 LOI SUR LES INFRACTIONS PROVINCIALES COUR DE L'ONTARIO (DIVISION PROVINCIALE)

**OFFENCE NOTICE / AVIS D'INFRACTION**

BELIEVES AND CERTIFIES THAT  
CROIT ET ATTESTE QUE

ON THE LE                      DAY OF JOUR DE                      19                      TIME A (HEURE)  **M**

NAME NOM                      FAMILY/NOM DE FAMILLE                      GIVEN/PRENOM                      INITIALS/INITIALES

ADDRESS ADRESSE                      NUMBER AND STREET/NO ET RUE

MUNICIPALITY/MUNICIPALITÉ                      P.O./C.P.                      PROVINCE                      POSTAL CODE/CODE POSTAL

AT/A

DID COMMIT THE OFFENCE OF  
A COMMIS L'INFRACTION SUIVANTE

MUNICIPALITY / MUNICIPALITÉ

CONTRARY TO:  
CONTRAIREMENT À

DRIVER'S LICENCE NO / NUMERO DE PERMIS DE CONDUIRE		SECT / ART	DRIVEN/VEU
SEX / SEXE	BIRTH/DATE DE NAISSANCE / DATE DE NAISSANCE	MOTOR VEHICLE INVOLVED / VEHICULE IMPLIQUE	PLATE NUMBER / N° DE PLAQUE D'IMMATRICULATION
DI/J	M/M	Y/A	PROVINCE
<input type="checkbox"/> YES / OUI <input type="checkbox"/> NO / NON			

I BELIEVE AND CERTIFY THAT THE ABOVE OFFENCE HAS BEEN COMMITTED  
 je crois et atteste que l'INFRACTION CI-DESSUS A ÉTÉ COMMISE

SIGNATURE OF ISSUING PROVINCIAL OFFENCES OFFICER SIGNATURE DE L'AGENT DES INFRACTIONS PROVINCIALES	OFFICER NO / AGENT N°	PLATOON / PELOTON	UNIT / UNITÉ
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SIGNATURE OF PERSON CHARGED (OPTIONAL) / SIGNATURE DE L'ACCUSÉ(E) (FACULTATIF)

SET FINE OF / AMENDE FIXÉE DE \$	\$	TOTAL PAYABLE	\$
(INCLUDING COSTS) IS INCLUDED IN THE TOTAL PAYABLE ALONG WITH THE APPLICABLE VICTIM FINE SURCHARGE (INCLUANT LES FRAIS) ET LA SURAMENDE COMPENSATOIRE APPLICABLE SONT COMPRISES DANS LE MONTANT TOTAL À PAYER.		MONTANT TOTAL EXIGIBLE	

SUMMONS ISSUED FOR / ASSIGNATION DÉLIVRÉE POUR

THE LE                      DAY OF JOUR DE                      19                      AT A (HEURE)  **M**

ONTARIO COURT (PROVINCIAL DIVISION) AT / COUR DE L'ONTARIO (DIVISION PROVINCIALE) A

DATE OF SERVICE IF OTHER THAN OFFENCE DATE  
 DATE DE LA SIGNIFICATION DE L'AVIS SI ELLE DIFFÈRE DE CELLE DE L'INFRACTION

DI/J                      M/M                      Y/A

**IMPORTANT - PLEASE READ CAREFULLY - WITHIN 15 DAYS OF RECEIVING THIS NOTICE, CHOOSE ONE OF THE FOLLOWING OPTIONS, COMPLETE THE SELECTED OPTION (SIGN WHERE NECESSARY) AND DELIVER IT (AND PAYMENT WHERE APPLICABLE) TO THE ADDRESS SHOWN ON THE NOTICE. IF YOU FAIL TO EXERCISE YOUR CHOICE WITHIN THE 15 DAY PERIOD, OR IF YOU DO NOT APPEAR FOR TRIAL, YOU WILL BE DEEMED NOT TO WISH TO DISPUTE THE CHARGE, AND A JUSTICE MAY ENTER A CONVICTION IN YOUR ABSENCE. UPON CONVICTION YOU WILL BE REQUIRED TO PAY THE SET FINE (INCLUDING COSTS) AND THE APPLICABLE VICTIM FINE SURCHARGE. IN ADDITION, AN ADMINISTRATIVE FEE IS PAYABLE IF THE FINE GOES INTO DEFAULT, AND THE INFORMATION MAY BE PROVIDED TO A CREDIT BUREAU.**

**1** **OPTION 1 - PLEA OF GUILTY - PAYMENT DUT OF COURT:** I PLEAD GUILTY AND PAYMENT OF THE "TOTAL PAYABLE" IS ENCLOSED (FOLLOW THE INSTRUCTIONS ON THE "PAYMENT NOTICE".)

SIGNATURE \_\_\_\_\_

**2** **OPTION 2 - TO PLEAD GUILTY WITH AN EXPLANATION:** ATTEND THE COURT OFFICE WITHIN THE TIMES AND DAYS SHOWN. YOU MUST BRING THIS NOTICE WITH YOU.

**3** **OPTION 3 - TRIAL OPTION - DO NOT MAIL.**

1. YOU OR YOUR AGENT MUST ATTEND THE COURT OFFICE IN PERSON WITHIN THE TIMES AND DAYS SHOWN TO FILE A NOTICE OF INTENTION TO APPEAR IN COURT.
2. YOU OR YOUR AGENT MUST BRING THIS NOTICE WITH YOU.
3. YOU CANNOT SET A TRIAL DATE BY MAIL.
4. FOR YOUR CONVENIENCE, AND TO SAVE TIME, YOU MAY CALL THE COURT OFFICE IN ADVANCE FOR AN APPOINTMENT.

**IMPORTANT - VEUILLEZ LIRE ATTENTIVEMENT - DANS LES QUINZE JOURS QUI SUIVENT LA DATE À LAQUELLE VOUS RECEVEZ LE PRÉSENT AVIS, CHOISISSEZ L'UNE DES OPTIONS SUIVANTES, REMPLISSEZ L'OPTION CHOISIE (SIGNÉZ LA OU C'EST NÉCESSAIRE) ET REMETTEZ L'AVIS (AVEC VOTRE PAIEMENT, LE CAS ÉCHÉANT) À L'ADRESSE INDICUÉE SUR L'AVIS. SI VOUS N'EXERCÉZ PAS VOTRE CHOIX DANS LES QUINZE JOURS, OU SI VOUS NE COMPARAISSEZ PAS, VOUS SEREZ RÉPUTÉ(E) NE PAS VOULOIR CONTESTER L'ACCUSATION ET UN JUGE POURRA INSCRIRE UNE DÉCLARATION DE CULPABILITÉ EN VOTRE ABSENCE. EN CAS DE DÉCLARATION DE CULPABILITÉ, VOUS SEREZ TENU(E) DE PAYER L'AMENDE FIXÉE (Y COMPRIS LES FRAIS) ET LA SURAMENDE COMPENSATOIRE APPLICABLE. DE PLUS, DES FRAIS ADMINISTRATIFS S'APPLIQUENT EN CAS DE DÉFAUT DE PAIEMENT DE L'AMENDE ET LES RENSEIGNEMENTS PEUVENT ÊTRE COMMUNIQUÉS À UN SERVICE D'INFORMATIONS FINANCIÈRES.**

**OPTION 1 - PLAIDoyer DE CULPABILITÉ - PAIEMENT À L'AMENDE :** JE PLAIDE COUPABLE ET J'INCLUS LE PAIEMENT DE LA SOMME TOTALE À PAYER. (SUIVÉZ LES INSTRUCTIONS SUR L'AVIS DE PAIEMENT).

SIGNATURE \_\_\_\_\_

**OPTION 2 - PLAIDoyer DE CULPABILITÉ ACCOMPAGNÉ D'UNE EXPLICATION :** PRÉSENTEZ-VOUS AU GREFFE DURANT LES HEURES ET LES JOURS INDICUÉS. VEUILLEZ APPORTER LE PRÉSENT AVIS AVEC VOUS.

**OPTION 3 - DEMANDE DE PROCÈS - NE PAS ENVOYER PAR LA POSTE**

1. VOUS DEVEZ VOUS PRÉSENTER AU GREFFE EN PERSONNE OU PAR L'INTERMÉDIAIRE D'UN REPRÉSENTANT DURANT LES HEURES ET LES JOURS INDICUÉS POUR DÉPOSER UN AVIS D'INTENTION DE COMPARAÎTRE.
2. VOUS OU VOTRE REPRÉSENTANT DEVEZ APPORTER LE PRÉSENT AVIS.
3. ON NE PEUT PAS FIXER LA DATE D'UN PROCÈS PAR COURRIER.
4. DANS VOTRE INTÉRÊT ET POUR GAGNER DU TEMPS, VOUS POUVEZ APPELER LE GREFFE POUR PRENDRE UN RENDEZ-VOUS.

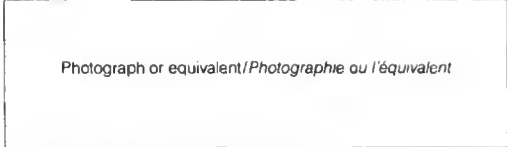
PHOTO-RADAR OFFENCE NOTICE / AVIS D'INFRACTION CONSTATÉE PAR RADAR PHOTOGRAPHIQUE

FORM/FORMULE 5 REG/RÉGL 950 PROVINCIAL OFFENCES ACT / LOI SUR LES INFRACTIONS PROVINCIALES

ONTARIO COURT (PROVINCIAL DIVISION)
COUR DE L'ONTARIO (DIVISION PROVINCIALE)

OFFENCE NO IN° D'AVIS D'INFRACTION

You/Vous
(Name/Nom)
(Address/Adresse)



The prosecutor will present the original photograph at trial
Le poursuivant présentera la photographie originale au procès.

being the owner of a motor vehicle displaying
Vehicle Number Plate: Province:

en tant que propriétaire d'un véhicule automobile qui porte le n° de
plaque d'immatriculation suivant. Province:

are charged with the offence of speeding
on the day of 19 at (a.m./p.m.)

êtes accusé de l'infraction d'excès de vitesse
le 19 à (heure)

at or near
(Location)

à ou près de (lieu)

In the Municipality/Township of:
Speed limit.

Dans la municipalité ou le canton de
Limite de vitesse

Rate of Speed of Motor Vehicle:

Vitesse du véhicule automobile

as shown in the photographic equivalent (or photograph) appended,
contrary to s. 128 and pursuant to s. 207 of the Highway Traffic Act.

comme le montre l'équivalent photographique (ou la photographique) qui est joint(e),
contrairement à l'art. 128 et conformément à l'art. 207 du Code de la route.

Photo-Radar System Operator: Operator No.:

Opérateur du système
de radar photographique. N° de l'opérateur:

I BELIEVE AND CERTIFY THAT THE ABOVE OFFENCE HAS BEEN COMMITTED

JE CROIS ET J'ATTESTE QUE L'INFRACTION CI-DESSUS A ÉTÉ COMMISE

Signature of Officer
Issuing this Notice: Issuing Officer No.:

Signature de l'agent de
police qui émet cet avis. Agent émetteur de l'avis:

Enforcement Agency:

Organisme chargé de l'exécution:

DATE OF DEEMED SERVICE:

DATE DE SIGNIFICATION RÉPUTÉE

Please Note that Section 207 of the Highway Traffic Act provides that you
as owner are liable for this offence even if you were not the driver at the
time, subject to limited exceptions. Neither demerit points nor a driver's
licence suspension will result from a conviction for this offence.

Please note further: The operator of the photo-radar system used in the
detection of this offence has certified that he/she is a qualified operator
of the prescribed system used on the above noted offence date at the
date and location indicated above, and that the system was tested be-
fore and after operation at that date and location and found to be in
proper working order, and that photographs obtained at that date and
location, which includes the photograph obtained regarding this
offence) were recorded by that system, and that the speed limit at that
location on that date was as set out above.

Set Fine of \$ (including costs)
L'amende fixée de \$ (incluant les frais)
is included in the total payable along with
the applicable victim line surcharge
et la suramende compensatoire applicable
sont comprises dans le montant total exigible
Total Payable:
Montant total exigible:
\$ \$

Veuillez noter que l'art. 207 du Code de la route prévoit que vous-même, en
tant que propriétaire, êtes responsable de cette infraction, même si vous n'étes
pas le conducteur au moment où celle-ci a été commise, sous réserve de cer-
taines exceptions. Une déclaration de culpabilité pour la présente infraction
n'entraînera aucun point d'infirmité ni la suspension du permis de conduire.
Veuillez aussi noter que l'opérateur du système de radar photographique, uti-
lisé dans la détection de la présente infraction, a attesté qu'il/elle est un(e) opé-
rateur(trice) qualifié(e) du système utilisé à la date de l'infraction et au lieu in-
diqués ci-dessus, que le système a été vérifié avant et après son utilisation à
cette date et en ce lieu et qu'il a été jugé en bon état de fonctionnement. En
outre, il/elle a attesté que les photographies obtenues à cette date et en ce lieu
(y compris celle qui concerne la présente infraction) ont été enregistrées par
ce système, et que la limite de vitesse en ce lieu, à cette date, était la même
que celle indiquée ci-dessus.

O.P.P. HELP-LINE TELEPHONE NUMBER

N° DE TÉLÉPHONE DE LA LIGNE SECOURS DE LA P.P.O.

NOTICE - within 15 days of the date of deemed service shown above, choose one of the options on this Notice. To plead guilty and pay out of court, please complete Option 3 - Plea of Guilty - on the bottom of this notice and remit payment with the bottom portion of this form to Court address shown. If you do not pay the "Total Payable" shown above, or if you do not deliver a Notice of Intention to Appear in court, or if you do not appear for trial, you will be deemed not to wish to dispute the charge and a Conviction may be entered against you. Upon conviction you will be required to pay the Set Fine (including costs) and the applicable victim fine surcharge. In addition, an administrative fee is payable if the fine goes into default and the information may be provided to a credit bureau. Failure to pay will result in refusal to issue validation of your vehicle permit or refusal to issue a vehicle permit until the amount owing has been paid.

AVIS - Dans les 15 jours qui suivent la date de signification présumée mentionnée ci-dessus, choisissez l'une des options figurant sur le présent avis. Pour plaider coupable et payer hors cours, veuillez remplir l'option 3 - Plaidoyer de culpabilité - au bas du présent avis et remettre le paiement avec la partie inférieure de la présente formule à l'adresse du tribunal indiquée. Si vous ne payez pas le «montant total exigible» indiqué ci-dessus ou si vous ne remettez pas un avis d'intention de comparaître au tribunal ou si vous ne comparez pas au procès, vous serez réputé(e) ne pas vouloir contester l'accusation et une déclaration de culpabilité pourra être inscrite contre vous. En cas de déclaration de culpabilité, vous serez tenu(e) de payer l'amende fixée (y compris les frais) et la suramende compensatoire applicable. De plus, des frais administratifs s'appliquent en cas de défaut de paiement de l'amende et les renseignements peuvent être communiqués à un service d'informations financières. Le défaut de paiement entraînera le refus de validation de votre certificat d'immatriculation ou le refus d'émission d'un certificat d'immatriculation jusqu'à ce que le montant exigible soit payé.

OPTION 1 - TRIAL OPTION: You or your agent must attend the court office within the times and days shown to file a Notice of Intention to Appear in court. You or your agent must bring this notice with you. YOU CAN NOT SET A TRIAL DATE BY MAIL. For your convenience and to save time YOU MAY CALL THE COURT OFFICE IN ADVANCE FOR AN APPOINTMENT or if another court office is closer to you, you may call for further instructions. At the time set for your appointment, a prosecutor or an officer will be available to discuss the charge with you or your agent.

OPTION 1 - CHOIX DE PROCÈS : Vous ou votre représentant devez vous présenter au greffe dans les délais indiqués pour déposer un avis d'intention de comparaître au tribunal. Vous ou votre représentant devez apporter cet avis avec vous. VOUS NE POUVEZ PAS FIXER UNE DATE DE PROCÈS PAR COURRIER. Dans votre intérêt et pour gagner du temps, VOUS POUVEZ TÉLÉPHONER AU GREFFE À L'AVANCE POUR OBTENIR UN RENDEZ-VOUS ou si un autre greffe est situé plus près de chez vous, vous pouvez téléphoner à ce même numéro pour obtenir plus de renseignements. Au moment fixé pour votre rendez-vous, un poursuivant ou un agent pourra s'entretenir avec vous ou avec votre représentant, sur l'accusation.

(SHOW COURT ADDRESS AND HOURS)

(INDIQUEZ L'ADRESSE ET LES HEURES D'OUVERTURE DU TRIBUNAL)

OPTION 2 - TO PLEAD GUILTY WITH AN EXPLANATION: Attend at the court office shown within the times and days shown. You MUST bring this Notice with you.

OPTION 2 - PLAIDOYER DE CULPABILITÉ AVEC UNE EXPLICATION : Présentez vous au greffe indiqué dans les délais et aux heures indiqués. Vous DEVEZ apporter cet avis avec vous.

COMPLETE AND DETACH THIS PORTION AND SEND WITH PAYMENT / REMPLISSEZ ET DÉCOUPEZ CETTE PORTION ET ENVOYEZ-LA AVEC VOTRE PAIEMENT

OPTION 3 - PLEA OF GUILTY - PAYMENT OUT OF COURT: I plead guilty and payment of the "Total Payable" is enclosed.

OPTION 3 - PLAIDOYER DE CULPABILITÉ - PAIEMENT HORS COUR : Je plaide coupable et le paiement du «montant total exigible» est ci-joint.

Offence Notice No. ....  
Sign here .....

N° d'avis d'infraction .....  
Signez ici: .....

TO PAY: Write the number of the Offence Notice on the front of your cheque or money order and make it payable to ONTARIO COURT (PROVINCIAL DIVISION). Dishonoured cheques will be subject to an administrative charge. Do not send cash, correspondence or post dated cheques in the self-addressed envelope provided. Please allow sufficient time for your payment to be delivered.

TOTAL PAYABLE / MONTANT TOTAL EXIGIBLE: \$ ..... \$

POUR PAYER : Écrire le numéro d'avis d'infraction au recto de votre chèque ou de votre mandat et libellez-le à l'ordre de la COUR DE L'ONTARIO (DIVISION PROVINCIALE). Les chèques refusés seront l'objet de frais administratifs. N'envoyez pas d'argent comptant ou de chèques par correspondance ni de chèques postdatés dans l'enveloppe-réponse qui est fournie. Veuillez prévoir un délai suffisant pour la livraison de votre paiement.

Name: .....  
Nom: .....  
Address: .....  
Adresse .....

Cheque/Money Order enclosed  Visa  Mastercard   
Chèque ou mandat joint:  
Card No.: ..... Expiry Date: M ..... Y .....  
N° de carte: ..... Date d'expiration: M ..... A .....  
Signature of Cardholder: .....  
Signature du titulaire de la carte: .....

ONTARIO COURT (PROVINCIAL DIVISION)  
COUR DE L'ONTARIO (DIVISION PROVINCIALE)

Notice of Trial/Avis de procès

Form/Formule 8  
Reg /Règl. 950

To  
A

You are charged with the following offence./Vous êtes accusé(e) de l'infraction suivante :

On the/Le . . . . . day of / jour de . . . . . , 19 . . . . , at / à . . . . . am/pm/(heure)

at / à . . . . .

you did commit the offence of speeding contrary to the Section 128 of the Highway Traffic Act.  
vous avez commis l'infraction d'excès de vitesse, en contravention de l'article 128 du Code de la route.

Set fine of \$ \_\_\_\_\_ (including costs) is included in the total payable along with the applicable victim fine surcharge.

L'amende fixée de \_\_\_\_\_ \$ (incluant les frais) et la suramende compensatoire applicable sont comprises dans le montant total exigible.

**Total Payable**  
**Montant total exigible \$ \_\_\_\_\_ \$**

TAKE NOTICE that on the . . . . . day  
of . . . . . , 19 . . . . ,  
at . . . . . am/pm, your trial will be held at:

AVIS VOUS EST DONNÉ que le . . . . .  
. . . . . , 19 . . . . ,  
à . . . . . heure, votre procès sera tenu à

Court Address/Adresse du tribunal

This will confirm that you have ( chosen to/have chosen not to )  
(delete inapplicable)

Ceci confirme que vous avez choisi ( de contester/de ne pas contester )  
(biffez la mention inutile)

challenge the evidence of the Photo-Radar System Operator.

la preuve de l'opérateur du système de radar photographique

Note: Section 205.9 of the Highway Traffic Act provides that you must apply to the justice at trial if you wish to compel the attendance of the Provincial Offences Officer who issued the certificate of offence.

Remarque : L'article 205.9 du Code de la route prévoit que vous devez vous adresser au juge du procès si vous désirez obtenir la comparution de l'agent des infractions provinciales qui a délivré le certificat d'infraction.

Your trial will be held on the date and time noted above at the Ontario Court (Provincial Division) shown. You and your witnesses should be ready for your trial at that time. If you do not appear, you will be deemed not to dispute the charge and the court may convict you in your absence without further notice.

Votre procès se tiendra à la date et à l'heure mentionnées ci-dessus à la Cour de l'Ontario (Division provinciale) susmentionnée. Vos témoins et vous-même devrez être prêts pour votre procès à cette date. Si vous ne comparez pas, vous serez réputé(e) ne pas contester l'accusation, et le tribunal pourra vous déclarer coupable en votre absence, sans autre avis.

Issued at / Décerné à . . . . . this / le . . . . . day of / jour de . . . . . , 19 . . . .

ONTARIO COURT (PROVINCIAL DIVISION)  
COUR DE L'ONTARIO (DIVISION PROVINCIALE)

**NOTICE OF FINE AND DUE DATE**  
**AVIS D'AMENDE ET DATE D'ÉCHÉANCE**

Form/Formule 9  
Reg./Règl. 950

From/De :

To/À : (Defendant/Défendeur)

You have been convicted of the following Offence:  
*Vous avez été reconnu coupable de l'infraction suivante:*

Offence Number .....  
*Numéro de l'infraction*  
Offence .....  
*Infraction*  
Offence Date .....  
*Date de l'infraction*  
Conviction Date .....  
*Date de la condamnation*  
Amount Due .....  
*Montant dû*  
Date Due .....  
*Date d'échéance*

The above fine has not been paid. You are required to pay the above amount by the due date. Please note, an administrative fee is payable if the fine goes into default, and the information may be provided to a credit bureau. Costs incurred for any civil enforcement may also be added. Failure to pay may also result in refusal to issue validation of your vehicle permit or refusal to issue a vehicle permit or driver's licence suspension until the amount owing has been paid. (Driver's licence suspension does not apply to photo-radar speeding offences.)

*L'amende susmentionnée n'a pas été payée. Il vous est enjoint de payer l'amende susmentionnée au plus tard à la date d'échéance. Veuillez noter que vous devez payer des droits administratifs, en cas de non-paiement de l'amende, et l'information pourra être transmise à un service d'informations financières. Des frais de mesures d'exécution de nature civile pourront aussi être ajoutés. Le défaut de paiement peut également entraîner le refus de validation de votre certificat d'immatriculation ou le refus d'émission d'un certificat d'immatriculation ou la suspension du permis de conduire jusqu'à ce que le montant exigible soit payé. (La suspension du permis de conduire ne s'applique pas aux infractions constatées par radar photographique.)*

NOTE: Section 66 of the *Provincial Offences Act* provides that you may apply to the court for an extension of time to pay the amount due.

*REMARQUE : L'article 66 de la Loi sur les infractions provinciales prévoit la possibilité de présenter une requête en vue d'obtenir une prorogation du délai de paiement de l'amende.*

[Insert payment instructions]

*[Insérez les instructions de paiement]*

2. This Regulation comes into force on the day section 130 of the *Budget Measures Act, 1994* comes into force.

2. Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 130 de la *Loi de 1994 sur les mesures budgétaires*.

**ONTARIO REGULATION 787/94**  
made under the  
**HEALTH INSURANCE ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 552 has been amended by Ontario Regulations 19/94, 199/94, 221/94, 255/94, 302/94, 356/94, 357/94, 486/94, 487/94, 488/94, 489/94, 490/94, 491/94, 492/94, 502/94, 589/94 and 752/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 20 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) The following are insured services:

1. Chiropractic services rendered by a member of the College of Chiropractors of Ontario who is a podiatrist.
2. Podiatrist services rendered by a podiatrist who practises outside Ontario.

**2. This Regulation shall be deemed to have come into force on August 1, 1993.**

53/94

**ONTARIO REGULATION 788/94**  
made under the  
**HEALTH INSURANCE ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 552 of the Revised Regulations of Ontario, 1990 has been amended by Ontario Regulations 19/94, 199/94, 221/94, 255/94, 302/94, 356/94, 357/94, 486/94, 487/94, 488/94, 489/94, 490/94, 491/94, 492/94, 502/94, 589/94, 752/94 and 787/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 38.1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) If the total amount already paid for insured services rendered by a physician in Ontario during a twelve-month period corresponds to the amount set out in Column 1 of the Table to this subsection, the amount payable for any other insured service rendered by the physician in the twelve-month period shall be reduced by the fraction indicated in Column 2 of the Table.

TABLE

COLUMN 1	COLUMN 2
\$404,000 to \$454,500	1/3
more than \$454,500	2/3

(1.1) For the purposes of subsection (1), "twelve-month period" means the period from April 1 of any year to and including March 31 of the following year.

**2. This Regulation shall be deemed to have come into force on April 1, 1993.**

53/94

**ONTARIO REGULATION 789/94**  
made under the  
**HEALTH INSURANCE ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 552 of the Revised Regulations of Ontario, 1990 has been amended by Ontario Regulations 19/94, 199/94, 221/94, 255/94, 302/94, 356/94, 357/94, 486/94, 487/94, 488/94, 489/94, 490/94, 491/94, 492/94, 502/94, 589/94, 752/94, 787/94 and 788/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. The Table to section 38.2 of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

TABLE

Item	Period	Reduction
1	April 1, 1991 to June 30, 1991	1.2%
2	October 1, 1993 to March 31, 1994	4.8%
3	On or after June 1, 1994	2.0%

53/94

**ONTARIO REGULATION 790/94**  
made under the  
**HEALTH INSURANCE ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 552 has been amended by Ontario Regulations 19/94, 199/94, 221/94, 255/94, 302/94, 356/94, 357/94, 486/94, 487/94, 488/94, 489/94, 490/94, 491/94, 492/94, 502/94, 589/94, 752/94, 787/94, 788/94 and 789/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Paragraphs 23 and 24 of subsection 24 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

23. *In vitro* fertilization other than the first three treatment cycles of *in vitro* fertilization that are intended to address infertility due to a bilateral fallopian tube blockage that did not result from sterilization.

2. This Regulation shall be deemed to have come into force on April 1, 1994.

53/94

**ONTARIO REGULATION 791/94**  
made under the  
**ONTARIO DRUG BENEFIT ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 868 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 868 has been amended by Ontario Regulation 48/94, 107/94, 378/94, 451/94, 616/94, 753/94 and 754/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The definition of "Formulary" in section 1 of Regulation 868 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"Formulary" means the Ministry of Health publication titled "Drug Benefit Formulary/Comparative Drug Index (No. 34)" and dated December 1, 1994, as most recently amended on January 15, 1995;

2. This Regulation comes into force on January 15, 1995.

53/94

**ONTARIO REGULATION 792/94**  
made under the  
**PRESCRIPTION DRUG COST REGULATION ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 935 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 935 has been amended by Ontario Regulation 49/94, 108/94, 377/94, 452/94, 615/94 and 755/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The definition of "Formulary" in section 1 of Regulation 935 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"Formulary" means the Ministry of Health publication titled "Drug Benefit Formulary/Comparative Drug Index (No. 34)" and dated December 1, 1994, as most recently amended on January 15, 1995;

2. This Regulation comes into force on January 15, 1995.

53/94

**ONTARIO REGULATION 793/94**  
made under the  
**ONTARIO ENERGY BOARD ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 869 of R.R.O. 1990  
(General)

Note: Since January 1, 1994, Regulation 869 has been amended by Ontario Regulation 300/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Regulation 869 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

15.5 Glenn Robins is exempted from the operation of subsection 26 (1) of the Act in respect of the disposition of his gas distribution system to Superior View Gas Inc.

53/94

**ONTARIO REGULATION 794/94**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 337 of R.R.O. 1990  
(Ambient Air Quality Criteria)

Note: There are no prior amendments to Regulation 337.

1. Item 12 of the Schedule to Regulation 337 of the Revised Regulations of Ontario, 1990 is amended by striking out the entry in Column 3 and substituting the following:

2.0  
0.7 arithmetic average

53/94

**ONTARIO REGULATION 795/94**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 346 of R.R.O. 1990  
(General—Air Pollution)

Note: There are no prior amendments to Regulation 346.

1. Item 46 of the Schedule to Regulation 346 of the Revised Regulations of Ontario, 1990 is amended by striking out "10" in Column 3 and substituting "6".

53/94



**ONTARIO REGULATION 796/94**  
made under the  
**CONSOLIDATED HEARINGS ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 172 of R.R.O. 1990  
(Conservation Authorities Act)

Note: Since January 1, 1994, Regulation 172 has been amended by Ontario Regulation 549/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 2 of Regulation 172 of the Revised Regulations of Ontario, 1990 is amended by adding the following clause:**

- (i) the proposed undertaking, including all alternatives thereto, by the Interim Waste Authority Ltd., to establish a landfill waste disposal site and ancillary facilities in The Regional Municipality of Durham.

53/94

**ONTARIO REGULATION 797/94**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending O. Reg. 189/94  
(Refrigerants)

Note: Since it was made, Ontario Regulation 189/94 has not been amended.

**1. Subsection 11 (2) of Ontario Regulation 189/94 is revoked and the following substituted:**

- (2) Despite subsection (1), until January 1, 1995, a refrigerant may be sold to a person in a container that is refillable or recyclable or both.
- (3) Despite subsection (1), until September 1, 1995, a refrigerant may be sold to a person in a container if,
- (a) the container is refillable or recyclable or both; and
- (b) the refrigerant is present in Ontario in the container before the end of 1994.

53/94

**ONTARIO REGULATION 798/94**  
made under the  
**LIQUOR LICENCE ACT**

Made: December 15, 1994  
Filed: December 16, 1994

Amending Reg. 720 of R.R.O. 1990  
(Manufacturers' Licences)

Note: Since January 1, 1994, Regulation 720 has been amended by Ontario Regulations 145/94 and 366/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Subsection 18 (2) of Regulation 720 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

- (2) The percentage shall be,
- (a) 66 per cent, for beer shipped on or after June 15, 1993 and before December 15, 1995; and
- (b) 80 per cent, for beer shipped on or after December 15, 1995.

**2. Subsection 19 (2) of the Regulation is revoked and the following substituted:**

- (2) The percentage shall be,
- (a) 78 per cent, for beer shipped on or after June 15, 1993 and before December 15, 1995; and
- (b) 90 per cent, for beer shipped on or after December 15, 1995.

53/94

**ONTARIO REGULATION 799/94**  
made under the  
**MUNICIPAL ACT**

Made: December 15, 1994  
Filed: December 16, 1994

**DEBT AND FINANCIAL OBLIGATION LIMITS**

**1. (1) The annual debt and financial obligation limit for municipalities shall be determined under this Regulation.**

(2) The Ministry shall annually determine the limit using the formula described in section 3 based on the financial information supplied to the Ministry by each municipality under the Act and under the *Municipal Affairs Act*.

(3) The Ministry shall inform the treasurer of the municipality in writing of the limit.

**2. A municipality shall use the most recent limit provided to it by the Ministry to determine whether Ontario Municipal Board approval is required in respect of the following categories of debt or financial obligation:**

1. Long-term debt assumed by a municipality for which repayment will be required beyond the term for which the council was elected.
2. Other financial commitments, liabilities and contractual obligations, for which payment may or will be required beyond the term for which the council was elected, including financial commitments to hospitals and universities.

**3. The Ministry shall determine the debt and financial obligation limit of a municipality as follows:**

1. Calculate the revenue fund revenues for a past fiscal year, excluding amounts received in the year,
  - i. as grants from the Government of Ontario or Canada or from another municipality,
  - ii. as proceeds from the sale of real property,
  - iii. as a contribution or transfer from a reserve, reserve fund or capital fund,

- iv. under agreement with the Government of Ontario, for the purpose of repaying the principal and interest of long-term debt or meeting financial obligations of the municipality,
  - v. from another municipality or a school board for the repayment of the principal and interest of long-term debt of the municipality borrowed for the exclusive purposes of the other municipality or school board,
  - vi. as revenues from electrical, telephone and gas service,
  - vii. as revenues for the purpose of repaying the principal and interest of debt under the *Tile Drainage Act* or the *Shoreline Property Assistance Act*, and
  - viii. as revenues for the purpose of repaying the principal and interest of debt with respect to the downtown revitalization loan program.
2. Multiply the amount obtained in paragraph 1 by 25 per cent.
  3. Subtract from the amount obtained in paragraph 2 the total payments in the fiscal year related to the long-term debt of the municipality less,
    - i. the payments in that year for long-term debt or financial obligations for which the Government of Ontario has agreed to provide to the municipality the amounts required by the municipality to repay the principal and interest of the debt or to meet the financial obligations,
    - ii. payments in that year from another municipality or a school board for the repayment of the principal and interest of long-term debt of the municipality borrowed for the exclusive purposes of the other municipality or school board,
    - iii. the payments for electrical, telephone and gas service provided by the municipality for which revenues are received by the municipality in that year,
    - iv. the payments for shoreline assistance and tile drainage in that year, and
    - v. the payments made respecting the downtown revitalization loan program in that year.
  4. Subtract from the amount obtained in paragraph 3 payments made in the fiscal year in respect of the financial commitments, obligations and liabilities described in paragraph 2 of section 2.
    - (1) Before authorizing any specific work or any increase in expenditure for a previously authorized specific work that would require a long-term debt or financial obligation described in section 2, the council of the municipality shall have its treasurer calculate an updated limit using the most recent debt and financial obligation limit determined by the Ministry.
    - (2) The treasurer shall update the most recent limit determined by the Ministry as follows:
      1. Adjust the limit in respect of the estimated annual amount payable for any long-term debt or financial obligation described in section 2 assumed or discharged by the municipality since the last day of the past fiscal year for which the limit was calculated.
      2. Subtract from the amount obtained in paragraph 1, the estimated annual amount payable in respect of any project approved by the Ontario Municipal Board or the council, as the case may be, to be financed by long-term debt or financial obligation described in section 2 but not as yet assumed unless council has, by resolution, indicated that it will not proceed with that project.
      3. Subtract from the amount obtained in paragraph 1 any amount recognized by the treasurer as annually payable or as payable in the year in respect of a financial obligation described in paragraph 2 of section 2.
        - (3) The treasurer shall calculate the estimated annual amount payable by the municipality in respect of the work.
        - (4) The treasurer shall not include in the update under subsection (2) or the calculation under subsection (3) any amounts payable by the municipality for the following categories of long-term debt or financial obligation:
          1. Debt or financial obligation for which the Government of Ontario has agreed to pay to the municipality the amounts required by the municipality to repay the principal and interest of the debt or to meet the financial obligation.
          2. Debt under the *Tile Drainage Act* or the *Shoreline Property Assistance Act*.
          3. Debt or financial obligation in respect of electrical, telephone and gas service provided by the municipality for which revenues are received by the municipality.
          4. Debt with respect to the downtown revitalization loan program.
        - (5) The treasurer is not required to include in the update under subsection (2) or the calculation under subsection (3) any amounts recognized by the treasurer as current expenditures under lease agreements.
        - (6) The council of a regional, metropolitan or district municipality or the County of Oxford which borrows money or issues debentures for the exclusive purpose of one of its area municipalities is not required to have its treasurer update its debt and financial obligation limit in respect of the borrowing or issuance.
        - (7) The council of a county which borrows money or issues debentures for the exclusive purpose of a town, not being a separated town, a village or a township is not required to have its treasurer update its debt and financial obligation limit in respect of the borrowing or issuance.
        - (8) The council of a municipality authorizing the issue or sale of debentures for a school board under section 123 of the *Municipal Act* is not required to have its treasurer update its debt and financial obligation limit in respect of the authorization.
        - (9) The council of a municipality authorizing the issue of debentures under section 124 of the *Municipal Act* is not required to have its treasurer update its debt and financial obligation limit for those debentures to the extent they are issued in respect of money raised for another municipality.
        - (10) If a council does not require the treasurer to calculate an updated limit under subsection (6), (7), (8) or (9), the treasurer shall not include any amount in respect of the borrowing, issuance or authorization in an update under subsection (2) or a calculation under subsection (3).
        - (11) If the amount calculated under subsection (3) exceeds the amount updated under subsection (2), the council must obtain the approval of the Ontario Municipal Board before authorizing the work.
      5. (1) The Ministry shall calculate a transitional debt and financial obligation limit for a municipality in respect of any fiscal year in which the following conditions are met:

1. The municipality has been erected, incorporated or created by statute or has had a boundary alteration within the past five years.
2. The financial information necessary for the Ministry to determine a debt and financial obligation for the municipality under section 3 is not available.

(2) Despite sections 1 and 3, the Ministry may determine a transitional debt limit by estimating the revenue fund revenues for the year and by using relevant financial information obtained from any municipality or from any fiscal year.

(3) Despite section 4, the treasurer may update a transitional debt limit using relevant financial information from any fiscal year.

**6. Ontario Regulations 710/92, 441/93 and 170/94 are revoked.**

**7. This Regulation comes into force on January 1, 1995.**

53/94

**ONTARIO REGULATION 800/94**  
made under the  
**TORONTO ISLANDS RESIDENTIAL COMMUNITY**  
**STEWARDSHIP ACT, 1993**

Made: December 15, 1994  
Filed: December 16, 1994

Amending O. Reg. 817/93  
(General)

Note: There are no prior amendments to Ontario Regulation 817/93.

**1. Section 7 of Ontario Regulation 817/93 is amended by adding the following subsections:**

(14) Despite this section, the proceeds from a sale to which a vendor or estate of a deceased owner would otherwise be entitled shall firstly be distributed by the Trust in payment to any mortgagees, chargees and lien holders according to their priorities.

(15) In a sale under subsection 23 (2) of the Act in respect of a deceased owner, the distribution under subsection (14) shall be in relation to those mortgages, charges and liens outstanding immediately before the death of the deceased owner.

**2. Subsection 8 (1) of the Regulation is revoked and the following substituted:**

(1) The annual occupation charge for the land, from the fifteenth day after the first land lease is offered by the Trust to any owner of a house until the end of the interim period referred to in subsection 28 (1) of the Act, is an amount equal to 8 per cent of the original purchase price of the land lease.

**3. (1) Subsection 10 (3) of the Regulation is revoked and the following substituted:**

(3) The appraised value of a house shall be calculated using the following formula:

$$(A - B) - [(A - B) \times C] + D$$

where A = the undepreciated replacement cost new of the existing house and buildings as determined by the appraiser,

B = the estimated cost of bringing any deficiencies in the subject residence up to the standards of Toronto Housing By-law #73-68,

C = the effective age of the house as defined in the Principles of Appraisal published by The Ontario Real Estate Association multiplied by one per cent,

D = the present value of the lateral sanitary sewer and water services, walkways and site improvements.

**(2) Subsection 10 (4) of the Regulation is revoked.**

**4. Subsection 11 (1) of the Regulation is revoked and the following substituted:**

(1) Loans obtained by the owners for the purposes set out in subsection 18 (1) of the Act are guaranteed in full by the Province of Ontario up to a maximum of \$12,000,000 for all loans outstanding at any time, including principal, interest, costs, fees and expenses related to the loans.

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

(2) The equity amount is calculated from the date that a house is transferred to the first owner to the date that it is sold by the first owner or any subsequent owner, as applicable.

**(2) Section 12 of the Regulation is amended by adding the following subsection:**

(9) Nothing in this section prevents the Trust from offering a house and land lease for sale where the purchase price for the house component is less than the maximum purchase price in subsection (1) if so directed by the owner.

**6. Subsection 14 (1) of the Regulation is revoked and the following substituted:**

(1) Any individual may apply to purchase a house and land lease or vacant land lease by writing to the Toronto Islands Residential Community Trust Corporation at 102 Lakeshore Avenue, Toronto, Ontario, M5J 1X8.

**7. (1) Subsections 15 (9) and (11) of the Regulation are revoked and the following substituted:**

(9) Subcategory C-1 shall consist of,

(a) residents of the co-operative housing corporation;

(b) joint tenants;

(c) the children and spouses of owners; and

(d) long term tenants who occupied a house on the Toronto Islands on December 15, 1993 and who had lived in a house on the Toronto Islands for at least three years at that time.

(11) The order of the names within subcategories C-1 and C-2 received within 60 days after the day the Act came into force or, in the case of long term tenants, received by February 15, 1995 shall be determined by a random draw of names.

**(2) Section 15 of the Regulation is amended by adding the following subsection:**

(20) Nothing in this section prevents the Trust from offering a house and land lease or vacant land lease for sale to more than one person at any one time consistent with the priorities set out in this section but, if there is more than one offer, the person highest on the purchaser list category or subcategory, as appropriate, has priority.

**8. The Regulation is amended by adding the following sections:**

**16.1** Additional objects of the Trust are to facilitate the financing of a house and land lease or vacant land lease which may include making loans, taking a mortgage, holding a mortgage, assigning a mortgage, entering into agreements respecting the enforcement of a mortgage, effecting sales under section 22 of the Act and obtaining a guarantee of loans or parts of loans and assigning such guarantee.

**16.2** Every land lease of land on which a house is situate and every vacant land lease shall contain the following additional conditions:

1. Except as provided in paragraph 2, an owner shall occupy the house for a minimum of 220 days in each calendar year after the year of purchase.
2. A house may be subleased for no more than two years in any five-year period without permission of the Trust and the Trust may extend the sublease for up to one additional year to a total maximum of three years.
3. Each owner must sign a statutory declaration stating that he or she will occupy the house as his or her principal residence and that he or she has read the provisions of the lease requiring the use of the house as a principal residence.
4. The owner may not mortgage or charge the house and land lease without first notifying the Trust.

53/94

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1995—01—07

## ONTARIO REGULATION 801/94 made under the LANDLORD AND TENANT ACT

Made: December 15, 1994  
Filed: December 19, 1994

Amending Reg. 705 of R.R.O. 1990  
(Classes of Accommodation Deemed not to be Residential Premises)

Note: Regulation 705 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 2 of Regulation 705 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

4. Premises located in a house to which the *Toronto Islands Residential Community Stewardship Act, 1993* applies, where the occupation of the premises is not subject to a tenancy agreement between the owner, as defined in that Act, and the occupant.

1/95

## RÈGLEMENT DE L'ONTARIO 801/94 pris en application de la LOI SUR LA LOCATION IMMOBILIÈRE

pris le 15 décembre 1994  
déposé le 19 décembre 1994

modifiant le Règl. 705 des R.R.O. de 1990  
(Catégories de logements réputés ne pas être des locaux d'habitation)

Remarque : Le Règlement 705 n'a pas été modifié en 1994. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1993.

1. L'article 2 du Règlement 705 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction de la disposition suivante :

4. Les lieux se trouvant dans une maison à laquelle la *Loi de 1993 sur l'administration de la zone résidentielle des îles de Toronto* s'applique si l'occupation des lieux n'est pas régie par un bail entre le propriétaire, au sens de cette loi, et l'occupant.

## ONTARIO REGULATION 802/94 made under the ADMINISTRATION OF JUSTICE ACT

Made: December 15, 1994  
Filed: December 19, 1994

Amending O. Reg. 293/92  
(Ontario Court (General Division) and Court of Appeal—Fees)

Note: Since January 1, 1994, Ontario Regulation 293/92 has been amended by Ontario Regulations 136/94, 272/94 and 359/94. There are no prior amendments.

1. Subsection 2 (1) of Ontario Regulation 293/92 is revoked and the following substituted:

(1) The following fees are payable in estate matters:

1. For a certificate of appointment of estate trustee, other than a certificate of succeeding estate trustee or a certificate of estate trustee during litigation,

## RÈGLEMENT DE L'ONTARIO 802/94 pris en application de la LOI SUR L'ADMINISTRATION DE LA JUSTICE

pris le 15 décembre 1994  
déposé le 19 décembre 1994

modifiant le Règl. de l'Ont. 293/92  
(Cour de l'Ontario (Division générale) et Cour d'appel — Honoraires et frais)

Remarque : Depuis le 1<sup>er</sup> janvier 1994, le Règlement de l'Ontario 293/92 a été modifié par les Règlements de l'Ontario 136/94, 272/94 et 359/94. Il n'y a pas de modifications antérieures.

1. Le paragraphe 2 (1) du Règlement de l'Ontario 293/92 est abrogé et remplacé par ce qui suit :

(1) Les honoraires et frais suivants sont payables dans les questions de succession :

1. Pour la délivrance d'un certificat de nomination à titre de fiduciaire de la succession, autre qu'un certificat de nomination à titre de nouveau fiduciaire de la succession ou un certificat de nomination à titre de fiduciaire de la succession pour la durée du litige :

<p>i. on the first \$50,000 of the value of the estate being administered, per thousand dollars or part thereof ..... \$ 5.00</p> <p>ii. on the portion of the value of the estate being administered that exceeds \$50,000, per thousand dollars or part thereof ..... 15.00</p> <p>2. For a certificate of succeeding estate trustee or a certificate of estate trustee during litigation ..... 50.00</p> <p>3. For an application of an estate trustee to pass accounts, including all services in connection with it ..... 255.00</p> <p>4. For a notice of objection to accounts ..... 45.00</p> <p>5. For an application other than an application to pass accounts, including an application for proof of lost or destroyed will, a revocation of a certificate of appointment, an application for directions or the filing of a claim and notice of contestation ..... 125.00</p> <p>6. For a notice of objection other than a notice of objection to accounts, including the filing of a notice of appearance ..... 45.00</p> <p>7. For a request for notice of commencement of proceedings ..... 45.00</p> <p>8. For the deposit of a will or codicil for safekeeping .. 17.00</p> <p>9. For an assessment of costs, including the certificate . 25.00</p> <p>2. This Regulation comes into force on January 1, 1995.</p>	<p>i. à l'égard des premiers 50 000 \$ de la valeur de la succession administrée, par mille dollars ou partie de mille dollars ..... 5,00 \$</p> <p>ii. à l'égard de la partie de la valeur de la succession administrée qui est supérieure à 50 000 \$, par mille dollars ou partie de mille dollars ..... 15,00</p> <p>2. Pour la délivrance d'un certificat de nomination à titre de nouveau fiduciaire de la succession ou d'un certificat de nomination à titre de fiduciaire de la succession pour la durée du litige ..... 50,00</p> <p>3. Pour la requête en approbation des comptes présentée par le fiduciaire de la succession, y compris tous les services s'y rattachant ..... 255,00</p> <p>4. Pour un avis d'opposition aux comptes ..... 45,00</p> <p>5. Pour une requête autre qu'une requête en approbation des comptes, y compris une requête visant la preuve d'un testament perdu ou détruit, la révocation d'un certificat de nomination, une requête en vue d'obtenir des directives ou le dépôt d'une réclamation et d'un avis de contestation ..... 125,00</p> <p>6. Pour un avis d'opposition autre qu'un avis d'opposition aux comptes, y compris le dépôt d'un avis de comparution ..... 45,00</p> <p>7. Pour une demande d'avis d'introduction d'instance . 45,00</p> <p>8. Pour le dépôt d'un testament ou d'un codicille ..... 17,00</p> <p>9. Pour la liquidation des dépens, y compris le certificat 25,00</p> <p>2. Le présent règlement entre en vigueur le 1<sup>er</sup> janvier 1995.</p>
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1/95

**ONTARIO REGULATION 803/94**  
made under the  
**ASSESSMENT REVIEW BOARD ACT**

Made: November 30, 1994  
Approved: December 15, 1994  
Filed: December 19, 1994

**ASSESSMENT REVIEW BOARD**  
**RULES OF PROCEDURE**

**PART I**  
**GENERAL MATTERS**

1. These Rules apply to all proceedings before the Board.

2. In these Rules,

“applicant” includes a person added as an applicant by the Board;

“application” means any appeal, complaint or application made to the Board to start a proceeding upon any matter under the Board’s jurisdiction;

“document” includes a sound recording, videotape, film, photograph, correspondence, memorandum, chart, graph, map, plan, survey, model, book of account and information recorded or stored by means of any device;

“hearing” includes a hearing of an application or a motion;

“holiday” has the same meaning as it has in section 29 of the *Interpretation Act*;

“motion” means a request for a ruling or relief made in a proceeding;

“moving party” means a person who makes a motion;

“party” includes a person who is given status by the Board to be a party;

“person” means a person as defined in the *Assessment Act*;

“proceeding” means the consideration by the Board of an application or a motion;

“respondent” means all parties other than the applicant;

“responding party” means a person who is served with a notice of motion.

3. (1) Any party may be represented by an agent or a lawyer.

(2) A party who has a representative must notify the Board of the name and address of the representative.

(3) Any party may appear in person or by way of a representative.

(4) A notice that is given to a representative is considered to be given to the party for who the representative acts.

4. For any matter of procedure not provided for by these Rules, the Board may follow such of the Rules of Civil Procedure as it considers appropriate in the circumstances.

5. Forms provided by the Rules of Civil Procedure are optional and may be used, with such variations as the circumstances require, in any proceeding before the Board.

6. If the necessary to arrive at a just determination of any matter, the Board may,

- (a) grant all necessary amendments or other relief, including the setting aside of a proceeding or a step, document or order in the proceeding, on such terms as the Board considers appropriate;
- (b) dispense with compliance with any Rule.

7. (1) In computing time under these Rules or in an order, except where a contrary intention appears,

- (a) if there is a reference to a number of days between two events, the day on which the first event happens is excluded and the day on which the second event happens is included;
- (b) if a period of less than seven days is prescribed, holidays do not count;
- (c) if the time for doing an act under these Rules expires on a holiday, the act may be done on the next day that is not a holiday; and
- (d) service of a document, other than an application, made after 4 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.

(2) Clause (1) (a) applies even if the days are described as "clear days" or the words "at least" are used.

(3) If a time of day is mentioned in these Rules or in any document in a proceeding, the time referred to is the time observed locally.

8. A time prescribed by these Rules for serving a document may be extended or abridged by the written consent of those to be served.

9. (1) Any person may apply to the Board to examine any document filed in any proceeding with the Board unless an Act, an order of a Court or an order of the Board provides otherwise.

(2) The Board shall permit an examination of any document filed with it except if the Board is of the opinion that the document contains,

- (a) information involving public security; or
- (b) intimate financial or personal information or other information of such a nature that, having regard to the circumstances, the desirability of avoiding disclosure of it in the interests of any person outweighs the desirability of permitting examination by members of the public.

(3) The Board may order that any document filed in a proceeding before the Board be treated as confidential, be sealed and not form part of the public record if the Board is of the opinion that the document contains,

- (a) information involving public security; or
- (b) intimate financial or personal information or other information of such a nature that, having regard to the circumstances, the desirability of avoiding disclosure of it in the interests of any

person outweighs the desirability of permitting public disclosure.

10. (1) A notice required to be given under these Rules or by an order of the Board must be given in writing.

(2) The Board may direct a party to give notice of a hearing to any person or class of persons who may have an interest in the matter and may direct the manner in which the notice is to be given.

11. (1) If the Board considers that two or more matters are related to each other by common facts, issues or for any other reason, the Board may,

- (a) order the matters be consolidated;
- (b) order the matters to be heard at the same time;
- (c) order the matters to be heard one immediately after the other; or
- (d) adjourn any matter until the determination of any other matter.

(2) If the Board has ordered that proceedings be heard either at the same time or one immediately after the other, the Board at the hearing, nevertheless, has the discretion to order otherwise.

12. (1) Unless otherwise provided in these Rules or in an Act, a proceeding may be started by a letter.

(2) The letter must,

- (a) be addressed to the Board at any of its regional offices;
- (b) identify the applicant by name, telephone number and address including the postal code; and
- (c) contain a statement of the reason for the application and the nature of the relief sought.

13. (1) A document filed with the Board be amended only pursuant to an order of the Board.

(2) Before making the order, the Board may require the party requesting the amendment to bring the matter before it on a motion with notice to all parties.

#### MOTIONS

14. (1) The Board, on a motion by any party, may order,

- (a) that a party be provided with an opportunity to examine documents in the possession or control of any other party;
- (b) the examination for discovery of any party in accordance with Rule 39.03 of the Rules of Civil Procedure; or
- (c) an examination for discovery by written questions directed to any party.

(2) The Board, when making an order under subsection (1), may impose such conditions with regard to the timing of the discovery as the Board considers appropriate.

(3) If an affidavit is filed in support of a motion under subsection (1), it must disclose the efforts made to secure the information sought by discovery and the reasons why that information is necessary in advance of the hearing.

15. (1) The Board may direct that a discovery be recorded.

(2) If the Board orders that a discovery be recorded, the party who asked for the discovery is responsible for the associated costs of recording.

(3) Any party seeking to refer to a discovery transcript before the Board shall, no less than 10 days before the start of the hearing, provide at its own expense a copy of the transcript to all parties who attended the discovery and to the Board.

(4) Subsection (3) does not apply if the Board makes an order that copies need not be provided.

16. (1) A motion must be initiated by a notice of motion.

(2) The moving party must obtain a hearing date for the motion from the Regional Registrar before a notice of motion is served.

(3) Subsections (1) and (2) do not apply to a motion made at a hearing or to a motion made pursuant to section 27 or 30.

17. A notice of motion must,

- (a) identify the moving party;
- (b) set out the time and place for the hearing of the motion;
- (c) state the precise relief sought;
- (d) specify the grounds to be argued, including a reference to any statutory provision or rule, if any, to be relied on;
- (e) list the documents to be used at the hearing of the motion;
- (f) state whether the moving party will seek leave of the Board to adduce oral evidence at the hearing of the motion and identify the nature of the evidence;
- (g) identify the names and addresses of all parties, other than the moving party, and of any other person to whom the Board has directed notice be given;
- (h) identify by name, address and telephone number, the moving party's representative or the moving party; and
- (i) describe the property and the application that is the subject of the proceedings.

18. (1) Unless otherwise directed by the Board, the notice of motion must be served at least 14 days before the day upon which the motion is to be heard.

(2) If a motion is made on notice, a notice of motion and any other documentation to be relied on, including any witness statements, must be served upon all parties, any person to whom the Board has directed notice be given and the Regional Registrar of the Board.

19. Any moving party and any responding party may present evidence and make submissions at the hearing of the motion.

#### CONDUCT OF HEARINGS

20. The Board may at any time give directions respecting the conduct of a hearing or a pending hearing.

21. The procedure at a hearing shall be determined by the presiding member of the Board unless otherwise provided in these Rules or an Act.

22. (1) No person shall take or attempt to take a photograph, motion picture, audio recording or other record capable of producing an oral or visual reproduction by electronic or other means at a Board hearing unless authorized by the Board.

(2) In granting an authorization, the Board may impose such conditions as it considers appropriate to maintain a fair and orderly hearing.

23. (1) The Board may, at the request of a party, conduct a proceeding in French or in both French and English.

(2) The request must be made no later than at the start of the hearing.

(3) The Board may adjourn the hearing to accommodate the request if it considers that the balance of convenience and fairness requires it.

24. If an interpreter in a language other than English or French is required in a proceeding, the party calling the witness whose evidence or submission needs interpretation must provide the interpreter.

25. (1) A party who wants a higher assessment than that fixed by the Regional Assessment Commissioner must, before the hearing, give notice of an intention to ask for an increase to all other parties.

(2) The notice must disclose the amount of assessment intended to be sought by the party giving the notice.

(3) If during a hearing a party seeks an increase of which notice has not been given to all parties, the Board may adjourn the proceedings and require that notice of the increase sought be given to the parties.

#### PART II GENERAL PROCEDURE

26. (1) If a proceeding has been launched with the Board, the Regional Registrar, upon written notice to the parties may invite them to appear before the Regional Registrar for the purpose of,

- (a) estimating the duration of the hearing; and
- (b) fixing a date for the hearing.

(2) If a party fails to appear, the Regional Registrar may proceed to schedule a hearing in their absence and shall notify all parties of the date, time and place of the hearing.

27. (1) If an applicant who has been given a Notice of Hearing fails to appear at the hearing, the Board may consider the proceeding to be abandoned if there is insufficient evidence to enable the Board to consider the application on its merits.

(2) An applicant whose proceeding is considered to be abandoned may bring a motion that the matter be reinstated and brought on for a hearing.

(3) On a motion that a matter be reinstated, the Chair or the Vice-Chair, if satisfied that the applicant's failure to attend was due to circumstances beyond the applicant's control or for any other valid reason, may direct that the matter be brought on for a hearing.

28. No proceeding shall proceed before the Board in the absence of an applicant, assessed person or Regional Assessment Commissioner until at least thirty minutes after the time fixed for its start.

29. At the start of a proceeding before the Board pursuant to the *Assessment Act*, the parties must confirm the name of the complainant and, for each property and assessment that is the subject of the proceeding,

- (a) the roll number;
- (b) the name of the assessed person;
- (c) the municipal address; and



(d) the amount of the assessment.

30. (1) If the Regional Registrar of the Board receives a complaint after the time set out by subsection 40 (2) of the *Assessment Act* and the complainant, on a motion, satisfies the Chair or Vice-Chair that the complaint was mailed within that time, the Board shall hear the matter.

(2) If a person named in the assessment roll and entitled to receive a notice of assessment under the *Assessment Act*, on a motion, satisfies the Chair or Vice-Chair that the person did not receive a notice of assessment and filed a complaint with the Regional Registrar as soon as reasonably possible after that person became aware of the assessment, the Board shall hear the matter.

31. The Board may issue such directions as it considers necessary for the just disposition of any matter before it.

32. Regulation 50 of the Revised Regulation of Ontario, 1990 is revoked.

33. This Regulation comes into force on January 1, 1995.

ASSESSMENT REVIEW BOARD:

ANDY ANSTETT  
*Chair*

MOHAMED MANJI  
*Provincial Registrar*

Dated at Toronto on November 30, 1994.

1/95

**ONTARIO REGULATION 804/94**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: December 15, 1994  
Filed: December 19, 1994

Amending Reg. 949 of R.R.O. 1990  
(Parking Infractions)

Note: Since January 1, 1994, Regulation 949 has been amended by Ontario Regulations 494/94, 506/94, 538/94, 581/94, 639/94, 720/94 and 776/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. The Table to section 13 of Regulation 949 of the Revised Regulations of Ontario, 1990 is amended by adding the following:

Municipality of Metropolitan Toronto

2. The Table to section 16 of the Regulation is amended by adding the following:

Township of Amabel  
Village of Lucan  
Town of Parkhill

3. This Regulation comes into force on January 1, 1995.

1/95

**ONTARIO REGULATION 805/94**  
made under the  
**PUBLIC LANDS ACT**

Made: December 7, 1994  
Filed: December 19, 1994

**CONSERVATION RESERVE**

1. The lands described in the Schedules are designated as conservation reserves with the purpose of protecting natural heritage areas and natural features on public land and preserving traditional public land uses including wildlife viewing, hunting, fishing, walking, snowshoeing, cross country skiing and boating.

2. Land within a conservation reserve shall not be used for mining, commercial forest harvest, hydro-electric power development, the extraction of aggregate and peat or other industrial uses.

**Schedule 1**

**BIG SAND LAKE CONSERVATION RESERVE**

In the Snook Lake Area in the Territorial District of Kenora and Province of Ontario, containing 284 hectares, more or less, being composed of that part of the said territorial district designated as Part 1 on a plan known as Big Sand Lake Conservation Reserve, filed in the Office of the Surveyor General on November 18, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

**Schedule 2**

**CLAY LAKE CONSERVATION RESERVE**

In the Eye Lake Area in the Territorial District of Kenora and Province of Ontario, containing 80 hectares, more or less, being composed of that part of the said territorial district designated as Part 1 on a plan known as Clay Lake Conservation Reserve, filed in the Office of the Surveyor General on November 28, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

**Schedule 3**

**SCOTTY LAKE CONSERVATION RESERVE**

In the Lennan Lake Area in the Territorial District of Kenora and Province of Ontario, containing 51 hectares, more or less, being composed of that part of the said territorial district designated as Part 1 on a plan known as Scotty Lake Conservation Reserve, filed in the Office of the Surveyor General on November 28, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

**Schedule 4**

**WILLOW LAKE CONSERVATION RESERVE**

In the Bell Lake Area in the Territorial District of Kenora and Province of Ontario, containing 55 hectares, more or less, being composed of that part of the said territorial district designated as Part 1 on a plan known as Willow Lake Conservation Reserve, filed in the Office of the Surveyor General on November 28, 1994, at the Ministry of Natural Resources in Toronto, Ontario.

1/95

**ONTARIO REGULATION 806/94**  
made under the  
**MUNICIPAL BOUNDARY NEGOTIATIONS ACT**

Made: December 7, 1994  
Filed: December 19, 1994

**CITY OF ST. THOMAS, TOWNSHIPS OF YARMOUTH  
AND SOUTHWOLD BOUNDARY**

1. On January 1, 1995, the following land is annexed to the City of St. Thomas:

1. The portion of the Township of Yarmouth described in Schedule A.
2. The portion of the Township of Southwold described in Schedule B.

2. (1) On January 1, 1995, the following vest in The Corporation of the City of St. Thomas:

1. All real property of The Corporation of the Township of Yarmouth situate in the area described in Schedule A.
2. All real property of The Corporation of the Township of Southwold situate in the area described in Schedule B.
3. All public highways of The Corporation of the County of Elgin, including fixtures, waterlines, sewerlines, easements and restrictive covenants running with the public highway situated wholly within the annexed area.

(2) For the purposes of subsection (1), "real property" includes any highway, street, fixture, waterline, sewerline, easement and restrictive covenant running with the land.

3. On January 1, 1995, the by-laws of The Corporation of the City of St. Thomas extend to the areas described in Schedules A and B, and the by-laws of the township municipalities and The Corporation of the County of Elgin cease to apply to such area, except,

- (a) by-laws of the township municipalities passed under section 34 or 42 of the *Planning Act* or a predecessor of those sections, which shall remain in force until repealed by the council of The Corporation of the City of St. Thomas;
- (b) by-laws of the township municipalities and The Corporation of the County of Elgin passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways, which shall remain in force until repealed by the council of The Corporation of the City of St. Thomas;
- (c) the by-laws of the township municipalities passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections;
- (d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the township municipalities and the council of The Corporation of the County of Elgin.

4. If The Corporation of the Township of Yarmouth or The Corporation of the Township of Southwold has commenced procedures to enact a by-law under the *Planning Act* and that by-law is not in force on January 1, 1995, the council of The Corporation of the City of St. Thomas may continue the procedures to enact the by-law to the extent it applies to the area annexed to the City of St. Thomas.

5. (1) The clerk of The Corporation of the Township of Yarmouth shall immediately prepare and furnish to the clerk of The Corporation of the City of St. Thomas a special collector's roll showing all arrears of real property and business taxes, local improvement charges and other charges assessed against the land in the annexed area up to and including December 31, 1994 and the persons assessed therefor.

(2) The clerk of The Corporation of the Township of Southwold shall immediately prepare and furnish to the clerk of The Corporation of the City of St. Thomas a special collector's roll showing all arrears of real property and business taxes, local improvement charges and other charges against the lands in the annexed area up to and including December 31, 1994, and the persons assessed therefor.

6. (1) All real property and business taxes, local improvement charges and other charges assessed against land in the annexed area levied under any general or special Act which are due and unpaid on December 31, 1994, shall be deemed on that date to be taxes and charges due and payable to The Corporation of the City of St. Thomas and may be collected by The Corporation of the City of St. Thomas.

(2) On or before January 31, 1995, The Corporation of the City of St. Thomas shall pay to The Corporation of the Township of Yarmouth an amount equal to the amount that The Corporation of the City of St. Thomas is entitled to collect under subsection (1) in the area annexed from the Township of Yarmouth.

(3) On or before January 31, 1995, The Corporation of the City of St. Thomas shall pay to The Corporation of the Township of Southwold an amount equal to the amount that The Corporation of the City of St. Thomas is entitled to collect under subsection (1) in the area annexed from the Township of Southwold.

7. For the purposes of the assessment roll to be prepared for the City of St. Thomas under section 14 of the *Assessment Act* for the 1995 taxation year, the area described in Schedule A and Schedule B shall be deemed to be a part of the City of St. Thomas.

8. (1) In each year from 1995 to 1998, inclusive, The Corporation of the City of St. Thomas shall decrease the real property and business taxes that would otherwise apply in that year to each separately assessed property and business in the annexed area by the product obtained by multiplying the tax differential for that property or business calculated under subsection (2) by the factor for that year listed below:

1995	0.80
1996	0.60
1997	0.40
1998	0.20

(2) In 1995, the treasurer of The Corporation of the City of St. Thomas shall calculate a tax differential for each separately assessed property and business in the annexed area as follows:

1. In respect to a residential or farm property in the area annexed from the Township of Southwold, by subtracting the product of 106.923 mills and the realty assessment on that property as shown on the last returned assessment roll of the City of St. Thomas for taxation in 1995 from the product of 240.180 mills and the same assessment.
2. In respect to a residential or farm property in the area annexed from the Township of Yarmouth, by subtracting the product of 132.876 mills and the realty assessment on that property as shown on the last returned assessment roll of the City of St. Thomas for taxation in 1995 from the product of 240.180 mills and the same assessment.
3. In respect to a commercial or industrial property or a business in the area annexed from the Township of Southwold, by subtracting the product of 125.791 mills and the realty or business assessment on that property or business, as the case

may be, as shown on the last returned assessment roll for the City of St. Thomas for taxation in 1995, from the product of 282.564 mills and the same assessment.

4. In respect to a commercial or industrial property or a business in the area annexed from the Township of Yarmouth, by subtracting the product of 156.324 mills and the realty or business assessment on that property or business, as the case may be, as shown on the last returned assessment roll for the City of St. Thomas for taxation in 1995, from the product of 282.564 mills and the same assessment.

(3) If, before December 31, 1999, the assessment pertaining to property or business in the annexed area is reduced from that shown on the last returned assessment roll for the City of St. Thomas for taxation in 1995, the treasurer shall recalculate the tax differential under subsection (2) using the reduced assessment.

(4) The tax reduction under subsection (1) shall be adjusted utilizing the recalculated tax differential as of the effective date of the assessment reduction.

(5) The phase-in of real property taxes under this section with respect to a property, ceases effective January 1 of the year following the year in which,

- (a) all or part of the property is consolidated with another property in the annexed area;
- (b) all or part of the property is conveyed;
- (c) all or any part of the property is reassessed from one assessment property class to another; or
- (d) the realty assessment on the property increases by 25 per cent or more from the realty assessment on that property on January 1, 1995 as a result of the erection or enlargement of a building or structure on the property.

(6) The phase-in of business taxes under this section with respect to a business in the annexed area ceases on January 1 of the year following the year in which the business assessment with respect to that business differs by 25 per cent or more from the business assessment on that business on January 1, 1995.

9. (1) In each year from 1995 to 1999, inclusive, The Corporation of the City of St. Thomas shall pay to The Corporation of the Township of Yarmouth, as compensation for the loss of tax revenues from the annexed area, an amount equal to the 1994 own purpose tax revenue from real property and businesses in the area described in Schedule A.

(2) In each year from 1995 to 1999, inclusive, The Corporation of the City of St. Thomas shall pay to The Corporation of the Township of Southwold, as compensation for the loss of tax revenues from the annexed area, an amount equal to the 1994 own purpose tax revenue from real property and businesses in the area described in Schedule B.

(3) In each year from 1995 to 1999, inclusive, The Corporation of the City of St. Thomas shall pay to The Corporation of the County of Elgin, as compensation for the loss of tax revenues from the annexed area, an amount equal to the 1994 county levy revenue from real property and businesses in the area described in Schedules A and B.

(4) The payments under subsections (1), (2) and (3) shall be paid in instalments on or before the due dates of each instalment of the tax levy of The Corporation of the Township of Yarmouth, the tax levy of The Corporation of the Township of Southwold and the county levy of The Corporation of the County of Elgin, respectively.

(5) In any year, the amount of an instalment payment under this section shall be:

$$\text{Instalment Payment} = A \times \frac{B}{C}$$

where,

A = the total payment for the year under this section,

B = the amount of the levy instalment payable on that date,

C = the total levy payable in that year.

(6) If the total levy payable for the year has not been determined as of an instalment date, the instalment payment shall be calculated using the total levy payable for the immediately preceding year, and adjustments shall be made when that year's total levy payable is determined.

10. The agreement among The Corporation of the City of St. Thomas, The Corporation of the County of Elgin, The Corporation of the Township of Yarmouth and The Corporation of the Township of Southwold entered into on July 19, 1994, to the extent it is referred to in this Order, is hereby given effect.

#### Schedule A

##### LAND IN THE TOWNSHIP OF YARMOUTH TO BE ANNEXED TO THE CITY OF ST. THOMAS

In the Township of Yarmouth, County of Elgin being

PARCEL #1

All of Lot 1, Concession 7 and Part of lots 2 & 3, Concession 7, lots 24 to 46 both inclusive, lots 62 to 72 both inclusive, and Mill Lane, all on Plan 256

Part of Lot 1 & Part of Lot 2, Concession 8

The North 1/2 of the Road Allowance between concessions 6 & 7 (Southdale Road) opposite lots 1 & 2 Concession 7 & that Part of Lot 3, Concession 7 West of Plan 247

The Road Allowance between concessions 7 & 8 (Elm Street) opposite lots 1 & 2 & Part of Lot 3, Concession 7 West of the present City Limit

North 1/2 of Glenwood Street as diverted through Plans 247 & 256

Highway No. 4 from the centre line of Elm Street South to the centre of Glenwood Street according to Plan 247 produced Easterly

Southwold Street Plan 192 & Horseshoe Hill (Kains Hill Road as laid out by Bostwick 1833 & diverted)

DESCRIBED AS FOLLOWS:

COMMENCING in the centre line of the Road Allowance between concessions 6 & 7 (Southdale Road) at the East Limit of the townline between the townships of Southwold & Yarmouth;

THENCE Northerly along the East Limit of the Townline between the townships of Yarmouth & Southwold to its intersection with the South West Limit of the City of St. Thomas being the North bank of Kettle Creek;

THENCE Easterly, Southerly, Westerly, Easterly & South Easterly along the East bank of Kettle Creek (the present limit of the City of St. Thomas) to its intersection with the centre line of the Road Allowance between concessions 7 & 8 (Elm Street);

THENCE Easterly along the centre line of the Road Allowance between concessions 7 & 8 (Elm Street) to its intersection with the East Limit of Highway No. 4 as shown on Plan D-40;

THENCE Southerly along the East Limit of Highway No. 4 as shown on said plans D-40 & D-214 to its intersection with the centre line of Glenwood Street produced Easterly;

THENCE Westerly along the centre line of the production of Glenwood Street as diverted through Plans 247 & 256 to its intersection with the West Limit said Plans 247 & 256;

THENCE Southerly along the West Limit of Plan 247 and its production Southerly to its intersection with the centre line of Road Allowance between concessions 6 & 7 (Southdale Road);

THENCE West along the centre line of Road Allowance between concessions 6 & 7 (Southdale Road) to the place of beginning.

#### PARCEL #2

Lots 2 & 3, Plan 256

North 1/2 of South 1/2 of Lot 5, Concession 7

South 1/2 of lots 6, 7 & 8, Concession 7

The Road Allowance between concessions 6 & 7 (Southdale Road) opposite lots 6 & 7, Concession 7

The North 1/2 of Road Allowance between concessions 6 & 7 (Southdale Road) opposite Lot 8, Concession 7

The Road Allowance between South 1/2 of Lot 7 & South 1/2 of Lot 8, Concession 7 (Fairview Ave)

Part of Lot 7, Concession 6 designated as Part 1 on Plan D-1461

#### DESCRIBED AS FOLLOWS:

COMMENCING at the North West angle of Lot 3, Plan 256;

THENCE Easterly along the North Limit of said Lot 3 to its intersection with the West Limit of Lot 2, Plan 256;

THENCE Northerly along the West Limit of said Lot 2 to the North West angle of said Lot 2;

THENCE Easterly along the North Limit of said Lot 2, and along the Limit between North 1/2 & South 1/2 of lots 5, 6 & 7, Concession 7 across Fairview Ave. and along the Limit between the North 1/2 & South 1/2 of Lot 8, Concession 7 to the East Limit of Lot 8;

THENCE Southerly along the East Limit of said Lot 8, Concession 7 & its Southerly production to its intersection with the centre line of the Road Allowance between concessions 6 & 7 (Southdale Road);

THENCE Westerly along the centre line of the Road Allowance between concessions 6 & 7 (Southdale Road) to its intersection with the West Limit of Lot 8, Concession 6 produced Northerly;

THENCE Southerly along the West Limit of Lot 8, Concession 6 produced Northerly to the South Limit of Road Allowance between concessions 6 & 7 (Southdale Road);

THENCE Westerly along the South Limit of Road Allowance between concessions 6 & 7 (Southdale Road) across the intersection as shown on Plan D-1461 to the North East angle of Part 1, Plan D-1461;

THENCE Southerly along the East Limit of said Part 1 to the South East angle of said Part 1;

THENCE Westerly along the South Limit of Part 1, Plan D-1461 to the South West angle of said Part 1 being in the West Limit of Lot 7, Concession 6;

THENCE Northerly along the West Limit of said Part 1 to the North West angle of said Part 1 being the North West angle of Lot 7, Concession 6;

THENCE Westerly along the South Limit of Road Allowance between concessions 6 & 7 to its intersection with the West Limit of Lot 6, Concession 7 produced Southerly;

THENCE Northerly along said production and along the West Limit of Lot 6, Concession 7 to its intersection with the Limit between the North 1/2 & South 1/2 of the South 1/2 of Lot 5, Concession 7;

THENCE Westerly along the said Limit to its intersection with the West Limit of said Lot 5;

THENCE Northerly along the West Limit of said Lot 5 to its intersection with the South East angle of Lot 3, Plan 256;

THENCE Westerly along the South Limit of Lot 3, Plan 256 to the South West angle of said Lot 3;

THENCE North Westerly along the South West Limit of said Lot 3 to the place of beginning.

#### PARCEL #3

Part of Lot 10, Concession 8

#### DESCRIBED AS FOLLOWS:

COMMENCING at a point in the East Limit of said Lot 10 distant 905.60 feet measured Southerly thereon from a point in the North East angle of said Lot 10;

THENCE Southerly along the East Limit of said Lot 10 a distance of 463.91 feet;

THENCE Westerly to and along the North Limit of lots 55 & 56, Plan 251 across Coulter Ave. as shown on Plan 251 and along the South Limit of Part 4, Plan 11R-5555;

THENCE Northerly along the West Limit of Part 4, Plan 11R-5555 a distance of 1,007.91 feet to the North West angle of the said Part 4;

THENCE Easterly along the North Limit of said Part 4 a distance of 330 feet to the North East angle of said Part 4;

THENCE Southerly along the East Limit of said Part 4 a distance of 403.47 feet;

THENCE Easterly parallel to the North Limit of said Lot 10 a distance of 66 feet;

THENCE Southerly parallel to the East Limit of said Lot 10 a distance of 140 feet;

THENCE Easterly parallel to the North Limit of said Lot 10 a distance of 584.13 feet to the place of beginning.

**PARCEL #4**

In the Township of Yarmouth, County of Elgin, being that portion of the East half of the Townline between the townships of Southwold and Yarmouth from the centre line of the road allowance between concessions 6 and 7 in the Township of Yarmouth, northerly to the boundary of the City of St. Thomas.

**Schedule B**

**LAND IN THE TOWNSHIP OF SOUTHWOLD  
TO BE ANNEXED TO THE CITY OF ST. THOMAS**

**PARCEL #1**

In the Township of Southwold, County of Elgin being

Part of lots 9 & 10, Range 2, East River Road

Part lots 40, 41 & 42 South Talbot Road

Lot 43 South Talbot Road and lots 44 & 45 South Talbot Road West of the City Limit

Lot 43 North Talbot Road

Part of lots 44 & 45 North Talbot Road

Lots 1 to 27, both inclusive, Munro Ave., Gooding Street Plan 259

Lots 1 to 12, both inclusive, and the Road between lots 1 & 2, Plan 34

Gore Lot A between lots 45 & 46 North Talbot Road

Part Gore Lot B between lots 45 & 46 North Talbot Road

Part Lot D East Branch North Talbot Road

Part of By-Law Road between Range 1 and Range 2 East River Road opposite lots 9 & 10

Part of Bush Road (travelled Road in lots 40, 41 & 42 South Talbot Road)

Part of Road Allowance between Lot 10, Range 2 East River Road and lots 40, 41 & 42 South Talbot Road

Road Allowance between lots 43 & 44 in the Concessions North Talbot Road and South Talbot Road

Talbot Road opposite lots 43, 44 & 45 North Talbot Road and South Talbot Road West of City Limit

South 1/2 of Road Allowance between Concessions North Talbot Road and South North Branch Talbot Road opposite lots 43 & 44 and Part of 45 West of the centre line of Highway No. 4

Road Allowance between Concessions North Talbot Road and East North Branch Talbot Road opposite lots 45, A & B from the centre line of Highway No. 4 Easterly to its intersection with the South Limit of CNR right-of-way

Part of South 1/2 of Road Allowance between Concessions North Talbot Road and East North Branch Talbot Road opposite Gore Lot B

East 1/2 of Highway No. 4 in Lot D East North Branch Talbot Road as shown on Plan D-696

All of Highway No. 4 through Lot 45 North Talbot Road to the City Limit as shown on Plans D-77, D-446 & D-696 South of the centre line of the Road Allowance between Concessions North Talbot Road & South North Branch Talbot Road

DESCRIBED AS FOLLOWS:

COMMENCING at the South East angle of Lot 9, Range 2 East River Road;

THENCE Westerly along the Southerly Limit of Lot 9 to the centre line of the Road established by By-Law 71 passed November 15, 1844;

THENCE Northerly along the centre line of said By-Law Road to its intersection with the centre line of Road Allowance between Concessions South Talbot Road and Range 2 East River Road;

THENCE North East along said centre line of said Road Allowance to its intersection with the centre line of travelled road across lots 41, 42 & 43 South Talbot Road to its intersection with the South Easterly production of the South West Limit of Lot 41 South Talbot Road;

THENCE North Westerly to and along the South West Limit of said Lot 41 South Talbot Road to the West corner of Part 1 on Plan 11R-5347;

THENCE North Easterly along the North West Limit of said Part 1 on Plan 11R-5347 to its intersection with the South West Limit of Lot 42 South Talbot Road;

THENCE South Easterly along the South West Limit of said Lot 42 being the North East Limit of Part 1 on Plan 11R-5347 a distance of 1,628.40 feet to an angle of Part 1 on Plan 11R-5347;

THENCE North Easterly along the North West Limit of said Part 1 across Lot 42 to its intersection with North East Limit of said Lot 42 and the South West Limit of Lot 43;

THENCE North Westerly along the South West Limit of said Lot 43 to the West angle of Lot 43;

THENCE across Talbot Road to the South angle of Lot 43 North Talbot Road;

THENCE North Westerly along the South West Limit of Lot 43 North Talbot Road and its production to the centre line of the Road Allowance between Concession North Talbot Road and South North Branch Talbot Road;

THENCE North Easterly along the centre line of said Road Allowance to its intersection with the centre line of Highway No. 4 as shown on Plan D-696;

THENCE North Westerly along the centre line of Highway No. 4 to its intersection with the westerly production of South Limit of the right-of-way of CNR;

THENCE Easterly to and along the South Limit of right-of-way of CNR to its intersection with the centre line of the Road Allowance between Concession East North Branch Talbot Road and Concession North Talbot Road;

THENCE North Easterly along the said centre line to its intersection with the Northerly production of the East Limit of Part 1 on Plan 11R-4716;

THENCE Southerly to and along the East Limit on Part 1 on Plan 11R-4716 and its Southerly production across the CNR right-of-way to the South Limit of said right-of-way;

THENCE Easterly along the right-of-way of CNR to its intersection with the North East Limit of Gore Lot B North Talbot Road;

THENCE South Easterly along the North East Limit of Gore Lot B North Talbot Road to its intersection with North West Limit of Part 1 on Plan 11R-5779;

THENCE South Westerly, South Easterly along the Limit of parts 1 & 2 on Plan 11R-5779 and along the South West Limit of Part 9-1 on Plan 11R-1309 and along the South East Limit of Part 1 on Plan 11R-1309 to its intersection with the North East Limit of Gore Lot B;

THENCE South Easterly along the North East Limit of Gore Lot B to its intersection with (East Limit of said Gore Lot B being) the West Limit of the Townline between the townships of Southwold and Yarmouth;

THENCE Southerly along the East Limit of Gore Lot B & A North Talbot Road to its intersection with the South bank of Kettle Creek (the present North Limit of the City of St. Thomas);

THENCE Westerly, Southerly, Easterly along the said City Limit to its intersection with the East Limit of said Lot 44 South Talbot Road;

THENCE Southerly along the East Limit of lots 44, 43 & 42, the Road Allowance between South Talbot Road and Range 2 East River Road and the East Limit of lots 10 & 9, Range 2 East River Road to the place of beginning.

**PARCEL #2**

In the Township of Southwold, County of Elgin being,

FIRSTLY that portion of the west half of the Townline between the townships of Southwold and Yarmouth, from the Southeast angle of Lot 9, Range 2, east of River Road northerly to the boundary of the City of St. Thomas;

SECONDLY that portion of the west half of the Townline between the townships of Southwold and Yarmouth from the most southerly intersection of the Townline with Lot 1, Concession 9, Township of Yarmouth northerly to the intersection of the northeast limit of Gore Lot B North Talbot Road in the Township of Southwold produced southeasterly.

1/95

**ONTARIO REGULATION 807/94**  
made under the  
**MUNICIPAL BOUNDARY NEGOTIATIONS ACT**

Made: December 7, 1994  
Filed: December 20, 1994

**TOWN OF KINCARDINE, TOWNSHIP OF  
KINCARDINE BOUNDARY**

1. On January 1, 1995, the portion of the Township of Kincardine described in the Schedule is annexed to the Town of Kincardine.

2. All real property of The Corporation of the Township of Kincardine situate in the annexed area vests in The Corporation of the Town of Kincardine on January 1, 1995.

3. (1) On January 1, 1995, the by-laws of The Corporation of the Town of Kincardine extend to the annexed area and the by-laws of The Corporation of the Township of Kincardine cease to apply to such area, except,

(a) by-laws of The Corporation of the Township of Kincardine,

(i) that were passed under section 34 or 41 of the *Planning Act* or a predecessor of those sections,

(ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the Town of Kincardine;

(b) by-laws of The Corporation of the Township of Kincardine passed under section 3 of the *Development Charges Act* which shall remain in force until the earlier of,

(i) the date they are repealed by the council of The Corporation of the Town of Kincardine, and

(ii) the date they expire under section 6 of the *Development Charges Act*;

(c) by-laws of The Corporation of the Township of Kincardine passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and

(d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Township of Kincardine.

(2) On or before April 1, 1995, The Corporation of the Township of Kincardine shall pay to The Corporation of the Town of Kincardine an amount equal to development charges under a by-law passed under section 3 of the *Development Charges Act* paid or payable and, as of December 31, 1994, not spent on development in the annexed area.

(3) If, on or before December 31, 1994, The Corporation of the Township of Kincardine has commenced procedures to enact a by-law or to adopt an official plan or amendment thereto under the *Planning Act* and that by-law, official plan or amendment applies to the annexed area and is not in force on January 1, 1995, the council of The Corporation of the Town of Kincardine may continue the procedures to the extent the by-law, official plan or amendment applies to the annexed area.

4. The clerk of The Corporation of the Township of Kincardine shall as soon as practicable prepare and furnish to the clerk of The Corporation of the Town of Kincardine a special collector's roll showing all arrears of real property taxes or special rates assessed against the land in the annexed area up to and including December 31, 1994 and the persons assessed therefor.

5. (1) All real property taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on December 31, 1994 shall be deemed on January 1, 1995 to be taxes due and payable to The Corporation of the Town of Kincardine and may be collected by The Corporation of the Town of Kincardine.

(2) On or before April 1, 1995, The Corporation of the Town of Kincardine shall pay to The Corporation of the Township of Kincardine an amount equal to the amount of all deemed taxes that The Corporation of the Town of Kincardine is entitled to collect in the annexed area under subsection (1), that were due but unpaid on December 31, 1994.

6. All business taxes levied under and uncollected in the annexed area which are due and unpaid on December 31, 1994 continue after that date to be taxes due and payable to The Corporation of the Township of Kincardine and may be collected by The Corporation of the Township of Kincardine.

7. For the purposes of the assessment roll to be prepared for the Town of Kincardine under subsection 14 (1) of the *Assessment Act* for the 1995 taxation year, the annexed area shall be deemed to be a part of the Town of Kincardine.

8. The Corporation of the Town of Kincardine shall pay to The Corporation of the Township of Kincardine, as compensation for the loss of taxes from the annexed area, \$16,514.73 of which

- (a) \$5,504.91 is payable on or before December 31, 1995;
- (b) \$4,403.93 is payable on or before December 31, 1996;
- (c) \$3,302.95 is payable on or before December 31, 1997;
- (d) \$2,201.96 is payable on or before December 31, 1998; and
- (e) \$1,100.98 is payable on or before December 31, 1999.

9. The agreement between The Corporation of the Town of Kincardine and The Corporation of the Township of Kincardine entered into on September 15, 1994 is hereby given effect.

#### Schedule

##### AREA TO BE ANNEXED TO THE TOWN OF KINCARDINE

The lands and premises in the Township of Kincardine, County of Bruce, containing 640 acres, more or less, more particularly described as follows:

FIRSTLY lots 1 to 4 inclusive in concessions 1, 2 and 3, S.D.R.;

SECONDLY the south half of the road allowance between Concession 1, N.D.R. and Concession 1, S.D.R., lying between the easterly boundary of the Town of Kincardine and the projection northerly of the easterly limit of Lot 4, Concession 1, S.D.R. (now part of Provincial Highway No. 9);

THIRDLY the north half of the road allowance lying between the southerly boundary of the Township of Kincardine and the northerly boundary of the Township of Huron lying between the easterly boundary of the Town of Kincardine, and the projection southerly of the easterly limit of Lot 4, Concession 3, S.D.R.;

FOURTHLY the road allowance along the easterly boundary of the Town of Kincardine, lying between the northerly limit of the south half of the road allowance between Concession 1, N.D.R. and Concession 1, S.D.R. projected westerly to intersect the easterly boundary of the Town of Kincardine, and the southerly limit of the north half of the road allowance between the southerly boundary of the Township of Kincardine and the northerly boundary of the Township of Huron, projected westerly to intersect the easterly boundary of the Town of Kincardine.

1/95

#### ONTARIO REGULATION 808/94 made under the MUNICIPAL BOUNDARY NEGOTIATIONS ACT

Made: December 7, 1994  
Filed: December 20, 1994

#### TOWNSHIP OF NORTH ALGONA, TOWNSHIP OF ALICE AND FRASER BOUNDARY

1. On January 1, 1995, the portion of the Township of Alice and Fraser described in the Schedule is annexed to the Township of North Algona.

2. All real property of The Corporation of the Township of Alice and Fraser situate in the annexed area vests in The Corporation of the Township of North Algona on January 1, 1995.

3. (1) On January 1, 1995, the by-laws of The Corporation of the Township of North Algona extend to the annexed area and the by-laws of The Corporation of the Township of Alice and Fraser cease to apply to such area, except,

- (a) by-laws of The Corporation of the Township of Alice and Fraser,
  - (i) that were passed under section 34 or 42 of the *Planning Act* or a predecessor of those sections, or
  - (ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the Township of North Algona;

- (b) by-laws of The Corporation of the Township of Alice and Fraser passed under section 3 of the *Development Charges Act* which shall remain in force until the earlier of,
  - (i) the date they are repealed by the council of The Corporation of the Township of North Algona, and
  - (ii) the date they expire under section 6 of the *Development Charges Act*;
- (c) by-laws of The Corporation of the Township of Alice and Fraser passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and
- (d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Township of Alice and Fraser.

(2) If The Corporation of the Township of Alice and Fraser has commenced procedures to enact a by-law under the *Planning Act* and that by-law is not in force on January 1, 1995, the council of The Corporation of the Township of North Algona may continue the procedures to enact the by-law to the extent it applies to the annexed area.

4. The clerk of The Corporation of the Township of Alice and Fraser shall as soon as practicable prepare and furnish to the clerk of The Corporation of the Township of North Algona a special collector's roll showing all arrears of real property taxes or special rates assessed against the land in the annexed area up to and including December 31, 1994 and the persons assessed therefor.

5. (1) All real property taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on December 31, 1994 shall be deemed on January 1, 1995, to be taxes due and payable to The Corporation of the Township of North Algona and may be collected by The Corporation of the Township of North Algona.

(2) On or before April 1, 1995, The Corporation of the Township of North Algona shall pay to The Corporation of the Township of Alice and Fraser an amount equal to the amount of all deemed taxes that The Corporation of the Township of North Algona is entitled to collect in the annexed area under subsection (1), that were due but unpaid on December 31, 1994.

6. All business taxes levied under and uncollected in the annexed area which are due and unpaid on December 31, 1994 continue after

that date to be taxes due and payable to The Corporation of the Township of Alice and Fraser and may be collected by The Corporation of the Township of Alice and Fraser.

7. For the purposes of the assessment roll to be prepared for the Township of North Algona under subsection 14 (1) of the *Assessment Act* for the 1995 taxation year, the annexed area shall be deemed to be a part of the Township of North Algona.

8. The agreement between The Corporation of the Township of North Algona and The Corporation of the Township of Alice and Fraser entered into on July 18, 1994 is hereby given effect.

### Schedule

#### AREA TO BE ANNEXED TO THE CORPORATION OF THE TOWNSHIP OF NORTH ALGONA

All of lots 26, 27, 28, 29, 30 and 31 in concessions 1 to 6 inclusive in the Township of Fraser, consisting of approximately 3,600 acres, described as follows:

COMMENCING at a point in the centreline of the road allowance between the Township of North Algona and the Township of Fraser at

its intersection with the centreline of the road allowance between lots 25 and 26, Concession 1, in the Township of Fraser;

THENCE northwesterly along the centreline of the road allowance between lots 25 and 26 in the Township of Fraser across concessions 1, 2, 3, 4, 5 and 6 to a point on the centreline of the road allowance between concessions 6 and 7 of the said Township of Fraser;

THENCE southwesterly along the centreline of the road allowance between concessions 6 and 7 across lots 26, 27, 28, 29, 30 and 31 to a point on the centreline of the road allowance between the Township of Fraser and the Township of Richards;

THENCE southeasterly along the centreline of the road allowance between the Township of Fraser and the Township of Richards and the Township of Fraser and the Township of Hagarty to the intersection with the centreline of the road allowance between the Township of Fraser and the Township of North Algona;

Thence northeasterly and following the centreline of the road allowance between the Township of Fraser and the said Township of North Algona across lots 31, 30, 29, 28, 27 and 26 in the Township of Fraser to the point of commencement.

1/95

#### ONTARIO REGULATION 809/94 made under the GAMING CONTROL ACT, 1992

Made: December 15, 1994  
Filed: December 20, 1994

Amending O. Reg. 68/94  
(Registration of Suppliers and Gaming Assistants—  
Games of Chance not Held in Casinos)

Note: Since it was made, Ontario Regulation 68/94 has been amended by Ontario Regulation 626/94.

1. (1) Paragraph 1 of subsection 18 (3) of Ontario Regulation 68/94 is revoked and the following substituted:

1. The day on which the Registrar grants the registrant's application for registration or serves on the registrant a notice of a proposed order to refuse the application for registration.

(2) Paragraph 2 of subsection 18 (3) of the Regulation is amended by striking out "1994" and substituting "1995".

(3) Paragraph 3 of subsection 18 (3) of the Regulation is amended by striking out "1995" and substituting "1996".

(4) Subsection 18 (4) of the Regulation is amended by striking out "1994" in the second line and substituting "1995".

(5) Subsection 18 (5) of the Regulation is amended by striking out "1995" in the last line and substituting "1996".

2. (1) Clause 19 (3) (a) of the Regulation is amended by striking out "1994" in the first line and substituting "1995".

(2) Clause 19 (3) (b) of the Regulation is amended by striking out "1995" in the first line and substituting "1996".

3. (1) Paragraph 1 of subsection 21 (3) of the Regulation is revoked and the following substituted:

#### RÈGLEMENT DE L'ONTARIO 809/94 pris en application de la LOI DE 1992 SUR LA RÉGLEMENTATION DES JEUX

pris le 15 décembre 1994  
déposé le 20 décembre 1994

modifiant le Règl. de l'Ont. 68/94  
(Inscription des fournisseurs et des préposés au jeu —  
jeux de hasard ne se déroulant pas dans des casinos)

Remarque : Depuis qu'il a été pris, le Règlement de l'Ontario 68/94 a été modifié par le Règlement de l'Ontario 626/94.

1. (1) La disposition 1 du paragraphe 18 (3) du Règlement de l'Ontario 68/94 est abrogée et remplacée par ce qui suit :

1. Le jour où le registrateur approuve la demande d'inscription de la personne inscrite ou signifie à celle-ci l'avis d'un ordre envisagé de rejeter la demande d'inscription.

(2) La disposition 2 du paragraphe 18 (3) du Règlement est modifiée par substitution, à «1994», de «1995».

(3) La disposition 3 du paragraphe 18 (3) du Règlement est modifiée par substitution, à «1995», de «1996».

(4) Le paragraphe 18 (4) du Règlement est modifié par substitution, à «1994» à la dernière ligne, de «1995».

(5) Le paragraphe 18 (5) du Règlement est modifié par substitution, à «1995» à la dernière ligne, de «1996».

2. (1) L'alinéa 19 (3) (a) du Règlement est modifié par substitution, à «1994» à la première ligne, de «1995».

(2) L'alinéa 19 (3) (b) du Règlement est modifié par substitution, à «1995» à la première ligne, de «1996».

3. (1) La disposition 1 du paragraphe 21 (3) du Règlement est abrogée et remplacée par ce qui suit :



1. The day on which the Registrar grants the registrant's application for registration or serves on the registrant a notice of a proposed order to refuse the application for registration.

(2) Section 21 of the Regulation is amended by adding the following subsection:

(6) Section 13 of the Act does not apply to the expiration of a conditional registration.

4. (1) Subsection 34 (2) of the Regulation is amended by striking out "January 31, 1994" in the last line.

(2) Subsection 34 (2) of the Regulation is amended by adding the following clauses:

- (a) January 31, 1995, if the conditional registration has not been renewed under subsection 18 (4); or
- (b) January 31, 1996, if the conditional registration has been renewed under subsection 18 (4).

1/95

1. Le jour où le registrateur approuve la demande d'inscription de la personne inscrite ou signifie à celle-ci l'avis d'un ordre envisagé de rejeter la demande d'inscription.

(2) L'article 21 du Règlement est modifié par adjonction du paragraphe suivant :

(6) L'article 13 de la Loi ne s'applique pas lorsqu'une inscription conditionnelle prend fin.

4. (1) Le paragraphe 34 (2) du Règlement est modifié par suppression de «jusqu'au 31 janvier 1994» aux deux dernières lignes.

(2) Le paragraphe 34 (2) du Règlement est modifié par adjonction des alinéas suivants :

- a) jusqu'au 31 janvier 1995, si l'inscription conditionnelle n'a pas été renouvelée aux termes du paragraphe 18 (4);
- b) jusqu'au 31 janvier 1996, si l'inscription conditionnelle a été renouvelée aux termes du paragraphe 18 (4).

**ONTARIO REGULATION 810/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: December 15, 1994  
Filed: December 20, 1994

Amending Reg. 412 of R.R.O. 1990  
(Fresh Potatoes—Marketing)

Note: Regulation 412 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. (1) Clause 4 (b) of Regulation 412 of the Revised Regulations of Ontario, 1990 is amended by adding at the end "subject to subsection (2)".

(2) Section 4 of the Regulation is amended by adding the following subsections:

(2) On or before June 20 in each year, each producer shall complete a return with respect to its production or marketing of fresh potatoes and file it with the local board at its office at 570 Brant Street, Burlington, Ontario, L7R 2G8.

(3) The return shall be in a form approved by the local board.

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

JAMES H. WHEELER  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated at Toronto on December 15, 1994.

1/95

**ONTARIO REGULATION 811/94**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: December 15, 1994  
Filed: December 20, 1994

Amending Reg. 437 of R.R.O. 1990  
(Turkeys—Marketing)

Note: Since January 1, 1994, Regulation 437 has been amended by Ontario Regulations 155/94 and 658/94. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

1. Section 8 of Regulation 437 of the Revised Regulations of Ontario, 1990 is amended by adding the following clause:

(d.1) providing for the imposition, amount, disposition and use of penalties where, after a hearing, the local board is of the opinion that the applicant or licensee failed to comply with or has contravened any term or condition of a licence or any provision of the Act, the regulations, any plan or any order or direction of the local board;

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

JAMES H. WHEELER  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated on December 15, 1994.

1/95

**ONTARIO REGULATION 812/94**  
made under the  
**MUNICIPAL BOUNDARY NEGOTIATIONS ACT**

Made: December 15, 1994  
Filed: December 20, 1994

**UNITED TOWNSHIPS OF GALWAY AND CAVENDISH,  
TOWNSHIPS OF BURLEIGH AND  
ANSTRUTHER BOUNDARY**

1. On January 1, 1995, the portion of the townships of Burleigh and Anstruther described in the Schedule is annexed to the United Townships of Galway and Cavendish.

2. All real property of The Corporation of the Townships of Burleigh and Anstruther situate in the annexed area vests in The Corporation of the United Townships of Galway and Cavendish on January 1, 1995.

3. On January 1, 1995, the by-laws of The Corporation of the United Townships of Galway and Cavendish extend to the annexed area and the by-laws of The Corporation of the Townships of Burleigh and Anstruther cease to apply to such area, except,

(a) by-laws of The Corporation of the Townships of Burleigh and Anstruther,

(i) that were passed under section 34 or 42 of the *Planning Act* or a predecessor of those sections,

(ii) that were kept in force by subsection 13 (3) of *The Municipal Amendment Act, 1941*, or

(iii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the United Townships of Galway and Cavendish;

(b) by-laws of The Corporation of the Townships of Burleigh and Anstruther passed under section 3 of the *Development Charges Act* which shall remain in force until the earliest of,

(i) the date they are repealed by the council of The Corporation of the United Townships of Galway and Cavendish, and

(ii) the date they expire under section 6 of the *Development Charges Act*;

(c) by-laws of The Corporation of the Townships of Burleigh and Anstruther passed under section 45, 58 or 61 of the *Drainage Act*, section 3 or 9 of the *Shoreline Property Assistance Act* or section 2 or 8 of the *Tile Drainage Act* or a predecessor of those sections; and

(d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Townships of Burleigh and Anstruther.

4. The clerk of The Corporation of the Townships of Burleigh and Anstruther shall as soon as practicable prepare and furnish to the clerk of The Corporation of the United Townships of Galway and Cavendish a special collector's roll showing all arrears of real property and business taxes or special rates assessed against the land in the annexed area up to and including December 31, 1994 and the persons assessed therefor.

5. (1) All real property and business taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on December 31, 1994 shall be deemed on January 1, 1995 to be taxes due and payable to The Corporation of the United Townships of Galway and Cavendish and may be collected by The Corporation of the United Townships of Galway and Cavendish.

(2) On or before April 1, 1995, The Corporation of the United Townships of Galway and Cavendish shall pay to The Corporation of the Townships of Burleigh and Anstruther an amount equal to the amount of all deemed taxes that The Corporation of the United Townships of Galway and Cavendish is entitled to collect in the annexed area under subsection (1), that were due but unpaid on December 31, 1994.

6. For the purposes of the assessment roll to be prepared for the United Townships of Galway and Cavendish under subsection 14 (1) of the *Assessment Act* for the 1995 taxation year, the annexed area shall be deemed to be a part of the United Townships of Galway and Cavendish.

7. The agreement between The Corporation of the United Townships of Galway and Cavendish and The Corporation of the Townships of Burleigh and Anstruther entered into on September 2, 1994 is hereby given effect.

**Schedule**

**PORTION OF THE TOWNSHIPS OF BURLEIGH AND  
ANSTRUTHER TO BE ANNEXED TO THE UNITED  
TOWNSHIPS OF GALWAY AND CAVENDISH**

Township of Burleigh (Northern Division), County of Peterborough, Province of Ontario, Lot 26, Concession 1.

Township of Burleigh (Northern Division), County of Peterborough, Province of Ontario, Lot 26, Concession 2.

Township of Anstruther, County of Peterborough, Province of Ontario, Lot 1, Concession 2.

Township of Anstruther, County of Peterborough, Province of Ontario, Lot 1, Concession 5.

1/95

**ONTARIO REGULATION 813/94**  
made under the  
**DEVELOPMENT CHARGES ACT**

Made: December 15, 1994  
Filed: December 21, 1994

Amending Reg. 268 of R.R.O. 1990  
(Education Development Charges)

Note: Regulation 268 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Regulation 268 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**

EXEMPTION—TORONTO RAILWAY LANDS CENTRAL AND WEST

**16. (1) In this section,**

“agreement” means the agreement entitled “Development Levy Agreement—Railway Lands Central and West” made as of October 21, 1994 among The Corporation of the City of Toronto, Canadian National Railway Company, CN Transactions Inc., The Board of

Education for the City of Toronto, Metropolitan Separate School Board and The Metropolitan Toronto School Board, and registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as Instrument No. C920254;

"lands" means the lands described in Schedules A and B to the agreement.

(2) A board shall exempt an owner from education development charges on the lands to the extent provided for in the agreement.

1/95

**ONTARIO REGULATION 814/94**  
made under the  
**EDUCATION ACT**

Made: November 23, 1994  
Approved: December 15, 1994  
Filed: December 21, 1994

Amending O. Reg. 244/94  
(Calculation of Average Daily Enrolment)

Note: Since it was made, Ontario Regulation 244/94 has not been amended.

**1. (1) Section 1 of Ontario Regulation 244/94 is amended by adding the following definition:**

"combined program" means a program operated by a board on or after the school year commencing in 1994 on a five day cycle consisting of,

- (a) two days of junior kindergarten for an average of 300 minutes of classroom instruction per school day, and
- (b) three days of kindergarten for an average of 300 minutes of classroom instruction per school day;

**(2) The definition of "half-time pupil" in section 1 of the Regulation is revoked and the following substituted:**

"half-time pupil" means a pupil who,

- (a) is enrolled in a junior kindergarten or kindergarten that is not part of a combined program, and
- (b) in respect of a cycle, is registered for classroom instruction for an average of at least 150 minutes per school day;

**(3) The definition of "part-time pupil" in section 1 of the Regulation is revoked and the following substituted:**

"part-time pupil" means,

- (a) a pupil who is enrolled in a combined program, or
- (b) a pupil who is enrolled in day school and is neither a full-time pupil nor a half-time pupil.

DAVE COOKE  
Minister of Education and Training

Dated at Toronto on November 23, 1994.

1/95

**ONTARIO REGULATION 815/94**  
made under the  
**MUNICIPAL ACT**

Made: December 21, 1994  
Filed: December 21, 1994

**DISPOSAL OF PROPERTY**

1. A municipality or local board may sell the following classes of real property without obtaining an appraisal under subsection 193 (4) of the Act:

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
2. Highways, roads and road allowances.
3. Land formerly used for railway branch lines if sold to an owner of land abutting the former railway land.
4. Land that does not have direct access to a highway if sold to the owner of land abutting that land.
5. Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*.
6. Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses.
7. Land sold under sections 112, 112.1, 112.2 and 113 of the *Municipal Act*.
8. Easements granted to public utilities or to telephone companies.
9. Land sold under the *Municipal Tax Sales Act*.

2. A municipality or local board may sell real property to the following classes of public bodies without obtaining an appraisal under subsection 193 (4) of the Act:

1. Any municipality, including a metropolitan, regional or district municipality and the County of Oxford.
2. A local board as defined in the *Municipal Affairs Act*.
3. An authority under the *Conservation Authorities Act*.
4. The Crown in Right of Ontario or of Canada and their agencies.

3. A municipality or local board is not required to list the following classes of real property in the public register established under subsection 193 (7) of the Act:

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
2. All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.
3. Land formerly used for railway branch lines.

4. This Regulation comes into force on the day section 55 of the *Planning and Municipal Statute Law Amendment Act, 1994* comes into force.

ED PHILIP  
Minister of Municipal Affairs

Dated at Toronto on December 21, 1994.

1/95

**ONTARIO REGULATION 816/94**  
made under the  
**EMPLOYER HEALTH TAX ACT**

Made: December 15, 1994  
Filed: December 21, 1994

Amending Reg. 319 of R.R.O. 1990  
(General)

Note: Regulation 319 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 1 of Regulation 319 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

1. The prescribed amount for 1990 and subsequent years for the purposes of the definition of "small employer" in subsection 1 (1) of the Act is \$400,000.

**2. Section 2 of the Regulation is revoked and the following substituted:**

2. (1) The prescribed times at which a small employer is required to pay quarterly instalments to the Minister under paragraph 1 of subsection 3 (1) of the Act on account of the tax payable for a year are April 15, July 15 and October 15 of the year and January 15 of the following year.

(2) The prescribed times at which an employer other than a small employer is required to pay monthly instalments to the Minister under paragraph 2 of subsection 3 (1) of the Act on account of the tax payable for a year are the 15th day of each month in the year.

(3) The prescribed time at which a self-employed individual is required to pay the instalment to the Minister under paragraph 3 of subsection 3 (1) of the Act on account of the tax payable for a year is November 15 of the year.

(4) The prescribed amount for the purposes of subsection 3 (3) of the Act is \$100.

(5) If a self-employed individual dies between January 1 and November 15, inclusive, in a year, the personal representative and heirs of the deceased self-employed individual are prescribed to be exempt from any requirement to pay the instalment that otherwise would have been payable by the deceased self-employed individual on November 15 in that year.

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

(1) The prescribed date on or before which the return for a year is required to be delivered under subsection 5 (1) of the Act with respect to the tax payable by a taxpayer as an employer is,

- (a) in the case of a taxpayer who is an employer to whom clause 3 (2) (b) of the Act applies, the 15th day of the month following the month in which the employer paid the total Ontario remuneration for the year; and
- (b) March 15 of the following year, in the case of a taxpayer who is an employer other than an employer to whom clause 3 (2) (b) of the Act applies.

(1.1) The prescribed date on or before which a return for a year is required to be delivered under section 5 of the Act with respect to the tax payable by a taxpayer as a self-employed individual is,

- (a) if the taxpayer dies between January 1 and May 15, inclusive, in the year,
  - (i) May 15 of the following year in respect of the return for that year and in respect of any separate return for that year referred to in subsection 5 (9) of the Act, and
  - (ii) the date that is six months after the date of the taxpayer's death in respect of any return required for the previous year that has not been delivered to the Minister;
- (b) if the taxpayer dies between May 16 and December 31, inclusive, in the year, the date that is the later of six months after the date of the taxpayer's death or May 15 of the following year in respect of the return for that year and in respect of any separate return for that year referred to in subsection 5 (9) of the Act;
- (c) if neither clause (a) nor (b) applies to the taxpayer or to the return, May 15 of the following year.

**(2) Section 3 of the Regulation is amended by adding the following subsection:**

(3) The prescribed manner for a taxpayer or other person delivering a return for a year to attest under subsection 5 (3) of the Act to the veracity of the return is by delivering a certificate with the return that has been signed by,

- (a) the taxpayer;
- (b) a duly authorized officer of the taxpayer;
- (c) the manager or agent of the taxpayer in Ontario, if the taxpayer's head office is outside Ontario; or
- (d) such other person or persons having knowledge to the satisfaction of the Minister of the matters required to be set out in the return.

**4. (1) Subsection 6 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:**

(1) For the purposes of subsections 7 (1) and (2) of the Act, the prescribed rate of interest shall be determined using the following rules:

. . . . .

**(2) Subsection 6 (1) of the Regulation, as set out in subsection 4 (1) of this Regulation, is amended by striking out the portion before paragraph 1 and substituting the following:**

(1) For the purposes of subsections 7 (1), (2), (2.1) and (2.2) of the Act, the prescribed rate of interest shall be determined using the following rules:

. . . . .

**(3) Subsection 6 (1) of the Regulation, as set out in subsection 4 (2) of this Regulation, is amended by striking out the portion before paragraph 1 and substituting the following:**

(1) For the purposes of subsections 7 (1), (2), (2.1), (2.2) and 22 (2) of the Act, the prescribed rate of interest shall be determined using the following rules:

. . . . .

**(4) Section 6 of the Regulation is amended by adding the following subsection:**

(1.1) For the purposes of subsection 22 (2) of the Act, in respect of a period of time before June 23, 1994, the prescribed rate of interest is deemed to be the rate prescribed for the purposes of subsection 7 (1) of the Act for the same period of time.

**5. The Regulation is amended by adding the following section:**

7. (1) For the purposes of subsection 2 (2.3) of the Act, the Ontario allocation factor of a self-employed individual for a year is the fraction determined according to the following formula:

$$F = P/T$$

Where,

F is the Ontario allocation factor of the self-employed individual for the year,

P is the amount by which,

(a) the total self-employment income of the self-employed individual for the year,

exceeds,

(b) the aggregate of the self-employment income of the self-employed individual for the year that is earned or deemed to have been earned in each province other than Ontario and each country other than Canada, and

T is the total self-employment income of the self-employed individual for the year.

(2) The self-employment income of a self-employed individual for a year that is earned or deemed to have been earned in a province other than Ontario or in a country other than Canada is determined in accordance with the rules set out in sections 2603, 2604 and 2605 of the *Income Tax Regulations* (Canada) and, in the application of those sections, references to "income" and to "individual" shall be read as references to "self-employment income" and "self-employed individual", respectively.

**6. The Regulation is amended by adding the following section:**

8. The Workers' Compensation Board is a prescribed board for the purposes of section 28 of the Act.

7. (1) **Subsection 3 (1) of the Regulation, as remade by subsection 3 (1) of this Regulation, applies to returns for 1993 and subsequent years.**

(2) **Subsection 3 (3) of the Regulation, as made by subsection 3 (2) of this Regulation, applies to returns delivered after June 23, 1994.**

8. (1) **Section 1, subsections 3 (2), 4 (3) and (4) and section 6 shall be deemed to have come into force on June 23, 1994.**

(2) **Section 2, subsection 3 (1) and section 5 shall be deemed to have come into force on January 1, 1993.**

(3) **Subsection 4 (1) shall be deemed to have come into force on January 1, 1990.**

(4) **Subsection 4 (2) shall be deemed to have come into force on November 15, 1993.**

**ONTARIO REGULATION 817/94**  
made under the  
**MINING TAX ACT**

Made: December 15, 1994

Filed: December 21, 1994

Amending Reg. 769 of R.R.O. 1990  
(General)

Note: Regulation 769 has not been amended in 1994. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1993.

**1. Section 7 of Regulation 769 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsections:**

(1.1) For the purposes of section 3.1 of the Act, for taxation years of operators ending after April 30, 1991, a mine shall be considered to be a new mine that has come into existence after May 20, 1987,

(a) where,

(i) no operator of the mine was entitled to receive proceeds from the output of the mine before May 21, 1987, and

(ii) the mine is separate and distinct geologically and has had no common workings with any other mine that has been operated at any time during the five calendar years ending before the calendar year in which an operator first becomes entitled to receive proceeds from the output of the mine;

(b) where the mine was inactive on May 20, 1987 and subsequently resumes production in reasonable commercial quantities; or

(c) where the mine resumes production in reasonable commercial quantities after having been closed down after May 20, 1987 for a continuous period of at least 60 months.

. . . . .

(2.1) For the purposes of section 3.1 of the Act, for taxation years of operators ending after April 30, 1991, a major expansion of an existing mine shall be considered to occur after May 20, 1987 where,

(a) as a result of an investment in an existing mine, the daily rate of production of mineral substances from the mine exceeds by at least 30 per cent the average daily rate of production of the mine during each of the five calendar years ending immediately before the calendar year in which the first outlay was made to expand the mine; and

(b) the first day that the rate of production of mineral substances from the expanded mine reaches the level of production described in clause (a) is after May 20, 1987.

(3) For taxation years of operators ending after April 30, 1991, the prescribed time at which an operator is required under subsection 3.1 (1) of the Act to file the prescribed form is on or before the day on which the operator is required to deliver a return under section 7 of the Act for the first taxation year in which the operator elects under section 3.1 to exclude an amount from profit in respect of the mine.

**2. Subsection 12 (5) of the Regulation is revoked and the following substituted:**

(5) For taxation years of operators ending after April 30, 1991, the prescribed form under subsection 3.1 (1) of the Act shall be the form entitled "Declaration and Allocation for the Mining Tax Exemption" published by the Ministry of Finance.

**3. Form 5 of the Regulation is revoked.**

**4. This Regulation shall be deemed to have come into force on May 1, 1991.**



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1995—01—14

## ONTARIO REGULATION 818/94 made under the LONDON—MIDDLESEX ACT, 1992

Made: December 28, 1994  
Filed: December 29, 1994

Amending O. Reg. 291/94  
(Property Tax Phase—in Changes under Section 43 of the Act)

Note: Since it was made, Ontario Regulation 291/94 has been amended by Ontario Regulation 346/94.

1. (1) The definitions of “commercial assessment”, “1993 business tax responsibility”, “1993 commercial tax responsibility”, “1993 residential tax responsibility” and “residential and farm assessment” in section 1 of Ontario Regulation 291/94 are revoked and the following substituted:

“commercial assessment” means, according to the last returned assessment roll,

- (a) the assessment of real property in class 3 and class 4 as defined in Schedule 1 of Ontario Regulation 267/94, and
- (b) the business assessment, under section 7 of the *Assessment Act*, as determined by reference to the assessed value of real property in classes 1, 2, 3, 4, 5 and 6 as defined in Schedule 1 of Ontario Regulation 267/94,

but does not include the assessment on property for which a payment in lieu of taxes is payable;

“1993 business tax responsibility” means,

- (a) in respect to a business on land comprising the City of London as of December 31, 1992, the product of 355.429 mills and the commercial assessment for that business as shown on the last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under subsection 156 (2) of the *Municipal Act*, or
- (b) in respect to a business on land annexed to the City of London under clause 2 (1) (a) of the Act, the product of the 1993 commercial mill rate of the City of London for general municipal and education purposes applicable to that business and the commercial assessment for that business as shown on the last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under subsection 156 (2) of the *Municipal Act*;

“1993 commercial tax responsibility” means,

- (a) in respect to a commercial or industrial property in the land comprising the City of London as of December 31, 1992, the product of 355.429 mills and the commercial assessment on that property as shown on the last revised assessment roll of the City of London for purposes of the interim tax levy in 1994 under section 156 (1) of the *Municipal Act*, or
- (b) in respect to a commercial or industrial property in the land annexed to the City of London under clause 2 (1) (a) of the Act, the product of the 1993 commercial mill rate of the City of

London for general municipal and education purposes applicable to that property and the commercial assessment on that property as shown on the last revised assessment roll of the City of London for purposes of the interim tax levy in 1994 under subsection 156 (1) of the *Municipal Act*;

“1993 residential tax responsibility” means,

- (a) in respect to a residential or farm property in the land comprising the City of London as of December 31, 1992, the product of 302.115 mills and the assessment on that property as shown on the last revised assessment roll of the City of London for purposes of the interim tax levy in 1994 under subsection 156 (1) of the *Municipal Act*, or
- (b) in respect to a residential or farm property in the land annexed to the City of London under clause 2 (1) (a) of the Act, the product of the 1993 residential mill rate of the City of London for general municipal and education purposes applicable to that property and the assessment on that property shown on the last revised assessment roll of the City of London for purposes of the interim tax levy in 1994 under subsection 156 (1) of the *Municipal Act*;

“residential and farm assessment” means, according to the last returned assessment roll, the assessment of real property in classes 1, 2 and 5 as defined in Schedule 1 of Ontario Regulation 267/94, but does not include the assessment on property for which a payment in lieu of taxes is payable;

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

“payment in lieu of taxes” means payment in lieu of taxes as defined in subsection 366 (1) of the *Municipal Act*;

2. Section 2 of the Regulation is amended by adding the following subsections:

(3) Despite Parts I and II, if the assessment of a property, as shown on the last returned assessment roll for the City of London prepared in accordance with subsection 46 (3) of the Act, reflects improvements to the property or a change in property class, in calculating the 1993 residential tax responsibility, the 1993 commercial tax responsibility or the 1993 business tax responsibility, the relevant assessment for that property and all businesses on that property, as contained on the last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under section 156 of the *Municipal Act*, shall be restated as if the improvement to the property or change in property class had come into effect on January 1, 1993.

(4) Despite Parts I and II, if two or more separately assessed properties, as shown on the last returned assessment roll for the City of London prepared in accordance with subsection 46 (3) of the Act, were assessed as one separate property on the last returned assessment roll for purposes of taxation in 1993, in calculating the 1993 residential tax responsibility, the 1993 commercial tax responsibility or the 1993 business tax responsibility, the relevant assessments for those properties or for all businesses on those properties, as shown on the last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under section 156 of the *Municipal Act*, shall be restated as if the subdivision or severance of the property had come into effect on January 1, 1993.

(5) Despite Parts I and II, if a separately assessed property is subsequently subdivided or severed on the last returned assessment roll for purposes of taxation in any year during 1995 to 2003, inclusive, the tax differential that would otherwise apply to the original property shall be allocated to each of the divided parts of the property in the same proportion as the assessment of each separately assessed parcel bears to the aggregate of all of the assessment making up the original property at the time of the division of that property but in no case shall the total of the tax differential be increased.

(6) Despite Parts I and II, if two or more separately assessed properties, as shown on the last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under section 156 of the *Municipal Act*, are consolidated, as shown on the last returned assessment roll for the City of London prepared in accordance with subsection 46 (3) of the Act, in calculating the 1993 residential tax responsibility, the 1993 commercial tax responsibility or the business tax responsibility, the assessments for those properties or for all businesses on those properties, as shown on the last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under section 156 of the *Municipal Act*, shall be combined and restated as if the consolidation of the properties had come into effect January 1, 1993.

(7) Despite Parts I and II, if two or more separately assessed properties are consolidated on the last returned assessment roll for purposes of taxation in any year during 1995 to 2003, inclusive, the tax differentials that would otherwise apply to those properties shall be consolidated to establish a new tax differential for the consolidated property.

(8) Despite subsection (7), if the total assessment of the consolidated property for purposes of taxation in any year during 1995 to 2003, inclusive, is less than the aggregate of the assessments on the constituent assessed properties in the previous year, the new tax differential shall be diminished in the same proportion and at the same time as the total assessment is diminished.

**3. Subsection 3 (4) of the Regulation is amended by striking out "last returned assessment roll for purposes of taxation in 1993" at the end and substituting "last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under section 156 of the *Municipal Act*".**

**4. Section 6 of the Regulation is amended by adding the following subsections:**

(3) Where it is determined that tax assistance will apply to a property or business under subsection 5 (3) or (4) during any of the years 1995 to 2003, inclusive, the treasurer may in any of those years subtract up to 50 per cent of the tax assistance entitlement for that year from any realty or business taxes due on that property, or in respect to that business, as a result of an interim levy under section 156 of the *Municipal Act*.

(4) Where, in any year, a portion of the tax assistance under subsection 5 (3) or (4) has been applied to reduce the amount required to be raised on that property or from that business under section 156 of the *Municipal Act*, the treasurer shall reduce the tax assistance that would otherwise apply in that year on that property or business under subsection (1) or (2), by the amount of tax assistance under subsection (3).

**5. Section 7 of the Regulation is revoked and the following substituted:**

7. (1) For the purposes of calculating a realty tax differential under clause 3 (1) (a), if a residential or farm property in the special area is subject to a commercial mill rate for purposes of taxation in 1994, the property shall continue to be treated as a residential or farm property

except that for the portion of the assessment subject to a commercial mill rate,

(a) the mill rate set out in clause 3 (1) (b) shall be substituted for the mill rate set out in clause 3 (1) (a); and

(b) the 1993 residential tax responsibility shall be determined by applying the 1993 commercial mill rate applicable in the determination of the 1993 commercial tax responsibility for a commercial or industrial property in the land annexed to the City of London under clause 2 (1) (a) of the Act.

(2) For the purposes of calculating a realty tax differential under clause 3 (1) (b), if a commercial or industrial property in the special area is subject to a residential mill rate for purposes of taxation in 1994, the property shall continue to be treated as a commercial or industrial property except that for the portion of the assessment subject to a residential mill rate,

(a) the mill rate set out in clause 3 (1) (a) shall be substituted for the mill rate set out in clause 3 (1) (b); and

(b) the 1993 commercial tax responsibility shall be determined by applying the 1993 residential mill rate applicable in the determination of the 1993 residential tax responsibility for a residential property in the land annexed to the City of London under clause 2 (1) (a) of the Act.

**6. (1) Subsection 10 (2) of the Regulation is revoked and the following substituted:**

(2) If, before December 31, 1997, the assessment pertaining to a residential or farm property, a commercial or industrial property or a business in the special area is, as a result of an assessment appeal under the *Assessment Act*, adjusted from that shown on the assessment roll for the City of London as prepared in accordance with subsection 46 (3) of the Act, the treasurer shall re-establish the realty tax differential under clause (1) (a) or (b) or the business tax differential under clause (1) (c), as the case may be, and for this purpose the adjusted assessment shall be deemed to be the assessment shown on the 1994 assessment roll for the City of London prepared in accordance with subsection 46 (3) of the Act.

(2) Subsection 10 (3) of the Regulation is amended by striking out "last returned assessment roll for purposes of taxation in 1993" at the end and substituting "last revised assessment roll of the City of London for the purposes of the interim tax levy in 1994 under section 156 of the *Municipal Act*".

**7. (1) Paragraph 2 of subsection 12 (1) of the Regulation is amended by striking out "94.5 per cent" in the first line and substituting "94 per cent".**

(2) Paragraph 3 of subsection 12 (1) of the Regulation is amended by striking out "96.5 per cent" in the first line and substituting "96 per cent".

(3) Paragraph 4 of subsection 12 (1) of the Regulation is amended by striking out "98.5 per cent" in the first line and substituting "97 per cent".

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

14. (1) For the purposes of calculating a realty tax differential under clause 10 (1) (a), if a residential or farm property in the special area is subject to a commercial mill rate for purposes of taxation in 1994, the property shall continue to be treated as a residential or farm property except that for the portion of the assessment subject to a commercial mill rate,

(a) the mill rate set out in subsection 10 (7) shall be substituted for the mill rate set out in subsection 10 (6);



- (b) in respect to a property in the land comprising the City of London as of December 31, 1992, the 1993 residential tax responsibility shall be determined by applying a mill rate of 355.429 mills; and
- (c) in respect to a property in the land annexed to the City of London under clause 2 (1) (a) of the Act, the 1993 residential tax responsibility shall be determined by applying the 1993 commercial mill rate applicable in the determination of the 1993 commercial tax responsibility for a commercial or industrial property in the land annexed to the City of London under clause 2 (1) (a) of the Act.

(2) For the purposes of calculating a realty tax differential under clause 10 (1) (b), if a commercial or industrial property in the special area is subject to a residential mill rate for purposes of taxation in 1994, the property shall continue to be treated as a commercial or industrial property except that for the portion of the assessment subject to a residential mill rate,

- (a) the mill rate set out in subsection 10 (6) shall be substituted for the mill rate set out in subsection 10 (7);
- (b) in respect to a property in the land comprising the City of London as of December 31, 1992, the 1993 commercial tax responsibility shall be determined by applying a mill rate of 302.115 mills; and
- (c) in respect to a property in the land annexed to the City of London under clause 2 (1) (a) of the Act, the 1993 commercial tax responsibility shall be determined by applying the 1993 residential mill rate applicable in the determination of the 1993 residential tax responsibility for a residential or farm property in the land annexed to the City of London under clause 2 (1) (a) of the Act.

ED PHILIP  
*Minister of Municipal Affairs*

Dated at Toronto on December 28, 1994.

2/95

**ONTARIO REGULATION 819/94**  
made under the  
**PLANNING ACT**

Made: December 23, 1994  
Filed: December 29, 1994

Amending O. Reg. 192/94  
(Delegation of Authority to Parry Sound District  
Land Division Committee)

Note: Since it was made, Ontario Regulation 192/94 has not been amended.

**1. Ontario Regulation 192/94 is amended by adding the following section:**

**3. (1)** All authority of the Minister to give approvals under subsection 50 (18) of the Act and to issue certificates of validation under section 57 of the Act is hereby delegated to the Parry Sound District Land Division Committee in respect of the land described in Schedule 1.

(2) The delegation made in subsection (1) does not apply to any applications for an approval under subsection 50 (18) of the Act or to an application for a certificate of validation under section 57 of the Act received by the Minister before the date this Regulation comes into force.

**2. Section 1 of Schedule 1 to the Regulation is amended by striking out "Hagerman" in the first line and "McKellar" in the second line.**

**3. This Regulation comes into force on January 1, 1995.**

ED PHILIP  
*Minister of Municipal Affairs*

Dated at Toronto on December 23, 1994.

2/95





## **TABLE OF REGULATIONS**

## **TABLE DES RÈGLEMENTS**

**1990–1994**





## TABLE OF REGULATIONS

The Table of Regulations shows the regulations contained in the Revised Regulations of Ontario, 1990 and those made after December 31, 1990 and before January 1, 1995. It also shows the amendments to those regulations.

Most of the listings are in English only. Some regulations have an official French version. Bilingual regulations are indicated by a bilingual title.

Occasionally numerical, typographical or other clerical errors are made in the publication of the text of regulations. Corrections are published in *The Ontario Gazette*. A schedule of the dates these corrections were published is included at the end of this Table.

The dates on which regulations were published in *The Ontario Gazette* are set out in a table immediately following this Table.

The abbreviation "Rev." means revoked.

The abbreviation "Exp." means expired.

## TABLE DES RÈGLEMENTS

La Table des règlements énumère tous les règlements contenus dans les Règlements refondus de l'Ontario de 1990 ou pris après le 31 décembre 1990 mais avant le 1<sup>er</sup> janvier 1995. Elle indique également les modifications apportées à ces règlements.

La plupart des entrées ne figurent qu'en anglais. Quelques règlements ont une version officielle en français et leur titre est indiqué dans les deux langues.

À l'occasion, des erreurs d'écritures, notamment d'ordre numérique ou typographique, se glissent dans le texte des règlements qui sont publiés. Des corrections sont publiées dans la *Gazette de l'Ontario*. Les dates auxquelles ces corrections ont été faites figurent dans l'annexe qui se trouve à la fin de cette Table.

Les dates auxquelles les règlements ont été publiés dans la *Gazette de l'Ontario* figurent dans la table qui suit celle-ci.

L'abréviation «Rev.» indique que le règlement est abrogé.

L'abréviation «Exp.» indique que le règlement est périmé.

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>A</b>			
<b>ABANDONED ORCHARDS ACT/LOI SUR LES VERGER ABANDONNÉS</b>			
General .....	1		
<b>ADMINISTRATION OF JUSTICE ACT/LOI SUR L'ADMINISTRATION DE LA JUSTICE</b>			
Court Reporters and Court Monitors .....	2		Rev. 587/91
Court Reporters and Court Monitors/ <i>Sténographes judiciaires et préposés à l'enregistrement magnétique</i> ..		587/91	135/94
Fee Payable to Small Claims Court Referees/ <i>Honoraires payables aux arbitres de la Cour des petites créances</i> ..	3		586/91, 129/94
Fees and Expenses/ <i>Honoraires et frais</i>			
—Jurors and Crown Witnesses/ <i>des jurés et des témoins de la Couronne</i> .....	4		497/93, 130/94
—Justices of the Peace/ <i>des juges de paix</i> .....	5		518/91, 131/94
—Sheriff's Officers, Process Servers, Escorts and Municipal Police Forces/ <i>des agents du shérif, des huissiers, des escortes et des corps de police municipaux</i> .....	6		588/91, 132/94
Fees			
—Construction Liens .....	7		Rev. 293/92
—Repair and Storage Liens Act .....	8		Rev. 293/92
—Unified Family Court .....	9		295/92

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Investigation Fee—Official Guardian/ <i>Honoraires d'enquête—Tuteur public</i> .....	10		133/94
Kilometre Allowances/ <i>Indemnités de kilométrage</i> .....	11		134/94
Ontario Court (General Division)—Fees .....	12		Rev. 293/92
Ontario Court (General Division) and Court of Appeal—Fees/ <i>Cour de l'Ontario (Division générale) et Cour d'appel—Honoraires et frais</i> .....		293/92	136/94, 272/94, 359/94, 802/94
Ontario Court (Provincial Division)—Fees/ <i>Cour de l'Ontario (Division provinciale)—Frais</i> .....		296/92	138/94
Sheriffs—Fees .....	13		Rev. 294/92
Sheriffs—Fees/ <i>Shérifs—Honoraires et frais</i> .....		294/92	431/93, 137/94, 358/94
Small Claims Court/ <i>Cour des petites créances</i> —Fees and Allowances .....	14		Rev. 585/91
—Fees and Allowances .....		585/91	297/92, 367/92, Rev. 432/93
—Fees and Allowances/ <i>—Honoraires, frais et indemnités</i>		432/93	139/94
<b>AGGREGATE RESOURCES ACT/LOI SUR LES RESSOURCES EN AGRÉGATS</b>			
General/ <i>Dispositions générales</i> .....	15		512/91, 172/92, 354/93, 671/94
<b>AGRICULTURAL AND HORTICULTURAL ORGANIZATIONS ACT/LOI SUR LES ORGANISATIONS AGRICOLES ET HORTICOLES</b>			
General/ <i>Dispositions générales</i> .....	16		662/91, 945/93
Names .....	17		
<b>AGRICULTURAL TILE DRAINAGE INSTALLA- TION ACT/LOI SUR LES INSTALLATIONS DE DRAINAGE AGRICOLE</b>			
General/ <i>Dispositions générales</i> .....	18		571/91
<b>AMBULANCE ACT/LOI SUR LES AMBULANCES</b>			
General/ <i>Dispositions générales</i> .....	19		596/91, 328/92, 810/93
<b>AMMUNITION REGULATION ACT, 1994/LOI DE 1994 SUR LA RÉGLEMENTATION DES MUNITIONS</b>			
Identification .....		574/94	
<b>AMUSEMENT DEVICES ACT/LOI SUR LES ATTRACTIONS</b>			
General/ <i>Dispositions générales</i> .....	20		548/92, 348/93, 636/94
<b>ANATOMY ACT/LOI SUR L'ANATOMIE</b>			
General .....	21		772/94
<b>ANIMALS FOR RESEARCH ACT/LOI SUR LES ANIMAUX DESTINÉS À LA RECHERCHE</b>			
General .....	22		
Pounds/ <i>Fourrières</i> .....	23		178/92
Research Facilities and Supply Facilities/ <i>Services de recherche et animaleries</i> .....	24		179/92
Transportation .....	25		

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>ARBITRATIONS ACT/LOI SUR L'ARBITRAGE</b>			
Fees Chargeable by Arbitrators .....	26		
<b>ARCHITECTS ACT/LOI SUR LES ARCHITECTES</b>			
General .....	27		91/93, 379/94
<b>ARTIFICIAL INSEMINATION OF LIVESTOCK ACT/LOI SUR L'INSÉMINATION ARTIFICIELLE DU BÉTAIL</b>			
General .....	28		727/92
<b>ASSESSMENT ACT/LOI SUR L'ÉVALUATION FONCIÈRE</b>			
Application for Direction of School Support .....	29		Rev. 921/93
Assessment Areas and Regions .....	30		
Assessment Notices .....	31		Rev. 115/92
Assessment Notices of Supplementary or Omitted Assessment .....	32		
Direction of School Support .....		921/93	481/94
Enumeration .....		210/91	168/94
Equalization of Assessments made under Section 63 of the Assessment Act .....		110/89	710/94
Equalization of Assessments (Various Municipalities) ....		605/93	
Equalization of Assessments (Various Municipalities) under Subsection 58 (3) of the Act .....		486/92	
Equalization of Assessments (Various Municipalities) under Subsection 58 (3) of the Act .....		116/93	
Equalization of Assessments (Various Municipalities) under Subsection 58 (3) of the Act .....		267/94	
Equalization of Assessments (Various Municipalities) under Subsection 63 (3) of the Act (now)			
Equalization of 1989 Assessments for the 1990 Tax Year (Various Municipalities) under Subsection 60 (4) of the Act .....	33		283/91, 705/94
Equalization of 1990 Assessments for the 1991 Tax Year (Various Municipalities) under Subsection 58 (3) of the Act .....		281/91	712/94
Interior Information Questionnaire .....	34		
Interpretation .....		703/94	
Interpretation .....		704/94	
Interpretation .....		706/94	
Interpretation .....		707/94	
Interpretation .....		708/94	
Interpretation .....		709/94	
Interpretation .....		711/94	
Pipe Line Rates .....	35		
Pipe Line Rates .....	36		
Pipe Line Rates .....	37		
Pipe Line Rates .....	38		
Pipe Line Rates .....	39		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Pipe Line Rates in Muskoka and Parry Sound . . . . .	40		
Pipe Line Rates in Part of the District of Algoma and Part of The Regional Municipality of Ottawa-Carleton . . . . .	41		
Pipe Line Rates in Parts of the Counties of Hastings and Simcoe and Parts of the United Counties of Prescott and Russell and Stormont, Dundas and Glengarry . . . . .	42		
Pipe Line Rates in Parts of the Counties of Peterborough, Simcoe and Victoria and in Parts of the Districts of Sudbury and Algoma . . . . .	43		
Pipe Line Rates in the County of Huron and Parts of the Counties of Haliburton, Hastings, Peterborough, Simcoe and Victoria and Part of the District of Timiskaming . . .	44		
Pipe Line Rates in The Regional Municipality of Sudbury .	45		
Pipe Line Rates under Subsection 25 (16) of the Act . . . . .	46		387/91, 589/92, 665/93
Pipe Line Rates under Subsection 25 (17) of the Act . . . . .	47		282/91, 485/92, 604/93, 266/94
Pipe Line Rates under Subsection 25 (17) of the Act . . . . .		269/94	
Pipe Line Rates under Subsection 25 (18) of the Act . . . . .		284/91	487/92, 607/93, 268/94
Property Income Questionnaire . . . . .	48		
Revision and Certification of Assessment Commissioner's List . . . . .	49		Rev. 921/93
School Tax Support (Voluntary Election) . . . . .		156/91	
<b>ASSESSMENT REVIEW BOARD ACT/LOI SUR LA COMMISSION DE RÉVISION DE L'ÉVALUATION FONCIÈRE</b>			
Assessment Review Board Rules of Procedure . . . . .		803/94	
Procedure . . . . .	50		Rev. 803/94
<b>ATHLETICS CONTROL ACT/LOI SUR LE CONTRÔLE DES SPORTS</b>			
Amount of Tax . . . . .	51		
General . . . . .	52		194/91, 369/92, 685/92, 343/93
<b>AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY ACT, 1991/LOI DE 1991 SUR LES AUDIOLOGISTES ET LES ORTHOPHONISTES</b>			
Committee Composition . . . . .		671/93	
Election of Council Members . . . . .		744/93	213/94
Fees . . . . .		791/93	Rev. 541/94
General . . . . .		543/94	
Professional Misconduct . . . . .		749/93	
Registration . . . . .		872/93	873/93, Rev. 542/94
<b>B</b>			
<b>BAILIFFS ACT/LOI SUR LES HUISSIERS</b>			
General . . . . .	53		689/91
<b>BEEF CATTLE MARKETING ACT/LOI SUR LA COMMERCIALISATION DES BOVINS DE BOUCHERIE</b>			
Licence Fees . . . . .	54		154/92



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Weighing of Carcasses .....	55		38/94
Weighing of Live Cattle .....	56		
<b>BEES ACT/LOI SUR L'APICULTURE</b>			
General .....	57		
<b>BLIND PERSONS' RIGHTS ACT/LOI SUR LES DROITS DES AVEUGLES</b>			
Guide Dogs .....	58		
<b>BOILERS AND PRESSURE VESSELS ACT/LOI SUR LES CHAUDIÈRES ET APPAREILS SOUS PRESSION</b>			
General .....	59		1/92, 721/92, 349/93
<b>BOUNDARIES ACT/LOI SUR LE BORNAGE</b>			
General/Dispositions générales .....	60		322/91, 278/92, 323/93
<b>BUILDING CODE ACT/LOI SUR LE CODE DU BÂTIMENT</b>			
General .....	61		400/91, 158/93, 160/93, 383/94
<b>BUSINESS CORPORATIONS ACT/LOI SUR LES SOCIÉTÉS PAR ACTIONS</b>			
Exemptions for The Algoma Steel Corporation, Limited ..		86/92	
General/Dispositions générales .....	62		578/91, 594/92, 627/93, 637/94
<b>BUSINESS NAMES ACT/LOI SUR LES NOMS COMMERCIAUX</b>			
General/Dispositions générales .....		121/91	579/91, 334/92, 595/92, 624/93, 175/94
Restrictions Respecting Names/Restrictions concernant les noms commerciaux .....		122/91	
<b>C</b>			
<b>CAPITAL INVESTMENT PLAN ACT, 1993/LOI DE 1993 SUR LE PLAN D'INVESTISSEMENT</b>			
Public Bodies .....		632/94	
Toll Highway Designations .....		608/94	
<b>CEMETERIES ACT/LOI SUR LES CIMETIÈRES</b>			
Closings .....	63		214/91, Rev. 130/92
General .....	64		Rev. 130/92
Trust Funds .....	65		215/91, Rev. 132/92
<b>CEMETERIES ACT (REVISED)/LOI SUR LES CIMETIÈRES (RÉVISÉE)</b>			
Burial Sites .....		133/92	
Establishing, Operating and Closing Cemeteries and Crematoria .....		130/92	
Licences .....		131/92	
Trust Funds .....		132/92	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>CENTENNIAL CENTRE OF SCIENCE AND TECHNOLOGY ACT/LOI SUR LE CENTRE CENTENNIAL DES SCIENCES ET DE LA TECHNOLOGIE</b>			
Fees .....	66		365/92, 394/93, Rev. 251/94
<b>CERTIFICATION OF TITLES ACT/LOI SUR LA CERTIFICATION DES TITRES</b>			
General .....	67		323/91, Rev. 514/93
General .....		514/93	
<b>CHANGE OF NAME ACT/LOI SUR LE CHANGEMENT DE NOM</b>			
General/ <i>Dispositions générales</i> .....	68		326/91
<b>CHARITABLE INSTITUTIONS ACT/LOI SUR LES ÉTABLISSEMENTS DE BIENFAISANCE</b>			
General .....	69		17/91, 189/91, 340/91, 414/91, 594/91, 651/91, 719/91, 32/92, 224/92, 425/92, 465/92, 651/92, 714/92, 45/93, 217/93, 368/93, 882/93, 236/94, 314/94, 368/94, 371/94, 535/94, 586/94
<b>CHILD AND FAMILY SERVICES ACT/LOI SUR LES SERVICES À L'ENFANCE ET À LA FAMILLE</b>			
General .....	70		139/91, 239/92, 683/92, 161/93, 400/93, 50/94, 509/94, 539/94, 763/94
Register .....	71		
<b>CHILDREN'S LAW REFORM ACT/LOI PORTANT RÉFORME DU DROIT DE L'ENFANCE</b>			
Forms .....	72		
<b>CHIROPODY ACT/LOI SUR LES PODOLOGUES</b>			
General .....	73		429/93
<b>CHIROPODY ACT, 1991/LOI DE 1991 SUR LES PODOLOGUES</b>			
Committee Composition .....		708/93	
Election of Council Members .....		829/93	109/94
Examinations .....		679/93	212/94
Fees .....		675/93	Rev. 746/94
General .....		203/94	746/94
Professional Misconduct .....		750/93	110/94
Registration .....		830/93	111/94
<b>CHIROPRACTIC ACT, 1991/LOI DE 1991 SUR LES CHIROPRACTIENS</b>			
Committee Composition .....		672/93	
Election of Council Members .....		910/93	112/94
Examinations .....		885/93	
Fees .....		613/93	Rev. 747/94
General .....		204/94	747/94
Professional Misconduct .....		852/93	

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Registration .....		862/93	871/93
<b>COLLECTION AGENCIES ACT/LOI SUR LES AGENCES DE RECOUVREMENT</b>			
General .....	74		690/91, 582/92
<b>COMMERCIAL CONCENTRATION TAX ACT/LOI DE L'IMPÔT SUR LES CONCENTRATIONS COMMERCIALES</b>			
General .....	75		116/92, 119/93
<b>COMMISSIONERS FOR TAKING AFFIDAVITS ACT/LOI SUR LES COMMISSAIRES AUX AFFIDAVITS</b>			
Fees .....	76		298/92
<b>COMMODITY BOARDS AND MARKETING AGENCIES ACT/LOI SUR LES AGENCES DE COMMERCIALISATION ET LES COMMISSIONS DE PRODUITS AGRICOLES</b>			
Levies			
—Cream .....	77		
—Milk .....	78		
Levies or Charges			
—Chicken .....	79		
—Chicken (Over Quota) .....	80		
—Cream .....	81		
—Eggs .....	82		Rev. 785/91
—Eggs .....		785/91	164/94
—Eggs (Over Quota) .....	83		
—Fowl .....	84		
—Hatching Eggs .....	85		
—Hatching Eggs and Chicks (Over Quota) .....	86		
—Milk .....	87		451/92
—Tobacco .....	88		
—Turkeys .....	89		
<b>COMMODITY FUTURES ACT/LOI SUR LES CONTRATS À TERME SUR MARCHANDISES</b>			
General .....	90		248/92
<b>COMMUNITY ECONOMIC DEVELOPMENT ACT, 1993/LOI DE 1993 SUR LE DÉVELOPPEMENT ÉCONOMIQUE COMMUNAUTAIRE</b>			
Community Economic Development Corporations .....		45/94	
<b>COMMUNITY PSYCHIATRIC HOSPITALS ACT/ LOI SUR LES HÔPITAUX PSYCHIATRIQUES COMMUNAUTAIRES</b>			
General/ <i>Dispositions générales</i> .....	91		345/91
Grants/ <i>Subventions</i> .....	92		597/91

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>COMMUNITY RECREATION CENTRES ACT/LOI SUR LES CENTRES DE LOISIRS COMMUNAUTAIRES</b>			
General .....	93		
<b>COMPULSORY AUTOMOBILE INSURANCE ACT/LOI SUR L'ASSURANCE-AUTOMOBILE OBLIGATOIRE</b>			
Certificate of Insurance .....	94		
Exemptions .....	95		
<b>CONDOMINIUM ACT/LOI SUR LES CONDOMINIUMS</b>			
General .....	96		179/91, 129/92, 148/92
Surveys and The Description .....	97		180/91
<b>CONSERVATION AUTHORITIES ACT/LOI SUR LES OFFICES DE PROTECTION DE LA NATURE</b>			
Conservation Areas			
—Ausable-Bayfield .....	98		
—Catarqui Region .....	99		
—Catfish Creek .....	100		
—Central Lake Ontario .....	101		
—Credit Valley .....	102		
—Crowe Valley .....	103		
—Essex Region .....	104		
—Ganaraska Region .....	105		
—Grand River .....	106		
—Grey Sauble .....	107		
—Halton Region .....	108		
—Hamilton Region .....	109		
—Kawartha Region .....	110		
—Kettle Creek .....	111		
—Lake Simcoe Region .....	112		
—Lakehead Region .....	113		
—Long Point Region .....	114		
—Lower Thames Valley .....	115		
—Lower Trent Region .....	116		
—Maitland Valley .....	117		
—Mattagami Region .....	118		
—Metropolitan Toronto and Region .....	119		
—Mississippi Valley .....	120		
—Moirs River .....	121		
—Napane Region .....	122		
—Niagara Peninsula .....	123		
—Nickel District .....	124		
—North Bay-Mattawa .....	125		
—North Grey Region .....	126		
—Nottawasaga Valley .....	127		
—Otonabee Region .....	128		

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Prince Edward Region .....	129		
—Rideau Valley .....	130		
—St. Clair Region .....	131		
—Sauble Valley .....	132		
—Saugeen Valley .....	133		
—Sault Ste. Marie Region .....	134		
—South Nation River .....	135		
—Upper Thames River .....	136		
Fill			
—Grand Valley .....	137		
—Moir River .....	138		Rev. 260/92
—Spencer Creek .....	139		
Fill and Alteration to Waterways			
—Raisin Region .....	140		
—Sault Ste. Marie Region Conservation Authority .....	141		
Fill, Construction and Alteration to Waterways			
—Ausable-Bayfield .....	142		
—Catawaqui Region .....	143		
—Catfish Creek .....	144		
—Central Lake Ontario .....	145		
—Credit Valley .....	146		396/92
—Essex Region .....	147		535/91
—Ganaraska Region Conservation Authority .....	148		498/93
—Grand River .....	149		69/93, 669/94
—Grey Sauble Conservation Authority .....		416/94	
—Halton Region Conservation Authority .....	150		
—Hamilton Region .....	151		
—Kawartha Region Conservation Authority .....		33/94	
—Kettle Creek .....	152		
—Lakehead Region .....		152/91	
—Lake Simcoe Region .....	153		534/91, 623/94
—Long Point Region Conservation Authority .....	154		
—Lower Thames Valley .....	155		
—Lower Trent Region .....	156		
—Maitland Valley Conservation Authority .....		22/91	
—Mattagami Region .....	157		
—Metropolitan Toronto and Region .....	158		
—Mississippi Valley (The) .....	159		
—Moir River .....		260/92	725/94
—Napanee Region Conservation Authority .....	160		
—Niagara Peninsula Conservation Authority (The) .....		99/91	266/92, 508/94
—Nickel District .....	161		
—North Bay-Mattawa Conservation Authority .....	162		
—North Grey .....	163		
—Nottawasaga Valley .....	164		47/93
—Otonabee Region .....	165		
—Prince Edward Region Conservation Authority (The) ..		417/94	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Rideau Valley .....	166		
—St. Clair Region .....	167		
—Sauble Valley .....	168		
—Saugeen Valley .....	169		
—South Nation River Conservation Authority .....		724/94	
—Upper Thames River .....	170		
<b>CONSOLIDATED HEARINGS ACT/LOI SUR LA JONCTION DES AUDIENCES</b>			
Aggregate Resources Act .....	171		783/91, 840/93
Conservation Authorities Act .....	172		265/91, 781/91, 586/92, 549/94, 796/94
Hearings .....	173		
Lakes and Rivers Improvement Act .....	174		782/91, 550/94
Regional Municipality of Durham Act .....		161/90	Rev. 552/94
Regional Municipality of Durham Act .....		552/94	
Subsections 34 (3) and (4) of the Regional Municipality of Halton Act .....		784/91	
Waste Management Act, 1992 .....		551/94	
<b>CONSTRUCTION LIEN ACT/LOI SUR LE PRIVILÈGE DANS L'INDUSTRIE DE LA CONSTRUCTION</b>			
General .....	175		416/93
<b>CONSUMER PROTECTION ACT/LOI SUR LA PROTECTION DU CONSOMMATEUR</b>			
General/ <i>Dispositions générales</i> .....	176		691/91, 637/93
<b>CONSUMER REPORTING ACT/LOI SUR LES RENSEIGNEMENTS CONCERNANT LE CONSOMMATEUR</b>			
General .....	177		692/91
<b>CO-OPERATIVE CORPORATIONS ACT/LOI SUR LES SOCIÉTÉS COOPÉRATIVES</b>			
General .....	178		495/92, 773/92
<b>CO-OPERATIVE LOANS ACT/LOI SUR LES PRÊTS AUX COOPÉRATIVES</b>			
General .....	179		
<b>CORONERS ACT/LOI SUR LES CORONERS</b>			
General/ <i>Dispositions générales</i> .....	180		128/92, 141/94
<b>CORPORATIONS ACT/LOI SUR LES PERSONNES MORALES</b>			
General/ <i>Dispositions générales</i> .....	181		580/91, 596/92, 625/93, 177/94, 638/94
<b>CORPORATIONS INFORMATION ACT/LOI SUR LES RENSEIGNEMENTS EXIGÉS DES PERSONNES MORALES</b>			
General/ <i>Dispositions générales</i> .....	182		12/91, 123/91, 255/92, 256/92, 597/92, 628/93, 178/94

TABLE DES RÉGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>CORPORATIONS TAX ACT/LOI SUR L'IMPOSITION DES CORPORATIONS</b>			
General .....	183		714/91, 453/92, 120/93
<b>COSTS OF DISTRESS ACT/LOI SUR LES FRAIS DE SAISIE-GAGERIE</b>			
Costs .....	184		
<b>COUNTY OF OXFORD ACT/LOI SUR LE COMTÉ D'OXFORD</b>			
Protection of Employees .....		951/93	
<b>COUNTY OF SIMCOE ACT, 1990</b>			
Amalgamated Town			
—Change of Name .....		776/91	Rev. 953/93
—Ward System for the Hydro-Electric Power Commission		273/91	
Notice Requirements .....		95/92	Rev. 953/93
Rates of Taxation, 1991 .....		709/91	Rev. 953/93
Rates of Taxation, 1992 .....		763/92	Rev. 953/93
Rates of Taxation, 1993 .....		585/93	Rev. 953/93
Urban Services .....		682/90	Rev. 953/93
Ward System .....		149/91	
<b>COUNTY OF SIMCOE ACT, 1993/LOI DE 1993 SUR LE COMTÉ DE SIMCOE</b>			
General .....		953/93	
Midland (Town of), Township of Tiny Boundary—Related Matters .....		462/94	
Protection of Benefits of Employees and Retired Employees .....		414/94	
Rates of Taxation for General Purposes, 1994 .....		527/94	
<b>COURTS OF JUSTICE ACT/LOI SUR LES TRIBUNAUX JUDICIAIRES</b>			
Bilingual Proceedings .....	185		681/92
Bilingual Proceedings: Additions to Schedules 1 and 2 of Section 126 of the Act/ <i>Instances bilingues : ajouts aux annexes 1 et 2 de l'article 126 de la Loi</i> .....		922/93	
Designation of Regions .....	186		
District of Algoma Civil Case Management Rules/ <i>Règles de gestion des causes civiles du district d'Algoma</i> .....	187		536/92, 762/93, 743/94
Duties of Clerks and Bailiffs of the Small Claims Court ..	188		
Essex Civil Case Management Rules/ <i>Règles de gestion des causes civiles d'Essex</i> .....	189		397/91, 537/92, 211/93, 763/93, 744/94
Framework Agreement on Judges' Remuneration .....		407/93	
Money Paid Into Court .....	190		391/91, 619/91, 176/92, 213/93, 558/93, 599/94
Number of Judges .....	191		91/91, Rev. 464/93
Number of Judges .....		464/93	
Part-Time Provincial Judges Authorized to Practise Law ..	192		Rev. 67/92
Provincial Judges Benefits .....	193		269/91, Rev. 67/92

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Rules of Civil Procedure/ <i>Règles de procédure civile</i> . . . . .	194		219/91, 396/91, 73/92, 175/92, 535/92, 770/92, 212/93, 465/93, 466/93, 766/93, 351/94, 484/94, 739/94, 740/94
Rules of the Court of Appeal in Appeals under the Provincial Offences Act . . . . .	195		Rev. 721/94
Rules of the Court of Appeal in Appeals under the Provincial Offences Act/ <i>Règles de la Cour d'appel relatives aux appels interjetés en vertu de la Loi sur les infraction provinciales</i> . . . . .		721/94	
Rules of the Ontario Court (General Division) and the Ontario Court (Provincial Division) in Appeals under Section 116 of the Provincial Offences Act . . . . .	196		Rev. 723/94
Rules of the Ontario Court (General Division) and the Ontario Court (Provincial Division) in Appeals under Section 116 of the Provincial Offences Act/ <i>Règles de la Cour de l'Ontario (Division générale) et de la Cour de l'Ontario (Division provinciale) relatives aux appels interjetés en vertu de l'article 116 de la Loi sur les infractions provinciales</i> . . . . .		723/94	
Rules of the Ontario Court (General Division) in Estate Proceedings . . . . .	197		398/91, Rev. 485/94
Rules of the Ontario Court (Provincial Division) in Appeals under Section 135 of the Provincial Offences Act . . . . .	198		504/93, Rev. 722/94
Rules of the Ontario Court (Provincial Division) in Appeals under Section 135 of the Provincial Offences Act/ <i>Règles de la Cour de l'Ontario (Division provinciale) relatives aux appels interjetés en vertu de l'article 135 de la Loi sur les infractions provinciales</i> . . . . .		722/94	
Rules of the Ontario Court (Provincial Division) in Family Law Proceedings . . . . .	199		705/91, 71/92, 467/93
Rules of the Ontario Court (Provincial Division) in Provincial Offences Proceedings . . . . .	200		505/93, 498/94
Rules of the Small Claims Court . . . . .	201		732/92
Rules of the Unified Family Court . . . . .	202		72/92, 468/93
Salaries and Benefits of Masters . . . . .	203		406/91, Rev. 68/92
Salaries and Benefits of Masters . . . . .		68/92	
Salaries and Benefits of Provincial Judges . . . . .	204		405/91, Rev. 67/92
Salaries and Benefits of Provincial Judges . . . . .		67/92	762/92, 167/93, 460/93
Small Claims Court Jurisdiction . . . . .	205		Rev. 335/92
Small Claims Court Jurisdiction . . . . .		335/92	Rev. 92/93
Small Claims Court Jurisdiction . . . . .		92/93	
Territorial Divisions for the Small Claims Court . . . . .	206		
Toronto Civil Case Management Rules/ <i>Règles de gestion des causes civiles de Toronto</i> . . . . .		703/91	210/93, 765/93, 482/94, 741/94
Toronto Family Case Management Rules/ <i>Règles de gestion des causes en droit de la famille de Toronto</i> . . . . .		704/91	744/92, 764/93, 483/94, 742/94
<b>CREDIT UNIONS AND CAISSES POPULAIRES ACT/LOI SUR LES CAISSES POPULAIRES ET LES CREDIT UNIONS</b>			
Annual Premium . . . . .	207		



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Credit Union Leagues/ <i>Fédérations de caisses</i> .....	208		
Designations under Section 85 of the Act .....	209		
General/ <i>Dispositions générales</i> .....	210		
Matching Assets/ <i>Éléments d'actif correspondants</i> .....	211		
Membership in Credit Union Leagues/ <i>Adhésion aux fédérations de caisses</i> .....	212		
Membership in Credit Unions/ <i>Adhésion aux caisses</i> .....	213		
Stabilization Funds .....	214		70/93, 171/93
<b>CROP INSURANCE ACT (ONTARIO)/LOI SUR L'ASSURANCE-RÉCOLTE (ONTARIO)</b>			
Arbitration Proceedings/ <i>Arbitrage</i> .....	215		262/92
Crop Insurance Plan/ <i>Régime d'assurance-récolte</i>			
—Apples .....	216		418/92, 177/93, 84/94
—Asparagus .....	217		488/91, 436/92, 95/93, 85/94
—Black Tobacco/ <i>sur le tabac noir</i> .....	218		551/91, 431/92, 245/93, 562/93, 430/94, 469/94
—Burley Tobacco/ <i>sur le tabac Burley</i> .....	219		246/93
—Butternut Squash/ <i>sur les courges musquées</i> .....	242		490/91, 615/92, 262/93, 563/93, 433/94, 474/94
—Carrots (now Fresh Market Carrots)			
—Carrots (Processing) .....		639/92	576/93, 438/94
—Coloured Beans/ <i>sur les haricots colorés</i> .....	221		570/91, 462/92, 248/93, 564/93, 86/94
—Corn .....	222		117/93, 565/93, 87/94
—Cucumbers/ <i>sur les concombres</i> .....	223		489/91, 640/92, 249/93, 566/93, 471/94, 648/94
—Flue-Cured Tobacco/ <i>sur le tabac jaune</i> .....	224		674/92, 250/93, 567/93, 649/94
—Forage Seeding Establishment/ <i>sur l'implantation du fourrage</i> .....	225		307/91, 433/92, 251/93, 641/93, 650/94
—Fresh Market Carrots/ <i>sur les carottes fraîches</i> .....	220		552/91, 677/92, 247/93, 539/93, 436/94, 470/94
—Grapes .....	226		331/91, 607/92, 301/93, 88/94
—Green and Wax Beans .....	227		550/91, 606/92, 65/93, 568/93, 651/94
—Greenhouse Vegetables .....	228		Rev. 424/92
—Hay and Pasture/ <i>sur le foin et le pâturage</i> .....	229		79/91, 432/92, 252/93, 729/93, 652/94
—Honey/ <i>sur le miel</i> .....	230		492/91, 608/92, 253/93, 540/93, 431/94
—Lima Beans/ <i>sur les haricots de Lima</i> .....	231		485/91, 254/93, 569/93, 441/94
—Oil Seed .....	232		553/91, 118/93, 570/93, 89/94
—Onions/ <i>sur les oignons</i> .....	233		491/91, 616/92, 255/93, 571/93, 426/94, 472/94
—Peaches/ <i>sur les pêches</i> .....	234		419/92, 256/93, 90/94
—Peanuts/ <i>sur les arachides</i> .....	235		618/92, 257/93, 572/93, 434/94
—Pears .....	236		420/92, 178/93, 91/94
—Peas/ <i>sur les pois</i> .....	237		675/92, 258/93, 439/94
—Peppers/ <i>sur les poivrons</i> .....	238		612/92, 259/93, 573/93, 432/94
—Plums .....	239		184/91, 421/92, 302/93, 92/94
—Popping Corn/ <i>sur le maïs à éclater</i> .....	240		712/91, 605/92, 260/93, 574/93, 427/94, 473/94
—Potatoes/ <i>sur les pommes de terre</i> .....	241		613/92, 261/93, 575/93, 428/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Pumpkins and Squash (now Butternut Squash)			
—Red Beets/ <i>sur les betteraves rouges</i> . . . . .	243		617/92, 263/93, 541/93, 435/94, 619/94
—Red Spring Wheat/ <i>sur le blé roux du printemps</i> . . . . .	244		493/91, 438/92, 264/93, 577/93, 93/94, 475/94
—Rutabagas/ <i>sur les rutabagas</i> . . . . .	245		494/91, 614/92, 265/93, 578/93, 429/94, 476/94
—Seed Corn/ <i>sur le maïs de semence</i> . . . . .	246		21/93, 266/93, 579/93, 731/94
—Sour Cherries . . . . .	247		422/92, 303/93, 94/94
—Specialty Crops/ <i>sur les cultures spéciales</i> . . . . .	248		78/91, 487/91, 676/92, 267/93, 542/93, 437/94
—Spring Grain/ <i>sur les céréales de printemps</i> . . . . .	249		569/91, 434/92, 268/93, 580/93, 95/94, 477/94
—Strawberries . . . . .		566/91	619/92, 581/93, 654/94
—Sunflowers/ <i>sur les tournesols</i> . . . . .	250		306/91, 437/92, 269/93, 582/93, 96/94
—Sweet Cherries . . . . .	251		423/92, 179/93, 97/94
—Sweet Corn/ <i>sur le maïs sucré</i> . . . . .	252		567/91, 637/92, 270/93, 728/93, 618/94, 653/94
—Tomatoes/ <i>sur les tomates</i> . . . . .	253		486/91, 638/92, 271/93, 543/93, 440/94
—White Beans/ <i>sur les haricots blancs</i> . . . . .	254		568/91, 463/92, 272/93, 583/93, 98/94, 478/94
—Winter Wheat . . . . .	255		629/91, 435/92, 304/93, 99/94, 684/94
Crop Insurance Plans—General/ <i>Régimes d'assurance-récolte—Dispositions générales</i> . . . . .	256		620/92, 273/93
Designation of Insurable Crops/ <i>Désignation des récoltes assurables</i> . . . . .	257		263/92
<b>CROWN EMPLOYEES COLLECTIVE BARGAINING ACT/LOI SUR LA NÉGOCIATION COLLECTIVE DES EMPLOYÉS DE LA COURONNE</b>			
General . . . . .	258		201/91, 708/91, 705/92
Rules of Procedure . . . . .	259		
<b>CROWN TIMBER ACT/LOI SUR LE BOIS DE LA COURONNE</b>			
General . . . . .	260		319/93, 461/93, 594/93, 303/94, 559/94, 620/94, 666/94
<b>D</b>			
<b>DANGEROUS GOODS TRANSPORTATION ACT/ LOI SUR LE TRANSPORT DE MATIÈRES DANGEREUSES</b>			
General . . . . .	261		269/92
<b>DAY NURSERIES ACT/LOI SUR LES GARDERIES</b>			
General/ <i>Dispositions générales</i> . . . . .	262		50/91, 218/91, 458/91, 708/92, 42/93, 373/93, 17/94, 583/94, 677/94
<b>DEAD ANIMAL DISPOSAL ACT/LOI SUR LES CADAVRES D'ANIMAUX</b>			
General/ <i>Dispositions générales</i> . . . . .	263		572/91, 728/92

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. Règl. de l'Ont.	Amendments Modifications
<b>DENTAL HYGIENE ACT, 1991/LOI DE 1991 SUR LES HYGIÉNISTES DENTAIRES</b>			
Composition of Statutory Committees .....		616/93	113/94
Election of Council Members .....		747/93	402/94
Examinations .....		710/93	
Fees .....		655/93	
General .....		218/94	
Professional Misconduct .....		797/93	
Registration .....		863/93	745/94
<b>DENTAL TECHNICIANS ACT/LOI SUR LES TECHNICIENS DENTAIRES</b>			
General .....	264		746/91, 742/92
<b>DENTAL TECHNOLOGY ACT, 1991/LOI DE 1991 SUR LES TECHNOLOGUES DENTAIRES</b>			
Composition of Statutory Committee .....		651/93	
Elections .....		748/93	
Examinations .....		711/93	
Fees .....		656/93	
Professional Misconduct .....		798/93	
Registration .....		874/93	875/93
<b>DENTISTRY ACT, 1991/LOI DE 1991 SUR LES DENTISTES</b>			
Composition of Committees .....		617/93	54/94
Electoral Districts .....		831/93	
Fees .....		792/93	
General .....		205/94	
Professional Misconduct .....		853/93	220/94
Registration .....		832/93	
<b>DENTURE THERAPISTS ACT/LOI SUR LES DENTUROLOGUES</b>			
General .....	265		658/91, 772/92
<b>DENTURISM ACT, 1991/LOI DE 1991 SUR LES DENTUROLOGISTES</b>			
Committee Composition .....		652/93	546/94
Election of Council Members .....		793/93	
Fees .....		657/93	
General .....		206/94	
Professional Misconduct .....		854/93	405/94
Registration .....		833/93	404/94
<b>DEPOSITS REGULATION ACT/LOI SUR LES DÉPÔTS D'ARGENT</b>			
General .....	266		
<b>DEVELOPMENT CHARGES ACT/LOI SUR LES REDEVANCES D'EXPLOITATION</b>			
Development Charges/Redevances d'exploitation .....	267		349/92

## TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Education Development Charges . . . . .	268		229/92, 813/94
<b>DEVELOPMENT CORPORATIONS ACT/LOI SUR LES SOCIÉTÉS DE DÉVELOPPEMENT</b>			
Approval of Loans and Guarantees . . . . .		77/91	
Innovation Ontario Corporation . . . . .	269		246/91
Ontario Aerospace Corporation . . . . .		111/92	
Ontario Film Development Corporation (The) . . . . .	270		145/91
Ontario International Corporation . . . . .	271		768/91, 930/93, Rev. 512/94
Ontario International Trade Corporation . . . . .		512/94	713/94, 769/94
<b>DEVELOPMENTAL SERVICES ACT/LOI SUR LES SERVICES AUX PERSONNES ATTEINTES D'UN HANDICAP DE DÉVELOPPEMENT</b>			
General . . . . .	272		
<b>DIETETICS ACT, 1991/LOI DE 1991 SUR LES DIÉTÉTISTES</b>			
Composition of Statutory Committees . . . . .		673/93	
Election of Council Members . . . . .		771/93	403/94, Rev. 592/94
Fees . . . . .		676/93	920/93, Rev. 591/94
General . . . . .		593/94	
Professional Misconduct . . . . .		680/93	
Registration . . . . .		876/93	877/93, 594/94
<b>DISTRICT MUNICIPALITY OF MUSKOKA ACT/ LOI SUR LA MUNICIPALITÉ DE DISTRICT DE MUSKOKA</b>			
Protection of Employees . . . . .		950/93	
<b>DISTRICT WELFARE ADMINISTRATION BOARDS ACT/LOI SUR LES CONSEILS D'ADM- NISTRATION DE DISTRICT DE L'AIDE SOCIALE</b>			
Application for Grant under Section 10 of the Act . . . . .	273		418/94
<b>DRAINAGE ACT/LOI SUR LE DRAINAGE</b>			
Forms/ <i>Formules</i> . . . . .	274		573/91
Rules of Practice and Procedure to be Followed in All Proceedings Before the Referee . . . . .	275		
<b>DRUG AND PHARMACIES REGULATION ACT/LOI SUR LA RÉGLEMENTATION DES MÉDICAMENTS ET DES PHARMACIES</b>			
General . . . . .	551		747/91, 743/92, 290/93, 704/93, 784/94
Pharmacy (see now General) . . . . .			
<b>DRUGLESS PRACTITIONERS ACT/LOI SUR LES PRATICIENS NE PRESCRIVANT PAS DE MÉDICAMENTS</b>			
Chiropractors/ <i>Chiropraticiens</i> . . . . .	276		516/91, 56/92, Rev. 890/93
Classifications/ <i>Classifications</i> . . . . .	277		515/91, Rev. 889/93
General . . . . .	278		
Masseurs . . . . .	279		706/91, 612/93, Rev. 891/93

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Osteopaths .....	280		
Physiotherapists .....	281		667/92, 650/93, Rev. 892/93
<b>E</b>			
<b>EDIBLE OIL PRODUCTS ACT/LOI SUR LES PRODUITS OLÉAGINEUX COMESTIBLES</b>			
General .....	282		64/92
<b>EDUCATION ACT/LOI SUR L'ÉDUCATION</b>			
Apportionment 1991 Requisitions .....		87/91	
Apportionment 1992 Requisitions .....		120/92	
Apportionment 1993 Requisitions .....		105/93	
Apportionment 1994 Requisitions .....		246/94	
Assessment and Tax Adjustments—1991 .....		68/91	
Assessment and Tax Adjustments—1992 .....		123/92	357/93
Assessment and Tax Adjustments—1993 .....		168/93	358/93
Assessment and Tax Adjustments—1994 .....		504/94	
Calculation of Amount of Reserve or Reduction in Requirement Resulting from Strike or Lock-out .....	283		
Calculation of Average Daily Enrolment .....		89/91	22/94, Rev. 244/94
Calculation of Average Daily Enrolment .....		244/94	814/94
Calculation of Enrolment in Part XIII of the Act/ <i>Calcul de l'effectif dans la partie XIII de la Loi</i> .....		7/91	
Calculation of Fees for Pupils, 1991 .....		88/91	
Calculation of Fees for Pupils, 1992 .....		121/92	
Calculation of Fees for Pupils, 1993 .....		104/93	
Calculation of Fees for Pupils, 1994 .....		245/94	
Conditions for Extended Funding .....	284		
Continuing Education/ <i>Éducation permanente</i> .....	285		441/92
County Combined Separate School Zones/ <i>Zones fusionnées d'écoles séparées de comté</i> .....	286		377/92
Debt and Financial Obligation Limits .....		265/94	
Designation of School Divisions .....	287		527/92, 413/93
Designation of Support Staff .....	288		
Designation of Teachers .....	289		
District Combined Separate School Zones .....	290		526/92, 730/92, 412/93
District School Areas .....	291		
Fees for Ministry Courses .....	292		
Fees for Transcripts and Statements of Standing and for Duplicates of Diplomas, Certificates and Letters of Standing .....	293		341/92, 522/93
General Legislative Grants, 1989 .....		155/89	140/91, 292/93
General Legislative Grants, 1990 .....		141/90	141/91, 293/93
General Legislative Grants, 1991 .....		86/91	294/93
General Legislative Grants, 1992 .....		119/92	
General Legislative Grants, 1993 .....		103/93	
General Legislative Grants, 1994 .....		243/94	
James Bay Lowlands Secondary School Board .....	294		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Junior Kindergarten Exemptions .....		467/94	
Northern District School Area Board .....	295		
Ontario Schools for the Blind and the Deaf .....	296		
Ontario Teacher's Qualifications .....	297		34/91, 415/91, 243/92, 687/92, 559/93, 729/94
Operation of Schools—General/ <i>Fonctionnement des écoles—Dispositions générales</i> .....	298		339/91, 242/92
Ottawa-Carleton French-Language School Boards/ <i>Con- seils scolaires de langue française d'Ottawa-Carleton</i> ..		425/94	453/94, 689/94
Payment of Legislative Grants .....	299		
Payment Transfer Between Coterminous Boards—1991 ..		90/91	
Payment Transfer Between Coterminous Boards—1992 ..		122/92	
Practice and Procedure—Boards of Reference .....	300		
Prescott and Russell County Roman Catholic French- Language and English-Language Separate School Boards/ <i>Conseils des écoles séparées catholiques de langue française et de langue anglaise de Prescott- Russell</i> .....		479/91	759/91, 144/94 Rev. 212/91
Pupil Records .....	301		
Purchase of Milk .....	302		
Regional Tribunals/ <i>Tribunaux régionaux</i> .....	303		666/91
School Year and School Holidays/ <i>Année scolaire et congés scolaires</i> .....	304		664/91
Special Education Identification Placement and Review Committees and Appeals/ <i>Comités d'identification, de placement et de révision en éducation de l'enfance en difficulté. Appels</i> .....	305		663/91
Special Education Programs and Services .....	306		
Special Grant .....	307		
Supervised Alternative Learning for Excused Pupils/ <i>Apprentissage parallèle dirigé pour élèves dispensés de fréquentation scolaire</i> .....	308		665/91
Supervisory Officers .....	309		665/92, 162/93
Teachers' Contracts .....	310		
Territory Without Municipal Organization Attached to a District Municipality .....	311		
Training Assistance .....	312		
Transitional Provisions Relating to the Kirkland Lake-Timiskaming Separate School Zone Boundary Changes Made By Ontario Regulation 730/92/ <i>Disposi- tions transitoires relatives aux modifications apportées aux limites de la zone d'écoles séparées de Kirkland Lake-Timiskaming par le Règlement de l'Ontario 730/92</i>		731/92	776/92, 683/94
Trustee Distribution/ <i>Répartition des conseillers scolaires</i> ..	313		47/91, 378/92, 143/94
<b>ELDERLY PERSONS CENTRES ACT/LOI SUR LES CENTRES POUR PERSONNES ÂGÉES</b>			
General/ <i>Dispositions générales</i> .....	314		595/91

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. Règl. de l'Ont.	Amendments Modifications
<b>ELECTION ACT/LOI ÉLECTORALE</b>			
Fees and Expenses .....	315		
<b>ELECTRONIC REGISTRATION ACT (MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS STATUTES), 1991/LOI DE 1991 SUR L'ENREGISTREMENT ÉLECTRONIQUE DANS LE CADRE DE LOIS RELEVANT DU MINISTÈRE DE LA CONSOMMATION ET DU COMMERCE</b>			
Designation of Acts .....		75/92	Rev. 759/93
Designation of Acts/Désignation de lois .....		759/93	
<b>ELEVATING DEVICES ACT/LOI SUR LES ASCENSEURS ET APPAREILS DE LEVAGE</b>			
General .....	316		2/92, 549/92, 350/93
<b>EMPLOYEE SHARE OWNERSHIP PLAN ACT/LOI SUR LE RÉGIME D'ACTIONNARIAT DES EMPLOYÉS</b>			
Forms .....	317		643/91
General .....	318		
<b>EMPLOYER HEALTH TAX ACT/LOI SUR L'IMPÔT PRÉLEVÉ SUR LES EMPLOYEURS RELATIF AUX SERVICES DE SANTÉ</b>			
General .....	319		121/93, 816/94
<b>EMPLOYMENT AGENCIES ACT/LOI SUR LES AGENCES DE PLACEMENT</b>			
General/Dispositions générales .....	320		171/94
<b>EMPLOYMENT EQUITY ACT, 1993/LOI DE 1993 SUR L'ÉQUITÉ EN MATIÈRE D'EMPLOI</b>			
Aboriginal Workplaces/Lieux de travail autochtones .....		386/94	
Agricultural Industry/Industrie agricole .....		388/94	
Construction Industry/Industrie de la construction .....		387/94	
Definitions/Définitions .....		389/94	
General/Dispositions générales .....		390/94	
<b>EMPLOYMENT STANDARDS ACT/LOI SUR LES NORMES D'EMPLOI</b>			
Agricultural Industry Advisory Committee .....		48/91	
Benefit Plans .....	321		
Consolidated Hearings .....		591/91	
Domestics, Nannies and Sitters .....	322		
Employee Wage Protection Program .....		590/91	748/92
Forms .....	323		361/94
Fruit, Vegetable and Tobacco Harvesters .....	324		509/91, 506/92, 663/93, 675/94
General/Dispositions générales .....	325		508/91, 505/92, 662/93, 173/94, 423/94, 674/94, 770/94
Residential Care Workers .....	326		
Termination of Employment .....	327		200/91, 691/92

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>ENDANGERED SPECIES ACT/LOI SUR LES ESPÈCES EN VOIE DE DISPARITION</b>			
Endangered Species .....	328		316/92, 670/92, 325/94
<b>ENERGY ACT/LOI SUR LES HYDROCARBURES</b>			
Fuel Oil Code .....	329		679/91, 217/92, 538/92, 542/92, 447/93
Gas Pipeline Systems .....	330		680/91, 540/92, 544/92, 73/93, 448/93
Gas Utilization Code .....	331		399/91, 681/91, 219/92, 541/92, 546/92, 449/93
Oil Pipeline Systems .....	332		682/91, 545/92, 450/93
Propane Storage, Handling and Utilization .....	333		683/91, 707/91, 218/92, 539/92, 543/92, 451/93, Rev. 250/94
Propane Storage, Handling and Utilization .....		250/94	
<b>ENERGY EFFICIENCY ACT/LOI SUR LE RENDEMENT ÉNERGÉTIQUE</b>			
Standards .....		480/91	289/92, 528/92, 469/93
<b>ENVIRONMENTAL ASSESSMENT ACT/LOI SUR LES ÉVALUATIONS ENVIRONNEMENTALES</b>			
Designation and Exemption—Private Sector Developers . . Designation(s)		345/93	
—Laidlaw Environmental Services Ltd.—Rotary Kiln Incinerator .....		71/93	
—Laidlaw Waste System Inc. ....		457/91	
—Lake Ontario Steel Company—A Division of Co-Steel Inc. ....		13/91	
—Unitec Disposal Inc. ....		641/89	Rev. 163/93
—Unitec Disposals Inc. ....		163/93	
Exemption for Emergency Activities on Three Abandoned Mine Sites in the Townships of Tisdale and Deloro, City of Timmins—MNDM-2 .....		169/92	
Exemption(s)			
—Alice and Fraser, The Corporation of the Township of, The Corporation of the City of Pembroke, The Corporation of the Township of Petawawa, The Corporation of the Township of Pembroke, The Corporation of the Township of Stafford, The Corporation of the Township of Wilberforce The Corporation of the Village of Petawawa, The Corporation of the CFB Petawawa—ALIC-TP-1 . .		74/93	
—Asphodel, Township of—ASPH-T-1 .....		232/92	
—Asphodel, Township of—ASPH-T-1/1 .....		445/93	
—Brantford, The Corporation of the Township of .....		647/94	
—Brantford, The Corporation of the Township of —BRAN-TP-1 .....		664/92	
—Brockville, The Corporation of the City of —BROC-C-3 .....		718/92	
—Charlottenburgh, The Corporation of the Township of —CHAR-TP-1 .....		307/92	
—La Cité Collégiale—MCU-4 .....		191/93	
—Clarence, The Township of—CLAR-TP-1 .....		425/93	



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Conservation Authorities of Ontario, The Association of—ACAO-2 .....		752/92	
—Disposition of Land for the Taunton Road/Steeles Avenue Bridge Crossing at West Duffin Creek —MGS-104 .....		416/91	
—Fort Erie, The Corporation of the Town of —FORT-E-T-1 .....		192/86	Rev. 723/91
—FORT-E-T-2 .....		723/91	
—Goderich, The Corporation of the Township of, The Corporation of the Town of Goderich, The Corporation of the Town of Clinton and The Corporation of the Township of Colborne—GODE-T-1 .....		309/91	
—Guelph, The Corporation of the City of —GUEL-C-1 .....		148/91	
—Hamilton, City of—HAM-C-1 .....		26/92	
—Kapusking, The Corporation of the Town of —KAP-T-2 .....		716/92	
—Keewatin, The Corporation of the Town of —KEEW-T-1 .....		697/91	
—Kincardine, The Town of—KINC-T-1 .....		299/93	
—Lambton, The Corporation of the County of —LAMB-CT-1 .....		291/92	
—Lindsay, The Town of—LIND-T-1 .....		118/92	
—Metropolitan Toronto and Region Conservation Authority, The—MTRCA-1 .....		623/91	Rev. 765/94
—Metropolitan Toronto and Region Conservation Authority, The—MTRC-A-2 .....		765/94	
—Metropolitan Toronto and Region Conservation Authority, The—MTRCA-4 .....		144/93	
—Ministry of the Environment —MOE-31/3 .....		469/91	
—MOE-45 .....		549/91	
—MOE-44 .....		626/91	
—MOE-31/4 .....		764/91	
—MOE-31/5 .....		585/92	
—MOE-41/1 .....		753/92	
—Ministry of Government Services —MGS-102 .....		2/90	Rev. 4/92
—MGS-102/2 .....		4/92	
—Ministry of Natural Resources —MNR-11/9 .....		2/85	Rev. 493/92
—MNR-44/2 .....		684/88	Rev. 366/92
—MNR-30/10 .....		381/90	Rev. 366/92
—MNR-57 .....		279/91	Rev. 535/93
—MNR-58 .....		303/92	
—MNR-59 .....		366/92	Rev. 83/94
—MNR-11/10 .....		493/92	
—MNR-57/2 .....		535/93	
—MNR-60 .....		685/93	
—MNR-59/2 .....		83/94	
—MNR-61 .....		682/94	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Ministry of Transportation			
—MTC-59 .....		280/91	
—MTC-60 .....		304/92	
—MTC-61 .....		305/92	
—MTO-62 .....		492/92	
—MTO-63 .....		444/94	
—Niagara College of Applied Arts and Technology			
—CU-AA-05 .....		690/93	
—Peterborough, The Corporation of the City of			
—PETE-C-1 .....		222/90	Rev. 290/92
—PETE-C-1/1 .....		290/92	
—Port Colborne, The Corporation of the City of—PC-M-1		414/93	
—Port Colborne (City of) and Town of Fort Erie—PC-M-2		231/94	
—Regional Planning Commissioners of Ontario—RPC-01		41/94	
—Rolph, Buchanan, Wylie, McKay and the Village of Chalk River, The Corporation of the townships of .....		701/94	
—Roxborough, Township of—ROXB-TP-1 .....		292/92	
—South Gower, The Corporation of the Township of			
—GOW-TP-1 .....		717/92	
—Stephen, The Corporation of the Township of .....		702/94	
—Sudbury, The Regional Municipality of			
—SUDB-RG-1 .....		393/93	
—SUDB-RG-2 .....		350/94	
—Toronto, The Corporation of the City of—TORO-C-5 ..		627/91	
—Victoria (County of)—VICT-CT-1 .....		235/94	
—Windsor, City of—WIND-C-2 .....		622/91	
General .....	334		344/93, 456/93, 458/93, 807/93
Rules of Practice—Environmental Assessment Board .....	335		
<b>ENVIRONMENTAL BILL OF RIGHTS, 1993/ CHARTRE DES DROITS ENVIRONNEMENTAUX DE 1993</b>			
Classification of Proposals for Instruments .....		681/94	
General .....		73/94	680/94, 719/94
<b>ENVIRONMENTAL PROTECTION ACT/LOI SUR LA PROTECTION DE L'ENVIRONNEMENT</b>			
Air Contaminants From Ferrous Foundries .....	336		
Ambient Air Quality Criteria .....	337		794/94
Boilers .....	338		
Certificates of Approval (Section 9 of the Act)			
—Exemptions .....		77/92	
Classes of Contaminants—Exemptions .....	339		
Containers .....	340		
Deep Well Disposal .....	341		
Designation of Waste .....	342		
Discharge of Sewage From Pleasure Boats .....	343		
Disposable Containers for Milk .....	344		
Disposable Paper Containers for Milk .....	345		
Dry Cleaners .....		323/94	

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Effluent Monitoring			
—Industrial Minerals Sector .....		91/90	Rev. 561/94
—Metal Casting Sector .....		648/89	232/90, 419/90, Rev. 562/94
—Ontario Mineral Industry Sector: Group A .....		491/89	44/90, Rev. 560/94
—Petroleum Refining Sector .....		359/88	Rev. 537/93
—Pulp and Paper Sector .....		435/89	Rev. 760/93
Effluent Monitoring and Effluent Limits			
—Industrial Minerals Sector .....		561/94	
—Metal Casting Sector .....		562/94	
—Metal Mining Sector .....		560/94	
—Petroleum Sector .....		537/93	
—Pulp and Paper Sector .....		760/93	
Exemption—Prospectors .....		312/93	
Fees for Certificates of Approval .....		502/92	13/93
Forms .....		14/92	
Gasoline Volatility .....		271/91	
General—Air Pollution .....	346		795/94
General—Waste Management .....	347		183/92, 240/92, 501/92, 555/92, 457/93, 507/93, 105/94, 190/94, 298/94, 299/94
Halon Fire Extinguishing Equipment .....		413/94	
Hauled Liquid Industrial Waste Disposal Sites .....	348		
Hot Mix Asphalt Facilities .....	349		
Industrial, Commercial and Institutional Source Separation Programs .....		103/94	
Lambton Industry Meteorological Alert .....	350		
Marinas .....	351		
Mobile PCB Destruction Facilities .....	352		
Motor Vehicles .....	353		
Municipal Sewage and Water and Roads Class Environ- mental Assessment Project .....	354		
Ontario Hydro .....	355		
Ozone Depleting Substances—General .....	356		476/91, 498/92, 851/93
Packaging Audits and Packaging Reduction Work Plans ..		104/94	
Recovery of Gasoline Vapour in Bulk Transfers .....		455/94	
Recycling and Composting of Municipal Waste .....		101/94	
Refillable Containers for Carbonated Soft Drink .....	357		
Refrigerants .....		189/94	797/94
Sewage Systems .....	358		
Sewage Systems—Exemptions .....	359		
Solvents .....		717/94	
Spills .....	360		
Sterilants .....		718/94	
Sulphur Content of Fuels .....	361		
Waste Audits and Waste Reduction Work Plans .....		102/94	
Waste Management—PCB's .....	362		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>EXECUTIVE COUNCIL ACT/LOI SUR LE CONSEIL EXÉCUTIF</b>			
Transfer of Administration of Act/ <i>Transfert de la responsabilité de l'application d'une loi</i>			
—Ontario Municipal Board Act Transferred to Minister of Municipal Affairs/ <i>Loi sur la Commission des affaires municipales de l'Ontario transférée au ministre des Affaires municipales</i> .....		193/92	
<b>EXPROPRIATIONS ACT/LOI SUR L'EXPROPRIATION</b>			
Forms/ <i>Formules</i> .....	363		333/92
Rules to be Applied for the Purposes of Subsection 32 (1) of the Act/ <i>Règles à appliquer aux fins du paragraphe 32 (1) de la Loi</i> .....	364		332/92
<b>EXTRA-PROVINCIAL CORPORATIONS ACT/LOI SUR LES PERSONNES MORALES EXTRAPROVINCIALES</b>			
General/ <i>Dispositions générales</i> .....	365		581/91, 598/92, 626/93
<b>F</b>			
<b>FAMILY BENEFITS ACT/LOI SUR LES PRESTATIONS FAMILIALES</b>			
General .....	366		16/91, 190/91, 407/91, 631/91, 652/91, 766/91, 33/92, 151/92, 225/92, 326/92, 372/92, 426/92, 652/92, 774/92, 44/93, 97/93, 208/93, 218/93, 320/93, 369/93, 436/93, 686/93, 788/93, 16/94, 196/94, 318/94, 419/94, 603/94
<b>FAMILY LAW ACT/LOI SUR LE DROIT DE LA FAMILLE</b>			
Designation of Matrimonial Home—Forms .....	367		
Election of Surviving Spouse/ <i>Choix du conjoint survivant</i> .	368		
<b>FAMILY SUPPORT PLAN ACT/LOI SUR LE RÉ- GIME DES OBLIGATIONS ALIMENTAIRES ENVERS LA FAMILLE</b>			
Practices and Procedures/ <i>Règles de pratique et de procédure</i> .....		765/91	475/93
<b>FARM IMPLEMENTS ACT/LOI SUR LES APPAREILS AGRICOLES</b>			
General/ <i>Dispositions générales</i> .....	369		100/91, 65/94
<b>FARM INCOME STABILIZATION ACT/LOI SUR LA STABILISATION DES REVENUS AGRICOLES</b>			
Fresh Market Potato Stabilization, 1989-1992—Plan .....	370		181/92, 642/93
Grain Stabilization, 1988-1990—Plan .....	371		169/91, 180/92

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>FARM PRODUCTS CONTAINERS ACT/LOI SUR LES CONTENANTS DE PRODUITS AGRICOLES</b>			
Containers—Fruit and Vegetables .....	372		406/92
<b>FARM PRODUCTS GRADES AND SALES ACT/LOI SUR LE CLASSEMENT ET LA VENTE DES PRODUITS AGRICOLES</b>			
Beef .....		685/94	
Burley Tobacco .....	373		328/94
Exemption .....		659/93	
Flue-Cured Tobacco .....	374		155/92, 329/94
Fruit—Controlled-Atmosphere Storage .....	375		257/91, 330/94
Grades			
—Beef Carcasses .....	376		Rev. 685/94
—Christmas Trees .....	377		151/91, 331/94
—Fruit and Vegetables .....	378		727/91, 332/94
—Hog Carcasses .....	379		
—Lamb and Mutton Carcasses .....	380		
—Poultry .....	381		
—Veal Carcasses .....	382		
Grain .....	383		33/91, 93/93, 78/94
Honey .....	384		333/94
Licences .....	385		335/94
Maple Products .....	386		604/92, 334/94
<b>FARM PRODUCTS MARKETING ACT/LOI SUR LA COMMERCIALISATION DES PRODUITS AGRICOLES</b>			
Apples			
—Marketing .....	387		589/91, 161/92, 440/92, 546/93, 902/93, 607/94
—Plan .....	388		66/92, 324/94
Arbitration of Disputes .....	389		
Asparagus			
—Marketing .....	390		537/91, 162/92, 903/93
—Plan .....	391		
Beans			
—Marketing .....	392		
—Plan .....	393		
Berries for Processing			
—Marketing .....	394		543/91, 28/93
—Plan .....	395		
Broiler Hatching Eggs and Chicks			
—Marketing .....	396		394/91, 744/91
—Plan .....	397		
Burley Tobacco			
—Marketing .....	398		
—Plan .....	399		
By-Laws for Local Boards .....	400		36/91, 5/92, 678/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Chicken—Extension of Powers of the Canadian Chicken Marketing Agency .....	401		
Chickens			
—Marketing .....	402		245/91, 194/92, 560/92
—Plan .....	403		6/92
Designation			
—Ontario Canola Growers' Association .....	404		
—Ontario Coloured Bean Growers' Association .....	405		
Eggs			
—Extension of Powers of the Canadian Egg Marketing Agency .....	406		Rev. 786/91
—Extension of Powers of the Canadian Egg Marketing Agency .....		786/91	
—Marketing .....	407		154/94
—Marketing Limitations .....	408		
—Plan .....	409		
Fresh Grapes			
—Marketing .....	410		538/91, 163/92
—Plan .....	411		713/91, 686/94
Fresh Potatoes			
—Marketing .....	412		273/92, 697/93, 810/94
—Plan .....	413		696/93
Grapes for Processing			
—Marketing .....	414		96/91, 539/91, 164/92, 274/92, 904/93, 461/94
—Plan .....	415		
Greenhouse Vegetables			
—Appointment of Trustee .....	416		186/91
—Marketing .....	417		657/94
—Plan .....	418		185/91, 679/94
Hogs			
—Marketing .....	419		88/92
—Plan .....	420		730/94
Local Boards .....	421		193/93
Potatoes			
—Marketing .....	422		491/92, 409/93, 905/93
—Plan .....	423		
Processing Tomato Seedling Plants			
—Marketing .....	424		609/93, 460/94
—Plan .....	425		608/93
Rutabagas—Marketing .....	426		
Seed-Corn			
—Marketing .....	427		542/91, 87/92, 2/93, 906/93
—Plan .....	428		3/93
Sheep			
—Marketing .....	429		338/93, 256/94
—Plan .....	430		259/94

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Soybeans			
—Marketing .....	431		194/93
—Plan .....	432		786/92
Tender Fruit			
—Marketing .....	433		540/91, 165/92, 907/93
—Plan .....	434		
Tobacco			
—Marketing .....	435		561/92, 720/92, 52/94
—Plan .....	436		53/94
Turkeys			
—Marketing .....	437		541/91, 90/92, 166/92, 556/93, 155/94, 658/94, 811/94
—Marketing Limitations .....	438		
—Plan .....	439		89/92
Vegetables for Processing			
—Marketing .....	440		46/91, 177/91, 167/92, 673/92, 796/92, 27/93, 811/93, 233/94
— Plan .....	441		643/93
Wheat			
—Marketing .....	442		
—Plan .....	443		
<b>FARM PRODUCTS PAYMENTS ACT/LOI SUR LE RECouvreMENT DU PRIX DES PRODUITS AGRICOLES</b>			
Disposition of Fund for Producers of Potatoes for Processing .....		408/93	Rev. 39/94
Disposition of Fund for Producers of Vegetables for Processing .....		672/92	
Fund for Egg Producers .....	444		153/92
Fund for Livestock Producers .....	445		Rev. 560/93
Fund for Livestock Producers .....		560/93	
Fund for Milk and Cream Producers .....	446		256/91, 182/92
Fund for Producers of Canola .....	447		
Fund for Producers of Grain Corn .....	448		764/94
Fund for Producers of Potatoes for Processing .....	449		452/92, Rev. 39/94
Fund for Producers of Soybeans .....	450		183/93
Fund for Producers of Vegetables for Processing .....	451		205/92
<b>FARM REGISTRATION AND FARM ORGANI- ZATIONS FUNDING ACT, 1993/LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES</b>			
Filing Dates/ <i>Dates de dépôt</i> .....		722/93	443/94, 737/94
General/ <i>Dispositions générales</i> .....		723/93	479/94
<b>FINANCIAL ADMINISTRATION ACT/LOI SUR L'ADMINISTRATION FINANCIÈRE</b>			
Destruction of Securities .....		31/91	
Fee for Dishonoured Cheques .....		754/92	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Prescribed Currency .....		24/92	
<b>FIRE DEPARTMENTS ACT/LOI SUR LES SERVICES DES POMPIERS</b>			
Filing in Ontario Court (General Division) of Decision of Arbitrator or Arbitration Board .....	452		
Standards for Pumpers .....	453		
<b>FIRE MARSHALS ACT/LOI SUR LES COMMISSAIRES DES INCENDIES</b>			
Fire Code .....	454		627/92, 385/94
General .....	455		
<b>FISH INSPECTION ACT/LOI SUR L'INSPECTION DU POISSON</b>			
Quality Control .....	456		
<b>FOREST FIRES PREVENTION ACT/LOI SUR LA PRÉVENTION DES INCENDIES DE FORÊT</b>			
Fire Regions .....	457		304/94
Restricted Fire Zone .....		92/91	Exp.
Restricted Fire Zone .....		232/91	Rev. 243/91
Restricted Fire Zone .....		336/91	373/91, 385/91, Exp.
Restricted Fire Zone .....		447/91	Exp.
Restricted Fire Zone .....		448/91	Exp.
Restricted Fire Zone .....		449/91	Rev. 461/91
Restricted Fire Zone .....		450/91	Exp.
Restricted Fire Zone .....		459/91	Exp.
Restricted Fire Zone .....		460/91	Exp.
Restricted Fire Zone .....		499/91	501/91, Exp.
Restricted Fire Zone .....		503/91	Exp.
Restricted Fire Zone .....		197/92	Exp.
Restricted Fire Zone .....		198/92	Exp.
Restricted Fire Zone .....		315/92	Rev. 321/92
Restricted Fire Zone .....		149/93	Exp.
Restricted Fire Zone .....		197/93	Exp.
Restricted Fire Zone .....		160/94	Exp.
Restricted Fire Zone .....		280/94	Exp.
<b>FORESTRY ACT/LOI SUR LES FORÊTS</b>			
Nurseries .....	458		142/91
<b>FREEDOM OF INFORMATION AND PROTEC- TION OF PRIVACY ACT/LOI SUR L'ACCÈS À L'INFORMATION ET LA PROTECTION DE LA VIE PRIVÉE</b>			
Disposal of Personal Information .....	459		
General/ <i>Dispositions générales</i> .....	460		371/91, 135/92, 497/92, 532/93, 305/94



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>FRENCH LANGUAGE SERVICES ACT/LOI SUR LES SERVICES EN FRANÇAIS</b>			
Designation of Additional Areas/ <i>Désignation de régions additionnelles</i> .....		407/94	
Designation of Public Service Agencies/ <i>Désignation d'organismes offrant des services publics</i> .....		398/93	406/94
Exemptions/ <i>Exemptions</i> .....	461	671/92	
Exemptions/ <i>Exemptions</i> .....			
General/ <i>Dispositions générales</i> .....	462		742/91, 405/92, Rev. 398/93
<b>FRESHWATER FISH MARKETING ACT (ONTARIO)/LOI SUR LA COMMERCIALISATION DU POISSON D'EAU DOUCE (ONTARIO)</b>			
General .....	463		278/94
<b>FUEL TAX ACT/LOI DE LA TAXE SUR LES CARBURANTS</b>			
General .....	464		644/91, 732/91, 456/92, 296/94, 532/94
Miscellaneous .....	465		301/91, 12/92, 122/93
Refunds .....	466		
<b>FUNERAL DIRECTORS AND ESTABLISHMENTS ACT/LOI SUR LES DIRECTEURS DE SERVICES FUNÉRAIRES ET LES ÉTABLISSEMENTS FUNÉRAIRES</b>			
Board—Composition and Remuneration .....	467		583/92
Compensation Fund .....	468		
Equipment and Premises .....	469		282/92
Licensing and Business Practices .....	470		281/92, 584/92
<b>FUR FARMS ACT/LOI SUR LES FERMES D'ÉLEVAGE D'ANIMAUX À FOURRURE</b>			
General .....	471		
<b>G</b>			
<b>GAME AND FISH ACT/LOI SUR LA CHASSE ET LA PÊCHE</b>			
Aboriginal Community Fishing Licences .....		61/93	
Amphibians .....	472		
Animals Declared to be Fur-Bearing Animals/ <i>Animaux déclarés des animaux à fourrure</i> .....	473		359/91
Aylmer Hunting Area .....	474		
Aylmer Lagoon Hunting Area .....	475		
Bag Limit for Black Bear/ <i>Limite de prise d'ours noir</i> ....	476		360/91
Beaver Meadow Hunting Area .....	477		
Black Bear Management Areas .....	478		81/91, 534/93, 555/94
Bows and Arrows/ <i>Arcs et flèches</i> .....	479		361/91
Bullfrogs/ <i>Ouaouarons</i> .....	480		133/91, 557/91
Calton Swamp Hunting Area .....	481		
Camden Lake Hunting Area .....	482		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Commercial Fishing Royalty .....		896/93	
Community Licences .....		62/93	
Copeland Forest Hunting Area .....	483		
Crown Game Preserves .....	484		85/91, 410/93
Discharge of Firearms From or Across Highways and Roads .....	485		
Discharge of Firearms on Sunday/ <i>Décharge d'armes à feu le dimanche</i> .....	486		350/91
Fingal Hunting Area .....	487		
Firearms—Aulneau Peninsula/ <i>Armes à feu—Péninsule Aulneau</i> .....	488		82/91, 362/91
Fishing Huts .....	489		94/92, 187/92, 66/94
Fishing Licences/ <i>Permis de pêche</i> .....	490		103/91, 319/92, 567/92, Rev. 740/92
Fishing Licences/ <i>Permis de pêche</i> .....		740/92	777/92, 462/93, 670/93, 897/93, 9/94, 297/94, 415/94
Fur Harvest, Fur Management and Conservation <i>Course/Cours sur la capture, la gestion et la protection des animaux à fourrure</i> .....	491		365/91
Furs/ <i>Fourrures</i> .....	492		84/91, 520/91, 638/91, 221/92, 280/93, 493/93, 622/93, 738/94
Game Bird Hunting Preserves/ <i>Réserves de chasse au gibier à plume</i> .....	493		363/91, 281/93
Game Birds—Captivity, Propagation or Sale/ <i>Captivité, reproduction et vente du gibier à plume</i> .....	494		369/91
Guides/ <i>Guides</i> .....	495		294/91, 282/93
Hullett Hunting Area .....	496		
Hunter Safety Training Course/ <i>Cours de formation des chasseurs</i> .....	497		364/91
Hunting in Lake Superior Provincial Park .....	498		
Hunting in Long Point National Wildlife Area .....	499		622/94
Hunting Licences .....	500		24/91, 83/91, 102/91, 147/92, 257/92, 317/92, 529/92, 739/92, Rev. 300/93
Hunting Licences .....		300/93	463/93
Hunting on Crown Lands in the Geographic Townships of Bruton and Clyde/ <i>Chasse sur les terres de la Couronne dans les cantons géographiques de Bruton et de Clyde</i> ..	501		511/91
Hunting on Designated Crown Land and in Provincial Parks .....	502		202/92, 203/92, 283/93, 387/93, 841/93, 360/94
Lake St. Lawrence Hunting Area .....	503		758/92
Licence to Chase Raccoon at Night and Fox, Coyote or Wolf During the Day .....	504		
Licence to Possess Nets/ <i>Permis de possession de filets</i> ...	505		470/91
Luther Marsh Hunting Area .....	506		
Moose Hunting in Larose Forest .....		621/94	Rev. 621/94
Nashville Tract Hunting Area .....	507		
Navy Island Hunting Area .....	508		
Open Seasons/ <i>Saisons de chasse</i> —Black Bear .....	509		80/91, 145/92, 842/93
—Fur-Bearing Animals .....	510		814/93

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Game Birds/ <i>Gibier à plume</i> .....	511		101/91, 228/91, 615/91, 146/92, 530/92, 165/93, 183/94
—Moose and Deer .....	512		333/91, 335/91, 521/91, 523/91, 267/92, 318/92, 397/92, 449/92, 531/92, 355/93, 843/93, 624/94
—Rabbits and Squirrels/ <i>Lapin et écureuil</i> .....	513		528/91
—Snapping Turtles .....	514		134/91, 110/93
Orangeville Reservoir Hunting Area .....	515		
Permit to Export Game .....		229/91	166/93
Petroglyphs Provincial Park Hunting Area .....	516		Rev. 524/91
Polar Bears/ <i>Ours polaires</i> .....	517		454/91
Prohibition of Hunting and Possession of Firearms .....	518		Rev. 766/94
Prohibition of Hunting and Possession of Firearms .....		766/94	
Reporting and Registering Possession of Certain Game/ <i>Rapport sur la possession de certains animaux faisant partie du gibier et enregistrement de celle-ci</i> .....	519		368/91
Reptiles/ <i>Reptiles</i> .....	520		367/91, 779/91
Sale of Bass and Trout and Fishing Preserves/ <i>Vente d'achigan et de truite et réserves de pêche</i> .....	521		25/91, 555/91
Snares .....	522		
Stag Island Hunting Area .....	523		
Tiny Marsh Hunting Area .....	524		668/94
Trade in Game Animal Hides and Cast Antlers .....	525		
Trap-Line Areas .....	526		738/92
Traps/ <i>Pièges</i> .....	527		366/91
Traps—Order under Subsection 30 (4) of the Act/ <i>Pièges—Ordonnance rendue en application du paragraphe 30 (4) de la Loi</i> .....	528		685/91
Waters Set Apart—Frogs .....	529		
Wildlife Management Units .....	530		334/91, 522/91, 639/91, 143/92, 450/92, 532/92, 609/92, 737/92, 68/93, 411/93, 844/93, 667/94
Wolves and Black Bears in Captivity/ <i>Loups et ours noirs gardés en captivité</i> .....	531		556/91
<b>GAMING CONTROL ACT, 1992/LOI DE 1992 SUR LA RÉGLEMENTATION DES JEUX</b>			
General .....		70/94	628/94
Registration of Suppliers and Gaming Assistants—Games of Chance Held in Casinos/ <i>Inscription des fournisseurs et des préposés au jeu—jeux de hasard se déroulant dans des casinos</i> .....		69/94	627/94
Registration of Suppliers and Gaming Assistants—Games of Chance Not Held in Casinos/ <i>Inscription des fournis- seurs et des préposés au jeu—jeux de hasard ne se déroulant pas dans des casinos</i> .....		68/94	626/94, 809/94
<b>GAMING SERVICES ACT, 1992/LOI DE 1992 SUR LES SERVICES RELATIFS AU JEU</b>			
Registration of Suppliers and Gaming Assistants/ <i>Inscription des fournisseurs et des préposés au jeu</i> .....		22/93	132/93, 893/93, Rev. 68/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>GASOLINE HANDLING ACT/LOI SUR LA MANUTENTION DE L'ESSENCE</b>			
Gasoline Handling Code .....	532		678/91, 547/92, Rev. 521/93
General .....		521/93	531/93
<b>GASOLINE TAX ACT/LOI DE LA TAXE SUR L'ESSENCE</b>			
General .....	533		302/91, 123/93, 600/94
Returns and Refunds .....	534		645/91, 244/92, 735/94
<b>GENERAL WELFARE ASSISTANCE ACT/LOI SUR L'AIDE SOCIALE GÉNÉRALE</b>			
Civil Legal Aid .....	535		
Dental Services .....	536		
General .....	537		15/91, 191/91, 248/91, 341/91, 408/91, 409/91, 546/91, 630/91, 653/91, 767/91, 34/92, 152/92, 226/92, 327/92, 373/92, 427/92, 653/92, 775/92, 43/93, 98/93, 219/93, 321/93, 370/93, 437/93, 789/93, 929/93, 197/94, 319/94, 421/94, 602/94, 640/94
Indian Bands .....	538		76/91, 420/94
<b>GRAIN CORN MARKETING ACT/LOI SUR LA COMMERCIALISATION DU MAÏS-GRAIN</b>			
Licence Fees .....	539		
<b>GRAIN ELEVATOR STORAGE ACT/LOI SUR L'ENTREPOSAGE DU GRAIN</b>			
General .....	540		94/93, 79/94
<b>GUARANTEE COMPANIES SECURITIES ACT/LOI SUR LES COMPAGNIES DE CAUTIONNEMENT</b>			
Approved Guarantee Companies .....	541		Rev. 313/94
<b>H</b>			
<b>HEALING ARTS RADIATION PROTECTION ACT/LOI SUR LA PROTECTION CONTRE LES RAYONS X</b>			
Hospitals Prescribed for the Installation and Operation of Computerized Axial Tomography Scanners .....	542		107/91, 666/93, 198/94, 355/94
X-Ray Safety Code .....	543		
<b>HEALTH CARDS AND NUMBERS CONTROL ACT, 1991/LOI DE 1991 SUR LE CONTRÔLE DES CARTES SANTÉ ET DES NUMÉROS DE CARTES SANTÉ</b>			
General/ <i>Disposition générale</i> .....		147/91	337/91, 413/92, 40/93, 585/94
<b>HEALTH CARE ACCESSIBILITY ACT/LOI SUR L'ACCESSIBILITÉ AUX SERVICES DE SANTÉ</b>			
Administrative Charge/ <i>Frais d'administration</i> .....	544		598/91

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>HEALTH DISCIPLINES ACT/LOI SUR LES SCIENCES DE LA SANTÉ</b>			
Child Resistant Packages .....	545		
Dental Hygienists .....	546		659/91, 547/93
Dentistry .....	547		660/91, 641/92, 642/92, 548/93
General .....	551		747/91, 743/92, 290/93, 704/93, 784/94
Medicine .....	548		212/92, 380/92, 153/93, 308/93, 366/93, 705/93
Nursing .....	549		211/92, 154/93, 205/93, 549/93
Optometry .....	550		550/93
Pharmacy (see now General)			
<b>HEALTH INSURANCE ACT/LOI SUR L'ASSURANCE-SANTÉ</b>			
Eligible Physicians .....		883/93	
General .....	552		9/91, 28/91, 42/91, 64/91, 104/91, 146/91, 161/91, 209/91, 291/91, 312/91, 435/91, 616/91, 617/91, 656/91, 754/91, 31/92, 36/92, 91/92, 125/92, 126/92, 215/92, 329/92, 343/92, 344/92, 408/92, 524/92, 655/92, 668/92, 785/92, 33/93, 86/93, 203/93, 214/93, 322/93, 375/93, 430/93, 596/93, 667/93, 736/93, 737/93, 794/93, 825/93, 888/93, 19/94, 199/94, 221/94, 255/94, 302/94, 356/94, 357/94, 486/94, 487/94, 488/94, 489/94, 490/94, 491/94, 492/94, 502/94, 589/94, 752/94, 787/94, 788/94, 789/94, 790/94
Mandatory and Voluntary Reporting .....		590/94	
Number of Members on Committees .....		222/94	454/94
Special Payments For Physiotherapy Services .....		755/91	
Special Payments to Physicians .....		278/91	
<b>HEALTH PROTECTION AND PROMOTION ACT/ LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ</b>			
Areas Comprising Health Units/ <i>Territoires constituant des circonscriptions sanitaires</i> .....	553		422/91, 586/93
Camps in Unorganized Territory/ <i>Camps dans des territoires non érigés en municipalités</i> .....	554		601/91
Capital Assistance Grants for Boards of Health/ <i>Subventions d'immobilisation aux conseils de santé</i> ....	555		421/91
Clinics for Sexually Transmitted Diseases/ <i>Cliniques pour les maladies sexuellement transmissibles</i> .....	556		602/91, 400/94
Communicable Diseases—General/ <i>Maladies transmissibles—Dispositions générales</i> .....	557		471/91
Designation of Communicable Diseases .....	558		Rev. 558/91
Designation of Municipal Members of Boards of Health ..	559		547/91, 587/93, 401/94
Designation of Reportable Diseases .....	560		Rev. 559/91
Exemption—Subsection 38 (2) of the Act .....	561		748/91, 666/92, 824/93
Food Premises .....	562		518/93

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Grant to the Northern Diabetes Health Network . . . . .		38/93	
Grants for Health Promotion Projects and Initiatives . . . . .	563		
Grants to Boards of Health . . . . .	564		750/91, 417/92, 399/94, 569/94
Public Pools . . . . .	565		394/94
Qualifications of Boards of Health Staff/ <i>Qualifications du personnel des conseils de santé</i> . . . . .	566		600/91
Rabies Immunization/ <i>Immunisation contre la rage</i> . . . . .	567		109/91, 346/91, 310/92, 174/94, 320/94, 392/94, 393/94, 584/94
Recreational Camps/ <i>Camps de loisirs</i> . . . . .	568		603/91
Reports/ <i>Rapports</i> . . . . .	569		606/91, 749/91, 233/92
School Health Services and Programs/ <i>Services et programmes de santé scolaire</i> . . . . .	570		605/91, 724/91
Slaughterhouses and Meat Processing Plants/ <i>Abattoirs et établissements de traitement des viandes</i> . . . . .	571		604/91, Rev. 367/93
Specification of Communicable Diseases . . . . .		558/91	
Specification of Reportable Diseases . . . . .		559/91	
Warrant/ <i>Mandat</i> . . . . .	572		599/91
<b>HIGHWAY TRAFFIC ACT/CODE DE LA ROUTE</b>			
Allowable Gross Weight for Designated Class of Vehicle . . . . .	573		
Appeals . . . . .	574		
Commercial Motor Vehicle Inspections . . . . .	575		
Commercial Vehicle Operator's Registration Certificates . . . . .	576		
Covering of Loads . . . . .	577		
Demerit Point System . . . . .	578		316/91, 694/92, 611/93, Rev. 339/94
Demerit Point System . . . . .		339/94	
Designation of Highways . . . . .	579		
Designation of Paved Shoulders on King's Highway . . . . .	580		
Disabled Person Parking Permits . . . . .	581		908/93
Driver Improvement Program . . . . .	582		695/92
Driver Licence Examinations . . . . .	583		526/91, 735/92, Rev. 341/94
Driver Licence Examinations . . . . .		341/94	
Driver's Licence Suspension for Default of Payment of Fine . . . . .	584		Rev. 501/94
Drivers' Licences . . . . .	585		317/91, 706/92, 402/93, 819/93, 193/94, 194/94, Rev. 340/94
Drivers' Licences . . . . .		340/94	727/94
Driving Instructor's Licence . . . . .	586		707/92, 403/93, 342/94
Electronic Documents . . . . .		499/94	
Equipment . . . . .	587		
Exemption from Section 7 of the Act—American States . . . . .	588		496/93, 21/94, 187/94
Exemption from Sections 7 and 11 of the Act —States of the United States of America . . . . .	589		188/94
—State of Illinois . . . . .	590		
—State of Michigan . . . . .	591		
—State of South Dakota . . . . .	592		

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Exemption from Subsection 85 (1) of the Act			
—Province of Alberta .....	593		
—State of New York .....	594		
Garage Licences .....	595		
General .....	596		
Gross Vehicle Weights .....	597		
Gross Weight on Bridges .....	598		768/92, 207/93, 353/93, 401/93, 600/93
Highway Closings .....	599		643/92
Hours of Work .....	600		Rev. 4/93
Hours of Work .....		4/93	
Motor Vehicle Inspection Stations .....	601		761/91, 185/92, 559/92, 180/93, 818/93
Notice to Have Motor Vehicle(s) Examined and Tested ...	602		
Over-Dimensional Farm Vehicles .....	603		
Parking .....	604		431/91, 530/91, 28/92, 59/92, 61/92, 137/92, 338/92, 471/92, 558/92, 625/92, 650/92, 23/93, 106/93, 181/93, 275/93, 487/93, 633/93, 724/93, 803/93, 24/94, 227/94, 292/94, 450/94, 459/94, 563/94
Parking of Vehicles in Territory Without Municipal Organization .....	605		10/92, 276/93
Photo-Radar System—Part XIV.1 of the <i>Highway Traffic Act</i> .....		500/94	
Portable Lane Control Signal Systems .....	606		443/93
Provincially Approved Screening Devices .....		343/94	
Reciprocal Suspension of Driver's Licence .....		37/93	
Reciprocal Suspension of Licences .....	607		
Restricted Use of Left Lanes by Commercial Motor Vehicles .....	608		442/93, 74/94
Restricted Use of the King's Highway .....	609		754/93
Safety Helmets .....	610		
Safety Inspections .....	611		318/91, 762/91
School Buses .....	612		319/91
Seat Belt Assemblies .....	613		
Security of Loads .....	614		
Signs .....	615		699/92, 444/93, 519/93, 909/93
Slow-Moving Vehicle Sign .....	616		
Special Permits .....	617		
Specifications and Standards for Trailer Couplings .....	618		
Speed Limits .....	619		2/91, 4/91, 41/91, 75/91, 170/91, 221/91, 233/91, 419/91, 428/91, 483/91, 502/91, 563/91, 637/91, 642/91, 27/92, 138/92, 308/92, 339/92, 445/92, 470/92, 481/92, 626/92, 633/92, 767/92, 20/93, 63/93, 136/93, 206/93, 277/93, 306/93, 474/93, 488/93, 520/93, 661/93, 725/93, 895/93, 932/93, 25/94, 75/94, 293/94, 449/94, 564/94, 611/94, 661/94, 695/94
Speed Limits in Provincial Parks .....	620		166/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Speed Limits in Territory Without Municipal Organization .....	621		40/91, 429/91, 140/92, 337/92, 447/92, 621/92, 26/93, 107/93, 278/93, 426/93, 510/93, 634/93
Stopping of Vehicles on Parts of the King's Highway .....	622		
Stop Signs at Intersections .....	623		234/91, 529/91, 9/92, 62/92, 472/92, 142/93, 511/93, 804/93, 26/94, 80/94, 363/94
Stop Signs in Territory Without Municipal Organization .....	624		1/91, 430/91, 11/92, 63/92, 192/92, 766/92, 108/93, 143/93, 427/93, 489/93, 635/93, 27/94, 294/94, 565/94
Tire Standards and Specifications .....	625		495/93
Traffic Control Signal Systems .....	626		213/92, 88/93
Use of Controlled-Access Highways by Pedestrians .....	627		171/91, 139/92, 25/93
Used Vehicle Information Package .....		601/93	
Vehicle Configurations .....		32/94	153/94
Vehicle Permits .....	628		198/91, 309/92, 590/92, 404/93, 820/93, 576/94
Vehicles for the Transportation of Physically Disabled Passengers .....	629		533/94
Vehicles on Controlled-Access Highways .....	630		446/92, 24/93, 805/93
Yield Right-of-Way Signs in Territory Without Municipal Organization .....	631		432/91, 279/93, 28/94, 228/94, 295/94, 566/94
<b>HISTORICAL PARKS ACT/LOI SUR LES PARCS HISTORIQUES</b>			
Historical Parks—Fees .....	632		202/91, 250/92, 156/93, Rev. 257/94
Historical Parks—Fees .....		257/94	
Parks .....	633		
<b>HOMEMAKERS AND NURSES SERVICES ACT/ LOI SUR LES SERVICES D'AIDES FAMILIALES ET D'INFIRMIÈRES VISITEUSES</b>			
General .....	634		
<b>HOMES FOR RETARDED PERSONS ACT/LOI SUR LES FOYERS POUR DÉFICIENTS MENTAUX</b>			
General/ <i>Dispositions générales</i> .....	635		636/93
<b>HOMES FOR SPECIAL CARE ACT/LOI SUR LES FOYERS DE SOINS SPÉCIAUX</b>			
General .....	636		314/91, 92/92, 409/92, 39/93, 376/93, 442/94



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>HOMES FOR THE AGED AND REST HOMES ACT/LOI SUR LES FOYERS POUR PERSONNES ÂGÉES ET LES MAISONS DE REPOS</b>			
General .....	637		14/91, 192/91, 342/91, 413/91, 654/91, 720/91, 35/92, 227/92, 428/92, 466/92, 654/92, 684/92, 715/92, 41/93, 220/93, 371/93, 880/93, 237/94, 315/94, 369/94, 372/94, 536/94, 587/94
<b>HOSPITAL LABOUR DISPUTES ARBITRATION ACT/LOI SUR L'ARBITRAGE DES CONFLITS DE TRAVAIL DANS LES HÔPITAUX</b>			
Remuneration of Chairs and Members of Arbitration Boards .....	638		199/91
Rules of Procedure .....	639		
<b>HOTEL FIRE SAFETY ACT/LOI SUR LA PRÉVEN- TION DES INCENDIES DANS LES HÔTELS</b>			
General .....	640		
<b>HOUSING DEVELOPMENT ACT/LOI SUR LE DÉVELOPPEMENT DU LOGEMENT</b>			
General .....	641		422/93
<b>HUMAN RIGHTS CODE/CODE DES DROITS DE LA PERSONNE</b>			
Search and Entry Warrants/ <i>Mandat de perquisition et d'entrée</i> .....	642		22/92
<b>HUNTER DAMAGE COMPENSATION ACT/LOI SUR LES DOMMAGES CAUSÉS PAR LES CHASSEURS</b>			
General .....	643		
<b>HYPNOSIS ACT/LOI SUR L'HYPNOSE</b>			
Application of Section 2 of the Act .....	644		
<b>I</b>			
<b>IMMUNIZATION OF SCHOOL PUPILS ACT/LOI SUR L'IMMUNISATION DES ÉLÈVES</b>			
General .....	645		
<b>INCOME TAX ACT/LOI DE L'IMPÔT SUR LE REVENU</b>			
Amounts Deducted or Withheld By Employers .....	646		17/93, 64/94
Ontario Tax Credit System .....		468/91	Rev. 364/92
Ontario Tax Credit System .....		364/92	Rev. 513/93
Ontario Tax Credit System .....		513/93	Rev. 447/94
Ontario Tax Credit System .....		447/94	
Ontario Tax Reduction .....	647		72/91, 104/92, 18/93, 281/94
Tax Table for Individuals .....	648		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>INDEPENDENT HEALTH FACILITIES ACT/LOI SUR LES ÉTABLISSEMENTS DE SANTÉ AUTONOMES</b>			
Application and Exemptions .....	649		
Facility Fees .....	650		173/91, 618/91, 58/92, 298/93
General (now) Facility Fees			
General .....		57/92	283/94
Maximum Allowable Consideration .....		381/92	
<b>INDUSTRIAL STANDARDS ACT/LOI SUR LES NORMES INDUSTRIELLES</b>			
Designation of Industries and Zones .....	651		
Duties of Employers and Advisory Committees/ <i>Obligations des employeurs et des comités consultatifs</i> .....	652		225/94
Interprovincially Competitive Industries/ <i>Industries concurrentielles à l'échelle interprovinciale</i> .....	653		185/94
Publication Costs/ <i>Frais de publication</i> .....	654		224/94
Schedule			
—Bricklaying and Stonemasonry Industry—Ottawa .....	655		
—Bricklaying and Stonemasonry Industry—Toronto .....	656		
—Electrical Repair and Construction Industry—Toronto ..	657		
—Fur Industry—Ontario .....	658		
—Ladies' Cloak and Suit Industry—Ontario .....	659		
—Ladies' Dress and Sportswear Industry .....	660		
—Men's and Boys' Clothing Industry—Ontario .....	661		
—Plastering Industry—Ottawa .....	662		
<b>INSURANCE ACT/LOI SUR LES ASSURANCES</b>			
Agents .....	663		760/94
Agents' Licences (see now Agents)			
Assessment of Commission Expenses and Expenditures ..		220/91	231/92, 571/94
Automobile Insurance .....	664		780/93, 823/93, 850/93, 553/94
Calculations under Clause 60 (1) (b) of the Act .....	665		
Classes of Insurance .....	666		
Compensation Corporations .....	667		
Fault Determination Rules .....	668		
Financial Statements .....	669		765/92
General .....	670		
Investments under Subsection 433 (9) of the Act .....		777/94	
Life Companies Special Shares—Investment .....	671		
No-Fault Benefits Schedule (now Statutory Accident Benefits Schedule—Accidents Before January 1, 1994)			
Order under Paragraph 1 of Subsection 108 (2) of the Act—Rates of Interest .....	673		120/91, 201/92, 764/92, 782/92, 385/93, 424/94
Replacement of Life Insurance Contracts .....	674		761/94
Schedule of Fees .....	675		230/92, 762/94

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. Règl. de l'Ont.	Amendments Modifications
<b>Statutory Accident Benefits Schedule/Annexe sur les indemnités d'accident légales</b>			
—Accidents Before January 1, 1994 .....	672		660/93, 779/93
—Accidents on or After January 1, 1994/ <i>Accidents survenus depuis le 1<sup>er</sup> janvier 1994</i> .....		776/93	635/94, 781/94
<b>Statutory Conditions—Automobile Insurance/Conditions légales—Assurance-automobile</b> .....		777/93	
Uninsured Automobile Coverage .....	676		778/93
Variable Insurance Contracts of Life Insurers .....	677		
<b>INTERPRETATION ACT/LOI D'INTERPRÉTATION</b>			
Fees Payable under Various Acts .....	678		21/91, 687/91, 382/92, 412/92, 713/92, 87/93, 337/93, 419/93, 603/93, 422/94, 446/94, 676/94
<b>INVESTMENT CONTRACTS ACT/LOI SUR LES CONTRATS DE PLACEMENT</b>			
Registration .....	679		
<b>J</b>			
<b>JURIES ACT/LOI SUR LES JURYS</b>			
General .....	680		
<b>JUSTICES OF THE PEACE ACT/LOI SUR LES JUGES DE PAIX</b>			
Salaries and Benefits .....	681		519/91, 70/92, 248/94
Salaries and Benefits of Justices of the Peace—Regions Designated under Section 22 of the Act .....		247/94	505/94, 521/94, 726/94
<b>L</b>			
<b>LABORATORY AND SPECIMEN COLLECTION CENTRE LICENSING ACT/LOI AUTORISANT DES LABORATOIRES MÉDICAUX ET DES CENTRES DE PRÉLÈVEMENT</b>			
Laboratories/ <i>Laboratoires</i> .....	682		404/91, 607/91, 525/92, 399/93, 417/93, 795/93
Specimen Collection Centres/ <i>Centres de prélèvement</i> .....	683		403/91, 472/91, 608/91, 361/92, 418/93, 796/93
<b>LABOUR RELATIONS ACT/LOI SUR LES RELATIONS DE TRAVAIL</b>			
Designations .....		18/94	
General/ <i>Dispositions générales</i> .....	684		383/92, 750/92, 781/92, 172/94
Office of the Board/ <i>Bureaux de la Commission</i> .....	685		513/91
Ontario Construction Secretariat .....		187/93	
Rules of Procedure .....	686		Rev. 749/92
Rules of Procedure .....		724/92	Rev. 44/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>LABOUR SPONSORED VENTURE CAPITAL CORPORATIONS ACT, 1992/LOI DE 1992 SUR LES CORPORATIONS À CAPITAL DE RISQUE DE TRAVAILLEURS</b>			
Specified Employee Ownership Corporations .....		591/92	
<b>LAND REGISTRATION REFORM ACT/LOI PORTANT RÉFORME DE L'ENREGISTREMENT IMMOBILIER</b>			
Automated Recording and Property Mapping .....	687		5/91, 54/91, 55/91, 56/91, 57/91, 58/91, 59/91, 60/91, 125/91, 195/91, 239/91, 240/91, 241/91, 277/91, 329/91, 418/91, 634/91, 635/91, 686/91, 699/91, 778/91, 223/92, 300/92, 301/92, 302/92, 557/92, 573/92, 574/92, 647/92, 648/92, 761/92, 790/92, 791/92, 29/93, 30/93, 31/93, 32/93, 89/93, 90/93, Rev. 133/93
Automated Recording and Property Mapping .....		133/93	365/94
Documents/ <i>Documents</i> .....	688		324/93
<b>LAND TITLES ACT/LOI SUR L'ENREGISTREMENT DES DROITS IMMOBILIERS</b>			
Fees .....	689		324/91, 279/92, 368/92, 325/93, 517/93
Forms, Records and Procedures .....	690		515/93
Land Titles Divisions .....	691		237/91, 531/91, 632/91, 113/92, 160/92, 182/93
Surveys and Descriptions of Land .....	692		
Transfer of Functions .....	693		
<b>LAND TRANSFER TAX ACT/LOI SUR LES DROITS DE CESSION IMMOBILIÈRE</b>			
Consolidated Affidavit of Residence and Value of Consideration .....		157/91	
Delegation of Authority .....	694		Rev. 50/92
Exemption(s)			
—Disposition of Land By Employee to Employer .....		71/91	
—For Certain Acquisitions under the Toronto Islands Residential Community Stewardship Act, 1993 .....		63/94	
—For Certain Easements Granted to Oil or Gas Pipe Lines .....	695		
—For Certain Inter-Spousal Transfers .....	696		
—For Conveyance to Family Farm Corporation or Family Business Corporation .....	697		
—For Conveyance to Non-Resident Persons and Persons Who Are Not Non-Resident Persons .....	698		
—From Tax under Section 3 of the Act .....		70/91	
Forms .....	699		646/91
Leases .....	700		
Notice of Purchaser's Lien for Default .....	701		
Rates of Interest .....	702		Rev. 127/93
Rates of Interest .....		127/93	
Taxation of Mineral Lands .....	703		

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Transfers Between Related Corporations .....	704		
<b>LANDLORD AND TENANT ACT/LOI SUR LA LOCATION IMMOBILIÈRE</b>			
Classes of Accommodation Deemed not to be Residential Premises/ <i>Catégories de logements réputés ne pas être des locaux d'habitation</i> .....	705		738/93, 801/94
Forms/ <i>Formules</i> .....	706		739/93
Summary of Part IV of the Act/ <i>Résumé de la partie IV de la Loi</i> .....	707		740/93
<b>LAW SOCIETY ACT/LOI SUR LE BARREAU</b>			
Class Proceedings .....		771/92	
General/ <i>Dispositions générales</i> .....	708		575/92, 576/92, 577/92, 578/92, 579/92, 580/92, 288/93, 923/93, 35/94, 480/94 289/93
Law Foundation/ <i>Fondation du droit</i> .....	709		
<b>LEGAL AID ACT/LOI SUR L'AIDE JURIDIQUE</b>			
General .....	710		657/92, 729/92, 421/93, 273/94
<b>LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES ACT/LOI SUR LES ALLOCATIONS DE RETRAITE DES DÉPUTÉS À L'ASSEMBLÉE LÉGISLATIVE</b>			
General .....	711		
<b>LIGHTNING RODS ACT/LOI SUR LES PARATONNERRES</b>			
General .....	712		
<b>LIMITED PARTNERSHIPS ACT/LOI SUR LES SOCIÉTÉS EN COMMANDITE</b>			
General/ <i>Dispositions générales</i> .....	713		11/91, 582/91, 599/92, 629/93, 176/94
<b>LINE FENCES ACT/LOI SUR LES CLÔTURES DE BORNAGE</b>			
Appeals/ <i>Appels</i> .....	714		351/92
Forms/ <i>Formules</i> .....	715		306/92
Land in Territory Without Municipal Organization/ <i>Bien- fonds dans un territoire non érigé en municipalité</i> .....	716		390/91, 350/92
<b>LIQUOR CONTROL ACT/LOI SUR LES ALCOOLS</b>			
General .....	717		345/92
<b>LIQUOR LICENCE ACT/LOI SUR LES PERMIS D'ALCOOL</b>			
General .....	718		400/92, 790/93
Licences to Sell Liquor .....	719		74/91, 347/92, 348/92, 399/92, 760/92, 346/93, 347/93, 31/94, 161/94, 249/94, 261/94, 336/94, 696/94, 773/94
Manufacturers' Licences .....	720		236/91, 268/92, 346/92, 401/92, 402/92, 145/94, 366/94, 798/94
Possession of Liquor in Conservation Areas Operated by the Halton Region Conservation Authority .....	721		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Possession of Liquor in Parks Managed or Controlled by the Niagara Parks Commission and the St. Clair Parkway Commission .....	722		Rev. 330/92
Possession of Liquor in Parks Managed or Controlled by the St. Clair Parkway Commission and the St. Lawrence Parks Commission .....		330/92	Rev. 434/93
Possession of Liquor in Parks Managed or Controlled by the St. Clair Parkway Commission and the St. Lawrence Parks Commission .....		434/93	
Possession of Liquor in Provincial Parks .....	723		134/93, 146/94
Prescribed Regulations under Subsections 19 (14) and 34.1 (1) and Section 48 of the Act .....		783/94	
Special Occasion Permits .....		549/90	332/91, Rev. 389/91
Special Occasion Permits .....		389/91	429/92, 759/94
<b>LIVESTOCK AND LIVESTOCK PRODUCTS ACT/ LOI SUR LE BÉTAIL ET LES PRODUITS DU BÉTAIL</b>			
Eggs .....	724		538/93
Livestock/ <i>Bétail</i> .....	725		574/91
Processed Egg .....	726		
Transporting Non-Ambulatory Animals .....		732/94	
Wool .....	727		
<b>LIVESTOCK BRANDING ACT/LOI SUR LE MARQUAGE DU BÉTAIL</b>			
Fees .....		700/94	
Forms and Fees .....	728		Rev. 700/94
<b>LIVESTOCK COMMUNITY SALES ACT/LOI SUR LA VENTE À L'ENCAN DU BÉTAIL</b>			
General .....	729		330/91, 733/94
<b>LIVESTOCK MEDICINES ACT/LOI SUR LES MÉDICAMENTS POUR LE BÉTAIL</b>			
General .....	730		636/91, 636/92
<b>LIVESTOCK, POULTRY AND HONEY BEE PROTECTION ACT/LOI SUR LA PROTECTION DU BÉTAIL, DE LA VOLAILLE ET DES ABEILLES</b>			
Application for Payment of a Grant .....	731		
Dogs at Large in Unorganized Areas .....	732		
<b>LOAN AND TRUST CORPORATIONS ACT/LOI SUR LES SOCIÉTÉS DE PRÊT ET DE FIDUCIE</b>			
General .....	733		186/94
<b>LOCAL ROADS BOARDS ACT/LOI SUR LES RÉGIES DES ROUTES LOCALES</b>			
Establishment of Local Roads Areas —Northern and Eastern Regions .....	734		97/91, 244/91, 112/92, 142/92, 190/92, 340/92, 473/93, 544/93, 631/93, 29/94, 609/94

## TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Northwestern Region .....	735		175/91, 505/91, 710/91, 191/92, 444/92, 313/93, 490/93, 632/93, 76/94, 156/94, 448/94, 660/94
General .....	736		18/91
<b>LOCAL SERVICES BOARDS ACT/LOI SUR LES RÉGIES LOCALES DES SERVICES PUBLICS</b>			
Local Services Boards .....	737		268/91, 105/92, 106/92, 107/92, 286/92, 287/92, 324/92, 325/92, 610/92, 147/93, 148/93, 189/93, 291/93, 481/93, 849/93, 927/93, 34/94, 262/94
<b>LONDON-MIDDLESEX ACT, 1992/LOI DE 1992 SUR LONDON ET MIDDLESEX</b>			
Alteration of School Boundaries .....		37/94	163/94, 234/94
Application of Section 35 (Building Permit Restrictions) ..		331/93	947/93
Compensation under Section 47 of the Act .....		512/93	
Delaware (Township of), City of London Boundary .....		948/93	
General .....		799/92	
Land Use			
—London (City of) .....		333/93	
—London (Township of) .....		332/93	
London (City of), Township of North Dorchester Boundary .....		946/93	
Official Plan Objectives .....		479/93	
Property Tax Phase-in Changes under Section 43 of the Act .....		291/94	346/94, 818/94
Protection of Employees and Retired Employees .....		59/93	
Urban Services .....		931/93	
Wards .....		561/93	
<b>M</b>			
<b>MARRIAGE ACT/LOI SUR LE MARIAGE</b>			
General .....	738		327/91, 726/91
<b>MESSAGE THERAPY ACT, 1991/LOI DE 1991 SUR LES MASSOTHÉRAPEUTES</b>			
Composition of Statutory Committees .....		618/93	
Elections .....		772/93	
Examinations .....		712/93	
Fees .....		746/93	Rev. 748/94
General .....		544/94	748/94
Professional Misconduct .....		751/93	Rev. 748/94
Registration .....		864/93	396/94
<b>MEAT INSPECTION ACT (ONTARIO)/LOI SUR L'INSPECTION DES VIANDES (ONTARIO)</b>			
General .....	739		Rev. 632/92
General .....		632/92	734/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. Règl. de l'Ont.	Amendments Modifications
<b>MEDICAL LABORATORY TECHNOLOGY ACT, 1991/LOI DE 1991 SUR LES TECHNOLOGISTES DE LABORATOIRE MÉDICAL</b>			
Composition of Statutory Committees .....		709/93	
Election of Council Members .....		773/93	
Fees .....		706/93	
General .....		207/94	
Professional Misconduct .....		752/93	
Registration .....		802/93	
<b>MEDICAL RADIATION TECHNOLOGY ACT, 1991/LOI DE 1991 SUR LES TECHNOLOGUES EN RADIATION MÉDICALE</b>			
Committee Composition .....		745/93	397/94
Elections .....		911/93	
Fees .....		912/93	
General .....		545/94	
Professional Misconduct .....		855/93	
Registration .....		866/93	
<b>MEDICINE ACT, 1991/LOI DE 1991 SUR LES MÉDECINS</b>			
Composition of Statutory Committees .....		827/93	
Elections .....		913/93	57/94
Fees .....		914/93	58/94, Rev. 241/94
General .....		114/94	241/94
Professional Misconduct .....		856/93	857/93, 115/94
Registration .....		865/93	56/94
<b>MEMBERS' CONFLICT OF INTEREST ACT/LOI SUR LES CONFLITS D'INTÉRÊTS DES MEMBRES DE L'ASSEMBLÉE</b>			
General/Dispositions générales .....	740		
<b>MENTAL HEALTH ACT/LOI SUR LA SANTÉ MENTALE</b>			
Application of Act/Champ d'application de la Loi .....	741		108/91, 163/91, 688/92, 342/93, 688/94
Grants/Subventions .....	742		162/91
<b>MENTAL HOSPITALS ACT/LOI SUR LES HÔPITAUX PSYCHIATRIQUES</b>			
Application of Section 13 of the Public Hospitals Act/ Application de l'article 13 de la Loi sur les hôpitaux publics .....	743		514/91
General .....	744		315/91, 93/92, 410/92
<b>MIDWIFERY ACT, 1991/LOI DE 1991 SUR LES SAGES-FEMMES</b>			
Designated Drugs .....		884/93	
Fees .....		915/93	
General .....		240/94	
Professional Misconduct .....		858/93	



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Registration .....		867/93	
<b>MILK ACT/LOI SUR LE LAIT</b>			
By-Laws for Marketing Boards .....	745		
Cheese			
—Exchange .....	746		Rev. 206/92
—Information to be Furnished .....	747		
—Marketing .....	748		Rev. 195/92
—Marketing—Exemptions .....	749		138/91
Cream for Processing			
—Marketing .....	750		
—Plan .....	751		304/91
Cream Producers—Licences .....	752		777/91
Grades, Standards, Designations, Classes, Packing and Marking .....	753		545/91, 787/91, 533/92, 943/93, 40/94, 260/94
Industrial Milk—Marketing .....	754		434/91, 495/91, 756/91, Rev. 519/94
Levies—Milk .....	755		186/92, Rev. 58/93
Marketing Boards .....	756		195/93
Marketing of Milk to Fluid Milk Processors .....	757		433/91, 496/91, 757/91, Rev. 518/94
Milk			
—Marketing .....	758		168/92, 196/92, 364/94
—Transportation .....	759		Rev. 517/94
Milk and Cheese—Plan .....	760		305/91, 410/91
Milk and Milk Products .....	761		196/91, 641/91, 788/91, 7/92, 534/92, 771/94
Milk Producers, Licences, Quotas, Pools and Transportation .....	762		29/91, Rev. 57/93
Milk Products—Extension of Powers .....	763		
Reconstituted Milk—General .....	764		
<b>MINING ACT/LOI SUR LES MINES</b>			
Assessment Work/ <i>Travaux d'évaluation</i> .....		116/91	251/91, 263/91
Claims Staking/ <i>Jalonnement des claims</i> .....		115/91	252/91, 262/91
Exploratory Licences and Leases for Oil and Natural Gas North of the Fifty-first Parallel of Latitude .....	765		
Exploratory Licences and Production Leases for Natural Gas in Lake Erie .....	766		
Fees/ <i>Droits</i> .....		112/91	259/91, 745/92, Rev. 382/93
Fees/ <i>Droits</i> .....		382/93	601/94
Forms/ <i>Formules</i> .....		111/91	254/91, 258/91
General/ <i>Dispositions générales</i> .....		113/91	253/91, 260/91, 380/93
Interpretation/ <i>Interprétation</i> .....		492/93	
Interpretation .....		466/94	
Leases for the Production of Petroleum and Natural Gas from Crown Lands under Water .....		72/93	
Mine Development and Closure under Part VII of the <i>Act/Mise en valeur et fermeture de mines aux termes de la partie VII de la Loi</i> .....		114/91	261/91

## TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Mining Divisions .....	767		
Refinery Licences/ <i>Permis de raffinerie</i> .....		250/91	Rev. 381/93
Refinery Licences/ <i>Permis de raffinerie</i> .....		381/93	
Surveys of Mining Claims .....	768		
<b>MINING TAX ACT/LOI DE L'IMPÔT SUR L'EXPLOITATION MINIÈRE</b>			
General .....	769		715/91, 128/93, 817/94
<b>MINISTRY OF COLLEGES AND UNIVERSITIES ACT/LOI SUR LE MINISTÈRE DES COLLÈGES ET UNIVERSITÉS</b>			
Colleges of Applied Arts and Technology/ <i>Collèges d'arts appliqués et de technologie</i>			
—Boards of Governors and Council of Regents/ <i>Conseils d'administration et Conseil des affaires collégiales</i> .....	770		338/91, 682/93, 683/93
—Colleges .....	771		207/91, 684/93, 468/94, 655/94
Graduate Scholarship Awards .....	772		439/91, 152/93, 719/93
Ontario Special Bursary Program .....	773		352/94
Ontario Student Loans .....	774		441/91, 353/94
Ontario Study Grant Plan .....	775		440/91, 354/94
<b>MINISTRY OF COMMUNITY AND SOCIAL SERVICES ACT/LOI SUR LE MINISTÈRE DES SERVICES SOCIAUX ET COMMUNAUTAIRES</b>			
Control of Organization by Minister .....		191/94	
Grants for Persons with Disabilities .....		367/94	
Social Assistance Review Board/ <i>Commission de révision de l'aide sociale</i> .....	776		669/92, 8/93, 554/94
<b>MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS ACT/LOI SUR LE MINISTÈRE DE LA CONSOMMATION ET DU COMMERCE</b>			
Fees .....	777		
<b>MINISTRY OF CORRECTIONAL SERVICES ACT/LOI SUR LE MINISTÈRE DES SERVICES CORRECTIONNELS</b>			
General/ <i>Dispositions générales</i> .....	778		510/91
Intermittent Sentences/ <i>Sentences discontinues</i> .....	779		517/91
<b>MINISTRY OF HEALTH ACT/LOI SUR LE MINISTÈRE DE LA SANTÉ</b>			
Bursaries and Fellowships for Health Study/ <i>Bourses d'études et bourses de recherche dans le domaine de la santé</i> .....	780		423/91
Chest Diseases Control Clinics/ <i>Cliniques de dépistage des maladies respiratoires</i> .....	781		347/91
Chiropody Bursaries .....	782		
Dental Bursaries/ <i>Bourses d'études—étudiants en dentisterie</i> .....	783		612/91
District Health Councils/ <i>Conseils de santé de district</i> .....	784		424/91

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Grant—Special/ <i>Subvention particulière</i> .....	RRO 1980, Reg. 657		425/91
Grants for Internships .....		363/92	84/93, 716/93
Grants for the Transportation of Patients in Northern Ontario .....		311/91	Rev. 20/94
Grants—Health Resources/ <i>Subventions—Ressources sanitaires</i> .....	785		609/91
Grants Relating to Pre-Internship Programs .....		127/92	362/92, 83/93, 715/93
Grants to Accredited Nursing Homes .....	786		313/91, Rev. 377/93
Grants to University Faculties of Medicine/ <i>Subventions aux facultés de médecine</i> .....	787		610/91, 210/92, 35/93
Grants to the University Faculties of Medicine and General Hospitals—Internships .....		674/90	66/91, Rev. 167/91
Grants to the University Faculties of Medicine and General Hospitals—Internships .....		167/91	533/91, Rev. 363/92
Grants to University Faculties of Medicine and General Hospitals—Pre-Internship Programs .....		675/90	65/91, Rev. 166/91
Grants to University Faculties of Medicine and General Hospitals—Pre-Internship Programs .....		166/91	Rev. 127/92
Medical Bursaries/ <i>Bourses d'études—étudiants en médecine</i> .....	788		611/91
Northern Health Travel Grant .....		20/94	
Nursing Bursaries .....	789		709/92
Nursing Innovation Fund .....	790		
Occupational Therapy Bursaries/ <i>Bourses d'études— étudiants en ergothérapie</i> .....	791		614/91
Physiotherapy Bursaries .....	792		
Special Grant/ <i>Subvention particulière</i> .....	RRO 1980, Reg. 659		426/91
Special Grant .....	RRO 1980, Reg. 660		348/91
Speech Pathology and Audiology Bursaries/ <i>Bourses d'études—étudiants en phoniatry et en audiologie</i> .....	793		613/91
Standard Ward Accommodation/ <i>Salles communes</i> .....	794		349/91
<b>MINISTRY OF NATURAL RESOURCES ACT/LOI SUR LE MINISTÈRE DES RICHESSES NATURELLES</b>			
Mining and Lands Commissioner to Hear and Determine Appeals under Subsection 28 (5) of the Conservation Authorities Act .....	795		
<b>MINISTRY OF TOURISM AND RECREATION ACT/LOI SUR LE MINISTÈRE DU TOURISME ET DES LOISIRS</b>			
Grants for Non-Profit Camps .....	796		
Recreation Programs .....	797		109/93
<b>MORTGAGE BROKERS ACT/LOI SUR LES COURTIERS EN HYPOTHÈQUES</b>			
General .....	798		275/92, 529/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>MOTOR VEHICLE ACCIDENT CLAIMS ACT/LOI SUR L'INDEMNISATION DES VICTIMES D'AC- CIDENTS DE VÉHICULES AUTOMOBILES</b>			
Designated Insurers .....	799		
General .....	800		152/94
<b>MOTOR VEHICLE DEALERS ACT/LOI SUR LES COMMERÇANTS DE VÉHICULES AUTOMOBILES</b>			
General/ <i>Dispositions générales</i> .....	801		20/91, 693/91, 283/92, 201/94, 223/94
<b>MOTOR VEHICLE REPAIR ACT/LOI SUR LES RÉPARATIONS DE VÉHICULES AUTOMOBILES</b>			
General .....	802		
<b>MOTORIZED SNOW VEHICLES ACT/LOI SUR LES MOTONEIGES</b>			
Designations .....	803		60/92, 64/93, 77/94, 567/94
General .....	804		731/91, 405/93, 736/94
Motorized Snow Vehicle Operators' Licences .....	805		527/91
<b>MUNICIPAL ACT/LOI SUR LES MUNICIPALITÉS</b>			
Debt and Financial Obligation Limits .....		710/92	441/93, 170/94, Rev. 799/94
Debt and Financial Obligation Limits .....		799/94	
Designation			
—Agricultural Research Stations .....	806		
—Correctional Institutions .....	807		
—Facilities under Developmental Services Act .....	808		
—Municipalities .....	809		
—Provincial Education Institutions .....	810		
—Provincial Mental Health Facilities and Public Hospitals .....	811		
—Universities .....	812		
Determination of Apportionments and Levies, 1992 .....		430/92	793/92, Rev. 533/93
Determination of Apportionments and Levies, 1993 .....		533/93	Rev. 376/94
Determination of Apportionments and Levies, 1994 .....		376/94	728/94
Disposal of Property .....		815/94	
Equalization of Assessments			
—(Brant County) under Section 371 of the Act .....		285/91	
—(Bruce County) under Subsection 371 (2) of the Act .....		114/93	
—(Dufferin County) under Section 371 of the Act .....		286/91	
—(Elgin County) under Subsection 371 (2) of the Act .....		115/93	
—(Kent County) under Subsection 368b (2) of the Act .....		487/90	Rev. 270/94
—(Kent County and United Counties of Leeds and Grenville) under Section 371 of the Act .....		270/94	
—(Lambton County) .....		482/92	
—(Lanark County) .....		483/92	
—(Perth County) .....		606/93	
—(Renfrew County) under Section 371 of the Act .....		287/91	
Foreign Currency Borrowing .....		640/93	933/93

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Municipal and School Capital Facilities—Agreements and Tax Exemptions .....		46/94	
Pension Plan for Municipal Employees/ <i>Régime de retraite des employés municipaux</i> .....	813		352/92
Small Business Programs/ <i>Programmes pour petites entreprises</i> .....	814		223/91, 358/91, 456/91
Waste Management .....	815		30/94
<b>MUNICIPAL AFFAIRS ACT/LOI SUR LES AFFAIRES MUNICIPALES</b>			
Tax Arrears and Tax Sale Procedures .....	816		
<b>MUNICIPAL AND SCHOOL BOARD PAYMENTS ADJUSTMENT ACT/LOI SUR LE REDRESSEMENT DES PAIEMENTS AUX MUNICIPALITÉS ET AUX CONSEILS SCOLAIRES</b>			
General .....	817		443/92
<b>MUNICIPAL BOUNDARY NEGOTIATIONS ACT/LOI SUR LES NÉGOCIATIONS DE LIMITES MUNICIPALES</b>			
Aldborough (Township of), Village of Rodney Boundary .		391/93	606/94
Artemesia (Township of), Village of Flesherton Boundary .		359/93	
Aylmer (Town of), Township of Malahide Boundary .....		936/93	
Blenheim (Town of), Township of Harwich Boundary .....		941/93	
Brantford (City of), Township of Brantford Boundary .....		360/93	
Casimir, Jennings and Appleby (Township of), Township of Ratter and Dunnet Boundary .....		310/94	
Chatham (City of), Township of Chatham Boundary .....		771/91	
Chatham (City of), Township of Chatham Boundary .....		601/92	605/94
Chatham (City of), Township of Dover Boundary .....		600/92	
Clinton (Town of), Township of Goderich Boundary .....		489/92	
Clinton (Town of), Township of Tuckersmith Boundary ..		490/92	725/92
Cobden (Village of), Township of Ross Boundary .....		229/94	
Drayton (Village of), Township of Maryborough Boundary		938/93	
Drayton (Village of), Township of Peel Boundary .....		939/93	
Dutton (Village of), Township of Dunwich Boundary .....		809/93	
Elora (Village of), Township of Nichol Boundary .....		698/94	
Emily (Township of), Village of Omemee Boundary .....		787/92	755/93, 253/94
Enniskillen (Township of), Town of Petrolia Boundary ...		812/93	
Galway and Cavendish (United Townships of), Townships of Burleigh and Anstruther Boundary .....		812/94	
Gosfield South (Township of), Township of Gosfield North Boundary .....		940/93	
Grand Valley (Village of) and the Township of East Luther, Amalgamation .....		575/94	
Guelph (City of), Township of Guelph Boundary .....		602/92	
Guelph (City of), Townships of Guelph and Puslinch Boundary .....		145/93	935/93
Kanata (City of), City of Nepean Boundary .....		697/94	
Kincardine (Town of), Township of Kincardine Boundary .		807/94	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Meaford (Township of), Township of St. Vincent Boundary .....		659/94	
Minto (Township of), Village of Clifford Boundary .....		146/93	
North Algona (Township of), Township of Alice and Fraser Boundary .....		808/94	
Oxford-on-Rideau (Township of), Township of Kemptville Boundary .....		204/92	
Palmerston (Town of), Township of Wallace Boundary ...		344/94	
Papineau (Township of), Improvement District of Cameron Amalgamation .....		481/91	
Perth (Town of), Township of Bathurst Boundary .....		770/91	
Peterborough (City of), Township of North Monaghan Boundary .....		482/91	772/91
Port Burwell (Village of), Township of Bayham Boundary		230/94	
Ripley (Village of), Township of Huron Boundary .....		279/94	
Shelburne (Town of), Township of Melancthon Boundary .		508/93	
Smith Falls (Town of), Township of Montague Boundary .		769/91	
St. Thomas (City of), Townships of Yarmouth and Southwold Boundary .....		806/94	
Warton (Town of), Township of Amabel Boundary .....		383/93	
Warton (Town of), Township of Amabel Boundary .....		937/93	
<b>MUNICIPAL ELECTIONS ACT/LOI SUR LES ÉLECTIONS MUNICIPALES</b>			
Forms .....	RRO 1980, Reg. 681		26/91, Rev. 473/91
Forms/ <i>Formules</i> .....		473/91	698/91, 359/92, 580/94
Use of Central Vote Tabulators .....	818		667/91, Rev. 663/94
Use of Central Vote Tabulators .....		663/94	
Use of Vote Tabulators .....	819		506/91, Rev. 669/91
Use of Vote Tabulators .....		669/91	662/94
Use of Voting Recorders .....	820		668/91
<b>MUNICIPAL EXTRA-TERRITORIAL TAX ACT/LOI SUR LES IMPÔTS MUNICIPAUX EXTRATERRITORIAUX</b>			
Assessment Equalization Factor .....	821		
General .....	822		
<b>MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT/LOI SUR L'ACCÈS À L'INFORMATION MUNICIPALE ET LA PROTECTION DE LA VIE PRIVÉE</b>			
General/ <i>Dispositions générales</i> .....	823		395/91
Institutions .....		372/91	306/94
<b>MUNICIPAL TAX SALES ACT/LOI SUR LES VENTES POUR IMPÔTS MUNICIPAUX</b>			
Municipal Tax Sales Rules/ <i>Règles concernant les ventes pour impôts municipaux</i> .....	824		

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>MUNICIPALITY OF METROPOLITAN TORONTO ACT/LOI SUR LA MUNICIPALITÉ DE LA COMMUNAUTÉ URBAINE DE TORONTO</b>			
Protection of Employees .....		952/93	
Ward Boundaries .....	825		
<b>N</b>			
<b>NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT/LOI SUR LA PLANIFICATION ET L'AMÉNAGEMENT DE L'ESCARPEMENT DU NIAGARA</b>			
Designation of Area of Development Control .....	826		193/91, 650/91, 314/92, 478/92, 660/92, 661/92, 797/92, 310/93, 568/94
Designation of Planning Area .....	827		
Development Within the Development Control Area .....	828		739/91, 313/92, 477/92, 658/92, 662/92, 663/92, 190/93
<b>NIAGARA PARKS ACT/LOI SUR LES PARCS DU NIAGARA</b>			
General .....	829		49/91, 203/91, 251/92
<b>NON-RESIDENT AGRICULTURAL LAND INTERESTS REGISTRATION ACT/LOI SUR L'ENREGISTREMENT DES DROITS SUR LES BIENS-FONDS AGRICOLES DES NON- RÉSIDENTS</b>			
General/ <i>Dispositions générales</i> .....	830		187/91
<b>NOTARIES ACT/LOI SUR LES NOTAIRES</b>			
Fees .....	831		299/92
<b>NURSING ACT, 1991/LOI DE 1991 SUR LES INFIRMIÈRES</b>			
Committee Composition .....		653/93	55/94
Elections and Appointments .....		916/93	214/94
Fees .....		768/93	
General .....		275/94	
Professional Misconduct .....		799/93	
Registration .....		868/93	Rev. 274/94
<b>NURSING HOMES ACT/LOI SUR LES MAISONS DE SOINS INFIRMIERS</b>			
General .....	832		8/91, 160/91, 436/91, 657/91, 725/91, 37/92, 216/92, 411/92, 467/92, 656/92, 689/92, 711/92, 34/93, 204/93, 378/93, 881/93, 238/94, 316/94, 370/94, 373/94, 537/94, 588/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>O</b>			
<b>OCCUPATIONAL HEALTH AND SAFETY ACT/LOI SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL</b>			
Adoption of Training Requirements .....		784/93	
Construction Projects .....		213/91	631/94
Control of Exposure to Biological or Chemical Agents ...	833		513/92, 597/94
Critical Injury—Defined/ <i>Blessure critique—Définition</i> ...	834		351/91
Designated Substance/ <i>Substance désignée</i>			
—Acrylonitrile .....	835		507/92
—Arsenic/ <i>Arsenic</i> .....	836		378/91, 508/92
—Asbestos/ <i>Amiante</i> .....	837		382/91, 509/92, 598/94
—Asbestos on Construction Projects and in Buildings and Repair Operations .....	838		510/92
—Benzene .....	839		511/92
—Coke Oven Emissions/ <i>Fumées de four à coke</i> .....	840		381/91, 512/92
—Ethylene Oxide/ <i>Oxyde d'éthylène</i> .....	841		379/91, 515/92
—Isocyanates/ <i>Isocyanates</i> .....	842		377/91, 518/92
—Lead/ <i>Plomb</i> .....	843		374/91, 519/92
—Mercury/ <i>Mercur</i> e .....	844		375/91, 520/92
—Silica .....	845		521/92
—Vinyl Chloride/ <i>Chlorure de vinyle</i> .....	846		376/91, 522/92
Designations under Clause 16 (1) (n) of the Act .....	847		741/91, 901/93
Diving Operations .....	848		514/92, Rev. 629/94
Diving Operations .....		629/94	
Firefighters—Protective Equipment/ <i>Pompiers— Équipement de protection</i> .....	849		249/91, 289/91, Rev. 714/94
Firefighters—Protective Equipment .....		714/94	
Hazardous Materials Inventories/ <i>Inventaires des matériaux dangereux</i> .....	850		355/91, Rev. 397/93
Health Care and Residential Facilities .....		67/93	
Industrial Establishments .....	851		516/92, 630/94
Inventory of Agents or Combinations of Agents for the Purpose of Section 34 of the Act/ <i>Inventaire d'agents ou de mélanges d'agents pour l'application de l'article 34 de la Loi</i> .....	852		208/91, 517/92
Joint Health and Safety Committees—Exemption from Requirements .....	853		692/92, Rev. 362/94
Joint Health and Safety Committees—Exemption from Requirements .....		362/94	
Mines and Mining Plants .....	854		583/91, 584/91, 171/92, 384/92, 571/92, 693/92, 60/94, 779/94
Oil and Gas—Offshore .....	855		
Roll-Over Protective Structures/ <i>Structures de protection contre le capotage</i> .....	856		357/91
Teachers/ <i>Enseignants</i> .....	857		352/91
Training Programs .....		780/94	
University Academics and Teaching Assistants/ <i>Profes- seurs et adjoints d'enseignement d'université</i> .....	858		353/91
Window Cleaning/ <i>Nettoyage des vitres</i> .....	859		380/91, 523/92



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. Règl. de l'Ont.	Amendments Modifications
Workplace Hazardous Materials Information System (WHMIS)/Système d'information sur les matériaux dangereux utilisés au travail (SIMDUT) .....	860		356/91, 36/93
X-Ray Safety .....	861		
<b>OCCUPATIONAL THERAPY ACT, 1991/LOI DE 1991 SUR LES ERGOTHÉRAPEUTES</b>			
Elections .....		834/93	215/94
Fees .....		707/93	117/94
General .....		208/94	
Professional Misconduct .....		800/93	
Registration .....		835/93	118/94
Statutory Committees .....		674/93	116/94
<b>OFFICIAL NOTICES PUBLICATION ACT/LOI SUR LA PUBLICATION DES AVIS OFFICIELS</b>			
Rates .....	862		579/94
<b>OFF-ROAD VEHICLES ACT/LOI SUR LES VÉHICULES TOUT TERRAIN</b>			
General .....	863		406/93, 577/94
<b>OLEOMARGARINE ACT/LOI SUR LA MARGARINE</b>			
General .....	864		65/92
<b>OMBUDSMAN ACT/LOI SUR L'OMBUDSMAN</b>			
General Rules .....	865		
<b>ONTARIO AGRICULTURAL MUSEUM ACT/LOI SUR LE MUSÉE AGRICOLE DE L'ONTARIO</b>			
Fees .....	866		
General .....	867		
<b>ONTARIO CASINO CORPORATION ACT, 1993/LOI DE 1993 SUR LA SOCIÉTÉ DES CASINOS DE L'ONTARIO</b>			
General .....		322/94	
<b>ONTARIO DRUG BENEFIT ACT/LOI SUR LE RÉGIME DE MÉDICAMENTS GRATUITS DE L'ONTARIO</b>			
General .....	868		43/91, 45/91, 158/91, 290/91, 437/91, 575/91, 234/92, 236/92, 237/92, 459/92, 461/92, 690/92, 756/92, 85/93, 99/93, 100/93, 102/93, 317/93, 379/93, 452/93, 523/93, 525/93, 732/93, 734/93, 48/94, 107/94, 378/94, 451/94, 616/94, 753/94, 754/94, 791/94
<b>ONTARIO ENERGY BOARD ACT/LOI SUR LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO</b>			
Exemption .....		188/93	

## TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
General .....	869		224/91, 225/91, 780/91, 719/92, 300/94, 793/94
Rules of Procedure .....	870		
<b>ONTARIO FOOD TERMINAL ACT/LOI SUR LE MARCHÉ DES PRODUITS ALIMENTAIRES DE L'ONTARIO</b>			
Composition and Procedure of the Board/ <i>Composition et mode de fonctionnement de la Commission</i> .....	871		628/92
Conduct of Business .....	872		
<b>ONTARIO GUARANTEED ANNUAL INCOME ACT/LOI SUR LE REVENU ANNUEL GARANTI EN ONTARIO</b>			
Forms .....	873		
General .....	874		298/91
Guaranteed Income Limit .....		30/91	Rev. 197/91
Guaranteed Income Limit .....		197/91	Rev. 417/91
Guaranteed Income Limit .....		417/91	Rev. 625/91
Guaranteed Income Limit .....		625/91	Rev. 51/92
Guaranteed Income Limit .....		51/92	Rev. 272/92
Guaranteed Income Limit .....		272/92	Rev. 454/92
Guaranteed Income Limit .....		454/92	Rev. 635/92
Guaranteed Income Limit .....		635/92	Rev. 66/93
Guaranteed Income Limit .....		66/93	Rev. 361/93
Guaranteed Income Limit .....		361/93	Rev. 557/93
Guaranteed Income Limit .....		557/93	Rev. 6/94
Guaranteed Income Limit .....		6/94	Rev. 157/94
Guaranteed Income Limit .....		157/94	Rev. 308/94
Guaranteed Income Limit .....		308/94	
<b>ONTARIO HERITAGE ACT/LOI SUR LE PATRIMOINE DE L'ONTARIO</b>			
Archaeological Sites .....	875		
Grants and Loans .....	876		
Grants for Museums .....	877		164/93
Grants for Plaquing .....	878		
Grants to Incorporated Historical Societies and Associations .....	879		
Historic Sites .....	880		
Licences .....	881		
<b>ONTARIO HIGHWAY TRANSPORT BOARD ACT/ LOI SUR LA COMMISSION DES TRANSPORTS ROUTIERS DE L'ONTARIO</b>			
Rules of Procedure .....	882		
<b>ONTARIO HOME OWNERSHIP SAVINGS PLAN ACT/LOI SUR LE RÉGIME D'ÉPARGNE- LOGEMENT DE L'ONTARIO</b>			
General/ <i>Dispositions générales</i> .....	883		235/91, 716/91, 242/94

## TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>ONTARIO INSTITUTE FOR STUDIES IN EDUCATION ACT/LOI SUR L'INSTITUT D'ÉTUDES PÉDAGOGIQUES DE L'ONTARIO</b>			
General/ <i>Dispositions générales</i> .....	884		379/92
<b>ONTARIO LOTTERY CORPORATION ACT/LOI SUR LA SOCIÉTÉ DES LOTERIES DE L'ONTARIO</b>			
General .....	885		630/92
<b>ONTARIO MINERAL EXPLORATION PROGRAM ACT/LOI SUR LE PROGRAMME ONTARIEN D'EXPLORATION MINIÈRE</b>			
Ontario Mineral Incentive Program .....	886		69/91, 721/91, 100/94
Ontario Prospectors' Assistance Program .....	887		
<b>ONTARIO MUNICIPAL BOARD ACT/LOI SUR LA COMMISSION DES AFFAIRES MUNICIPALES DE L'ONTARIO</b>			
Fees .....	888		
Rules of Procedure .....	889		74/92, 646/94
<b>ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT/LOI SUR LE RÉGIME DE RETRAITE DES EMPLOYÉS MUNICIPAUX DE L'ONTARIO</b>			
General .....	890		775/91, 726/92, 783/92, 221/93, 934/93, 81/94, 694/94, 775/94
<b>ONTARIO MUNICIPAL IMPROVEMENT CORPORATION ACT/LOI SUR LA SOCIÉTÉ ONTARIENNE D'AMÉNAGEMENT MUNICIPAL</b>			
Procedure/ <i>Procédure</i> .....	891		455/91
<b>ONTARIO NEW HOME WARRANTIES PLAN ACT/LOI SUR LE RÉGIME DE GARANTIES DES LOGEMENTS NEUFS DE L'ONTARIO</b>			
Administration of the Plan/ <i>Administration du Régime</i> .....	892		117/91, 118/91, 165/91, 624/91, 697/92, 334/93, 602/93, 349/94
Designation of Corporation/ <i>Désignation de la Société</i> .....	893		226/94
Terms and Conditions of Registration of Builders and Vendors/ <i>Modalités et conditions d'inscription applicables aux constructeurs et aux vendeurs</i> .....	894		391/94, 691/94
<b>ONTARIO PENSIONERS PROPERTY TAX ASSISTANCE ACT/LOI SUR L'ALLÈGEMENT DE L'IMPÔT FONCIER DES RETRAITÉS DE L'ONTARIO</b>			
Amount—Clause 2 (2) (a) of the Act .....	895		
General .....	896		299/91
Grants .....	897		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>ONTARIO PLACE CORPORATION ACT/LOI SUR LA SOCIÉTÉ D'EXPLOITATION DE LA PLACE DE L'ONTARIO</b>			
Fees .....	898		204/91, 252/92, 480/92, 309/93, 301/94
<b>ONTARIO TELEPHONE DEVELOPMENT CORPORATION ACT/LOI SUR LA SOCIÉTÉ DE DÉVELOPPEMENT DES RÉSEAUX TÉLÉPHONIQUES DE L'ONTARIO</b>			
Composition and Procedures of Corporation .....	899		
<b>ONTARIO TRAINING AND ADJUSTMENT BOARD ACT, 1993/LOI DE 1993 SUR LE CONSEIL ONTA- RIEN DE FORMATION ET D'ADAPTATION DE LA MAIN-D'OEUVRE</b>			
Councils/ <i>Conseils</i> .....		617/94	
Local Training and Adjustment Boards/ <i>Commissions locales de formation et d'adaptation de la main- d'oeuvre</i> .....		573/94	
Quorum and Decision-Making Procedures/ <i>Quorum et procédure à suivre pour la prise de décisions</i> .....		528/93	595/93, 540/94
<b>ONTARIO UNCONDITIONAL GRANTS ACT/LOI SUR LES SUBVENTIONS AUX MUNICIPALITÉS DE L'ONTARIO</b>			
Determination of Apportionments and Levies, 1991 .....		272/91	Rev. 430/92
General .....		143/91	Rev. 241/92
General .....		241/92	792/92, Rev. 384/93
General .....		384/93	664/93, Rev. 514/94
General .....		514/94	604/94
<b>ONTARIO WATER RESOURCES ACT/LOI SUR LES RESSOURCES EN EAU DE L'ONTARIO</b>			
Additional Charges/ <i>Charges additionnelles</i> .....		157/93	
Fees for Certificates of Approval .....		503/92	14/93
Forms .....		15/92	
Municipal Sewage and Water and Roads Class Environmental Assessment Projects .....	900		
Plumbing Code .....	901		401/91, 134/92, Rev. 159/93
Rate of Interest .....	902		
Water Works and Sewage Works .....		435/93	
Wells .....	903		
<b>OPERATING ENGINEERS ACT/LOI SUR LES MÉCANICIENS D'EXPLOITATION</b>			
General .....	904		3/92, 220/92, 722/92, 46/93, 351/93
<b>OPHTHALMIC DISPENSERS ACT/LOI SUR LES OPTICIENS D'ORDONNANCES</b>			
General .....	905		

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>OPTICIANRY ACT, 1991/LOI DE 1991 SUR LES OPTICIENS</b>			
Composition of Statutory Committees .....		619/93	239/94
Election of Council Members .....		774/93	395/94
Examinations .....		713/93	
Fees .....		677/93	
General .....		219/94	
Professional Misconduct .....		828/93	216/94
Registration .....		869/93	398/94
<b>OPTOMETRY ACT, 1991/LOI DE 1991 SUR LES OPTOMÉTRISTES</b>			
Committees .....		836/93	
Electoral Districts .....		917/93	
Fees .....		769/93	Rev. 749/94
General .....		119/94	749/94
Professional Misconduct .....		859/93	860/93, 120/94
Registration .....		837/93	121/94
<b>OTTAWA-CARLETON FRENCH-LANGUAGE SCHOOL BOARD ACT/LOI SUR LE CONSEIL SCOLAIRE DE LANGUE FRANÇAISE D'OTTAWA-CARLETON</b>			
Proportions of Assessment—1991/ <i>Fractions de l'évaluation—1991</i> .....		67/91	344/91
Proportions of Assessment—1992/ <i>Fractions de l'évaluation—1992</i> .....		124/92	
Proportions of Assessment—1993/ <i>Fractions de l'évaluation—1993</i> .....		169/93	
<b>P</b>			
<b>PAPERBACK AND PERIODICAL DISTRIBUTORS ACT/LOI SUR LES DISTRIBUTEURS DE LIVRES BROCHÉS ET DE PÉRIODIQUES</b>			
General .....	906		688/91
<b>PARKS ASSISTANCE ACT/LOI SUR L'AIDE DESTINÉE À LA CRÉATION DE PARCS</b>			
General .....	907		
<b>PARKWAY BELT PLANNING AND DEVELOPMENT ACT/LOI SUR LA PLANIFICATION ET L'AMÉNAGEMENT D'UNE CEINTURE DE PROMENADE</b>			
(Land Use Regulations)			
County of Halton (now The Regional Municipality of Halton), City of Burlington .....		482/73	231/91, 577/91, 135/93
County of Halton (now part of the regional municipalities of Halton and Peel), Town of Oakville (now part of the towns of Halton Hills, Milton, Oakville and the City of Mississauga) .....		481/73	79/93

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Town of Dundas .....		486/73	274/91, 621/91, 184/92, 288/92, 150/93, 311/93
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of West Flamborough (now the Township of Flamborough) .....		484/73	593/91
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Village of Waterdown (now the Township of Flamborough) .....		485/73	95/91, 592/91
Municipality of Metropolitan Toronto, Borough of Etobicoke (now the City of Etobicoke) .....		478/73	479/92
Parkway Belt Planning Area .....	908		
Regional Municipality of York, Town of Markham .....		473/73	700/91, 553/92, 81/93, 175/93, 307/93, 329/93
<b>PARTNERSHIPS REGISTRATION ACT/LOI SUR L'ENREGISTREMENT DES SOCIÉTÉS EN NOM COLLECTIF</b>			
General .....	RRO 1980, Reg. 745		Rev. 124/91
<b>PAY EQUITY ACT/LOI SUR L'ÉQUITÉ SALARIALE</b>			
Amendments to the Appendix to the Schedule to the Act/ <i>Modifications apportées à l'appendice de l'annexe de la Loi</i> .....		395/93	
Limitations on Maintaining Pay Equity .....		491/93	
Proxy Method of Comparison/ <i>Méthode de comparaison avec des organisations de l'extérieur</i> .....		396/93	926/93
<b>PENSION BENEFITS ACT/LOI SUR LES RÉGIMES DE RETRAITE</b>			
General/ <i>Dispositions générales</i> .....	909		402/91, 740/91, 743/91, 760/91, 69/92, 564/92, 629/92, 712/92, 755/92, 778/92, 779/92, 433/93, 785/93, 786/93, 787/93, 142/94, 408/94, 409/94, 558/94, 665/94
<b>PERSONAL PROPERTY SECURITY ACT/LOI SUR LES SÛRETÉS MOBILIÈRES</b>			
Branch Offices/ <i>Bureaux régionaux</i> .....	910		23/92, 158/92
Fees/ <i>Droits</i> .....	911		443/91, 599/93, 758/93, Rev. 547/94
Fees/ <i>Droits</i> .....		547/94	
General/ <i>Dispositions générales</i> .....	912		76/92, 686/92, 741/93
Personal Property Security Assurance Fund/ <i>Caisse d'assurance des sûretés mobilières</i> .....	913		742/93
<b>PESTICIDES ACT/LOI SUR LES PESTICIDES</b>			
General .....	914		27/91, 119/91, 25/92, 499/92, 500/92, 15/93, 162/94, 412/94, 503/94
<b>PETROLEUM RESOURCES ACT/LOI SUR LES RICHESSES PÉTROLIÈRES</b>			
Exploration, Drilling and Production .....	915		741/92
Protection of Designated Gas Storage Areas .....	916		

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>Spacing Units</b>			
—Blandford 3-7-VIII Pool .....		330/90	Rev. 448/92
—Blandford-Blenheim .....		11/94	Rev. 556/94
—Blandford-Blenheim .....		556/94	
—Blandford-Blenheim Pool .....		448/92	Rev. 11/94
—Camden 6-2-VI Gore Pool .....		292/91	
—Charlotteville 4-11-A Area .....		440/93	
—Dawn 2-26-XII Pool .....		173/92	
—Dawn 4-21-VIII Area .....		510/94	
—Dover 7-2-V E Pool .....		320/91	
—Dover Township .....		150/94	
—Gosfield North 2-21 Pool .....		168/91	
—Gosfield South 1-4-258 STR Pool .....		588/92	
—Houghton 7-17-II Area .....		181/94	
—Houghton 8-4-II Area .....		147/94	
—Innerkip Pool .....	RRO 1980, Reg. 767		Rev. 448/92
—Malden Township .....		230/91	640/91
—Mersea 3-4-IV Area .....		10/94	
—Mersea 3-6-V Area .....		623/93	
—Mersea 4-14-I Pool .....		293/91	
—Mersea 5-10-IX Area .....		182/94	
—Mersea 6-20-XI Area .....		149/94	
—Mersea 6-23-VII Pool .....		23/91	
—Rochester 1-17-II EBR Pool .....		388/93	Rev. 12/94
—Rochester 1-17-II EBR Pool .....		12/94	
—Romney 3-8-II Pool .....		306/88	Rev. 670/94
—Romney 3-8-II Pool .....		670/94	
—Sombra 8-6-XV Area .....		277/94	
—Woodhouse Township .....		148/94	
<b>PHARMACY ACT, 1991/LOI DE 1991 SUR LES PHARMACIENS</b>			
Composition of Statutory Committees .....		620/93	210/94
Fees .....		614/93	Rev. 750/94
General .....		202/94	750/94
Professional Misconduct .....		681/93	217/94
Registration .....		838/93	
<b>PHYSIOTHERAPY ACT, 1991/LOI DE 1991 SUR LES PHYSIOTHÉRAPEUTES</b>			
Committees .....		770/93	
Elections .....		918/93	122/94
Fees .....		658/93	
Professional Misconduct .....		861/93	
Registration .....		870/93	123/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>PLANNING ACT/LOI SUR L'AMÉNAGEMENT DU TERRITOIRE</b>			
Apartments in Houses .....		384/94	
Criteria			
—Power of Sale .....		847/93	
—Validation of Title .....		848/93	
Delegation of Authority of Minister under Section 4 of the Planning Act			
—Condominium Plans .....		475/83	385/92
—Condominium Plans .....		367/85	386/92
—Condominium Plans .....		72/86	387/92
—Condominium Plans .....		391/89	388/92
—Condominium Plans .....		517/89	389/92
—Condominium Plans .....		700/92	
—Condominium Plans .....		795/92	
—Condominium Plans—The Regional Municipality of Haldimand-Norfolk .....		75/93	
—Condominium Plans—Huron County .....		222/89	390/92
—Condominium Plans—London .....		644/94	
—Condominium Plans—City of Trenton .....		694/93	
—Condominium Plans—Various Municipalities .....		4/94	287/94
—Consents .....		474/83	176/93, 3/94
—Official Plans—The Regional Municipality of Durham .		380/94	
—Subdivision Plans .....		476/83	391/92
—Subdivision Plans .....		366/85	392/92
—Subdivision Plans .....		390/89	393/92
—Subdivision Plans .....		516/89	394/92
—Subdivision Plans .....		701/92	
—Subdivision Plans .....		794/92	
—Subdivision Plans .....		645/94	
—Subdivision Plans—The Regional Municipality of Haldimand-Norfolk .....		76/93	
—Subdivision Plans—Huron County .....		220/89	395/92
—Subdivision Plans—City of Trenton .....		695/93	
—Subdivision Plans—Various Municipalities .....		5/94	288/94
Delegation of Authority to Parry Sound District Land Division Committee .....		192/94	819/94
Notice Requirements/ <i>Exigences relatives aux avis</i>			
—Interim Control By-Laws/ <i>Règlements municipaux d'interdiction provisoire</i> .....	917		355/92
—Official Plans and Community Improvement Plans/ <i>Plans officiels et plans d'améliorations communautaires</i> .....	918		353/92
—Removal of Holding Symbol from Zoning By-Law/ <i>Suppression des symboles d'utilisation différée des règlements municipaux de zonage</i> .....	919		453/91
—Zoning By-Laws/ <i>Règlements municipaux de zonage</i> ...	920		354/92
Planning Board Fees .....	921		



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Restricted Area(s)			
—County of Ontario (now The Regional Municipality of Durham), Township of Pickering (now the Town of Pickering) .....		102/72	63/91, 603/92, 316/93, 470/93, 471/93, 472/93, 584/93, 717/93, 815/93, 944/93, 254/94, 263/94, 285/94, 463/94
—County of Peterborough, Township of North Monaghan		377/77	Rev. 670/91
—District of Algoma			
—Geographic townships of Cobden, Striker, Scarfe and Mack .....		409/82	672/91, 13/92, 39/92, 5/93, 151/93, 199/93, 483/93, 699/94
—Geographic Township of West .....		182/81	117/92
—Sault Ste. Marie North Planning Area .....		279/80	51/91, 266/91, 386/91, 564/91, 671/91, 43/92, 170/92, 207/92, 209/92, 60/93, 140/93, 170/93, 389/93, 415/93, 597/93, 726/93, 530/94, 692/94, 693/94
—District of Cochrane			
—Geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way .....		493/78	30/92, 42/92, 172/93, 158/94
—Geographic townships of O'Brien, Owens and Teetzel .....		423/78	40/92, 139/93, 598/93
—District of Kenora			
—Geographic townships of Brownridge, Ewart, Glass, Kirkup and Pelican .....		482/71	222/92
—Geographic Township of Pettypiece .....		177/80	82/92
—Geographic Township of Wainwright .....		797/79	83/92
—Geographic Township of Wainwright .....		326/81	80/92
—Territorial District of Kenora (Part of Summer Resort Location L.K. 324—Parcel 15400—District of Kenora Freehold) .....		327/81	79/92
—District of Manitoulin			
—Geographic townships of Campbell, Dawson, Mills and Robinson .....		672/81	52/91, 53/91, 62/91, 93/91, 94/91, 128/91, 129/91, 130/91, 216/91, 267/91, 445/91, 446/91, 464/91, 465/91, 544/91, 29/92, 41/92, 188/92, 208/92, 342/92, 439/92, 474/92, 475/92, 476/92, 581/92, 644/92, 645/92, 78/93, 82/93, 96/93, 184/93, 185/93, 196/93, 222/93, 340/93, 482/93, 692/93, 700/93, 701/93, 720/93, 721/93, 2/94, 7/94, 47/94, 312/94, 457/94, 464/94, 516/94, 774/94
—District of Nipissing			
—Geographic townships of Askin, Gladman, Joan and Macpherson .....		486/71	675/91
—District of Parry Sound			
—Geographic Township of Croft .....		153/80	674/91
—Geographic townships of McKenzie and Patterson .....		484/71	676/91
—District of Rainy River			
—Geographic Township of Miscampbell .....		449/74	98/92

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Registered Plan No. SM-293 (south of the Geographic Township of Trottier) .....		483/71	103/92
—District of Sudbury			
—Geographic townships of Emo and Strathearn .....		485/71	110/92
—Geographic Township of Ivanhoe .....		831/82	108/92
—Territorial District of Sudbury .....		834/81	3/91, 61/91, 73/91, 131/91, 172/91, 222/91, 295/91, 497/91, 498/91, 109/92, 189/92, 199/92, 200/92, 371/92, 403/92, 404/92, 473/92, 769/92, 141/93, 192/93, 200/93, 201/93, 202/93, 274/93, 390/93, 428/93, 446/93, 484/93, 485/93, 486/93, 530/93, 644/93, 693/93, 703/93, 727/93, 816/93, 13/94, 14/94, 167/94, 289/94, 290/94, 311/94, 345/94, 456/94, 578/94, 610/94
—District of Thunder Bay			
—Geographic Township of Lyon .....		897/79	97/92
—Geographic townships of Pearson and Scoble .....		219/75	78/92
—Geographic Township of Upsala .....		296/80	96/92
—Geographic Township of Upsala .....		64/81	100/92
—Savant Lake Townsite (Registered Part M-56) .....		131/80	101/92
—District of Timiskaming			
—Town of Charlton .....		356/80	673/91, Rev. 630/93
—Regional Municipality of Durham			
—Town of Pickering .....		19/74	702/91
—Township of Uxbridge (formerly the Township of Scott in the County of Ontario) .....		634/77	701/91
—Regional Municipality of York			
—Town of Markham .....		104/72	287/93, 420/93, 782/94
Rules of Procedure/ <i>Règles de procédure</i>			
—Consent Applications/ <i>Demandes d'autorisation</i> .....	922		356/92
—Minor Variance Applications/ <i>Demandes de dérogation mineure</i> .....	923		357/92
Withdrawal of Delegation of Authority of Minister .....		137/93	
Withdrawal of Delegation of Authority of Minister—Timmins .....		1/94	
Withdrawal of Delegation of Authority of Minister under Subsection 4 (5) of the Planning Act—Subdivision and Condominium Plans—Regional Municipality of Peel ..		132/91	
Zoning Area(s)			
—County of Lanark			
—Township of Beckwith .....		393/91	Rev. 649/92
—District of Cochrane (Territorial)			
—Geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way .....		173/93	
—Geographic Township of Clute .....		174/93	382/94
—Geographic Township of Haggart .....		528/94	
—Township of Keefer .....		15/94	
—District of Kenora (Territorial)			
—Geographic Township of Kirkup .....		411/91	

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Geographic Township of Mutrie .....		494/92	
—Geographic Township of Pellatt .....		703/92	
—Geographic Township of Pellatt, Dufresne Island . . . .		219/89	Rev. 467/91
—Geographic Township of Pettypiece .....		82/94	
—Geographic Township of Van Horne .....		648/93	
—Geographic Township of Wainwright .....		734/84	554/92
—Part of the Sioux Lookout Planning Area .....		25/86	164/91, 310/91, 504/91, 54/92, 150/92, 156/92, 798/92, 138/93, 341/93, 423/93, 424/93, 645/93, 647/93, 691/93, 702/93, 730/93, 813/93, 184/94
—Unorganized Parts of the Red Lake and Area Planning Area .....		85/84	55/92
—Unorganized Territories of Lake of the Woods .....		641/94	
—Unorganized Territory .....		661/91	
—Unorganized Township of Cathcart .....		323/92	
—District of Nipissing			
—Part of the District of Nipissing .....		580/86	154/91
—Part of the districts of Nipissing and Sudbury .....		40/85	255/91, 677/91, 186/93, 198/93, 315/93, 646/93, 808/93
—District of Parry Sound (Territorial)			
—Part of the Geographic Township of Pringle .....		561/91	622/92
—Unincorporated Township of East Mills .....		531/94	
—District of Rainy River (Territorial)			
—Geographic Township of Spohn .....		702/92	
—Geographic Unorganized District of Rainy River, Mining Location E-238 and Location FD101 .....		565/91	
—Township of Emo .....		616/88	Rev. 81/92
—Unorganized Township of Halkirk .....		550/92	
—Unorganized Township of Watten, Parts of Mining Locations 578 P and 579 P and Part of Location SH 324 and all of Location CL 6037 .....		488/92	
—District of Sudbury (Territorial)			
—Geographic Township of Mongowin .....		21/92	23/94
—Part of the District of Sudbury .....		22/87	45/92, 477/93, 286/94
—District of Thunder Bay (Territorial)			
—City of Thunder Bay .....		384/89	Rev. 53/92
—Geographic Township of Gorham .....		413/86	155/91, 102/92, 392/93, 545/93, 672/94
—Geographic Township of Jacques .....		1/93	
—Geographic Township of Pic .....		688/84	228/92
—Geographic Township of Sibley .....		464/92	
—Geographic Township of Upsala .....		405/90	370/92
—Geographic Township of Ware .....		414/86	99/92, 264/94, 458/94
—Geographic Township of Wiggins .....		659/92	
—Geographic townships of Bomby, Brothers, Bryant, Cecile, Knowles, Laberge, Lecours and McCron, and Part of the Unorganized Lands lying North of the geo- graphic townships of Bomby, Brothers, Laberge, lying west of the Geographic Township of Bryant .....		698/85	211/91

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
—Municipality of Metropolitan Toronto			
—City of Toronto . . . . .		674/89	37/91, 38/91, 39/91, 362/93, Rev. 642/94
<b>PLANT DISEASES ACT/LOI SUR LES MALADIES DES PLANTES</b>			
General/ <i>Dispositions générales</i> . . . . .	924		563/92
<b>POLICE SERVICES ACT/LOI SUR LES SERVICES POLICIERS</b>			
Arbitration . . . . .	925		
Employment Equity Plans . . . . .		153/91	
Equipment (now)			
Equipment and Use of Force . . . . .	926		552/92, 751/92, 43/94, 664/94
General—Discipline . . . . .	927		551/92
Members' Duty to Prepare Informations . . . . .	928		
Municipal Police Forces . . . . .	929		
Oaths and Affirmations/ <i>Serments et affirmations solemnelles</i> . . . . .		144/91	
Political Activities of Municipal Police Officers . . . . .		554/91	
Responsibility of Policing . . . . .	930		593/92
<b>POWER CORPORATION ACT/LOI SUR LA SOCIÉTÉ DE L'ÉLECTRICITÉ</b>			
Debt Guarantee Fees . . . . .	931		98/91
Electrical Safety Code . . . . .		10/91	84/92, 499/93, 169/94, Rev. 612/94
Electrical Safety Code . . . . .		612/94	
Elliot Lake Region Economic Development Program . . . . .		296/91	
Fees . . . . .	932		Rev. 722/91
Fees . . . . .		722/91	Rev. 611/92
Fees . . . . .		611/92	
Prescribed Investments . . . . .		149/92	
Water Heaters . . . . .	933		
<b>PREPAID SERVICES ACT/LOI SUR LES SERVICES PRÉPAYÉS</b>			
General . . . . .	934		
<b>PRESCRIPTION DRUG COST REGULATION ACT/LOI SUR LA RÉGLEMENTATION DES PRIX DES MÉDICAMENTS DÉLIVRÉS SUR ORDONNANCE</b>			
General . . . . .	935		44/91, 159/91, 438/91, 576/91, 235/92, 460/92, 757/92, 101/93, 318/93, 453/93, 524/93, 526/93, 733/93, 735/93, 49/94, 108/94, 377/94, 452/94, 615/94, 755/94, 792/94
Notice to Patients/ <i>Avis aux malades</i> . . . . .	936		684/91
<b>PRIVATE HOSPITALS ACT/LOI SUR LES HÔPITAUX PRIVÉS</b>			
General/ <i>Dispositions générales</i> . . . . .	937		427/91

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT/LOI SUR LES ENQUÊTEURS PRIVÉS ET LES GARDIENS</b>			
General .....	938		
<b>PRIVATE VOCATIONAL SCHOOLS ACT/LOI SUR LES ÉCOLES PRIVÉES DE FORMATION PROFESSIONNELLE</b>			
General .....	939		752/91, 223/93, 718/93, 756/94
<b>PROCEEDINGS AGAINST THE CROWN ACT/LOI SUR LES INSTANCES INTRODUITES CONTRE LA COURONNE</b>			
Garnishment .....	940		
<b>PROFESSIONAL ENGINEERS ACT/LOI SUR LES INGÉNIEURS</b>			
General .....	941		46/92, 48/92, 631/92
<b>PROVINCE OF ONTARIO SAVINGS OFFICE ACT/LOI SUR LA CAISSE D'ÉPARGNE DE L'ONTARIO</b>			
Interest Rate .....	942		
<b>PROVINCIAL LAND TAX ACT/LOI SUR L'IMPÔT FONCIER PROVINCIAL</b>			
Forms .....	943		
General .....	944		129/93
<b>PROVINCIAL OFFENCES ACT/LOI SUR LES INFRACTIONS PROVINCIALES</b>			
Costs .....	945		678/92, 501/93, 555/93, 493/94
Electronic Documents .....		497/94	
Extensions of Prescribed Times .....	946		
Fee for Late Payment of Fine .....	947		Rev. 679/92
Fee for Late Payment of Fines .....		679/92	
Fine Option Program .....	948		500/91, 925/93
Parking Infractions .....	949		126/91, 127/91, 47/92, 141/92, 372/93, 502/93, 503/93, 554/93, 767/93, 924/93, 494/94, 506/94, 538/94, 581/94, 639/94, 720/94, 776/94, 804/94
Proceedings Commenced by Certificate of Offence/ <i>Instances introduites au moyen du dépôt d'un procès-verbal d'infraction</i> .....	950		392/91, 620/91, 8/92, 177/92, 238/92, 284/92, 336/92, 682/92, 9/93, 314/93, 364/93, 365/93, 500/93, 610/93, 687/93, 688/93, 689/93, 36/94, 106/94, 276/94, 307/94, 321/94, 410/94, 411/94, 445/94, 465/94, 495/94, 496/94, 507/94, 511/94, 534/94, 614/94, 786/94
Victim Fine Surcharge .....		785/94	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>PROVINCIAL PARKS ACT/LOI SUR LES PARCS PROVINCIAUX</b>			
Designation of Parks .....	951		136/91, 137/91, 226/91, 227/91, 412/91, 49/92, 258/92, 111/93, 286/93, 386/93, 439/93, 494/93, 179/94, 582/94, 768/94
General .....	952		32/91, 135/91, 383/91, 462/91, 144/92, 174/92, 398/92, 587/92, 284/93, 285/93, 845/93, 151/94, 180/94, 767/94
Guides in Quetico Provincial Park .....	953		
Mining in Provincial Parks .....	954		
<b>PSYCHOLOGISTS REGISTRATION ACT/LOI SUR L'INSCRIPTION DES PSYCHOLOGUES</b>			
General .....	955		106/91, 155/93
<b>PSYCHOLOGY ACT, 1991/LOI DE 1991 SUR LES PSYCHOLOGUES</b>			
Committee Composition .....		621/93	
Elections .....		919/93	
Fees .....		615/93	
General .....		209/94	
Professional Misconduct .....		801/93	
Registration .....		878/93	879/93
<b>PUBLIC ACCOUNTANCY ACT/LOI SUR LA COMPTABILITÉ PUBLIQUE</b>			
Licence Fee .....	956		733/92
<b>PUBLIC HOSPITALS ACT/LOI SUR LES HÔPITAUX PUBLICS</b>			
Capital Grants and Loans .....		459/93	
Capital Grants for the Amalgamation of Hospital Services .....	957		Rev. 459/93
Capital Grants for Ambulance Facilities .....	958		Rev. 459/93
Capital Grants for Capital Expenditures that will Produce Savings in Operating Costs .....	959		Rev. 459/93
Capital Grants for Hospital Construction and Renovation .....	960		Rev. 459/93
Capital Grants for Local Rehabilitation and Crippled Children's Centres .....	961		Rev. 459/93
Capital Grants for Regional Rehabilitation Hospitals .....	962		Rev. 459/93
Capital Grants for Teaching Hospitals .....	963		Rev. 459/93
Classification of Hospitals .....	964		105/91, 354/91, 370/91, 277/92, 311/92, 312/92, 504/92, 215/93, 305/93, 330/93, 668/93, 669/93, 826/93, 200/94, 687/94
Hospital Management .....	965		376/92, 468/92, 216/93, 588/93, 761/93
Oil Conversion Grants .....	966		Rev. 459/93
Special Grants			
—Acquisition of Hospital Facilities .....	967		Rev. 459/93
—Correction of Hazardous Conditions .....	968		Rev. 459/93
—Management of Biomedical Waste .....	969		Rev. 459/93

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>PUBLIC INSTITUTIONS INSPECTION ACT/LOI SUR L'INSPECTION DES ÉTABLISSEMENTS PUBLICS</b>			
Fees and Allowances to Panel Members .....	970		
<b>PUBLIC LANDS ACT/LOI SUR LES TERRES PUBLIQUES</b>			
Conservation Reserve .....		805/94	
Crown Land Camping Permit .....	971		Rev. 326/94
Crown Land Camping Permit .....		326/94	
Fees for Certificates and Orders .....	972		335/93
Land Use Permits/ <i>Permis d'utilisation des terres</i> .....	973		264/92
Restricted Area—District of Kenora, Patricia Portion ....	RRO 1980, Reg. 871		Rev. 475/91
Restricted Area—District of Nipissing/ <i>Secteur à utilisation restreinte—district de Nipissing</i> .....	RRO 1980, Reg. 873		247/92
Restricted Area—District of Rainy River .....	RRO 1980, Reg. 876		474/91
Sale and Lease of Public Lands .....	974		
Work Permits/ <i>Permis de travail</i> .....	975		265/92, 16/93, 336/93, 327/94, 557/94
<b>PUBLIC LIBRARIES ACT/LOI SUR LES BIBLIOTHÈQUES PUBLIQUES</b>			
Grants for Public Libraries .....	976		
<b>PUBLIC SERVICE ACT/LOI SUR LA FONCTION PUBLIQUE</b>			
General .....	977		181/91, 442/91, 12/93, 625/94, 757/94, 758/94, 778/94
<b>PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT/LOI SUR L'AMÉNAGE- MENT DES VOIES PUBLIQUES ET DES TRANSPORTS EN COMMUN</b>			
Intersections in Unorganized Territory .....	978		
Permits .....	979		
Use of Rest, Service or Other Areas .....	980		
<b>PUBLIC TRUSTEE ACT/LOI SUR LE CURATEUR PUBLIC</b>			
General .....	981		264/91, 38/92, 562/92, 634/92, 780/92, 639/93
<b>PUBLIC VEHICLES ACT/LOI SUR LES VÉHICULES DE TRANSPORT EN COMMUN</b>			
General .....	982		458/92
<b>R</b>			
<b>RACE TRACKS TAX ACT/LOI DE LA TAXE SUR LE PARI MUTUEL</b>			
Forms .....	983		647/91

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
General .....	984		321/91, 717/91, 124/93
<b>RADIOLOGICAL TECHNICIANS ACT/LOI SUR LES TECHNICIENS EN RADIOLOGIE</b>			
General .....	985		738/91, 77/93
<b>REAL ESTATE AND BUSINESS BROKERS ACT/ LOI SUR LE COURTAGE COMMERCIAL ET IMMOBILIER</b>			
General .....	986		19/91, 694/91
<b>RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT/LOI SUR L'EXÉCUTION RÉCIPROQUE DE JUGEMENTS (ROYAUME-UNI)</b>			
Application of Act .....	987		Rev. 322/92
Application of Act/ <i>Application de la Loi</i> .....		322/92	
<b>RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS ACT/LOI SUR L'EXÉCUTION RÉCI- PROQUE D'ORDONNANCES ALIMENTAIRES</b>			
Reciprocating States .....	988		174/91, 363/93, Rev. 140/94
Reciprocating States/ <i>États accordant la réciprocité</i> .....		140/94	
<b>REGIONAL MUNICIPALITIES ACT/LOI SUR LES MUNICIPALITÉS RÉGIONALES</b>			
Equalization of Assessments (Ottawa-Carleton) under Subsection 135.3 (1) of the Act .....		113/93	
Equalization of Assessments (Sudbury) under Section 135.3 of the Act .....		271/94	
Protection of Employees .....		949/93	
Ward Representation—Town of Ajax .....		942/93	
<b>REGIONAL MUNICIPALITY OF HALDIMAND- NORFOLK ACT/LOI SUR LA MUNICIPALITÉ RÉGIONALE DE HALDIMAND-NORFOLK</b>			
Equalization of Assessments under Subsection 36 (1) of the Act .....		276/91	
<b>REGIONAL MUNICIPALITY OF OTTAWA-CARLETON ACT/LOI SUR LA MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON</b>			
Election of Regional Councillors/ <i>Élections des conseillers régionaux</i> .....		337/94	515/94
Method of Selecting Regional Representatives—City of Gloucester .....		275/91	
Wards .....		284/94	



TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>REGIONAL MUNICIPALITY OF OTTAWA-CARLETON AND FRENCH-LANGUAGE SCHOOL BOARDS STATUTE LAW AMENDMENT ACT, 1994/LOI DE 1994 MODIFIANT DES LOIS CONCERNANT LA MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON ET LES CONSEILS SCOLAIRES DE LANGUE FRANÇAISE</b>			
Transitional Provisions/ <i>Dispositions transitoires</i> .....		338/94	572/94
<b>REGIONAL MUNICIPALITY OF SUDBURY ACT/LOI SUR LA MUNICIPALITÉ RÉGIONALE DE SUDBURY</b>			
Equalization of Assessments under Subsection 74 (1) of the Act .....		488/90	Rev. 271/94
<b>REGIONAL MUNICIPALITY OF WATERLOO ACT/LOI SUR LA MUNICIPALITÉ RÉGIONALE DE WATERLOO</b>			
Equalization of Assessments made under Section 121 of the Regional Municipality of Waterloo Act .....		407/88	Rev. 484/92
Equalization of Assessments under Subsection 33 (1) of the Act .....		484/92	
<b>REGIONAL MUNICIPALITY OF YORK ACT/LOI SUR LA MUNICIPALITÉ RÉGIONALE DE YORK</b>			
Town of Vaughan—Alteration of Status .....		444/90	560/91
<b>REGISTERED INSURANCE BROKERS ACT/LOI SUR LES COURTIERS D'ASSURANCES INSCRITS</b>			
Composition and Election of Council .....	989		374/94
Exemptions .....	990		
General .....	991		
<b>REGISTRY ACT/LOI SUR L'ENREGISTREMENT DES ACTES</b>			
Canada Lands .....	992		
Certification Areas .....	993		
Fees .....	994		325/91, 280/92, 327/93, 516/93
Forms and Records .....	995		
Office Holiday .....		20/92	Exp.
Office Holidays .....		480/93	Rev. 536/93
Office Hours .....		217/91	Exp.
Office Hours .....		242/91	Exp.
Office Hours .....		463/91	Exp.
Office Hours .....		628/91	Exp.
Office Hours .....		745/91	Exp.
Office Hours .....		16/92	Exp.
Office Hours .....		17/92	Exp.
Office Hours .....		18/92	Exp.
Office Hours .....		19/92	Exp.
Office Hours .....		270/92	Exp.
Office Hours .....		232/94	Rev. 232/94

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Office Hours .....		381/94	Rev. 381/94
Office Hours—Extended Closing .....		339/93	Exp.
Registry Divisions .....	996		238/91, 452/91, 532/91, 562/91, 633/91, 728/91, 44/92, 114/92, 157/92, 159/92
Surveys, Plans and Descriptions of Land .....	997		178/91, 326/93
Transfer of Functions .....	998		
<b>REGULATED HEALTH PROFESSIONS ACT, 1991/LOI DE 1991 SUR LES PROFESSIONS DE LA SANTÉ RÉGLEMENTÉES</b>			
Exemptions .....		887/93	
Forms of Energy .....		886/93	751/94
Funding for Therapy or Counselling for Patients Sexually Abused by Members .....		59/94	
<b>REGULATIONS ACT/LOI SUR LES RÈGLEMENTS</b>			
General .....	999		
<b>RENTAL HOUSING PROTECTION ACT/LOI SUR LA PROTECTION DES LOGEMENTS LOCATIFS</b>			
General .....	1000		763/91, Rev. 524/94
General .....		524/94	
<b>RENT CONTROL ACT, 1992/LOI DE 1992 SUR LE CONTRÔLE DES LOYERS</b>			
Care Homes .....		522/94	
Definitions—Hotel/ <i>Définitions—Hôtel</i> .....		295/93	
Forms/ <i>Formules</i> .....		415/92	570/92, 572/92, 6/93, 10/93, 553/93, 523/94
General/ <i>Dispositions générales</i> .....		375/92	568/92, 698/92, 296/93, 551/93, 552/93, 643/94
Maintenance Standards/ <i>Normes d'entretien</i> .....		414/92	569/92, 7/93, 297/93
Regions/ <i>Régions</i> .....		374/92	565/92
Table (Subsection 12 (1) of the Act)/ <i>Barème (paragraphe 12 (1) de la Loi)</i> .....		416/92	566/92, 478/93, 525/94
<b>REPAIR AND STORAGE LIENS ACT/LOI SUR LE PRIVILÈGE DES RÉPARATEURS ET DES ENTREPOSEURS</b>			
Fees/ <i>Droits</i> .....	1001		444/91, 756/93, Rev. 548/94
Fees/ <i>Droits</i> .....		548/94	
Forms/ <i>Formules</i> .....	1002		743/93
General/ <i>Dispositions générales</i> .....	1003		757/93
<b>RESIDENTIAL RENT REGULATION ACT/LOI SUR LA RÉGLEMENTATION DES LOYERS D'HABITATION</b>			
General .....	1004		182/91, 451/91, Rev. 375/92
Regions/ <i>Régions</i> .....	1005		507/91, Rev. 374/92
Rent Determination .....	1006		Rev. 375/92
Rent Determination under Part VI of the Act .....		183/91	343/91, Rev. 375/92
Rent Registry .....	1007		548/91, Rev. 375/92

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Rental Housing Maintenance Standards .....	1008		655/91, 751/91, 285/92, 360/92, Rev. 414/92
Rules under Sections 60, 61 and 62 of the Act for Applica- tions and Justifications .....	1009		Rev. 375/92
Suite Hotel .....	1010		Rev. 375/92
<b>RESPIRATORY THERAPY ACT, 1991/LOI DE 1991 SUR LES INHALOTHÉRAPEUTES</b>			
Election of Council Members .....		775/93	Rev. 595/94
Fees .....		678/93	124/94
General .....		596/94	
Professional Misconduct .....		753/93	125/94
Registration .....		839/93	
Statutory Committee Composition .....		654/93	211/94
<b>RETAIL BUSINESS HOLIDAYS ACT/LOI SUR LES JOURS FÉRIÉS DANS LE COMMERCE DE DÉTAIL</b>			
Time Limitation .....		730/91	
Tourism Criteria .....		711/91	
<b>RETAIL SALES TAX ACT/LOI SUR LA TAXE DE VENTE AU DÉTAIL</b>			
Definitions .....	1011		
Definitions by Minister (now)			
Definitions by Minister, Exemptions, Forms and Rebates .	1012		35/91, 176/91, 288/91, 420/91, 648/91, 789/91, 52/92, 320/92, 469/92, 623/92, 704/92, 759/92, 784/92, 80/93, 112/93, 476/93, 8/94, 348/94
General .....	1013		150/91, 300/91, 718/91, 624/92, 19/93, 131/93, 698/93, 699/93, 62/94, 375/94
<b>RIDING HORSE ESTABLISHMENTS ACT/LOI SUR LES CENTRES D'ÉQUITATION</b>			
General .....	1014		
<b>S</b>			
<b>SARNIA-LAMBTON ACT, 1989</b>			
Bosanquet (Township of), Village of Grand Bend Boundary .....		789/92	
Forest (Town of), Townships of Bosanquet, Plympton and Warwick Boundary .....		774/91	
Mill Rate Adjustments under Subsection 75 (4) of the Act .		347/94	
Plympton (Township of), Village of Wyoming Boundary . .		773/91	
Stephen (Township of), Village of Grand Bend Boundary .		788/92	
<b>SECURITIES ACT/LOI SUR LES VALEURS MOBILIÈRES</b>			
Exemptions Respecting The Algoma Steel Corporation, Limited .....		85/92	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Exemptions Respecting The Algoma Steel Corporation, Limited .....	1015	261/92	249/92, 455/92, 457/92, 496/92, 592/92, 209/93, 638/93
General .....			
<b>SEED POTATOES ACT/LOI SUR LES POMMES DE TERRE DE SEMENCE</b>			
General .....	1016		
<b>SHORELINE PROPERTY ASSISTANCE ACT/LOI SUR L'AIDE AUX PROPRIÉTAIRES RIVERAINS</b>			
General/ <i>Dispositions générales</i> .....	1017		358/92
<b>SMALL BUSINESS DEVELOPMENT CORPO- RATIONS ACT/LOI SUR LES SOCIÉTÉS POUR L'EXPANSION DES PETITES ENTREPRISES</b>			
Additional Material to be Furnished with Grant Applications .....	1018		
Delegation of Powers .....	RRO 1980, Reg. 913		Rev. 247/91
Forms .....	1019		
General .....	1020		297/91, 125/93
Money for Grants and Tax Credits .....		894/93	
Terms and Conditions Relating to Beneficial Ownership of Equity Shares .....	1021		
<b>SOCIAL CONTRACT ACT, 1993/LOI DE 1993 SUR LE CONTRAT SOCIAL</b>			
Adjudication/ <i>Arbitrage des différends</i> .....		593/93	126/94
Daily Allowances .....		591/93	317/94
Definitions of Words and Expressions Used in the <i>Act/Définitions de termes utilisés dans la Loi</i> .....		590/93	822/93
Exemptions and Additions .....		454/93	589/93, 782/93, 71/94, 72/94, 633/94
Financial Information/ <i>Renseignements financiers</i> .....		714/93	127/94
General .....		455/93	
Job Security Fund .....		195/94	
Payments by Designated Employers under Section 43 of the Act .....		592/93	821/93, 128/94
Payments by Designated Employers under Section 43 of the Act .....		783/93	
Payments by Designated Employers under Section 43 of the Act .....		634/94	
Reduction of Dispensing Fees .....		527/93	Rev. 282/94
Reduction of Dispensing Fees .....		282/94	
<b>ST. CLAIR PARKWAY COMMISSION ACT/LOI SUR LA COMMISSION DE LA PROMENADE SAINTE-CLAIRE</b>			
General .....	1022		205/91, 253/92, 442/92, 244/93, 258/94

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>ST. LAWRENCE PARKS COMMISSION ACT/LOI SUR LA COMMISSION DES PARCS DU SAINT- LAURENT</b>			
Parks .....	1023		206/91, 254/92, 243/93, 252/94
<b>STOCK YARDS ACT/LOI SUR LES PARCS À BESTIAUX</b>			
Management .....	1024		42/94
<b>SUCCESSION DUTY ACT (THE)</b>			
General .....	RRO 1970, Reg. 804		130/93
<b>SURVEYORS ACT/LOI SUR LES ARPEN- TEURS- GÉOMÈTRES</b>			
Certificates of Registration .....	1025		Rev. 356/93
General .....	1026		506/93
<b>SURVEYS ACT/LOI SUR L'ARPENTAGE</b>			
Monuments .....	1027		Rev. 525/91
Monuments .....		525/91	
Ontario Co-ordinate System .....	1028		
Survey Methods .....	1029		
<b>T</b>			
<b>TECHNOLOGY CENTRES ACT/LOI SUR LES CENTRES DE TECHNOLOGIE</b>			
Ontario Centre for Resource Machinery Technology .....	1030		
<b>THEATRES ACT/LOI SUR LES CINÉMAS</b>			
General/ <i>Dispositions générales</i> .....	1031		696/91, 680/92, 928/93
<b>TILE DRAINAGE ACT/LOI SUR LE DRAINAGE AU MOYEN DE TUYAUX</b>			
Borrowing By-Laws, Debentures and Loans .....	1032		
<b>TOBACCO CONTROL ACT, 1994/LOI DE 1994 SUR LA RÉGLEMENTATION DE L'USAGE DU TABAC</b>			
General .....		613/94	
<b>TOBACCO TAX ACT/LOI DE LA TAXE SUR LE TABAC</b>			
Forms .....	1033		649/91, 271/92
General .....	1034		303/91, 388/91, 126/93, 61/94
Refunds .....	1035		
Sales of Unmarked Cigarettes on Indian Reserves .....		649/93	
<b>TORONTO AREA TRANSIT OPERATING AUTHORITY ACT/LOI SUR LA RÉGIE DES TRANSPORTS EN COMMUN DE LA RÉGION DE TORONTO</b>			
Exemptions from Act .....		529/93	

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
General .....	1036		110/91, 270/91, 136/92, 214/92, 646/92, 696/92, 11/93, 374/93
<b>TORONTO ISLANDS RESIDENTIAL COMMUNITY STEWARDSHIP ACT, 1993/LOI DE 1993 SUR L'ADMINISTRATION DE LA ZONE RÉSIDEN- TIELLE DES ÎLES DE TORONTO</b>			
General .....		817/93	800/94
<b>TOURISM ACT/LOI SUR LE TOURISME</b>			
General .....	1037		
<b>TRADES QUALIFICATION AND APPRENTICESHIP ACT/LOI SUR LA QUALIFICATION PROFESSIONNELLE ET L'APPRENTISSAGE DES GENS DE MÉTIER</b>			
Air Cooled and Marine Engine Mechanic/ <i>Mécanicien de bateaux à moteur et de moteurs refroidis à l'air</i> .....	1038		224/93
Alignment and Brakes Mechanic .....	1039		51/93
Arborist .....		48/93	
Auto Body Repairer .....	1040		
Automatic Machinist/ <i>Régleur-conducteur de décolleteuse</i> ..	1041		225/93
Automotive Machinist/ <i>Usineur de pièces de moteurs d'automobiles</i> .....	1042		55/93, 226/93
Automotive Painter .....	1043		
Baker .....	1044		Rev. 49/93
Baker .....		49/93	
Brick and Stone Mason .....	1045		
Cement Mason .....	1046		
Construction Boilermaker/ <i>Chaudronnier de construction</i> ..	1047		227/93
Construction Millwright .....	1048		
Cook/ <i>Cuisinier</i> .....	1049		228/93, 656/94
Dry Cleaner/ <i>Nettoyeur à sec</i> .....	1050		229/93, Rev. 526/94
Electrician .....	1051		466/91
Farm Equipment Mechanic .....	1052		54/93
Fitter (Structural Steel/Platework) .....	1053		
Fuel and Electrical Systems Mechanic .....	1054		52/93
General/ <i>Dispositions générales</i> .....	1055		733/91, 734/92, 230/93
General Carpenter/ <i>Charpentier-menuisier général</i> .....	1056		231/93
General Machinist .....	1057		Rev. 734/91
General Machinist/ <i>Régleur-conducteur de machines-outils</i>		734/91	237/93
Glazier and Metal Mechanic .....	1058		
Hairstyling Schools/ <i>Écoles de coiffeur</i> .....		478/91	242/93
Hairstylist/ <i>Coiffeur</i> .....		477/91	241/93
Heavy Duty Equipment Mechanic/ <i>Mécanicien de matériel lourd</i> .....	1059		232/93
Hoisting Engineer .....	1060		
Horticulturist .....	1061		
Industrial Electrician .....	1062		
Industrial Mechanic (Millwright) .....	1063		245/92

TABLE DES RÈGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Industrial Woodworker/ <i>Menuisier industriel</i> . . . . .	1064		233/93
Ironworker . . . . .	1065		
Lather . . . . .	1066		
Lineworker . . . . .	1067		
Motor Vehicle Mechanic/ <i>Mécanicien d'automobiles</i> . . . . .	1068		50/93, 234/93
Motorcycle Mechanic/ <i>Mécanicien de motocyclettes</i> . . . . .	1069		235/93
Mould Maker . . . . .	1070		Rev. 735/91
Mould Maker/ <i>Confectionneur de moules</i> . . . . .		735/91	238/93
Painter and Decorator . . . . .	1071		
Pattern Maker/ <i>Modeleur</i> . . . . .		737/91	240/93
Plasterer . . . . .	1072		
Plumber . . . . .	1073		
Printer/ <i>Imprimeur</i> . . . . .	1074		236/93
Radio and Television Service Technician . . . . .	1075		
Refrigeration and Air-Conditioning Mechanic . . . . .	1076		
Sheet Metal Worker . . . . .	1077		246/92
Sprinkler and Fire Protection Installer . . . . .	1078		
Steamfitter . . . . .	1079		
Tool and Die Maker . . . . .	1080		Rev. 736/91
Tool and Die Maker/ <i>Outilleur-ajusteur</i> . . . . .		736/91	239/93
Transmission Mechanic . . . . .	1081		53/93
Truck-Trailer Repairer . . . . .	1082		56/93
Watch Repairer . . . . .	1083		Rev. 159/94
<b>TRANSBOUNDARY POLLUTION RECIPROCAL ACCESS ACT/LOI SUR LE DROIT DE RÉCIPRO- CITÉ EN MATIÈRE DE POLLUTION TRANSFRONTALIÈRE</b>			
Reciprocating Jurisdictions . . . . .	1084		
<b>TRAVEL INDUSTRY ACT/LOI SUR LES AGENCES DE VOYAGES</b>			
General . . . . .	1085		695/91, Rev. 806/93
General . . . . .		806/93	570/94
<b>TRUCK TRANSPORTATION ACT/LOI SUR LE CAMIONNAGE</b>			
Conditions of Carriage			
—Carriers of 01 41—Livestock and 01 92—Animal Specialties . . . . .	1086		
—General Freight Carriers . . . . .	1087		
—Household Goods Carriers . . . . .	1088		
—Intermediaries . . . . .	1089		Rev. 736/92
Load Brokers . . . . .		556/92	
Obligations of Licensees . . . . .	1090		
Operating Licences . . . . .	1091		

TABLE OF REGULATIONS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
<b>U</b>			
<b>UNIVERSITY FOUNDATIONS ACT, 1992/LOI DE 1992 SUR LES FONDATIONS UNIVERSITAIRES</b>			
General .....		731/93	781/93, 309/94
<b>UPHOLSTERED AND STUFFED ARTICLES ACT/ LOI SUR LES ARTICLES REMBOURRÉS</b>			
General .....	1092		729/91, 723/92, 352/93
<b>V</b>			
<b>VETERINARIANS ACT/LOI SUR LES VÉTÉRINAIRES</b>			
General .....	1093		308/91, 407/92, 509/93, 165/94, 513/94
<b>VITAL STATISTICS ACT/LOI SUR LES STATISTIQUES DE L'ÉTAT CIVIL</b>			
General .....	1094		328/91, 484/91, 328/93, 520/94, 673/94, 690/94
<b>VOCATIONAL REHABILITATION SERVICES ACT/LOI SUR LES SERVICES DE RÉADAPTATION PROFESSIONNELLE</b>			
General .....	1095		331/92, 438/93, 51/94
<b>W</b>			
<b>WEED CONTROL ACT/LOI SUR LA DESTRUC- TION DES MAUVAISES HERBES</b>			
General/Dispositions générales .....	1096		188/91
<b>WILD RICE HARVESTING ACT/LOI SUR LA MOISSON DU RIZ SAUVAGE</b>			
General .....	1097		
<b>WILDERNESS AREAS ACT/LOI SUR LA PROTECTION DES RÉGIONS SAUVAGES</b>			
Wilderness Areas .....	1098		846/93
<b>WINE CONTENT ACT/LOI SUR LE CONTENU DU VIN</b>			
Wine Blending Requirements .....	1099		384/91, 67/94
<b>WOODLANDS IMPROVEMENT ACT/LOI SUR L'AMÉLIORATION DES TERRAINS BOISÉS</b>			
General .....	1100		
<b>WORKERS' COMPENSATION ACT/LOI SUR LES ACCIDENTS DU TRAVAIL</b>			
First Aid Requirements .....	1101		
General .....	1102		6/91, 758/91, 276/92, 746/92, 747/92, 899/93, 900/93, 716/94
Pension Plan .....	1103		536/91, Rev. 753/91
Pension Benefits for Board Members and Employees ....		753/91	898/93



TABLE DES RÉGLEMENTS

	R.R.O. 1990	O. Reg. <i>Règl. de l'Ont.</i>	Amendments <i>Modifications</i>
Reinstatement in the Construction Industry .....		259/92	
Retirement Benefits .....		715/94	

TABLE OF REGULATIONS

**Schedule of Corrections**

This Schedule sets out the dates that corrections were published in *The Ontario Gazette* subsequent to January 1, 1994 and before January 1, 1995.

**Annexe des corrections**

La présente annexe énonce les dates auxquelles les corrections ont été publiées dans la *Gazette de l'Ontario* après le 1<sup>er</sup> janvier 1994 et avant le 1<sup>er</sup> janvier 1995.

Reg. Number <i>Numéro du règl.</i>	Date of Publication in <i>The Ontario Gazette</i> <i>Date de publication dans</i> <i>la Gazette de l'Ontario</i> D/M/Y - J/M/A
532/93	12/03/94
789/93	12/03/94
37/94	12/03/94
88/94	30/07/94
360/94	30/07/94
522/94	8/10/94
523/94	8/10/94

**REGULATIONS  
PUBLICATION DATES**

This Table shows the dates on which regulations were published in *The Ontario Gazette*.

**DATES DE PUBLICATION  
DES RÈGLEMENTS**

La présente Table indique la date de publication des règlements dans la *Gazette de l'Ontario*.

Reg. Number Numéro du règl.	Date of Gazette Date de la Gazette D/M/Y - J/M/A	Reg. Number Numéro du règl.	Date of Gazette Date de la Gazette D/M/Y - J/M/A	Reg. Number Numéro du règl.	Date of Gazette Date de la Gazette D/M/Y - J/M/A
1/91 - 2/91	19/01/91	452/91 - 479/91	7/09/91	188/92 - 200/92	25/04/92
3/91 - 4/91	26/01/91	480/91 - 500/91	14/09/91	201/92 - 214/92	2/05/92
5/91 - 7/91	2/02/91	501/91 - 503/91	21/09/91	215/92 - 229/92	9/05/92
8/91 - 10/91	9/02/91	504/91 - 507/91	28/09/91	230/92 - 243/92	16/05/92
11/91 - 29/91	16/02/91	508/91 - 530/91	5/10/91	244/92 - 256/92	23/05/92
30/91 - 36/91	23/02/91	531/91 - 547/91	12/10/91	257/92 - 265/92	30/05/92
37/91 - 48/91	2/03/91	548/91 - 562/91	19/10/91	266/92 - 272/92	6/06/92
49/91 - 53/91	9/03/91	563/91 - 582/91	26/10/91	273/92 - 284/92	13/06/92
54/91 - 69/91	16/03/91	583/91 - 623/91	2/11/91	285/92 - 292/92	20/06/92
70/91 - 90/91	23/03/91	624/91 - 634/91	9/11/91	293/92 - 314/92	27/06/92
91/91 - 92/91	30/03/91	635/91 - 672/91	16/11/91	315/92 - 333/92	4/07/92
93/91 - 120/91	6/04/91	673/91 - 685/91	23/11/91	334/92 - 360/92	11/07/92
121/91 - 141/91	13/04/91	686/91 - 698/91	30/11/91	361/92 - 369/92	18/07/92
142/91 - 149/91	20/04/91	699/91 - 707/91	7/12/91	370/92 - 381/92	25/07/92
150/91 - 165/91	27/04/91	708/91 - 728/91	14/12/91	382/92 - 428/92	1/08/92
166/91 - 174/91	4/05/91	729/91 - 732/91	21/12/91	429/92 - 448/92	8/08/92
175/91 - 192/91	11/05/91	733/91 - 737/91	28/12/91	449/92 - 457/92	15/08/92
193/91 - 207/91	18/05/91	738/91 - 752/91	4/01/92	458/92 - 468/92	22/08/92
208/91 - 212/91	25/05/91	753/91 - 784/91	11/01/92	469/92 - 478/92	29/08/92
213/91	1/06/91	785/91 - 789/91	18/01/92	479/92 - 488/92	5/09/92
214/91 - 234/91	8/06/91	1/92 - 15/92	25/01/92	489/92 - 528/92	12/09/92
235/91 - 263/91	15/06/91	16/92 - 25/92	1/02/92	529/92 - 553/92	19/09/92
264/91 - 275/91	22/06/91	26/92 - 31/92	8/02/92	554/92 - 556/92	26/09/92
276/91 - 294/91	29/06/91	32/92 - 44/92	15/02/92	557/92 - 572/92	3/10/92
295/91 - 320/91	6/07/91	45/92 - 58/92	22/02/92	573/92 - 592/92	10/10/92
321/91 - 373/91	13/07/91	59/92 - 66/92	29/02/92	593/92 - 608/92	17/10/92
374/91 - 389/91	20/07/91	67/92 - 93/92	7/03/92	609/92 - 629/92	24/10/92
390/91 - 391/91	27/07/91	94/92 - 95/92	14/03/92	630/92 - 634/92	31/10/92
392/91 - 404/91	3/08/91	96/92 - 114/92	21/03/92	635/92 - 648/92	7/11/92
405/91 - 417/91	10/08/91	115/92 - 142/92	28/03/92	649/92 - 656/92	14/11/92
418/91 - 442/91	17/08/91	143/92 - 160/92	4/04/92	657/92 - 670/92	21/11/92
443/91 - 447/91	24/08/91	161/92 - 177/92	11/04/92	671/92 - 677/92	28/11/92
448/91 - 451/91	31/08/91	178/92 - 187/92	18/04/92	678/92 - 707/92	5/12/92

TABLE OF PUBLICATION DATES  
TABLE DES DATES DE PUBLICATION

Reg. Number <i>Numéro du règl.</i>	Date of Gazette <i>Date de la Gazette</i> D/M/Y - J/M/A	Reg. Number <i>Numéro du règl.</i>	Date of Gazette <i>Date de la Gazette</i> D/M/Y - J/M/A	Reg. Number <i>Numéro du règl.</i>	Date of Gazette <i>Date de la Gazette</i> D/M/Y - J/M/A
708/92 - 718/92	12/12/92	477/93 - 480/93	28/08/93	259/94 - 283/94	14/05/94
719/92 - 731/92	19/12/92	481/93 - 492/93	4/09/93	284/94 - 290/94	21/05/94
732/92 - 758/92	26/12/92	493/93 - 509/93	11/09/93	291/94 - 306/94	28/05/94
759/92 - 786/92	2/01/93	510/93 - 534/93	18/09/93	307/94 - 324/94	4/06/94
787/92 - 798/92	9/01/93	535/93 - 543/93	25/09/93	325/94 - 344/94	11/06/94
799/92	16/01/93	544/93 - 556/93	2/10/93	345/94 - 348/94	18/06/94
1/93 - 3/93	23/01/93	557/93 - 585/93	9/10/93	349/94 - 373/94	25/06/94
4/93 - 15/93	30/01/93	586/93 - 598/93	16/10/93	374/94 - 380/94	2/07/94
16/93 - 22/93	6/02/93	599/93 - 629/93	23/10/93	381/94 - 423/94	9/07/94
23/93 - 47/93	13/02/93	630/93 - 644/93	30/10/93	424/94 - 443/94	16/07/94
48/93 - 60/93	20/02/93	645/93 - 649/93	6/11/93	444/94 - 456/94	23/07/94
61/93 - 65/93	27/02/93	650/93 - 689/93	13/11/93	457/94 - 459/94	30/07/94
66/93 - 73/93	6/03/93	690/93 - 719/93	20/11/93	460/94 - 502/94	6/08/94
74/93 - 78/93	13/03/93	720/93 - 725/93	27/11/93	503/94 - 519/94	13/08/94
79/93 - 88/93	20/03/93	726/93 - 737/93	4/12/93	520/94 - 526/94	20/08/94
89/93 - 111/93	27/03/93	738/93 - 775/93	11/12/93	527/94 - 529/94	27/08/94
112/93 - 135/93	3/04/93	776/93 - 805/93	18/12/93	530/94 - 546/94	3/09/94
136/93 - 143/93	10/04/93	806/93 - 846/93	25/12/93	547/94 - 562/94	10/09/94
144/93 - 151/93	17/04/93	847/93 - 897/93	1/01/94	563/94 - 571/94	17/09/94
152/93 - 161/93	24/04/93	898/93 - 932/93	8/01/94	572/94 - 575/94	24/09/94
162/93 - 180/93	1/05/93	933/93 - 953/93	15/01/94	576/94 - 598/94	1/10/94
181/93 - 191/93	8/05/93	1/94 - 5/94	22/01/94	599/94 - 607/94	8/10/94
192/93 - 244/93	15/05/93	6/94	29/01/94	608/94 - 611/94	15/10/94
245/93 - 298/93	22/05/93	7/94	5/02/94	612/94 - 617/94	22/10/94
299/93 - 305/93	29/05/93	8/94 - 30/94	12/02/94	618/94 - 643/94	29/10/94
306/93 - 312/93	5/06/93	31/94 - 43/94	19/02/94	644/94 - 658/94	5/11/94
313/93 - 315/93	12/06/93	44/94 - 46/94	26/02/94	659/94 - 676/94	12/11/94
316/93 - 328/93	19/06/93	47/94 - 72/94	5/03/94	677/94 - 695/94	19/11/94
329/93 - 337/93	26/06/93	73/94 - 82/94	12/03/94	696/94 - 700/94	26/11/94
338/93 - 358/93	3/07/93	83/94 - 105/94	19/03/94	701/94 - 723/94	3/12/94
359/93 - 379/93	10/07/93	106/94 - 144/94	26/03/94	724/94 - 730/94	10/12/94
380/93 - 401/93	17/07/93	145/94 - 163/94	2/04/94	731/94 - 756/94	17/12/94
402/93 - 411/93	24/07/93	164/94 - 178/94	9/04/94	757/94 - 772/94	24/12/94
412/93 - 422/93	31/07/93	179/94 - 230/94	16/04/94	773/94 - 800/94	31/12/94
423/93 - 433/93	7/08/93	231/94 - 233/94	23/04/94	801/94 - 817/94	7/01/95
434/93 - 470/93	14/08/93	234/94 - 249/94	30/04/94	818/94 - 819/94	14/01/95
471/93 - 476/93	21/08/93	250/94 - 258/94	7/05/94		













