

The Corporation of the City of Kawartha Lakes
Agenda
Kawartha Lakes Municipal Heritage Committee Meeting

KLMHC2025-006

Thursday, May 1, 2025

5:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Tracy Richardson

Ann Adare

Thomas Barnett

Athol Hart

Julia Hartman

Skip McCormack

Ian McKechnie

Jon Pitcher

Tyler Richards

Sandy Sims

Katie Virag-Cavanagh

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

	Pages
1. Call to Order	
1.1 Land Acknowledgement	
2. Administrative Business	
2.1 Adoption of Agenda	
2.2 Declaration of Pecuniary Interest	
2.3 Adoption of Minutes	
2.3.1 Minutes of the April 17, 2025 Municipal Heritage Committee Meeting	4 - 12
3. Presentations and Deputations	
4. Reports	
4.1 KLMHC2025-033 Heritage Planning Update	13 - 14
4.2 KLMHC2025-034 Proposed Heritage Designation of 15 Sussex Street North, Town of Lindsay	15 - 43
4.3 KLMHC2025-035 Proposed Heritage Designation of 90 Bolton Street, Village of Bobcaygeon	44 - 73
4.4 KLMHC2025-037 2025 Outreach Activities	74 - 78
4.5 KLMHC2025-038 Osprey Heritage Awards	79 - 82
4.6 KLMHC2025-039 Proposed Amendments to the Ontario Heritage Act	83 - 154
5. Correspondence	

6. New or Other Business
7. Next Meeting
8. Adjournment

The Corporation of the City of Kawartha Lakes
Minutes
Kawartha Lakes Municipal Heritage Committee
Meeting

KLMHC2025-005
Thursday, April 17, 2025
5:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. Call to Order

A. Hart called the meeting to order at 5:03 p.m. with the following members present: Councillor Richardson, T. Barnett, J. Hartman, S. McCormack, I. McKechnie, J. Pitcher, and S. Sims.

Regrets: A. Adare, K. Virag-Cavanagh

Absent: T. Richards

Staff: E. Turner, Economic Development Officer - Heritage Planning, S. O'Connell, Deputy Clerk and L. Barrie, Director of Development Services

1.1 Land Acknowledgement

A. Hart read the Land Acknowledgement.

2. Administrative Business

2.1 Adoption of Agenda

A. Hart noted that there was no Closed Session agenda for this meeting so items 7 and 8 would be deleted to the agenda.

KLMHC2025-035

Moved By I. McKechnie

Seconded By S. McCormack

That the agenda be adopted as amended.

Carried

2.2 Disclosure of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

2.3.1 Minutes of the March 6, 2026 Municipal Heritage Committee Meeting

KLMHC2025-036

Moved By S. Sims

Seconded By T. Barnett

That the minutes of the Municipal Heritage Committee meeting held on March 6, 2025 be adopted as circulated.

Carried

3. Presentations and Deputations

3.1 Lindsay Downtown BIA Downtown Banners

M. McFarland, Executive Director

M. McFarland provided a presentation to the Committee regarding the Downtown Lindsay BIA's plan to install historic-themed banners into downtown Lindsay. The banners are scheduled to be installed for the summer and early fall and the BIA intends to develop an associated social media campaign.

Councillor Richardson said that it was an exciting project and that the social media component was a great add one. She asked what the window for having them up in future would be. M. McFarland replied that it would be June to about October this year when the veteran's banners went up and in future, they would be installed in the spring. A. Hart suggested that the BIA also reach out to Maryboro Lodge for photos.

3.1.1 KLMHC2025-025

Lindsay Downtown BIA Downtown Banners Presentation

KLMHC2025-037

Moved By J. Hartman

Seconded By I. McKechnie

That Report KLMHC2025-025, **Lindsay Downtown BIA Banners**, be received;
and

That that presentation from the BIA be received for information.

Carried

3.2 Changes to Committee Terms of Reference

S. O' Connell, Deputy Clerk

S. O'Connell provided an overview of the changes to the Committee's terms of reference that were discussed and adopted by Council in March. The amended terms of reference for City committees now no longer allow task forces and working groups to be formed to advance Committee business. Committees that have awards programs, including the Municipal Heritage Committee, are now also allowed to meet in closed session to adjudicate awards nominations.

A. Hart voiced concern that that Committee had been very transparent in its subcommittee process with minutes reported back at the next meeting and S. O'Connell replied that the recommendation had been made by the Ombudsman because the working groups weren't publicly accessible meetings, even if minutes were reported. T. Barnett said that he was concerned that the regular meetings would go on for 2 or 3 hours which wasn't really fair to volunteers and S. O'Connell replied that that type of feedback was going to be reported back to Council for further consideration on the future of the subcommittee structure. A. Hart said that he thought the Committee would likely have to change its workplan without subcommittees and S. O'Connell replied that the Committee could report back to Council as part of its annual report that certain items had not been completed because of the elimination of subcommittees. S. Sims said that she was concerned that there would be additional work for staff and also asked how practical work such as doing site visits would be accomplished. S. O'Connell let her know that staff were having a discussion right now as to how this would work as there were also some concerns about liability. J. Hartman said she felt it was detrimental to the work of the Committee. I. McKechnie asked how this was working in other municipalities and S. O'Connell let the Committee know that this was specific to Kawartha Lakes and a direct result of an Ombudsman investigation. Councillor Richardson noted that she was taking notes as the Council representative and would take the Committee's concerns back to Council when the discussion came up again later this year. T. Barnett asked what the definition of a closed versus open session was when talking about subcommittees and S. O'Connell replied that working groups were considered closed because they did not have a posted agenda and meeting time meaning that the public could not attend. S. McCormack noted that minutes were still taken so the Committee was being transparent and S. O'Connell said this still counted as a closed meeting because the public could not attend. A. Hart asked if there was the possibility of having a special meeting so that the Committee could do site visits together and S. O'Connell let him know that that was something that was being considered.

3.2.1 KLMHC2025-026

Changes to Committee Terms of Reference

KLMHC2025-038

Moved By I. McKechnie

Seconded By T. Barnett

That Report KLMHC2025-026, **Changes to Committee Terms of Reference**, be received; and

That the presentation from staff be received for information.

Carried

4. Correspondence

There was no correspondence reviewed by the Committee.

5. Reports

5.1 KLMHC2025-024

Heritage Planning Update

E. Turner reviewed the activities of the heritage planning program for March and early April with the Committee. She also let them know that the City had received a Young Canada Works internship position for 2025-2026 and that a report was going forward to Council on April 22 to approve receiving the grant and hiring for the position.

KLMHC2025-039

Moved By S. McCormack

Seconded By J. Hartman

That Report KLMHC2025-024, **Heritage Planning Update**, be received for information.

Carried

5.2 KLMHC2025-027

Municipal Heritage Committee Subcommittee Review

E. Turner reviewed the subcommittees that the Committee currently had in place and noted that any work would have to be shifted into the main structure of the Committee with the change to committee terms of reference discussed earlier in the meeting. A. Hart asked how it would work with the Osprey Awards and if the winners would be revealed ahead of time. S. O'Connell replied that the Committee would review it in closed and Council would also review them in closed so they would be confidential until the winners were officially announced. E. Turner asked the Committee if they wanted to continue to discuss outreach in the main meetings and the Committee agreed. It was agreed to table this discussion until there was more direction from the Clerk's office at a future meeting.

KLMHC2025-040

Moved By S. Sims

Seconded By I. McKechnie

That Report KLMHC2025-027, **Municipal Heritage Committee Subcommittee Review**, be received for information.

Carried

5.3 KLMHC2025-028

Osprey Heritage Awards

The Committee decided to table the discussion regarding the Osprey Awards until a future meeting.

KLMHC2025-041

Moved By S. McCormack

Seconded By T. Barnett

That Report KLMHC2025-028, **Osprey Heritage Awards**, be received for information.

Carried

5.4 KLMHC2025-029

Historic Plaque Program

E. Turner introduced the proposed historic plaque program which is included on the Committee's 2025 work plan. She let the Committee know that this was the first opportunity to start thinking about what the program might look like. The current allocated budget will allow for the creation of about 3 plaques in 2025. A. Hart suggested that he would like to see the plaque program tie into the Scugog River project. I. McKechnie agreed that the plaques in 2025 should focus on the Scugog River, noting that the currently panels are faded. J. Hartman asked how it fit into the existing plaque program and E. Turner replied that the existing bronze plaque program for designated properties would continue and the new program was intended to compliment it with plaques that included information and photos about sites. I. McKechnie noted that many other jurisdictions did plaques of this type and they were very successful. A. Hart noted that they were very useful for important sites that no longer existed. S. Sims suggested that a different area of the City be focused on each year. E. Turner asked the Committee what they wanted to do regarding suggestions from the community as this plaque program was largely being driven by community requests for one. I. McKechnie said he thought this would be a very democratic way of deciding on sites. A. Hart said he was concerned that taking suggestions from members of the public meant that everything could not be done and that the Committee should have the final say. T. Barnett said that the plaques needed to be in visible locations where people actually visit. A. Hart agreed that they needed to be accessible to most people. I. McKechnie suggested that they could be used to explain viewscales.

KLMHC2025-042

Moved By Councillor Richardson

Seconded By J. Pitcher

That Report KLMHC2025-029, **Historic Plaque Program**, be received; and

That staff report back with a summary of the Committee's discussion for review and next steps.

Carried

5.5 KLMHC2025-031

Zoning By-law Amendment Application - 46-66 William Street North, Lindsay

E. Turner reviewed the revised submission for the proposed development at 46-66 William Street North with the Committee. A. Hart expressed his concern that the report continued to minimize the impact on nearby and adjacent heritage features. S. McCormack asked if the Committee was able to continue to comment on it and E. Turner replied that they were, but needed to focus their comments on the ZBA itself and that the applicant has agreed to discuss aesthetic and urban design matters as part of the site plan approval process which the Committee will participate in. A. Hart agreed that finishes needed to be discussed as part of the site plan process. Councillor Richardson noted that the proposed development was originally 10 storeys and had been reduced to eight, and also that there were economic drivers at play. S. McCormack noted that there was still a concern regarding the height and its potential negative impact on the adjacent listed property. J. Hartman suggested that the building should look less modern. L. Barrie noted that the Committee was welcome to submit comments that let the applicant know that they wanted to participate in the site plan application process and that they would be looking for urban design changes.

KLMHC2025-043

Moved By J. Hartman

Seconded By S. Sims

That Report KLMHC2025-031, **Zoning By-law Amendment Application – 46-66 William Street North, Lindsay**, be received; and

That comments be provided to Planning staff through the Chair.

Carried

5.6 KLMHC2025-032

Alteration Application - 746 Janetville Road, Manvers Township

E. Turner reviewed the proposed alteration application for 746 Janetville Road with the Committee. A. Hart said he was supportive of the application as long as they were not going to make design changes to the staircase. Councillor Richardson said she had met the new owners of the property and that they were committed to the heritage of the property. She also noted that the stairs needed

some TLC which was the intention of the application. The Committee was supportive of approval.

KLMHC2025-044

Moved By Councillor Richardson

Seconded By S. McCormack

That Report KLMHC2025-32, **Alteration Application – 746 Janetville Road, Manvers Township**, be received; and

That the proposed alteration be approved.

Carried

6. New or Other Business

There was no new or other business.

7. Next Meeting

The next meeting will be Thursday, May 1 at 5:00 p.m. in Council Chambers at City Hall (26 Francis Street, Lindsay).

8. Adjournment

KLMHC2025-045

Moved By J. Hartman

Seconded By T. Barnett

That the Municipal Heritage Committee Meeting adjourn at 6:37 p.m.

Carried

Municipal Heritage Committee Report

Report Number:	KLMHC2025-033
Meeting Date:	May 1, 2025
Title:	Heritage Planning Update
Description:	Update on the general activities of the heritage planning program
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2025-033, **Heritage Planning Update**, be received for information.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

April 22 Council: At its April 22 meeting, Council directed staff to issue the notice of intention to designate for 55 Main Street in Bobcaygeon and approved the entering into an agreement with the Government of Canada and the National Trust to hire a Young Canada Works intern for 2025-2026. A by-law to designate 1436 Highway 7A in Bethany was also passed.

Heirlooms at Home Workshops: Curatorial Services will be holding a workshop at the Lindsay Library on May 13 from 6pm to 7:30pm for members of the public who are interested in preserving their family heirlooms. Advanced registration is required.

Historic Places Day: The National Trust for Canada is hosting Historic Places Day from July 11-20. The intention of this program is to promote and celebrate Canada's diverse historic places across the country. A list of participating sites and opportunities to get involved can be found at www.historicplacesday.ca.

Rationale:

This report is intended to provide a general update to the Committee on the activities of the heritage planning program.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

Consultations:

N/A

Attachments:

N/A

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Municipal Heritage Committee Report

Report Number:	KLMHC2025-034
Meeting Date:	May 1, 2025
Title:	Proposed Heritage Designation of 15 Sussex Street North, Town of Lindsay
Description:	Proposed heritage designation of 15 Sussex Street North under Part IV of the Ontario Heritage Act
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2025-034, **Proposed Heritage Designation of 15 Sussex Street North, Town of Lindsay**, be received;

That the designation of the property known municipally as 15 Sussex Street North be endorsed; and

That the recommendation to designate the subject property be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The City of Kawartha Lakes designates properties under Part IV of the Ontario Heritage Act. Properties are recommended for designation by their owners, members of the public, local organizations, the Municipal Heritage Committee, Council or staff. Properties proposed for designation are reviewed by the Municipal Heritage Committee, as required by subsection 29(2) of the Ontario Heritage Act, and their recommendation is brought forward to Council under the cover of a staff report.

15 Sussex Street North, has cultural heritage value as a representative example of Italianate residential architecture in Lindsay and through its historic associations with the Lovell family. The property is currently listed on the City's Heritage Register. Although there was initially no intention by staff to designate this building under Part IV of the Ontario Heritage Act, amendments to the Ontario Heritage Act made through Bill 23, More Homes Built Faster Act (2022) now require municipalities to designate listed properties or remove them from the Register within two years of the amendments coming into effect. Practically, this means that, in order for municipalities to provide heritage protection to its cultural heritage resources as is required by provincial land use planning policy, they must be designated under Part IV of the Act. The amendments came into effect on January 1, 2023. Recent amendments to the Act have extended the deadline to designate properties by an additional two years to January 1, 2027.

In March 2023, staff brought forward a report to Council to outline how to prioritize properties for designation, given the size of the City's Register and the limited staff resources to review the Register and designate the listed properties on it. Staff recommended the prioritization of the City's commercial and institutional properties, major landmarks and properties that were under threat of redevelopment or demolition. This did not include the majority of residential properties in the City and it was understood that the heritage protection on these properties would be allowed to lapse. Staff sent correspondence to all residential listed property owners to inform them of these changes and that their property would cease to have protection as of January 1, 2025, although this date has now been extended by the province to January 1, 2027.

The owners of 15 Sussex Street North contacted staff in May 2024 to request that the property be designated under Part IV of the Act. Staff undertook a site visit to the property and met with the owners in October 2024 and subsequently have prepared a heritage evaluation report for the property. Through the heritage evaluation report,

staff have determined that the property is eligible for designation under Part IV of the Act. The property has a high level of cultural heritage value in Lindsay through its architecture and association with historic residents of the town.

This report provides the background information regarding the cultural heritage value of the property.

Rationale:

15 Sussex Street North has cultural heritage value as a representative example of Italianate residential architecture in Lindsay. Believed to have been constructed in 1875, it demonstrates key architectural features typical of Italianate residential architecture at this time including its ornate window hoods, Classical verandah and hipped roof. The property has historic associations with prominent nineteenth-century businessman James Lovell and his family who lived in the property from 1878 onward. Lovell was a successful harness-maker while his daughter Emma became known in the early twentieth century for her contentious and well-publicized divorce. The property also yields information regarding the economic and demographic growth of Lindsay in the late nineteenth century. It supports the historic residential character of Lindsay's historic North Ward as one of a collection of late nineteenth and early twentieth century properties that form the mature neighbourhood in this area.

A heritage evaluation report outlining the full reasons for designation and the property's heritage attributes is attached to this report as Appendix A.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

Consultations:

Property Owner.

Attachments:

Appendix A – Heritage Evaluation Report: 15 Sussex Street North



Adobe Acrobat
Document

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

15 Sussex Street North, Town of Lindsay

Heritage Designation Evaluation

Town of Lindsay

PT LT 17 N/S PEEL ST PL TOWN PLOT AS IN R199711; KAWARTHA LAKES
2025



Statement of Cultural Heritage Value or Interest

The subject property has been researched and evaluated in order to determine its cultural heritage significance under Ontario Regulation 9/06 of the Ontario Heritage Act R.S.O. 1990. A property is eligible for designation if it has physical, historical, associative or contextual value and meets any two of the nine criteria set out under Regulation 9/06 of the Act. Staff have determined that 15 Sussex Street North has cultural heritage value or interest and merits designation under the Ontario Heritage Act.

1. The property has design value or physical value because it:

i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method:

The property is a representative example of Italianate residential architecture in Lindsay. Constructed around 1875, the property demonstrates core features of the Italianate style which was popular between approximately 1860 and 1900. It drew from the Classical architecture of Renaissance Italy and was disseminated throughout Ontario largely through pattern books and other publications. Key features of this style that are present on the house include its hipped roof, Classical verandah with columns and entablature, and ornate window hoods.

ii. displays a high degree of craftsmanship or artistic merit:

The property displays a typical degree of craftsmanship and artistic merit for a residential building of this type.

iii. demonstrates a high degree of technical or scientific achievement:

There are no specific technical or scientific achievements associated with this property.

2. The property has historical or associative value because it:

i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to the community:

The property has direct association with James Lovell, a prominent local late nineteenth century businessman, and his family. Lovell arrived in Lindsay in the early 1860s and built a successful business as both a harness-maker and successful downtown landlord. Lovell, along with his wife Sarah Ann, lived in the house from 1878 to his death in 1916 after which it passed to his daughter, Emma Burden who had returned to Canada several years before her father's death after a contentious and well-publicized divorce.

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture:

The property has the potential to yield information regarding the growth and development of Lindsay in the late-nineteenth century as part of a substantial wave of residential development in the town at this time. Believed to have been constructed in 1875, the property was built during a time when Lindsay was experiencing substantial population growth and is directly related to the town's growth and development as a result of increasing industrial and commercial development in the last quarter of the nineteenth century.

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community:

The architect or builder of the property is not known.

3. The property has contextual value because it:

i. is important in defining, maintaining or supporting the character of an area:

The property maintains and supports the historic residential character of Sussex Street North and the greater residential landscape in the surrounding area in Lindsay's historic North Ward. The neighbourhood is primarily comprised of historic residential properties in a variety of late nineteenth and early twentieth century styles of a similar size and massing that together of which the subject property is one.

ii. is physically, functionally, visually, or historically linked to its surroundings:

The property is historically and visually linked to its surroundings as part of the historic residential neighbourhood to the north of Kent Street in Lindsay's historic North Ward. The property is located in an area of a variety of historic residential properties of a similar age and massing in late Victorian residential styles. It is also linked to its surroundings as part of the historic development of northern Lindsay in the late nineteenth and early twentieth century.

iii. is a landmark.

The property is not a specific landmark.

Design and Physical Value

15 Sussex Street North has design and physical value as a representative example of an Italianate residential property in Lindsay. The house is believed to have been constructed around 1875 and demonstrates the core features of the domestic Italianate style which was popular in residential design from approximately 1860 until 1900. It drew from the Classical architecture of Renaissance Italy and was disseminated throughout Ontario largely through pattern books and other publications. Key features of this style that are present on the house include its hipped roof, Classical verandah with columns and entablature, and ornate window hoods.

The Italianate style rose to popularity in Ontario around 1860s as one of a number of ornate mid- to late-Victorian styles that characterized domestic architectural design until the turn of the twentieth century. Alongside the Gothic Revival, Queen Anne and the more generically defined Victorian styles, the Italianate domestic style came to define large swaths of neighbourhoods throughout late nineteenth century Ontario and other regions throughout North America where it became one of the go-to styles for new houses constructed in a variety of sizes and locations in the second half of the nineteenth century. When looking at late nineteenth century architecture, the Italianate style is most closely associated with its commercial iteration which largely defined the development and construction of commercial main streets across North America from about 1850 until the turn of the century but its domestic iteration, which developed alongside its commercial counterpart, was no less important in the growing residential suburbs of town and cities across Canada and the United States.

Like other contemporary domestic architectural styles, the Italianate style looked to the past for its inspiration. In this case, it was not medieval English and northern European architectural inspiration that largely defined the Gothic and Queen Anne styles, but rather the Classical architecture of Renaissance Italy including both palazzos and country villas which provided ample examples of massing and ornamentation for Victorian builders, designers and clients. Despite looking to the past for its foundations, the Italianate was consciously not a revival style and was not looking to recreate historic architecture in the present, but rather used and reworked elements of Italianate Renaissance architecture to suit the context it was in. It emerged as part of the broad rise of the picturesque as an architectural theory in the late-eighteenth century that prioritized naturalism, irregularity and architectural variety that were at odds with the strict and rationale Classical architecture popular in the Georgian period. The Italianate style fit well into this philosophical outlook on architecture with an eclectic range of design elements that could be applied to a variety of building shapes, sizes, and locations and played to the Victorians' preference for highly decorated

buildings, particularly amongst the upper and middle classes where lavish and ornate domestic architecture was viewed as a status symbol.

The first manifestation of the Italianate style emerged in Ontario in the 1830s in the form of the Italianate villa. These large houses, which were constructed in both rural and urban settings from the 1830s to the end of the nineteenth century, looked primarily to Italianate country houses for their inspiration and integrated a wide array of Classical design elements, such as wide eaves, brackets, ornate window hoods, columns and wide verandahs into primary L-shaped plans almost always embellished with a corner tower. These large houses were popularized through publications such as J.C. Loudon's *Encyclopedia of Cottage, Farm and Villa Architecture* (1833) and A.J. Downing's *Architecture of Country Houses* (1850) which included designs for buildings in this design. These houses were irregular in their massing, primarily built using brick, and employed Classical design elements for the eclectic aesthetic that was a feature of the Italianate style. These houses were also necessarily large in order to incorporate the sizable L-shaped plan and multi-storey tower and, no matter their urban or rural setting, were constructed exclusively for wealthy clients.

By the middle of the nineteenth century, however, the Italianate style was beginning to shift to become adaptable to more modest dwellings. In 1865, the rural periodical *The Canadian Farmer* published a design for a more modest Italianate style design called "A Two-Storey Farmhouse", a two-storey Italianate residential building constructed on a Georgian centre hall plan with a hipped roof, projecting frontispiece, a small pediment, ornate window hoods and brackets along the eaves; the periodical was widely circulated throughout Ontario and had begun publishing designs for different sizes and styles of farmhouses in the mid-1860s. This design quickly became popular in both rural and urban areas across the province where it was constructed and modified with verandahs, additional bays and a variety of Classically-inspired ornamentation. In fact, its spread throughout Ontario in the second half of the nineteenth century is largely attributable to publications such as *The Canadian Farmer* and other pattern books, such as Samuel Sloan's *Homestead Architecture* (1861), which provided a range of residential designs in the Italianate style, including both full house designs and examples of ornamental elements such as brackets and window hoods. These pattern books allowed for clients beyond those with the means to hire an architect to choose a pattern in alignment with the popular architectural styles of the day and execute it using a local builder.

However, because the Italianate style was one that was based primarily on the use of eclectic, exaggerated and Classical design elements, it was an extremely flexible domestic architectural form and could be adapted to a range of different sizes and massing of house through the addition of elements such as

window hoods and brackets to an otherwise plain design. One of the most common executions of the Italianate domestic styles in urban areas was the square plan, hipped roof house. These houses were typically two storeys in height with a symmetrical front façade, although with the entrance offset to one side to facilitate an interior layout with a parlour on one side of the house and the stairs to the upper storey along one wall immediately behind the front door. Built almost exclusively in brick, they were ornamented with features drawn from both the older Italianate villa style and later pattern books examples, featuring elements such as wide eaves, Classical porches, ornate brackets and cast window hoods; in some larger examples, a cupola was added to the peak of the hipped roof. Houses of this type were primarily popular in urban areas where new and expanding suburban areas required houses that fit on the narrower lots being subdivided and sold for new residential development as cities and towns expanded. In these areas, the decorative elements that defined the Italianate were primarily focussed on the front façade of the building as the back and sides of the building were not always visible and owners often chose to keep them plain to save costs. With these urban Italianate examples, the footprint and massing of the house itself could be expanded or contracted based on the owner's means and the size of the lot, alongside the scope of ornamentation with houses ranging from relatively plain with a few Classically-inspired features to highly ornate examples.

The rise of the Italianate style and its use of highly ornate architectural decorative elements on a large scale was facilitated, in large part, by technological developments of the Industrial Revolution with regard to the mass manufacture of architectural elements, specifically decorative features. The nineteenth century saw significant changes in how buildings were designed and constructed as iron and steel became readily used for structural materials in larger buildings and the mass, industrial manufacture of bricks made for its rise as the masonry material of choice across domestic, institutional and commercial architecture. However, for domestic Italianate architecture, it was the growing industry for the mass manufacture of decorative architectural elements that made its widespread adoption possible. Whereas in the Renaissance architecture that it drew inspiration from, decorative features such as window hoods, brackets and columns were individually manufactured by craftspeople, this was not the case by the mid-nineteenth century where most of these elements were made in a factory and could be ordered and applied to a building. This included wooden, cast concrete, and cast-iron elements that were readily available by the second half of the nineteenth century and allowed for the elaborate decoration of more modest homes that would have been unaffordable at an earlier time when these features would have been made by hand.

15 Sussex was constructed in this context and is demonstrative of the execution of this style in an urban context in the mid-1870s. The exact date of construction of this house is not definitively known, but is highly likely that it was constructed in 1875. The property was purchased in 1872 by Peter Nicolle, a local carpenter, with no buildings on the lot, for \$300. Three years later in August 1875, it was sold again to Abraham Laidley of Mariposa Township for \$1,300, who took out a mortgage and insured the building on the site; the house does not, however, appear on the 1875 Bird's Eye View Map of Lindsay, indicating that it was likely under construction throughout early 1875 before Laidley took possession of it in late summer.

Like many Italianate houses being constructed in emerging suburban neighbourhoods during this period, 15 Sussex Street North is constructed in buff brick on a square plan with a hipped roof and symmetrical three-bay front façade, save for the placement of the entrance which is located on the right side of the façade. It also includes a small dormer on the front side of the roof, as well as one-and-a-half storey addition on the rear of the house, along with a garage, and a one-storey addition on the south side; the one-storey addition was constructed later than the main body of the house, likely the 1910s or 1920s, and has a pressed concrete block foundation and two-over-one windows, both of which are design and construction elements typical of the early decades of the twentieth century; this addition does not appear on the 1911 Lindsay Fire Insurance Plan. It is a relatively restrained example of this style with limited, but important, decorative elements that speak to its alignment with this popular nineteenth century architectural style in domestic design.

These elements are limited primarily to the front façade of the building. Of particular note in this building are the elaborate window hoods on the second storey front windows. Ornate window hoods had become an extremely popular feature of Italianate architecture – in both its residential and commercial iterations – by the 1870s and were seen as an inexpensive way to add ornamentation to a building. These window hoods are cast concrete, which was becoming popular as a building material in the final quarter of the nineteenth century, first in decorative elements and then for foundations and walls by the turn of the twentieth century. As with most decorative elements used in Italianate buildings, these were mass manufactured to emulate carved stone. The window hoods are only found on the upper storey of the front elevation of the building, consistent with the application of the Italianate style in suburban residential architecture at this time; the windows on the ground floor have moulded brick window hoods while those on the other elevations of the building have plain, vertical brick lintels.

The property also includes a wide verandah across the front of the house which is defined by Classical design features. Verandahs were not present in all Italianate houses but were very common and ranged from extremely elaborate

to relatively plain. The example on this house is restrained and features Tuscan columns, a relatively plain entablature with dog-tooth coursing, and a plain balustrade. The porch also features sawn porch skirting typical of the late Victorian period.

Apart from these ornamental features, the house is relatively plain, but this is in alignment with house many Italianate houses were designed and executed with surface ornamentation applied to simple designs. Similar examples can be seen elsewhere in Lindsay, such as 23 Adelaide Street North which is located to the west of the subject property. This house, constructed around the same time as 15 Sussex Street North, is a larger example with a centre hall style plan, but demonstrates a similar application of ornamental elements as the subject property such as cast window hoods and a wide verandah with Classical design features. Lindsay, and particularly this area of Lindsay which contains a substantial of late nineteenth century residential properties in popular architectural styles of the time, contains a wide variety of historic residential properties constructed in the Italianate style and the subject property shows how it was executed in the town at this time, particularly for medium-sized and smaller properties as opposed to the more ornate villa style properties that can also be found in the community. Overall, it is a representative example of this style in Lindsay that retains the key decorative features of the Italianate style, including its window hoods and Classical entrance porch.

Historical and Associative Value

15 Sussex Street North has historical and associative value through its association with prominent late nineteenth century local businessman James Lovell and his family. Lovell ran a successful harness making business in downtown Lindsay beginning in the early 1860s and also became a downtown developer and landlord. He lived in the house with his wife Sarah Ann from 1878 until his death in 1916, after which it passed to their daughter Emma. Emma had returned to Lindsay from the United States several years previously after a high-profile and contentious divorce at a time when divorce rates were increasing throughout Canada and the United States and, through her, the property yields information regarding marriage and divorce around the turn of the century. The property also yields information regarding the economic and population growth of Lindsay in the final quarter of the nineteenth century as a result of the industrial and commercial growth of the community.

The house on subject property was like constructed in 1875 when it was sold and buildings on the property insured; a mortgage was taken out on the property by local carpenter Peter Nicolle in 1872 who owned the property between 1872 and 1875 and likely built the house, prior to selling it to an Abraham Laidley in late 1875; the house is believed to have been constructed in that year. The early 1870s marked a period of substantial growth for Lindsay and it was during this time period that this house, along with many others both

in the neighbourhood north of Kent Street West and elsewhere in the town, were constructed.

Lindsay had been established in the late 1820s with the establishment of a mill by miller William Purdy on the Scugog River; the original mill is believed to have been located at the foot of what is now Georgian Street to the east of the contemporary downtown. Over the next several decades, Lindsay gradually developed as a regional milling community, with Kent Street West cut and established as its commercial thoroughfare in 1840 and gradual residential development beginning north and south of Kent Street and in the area of the mill.

However, in 1857, the landscape of Lindsay began to change rapidly with the arrival of the Port Hope, Lindsay and Beaverton Railway, later renamed the Midland Railway in 1869. This year also marked the incorporation of the Town of Lindsay as a municipal entity and its establishment as the county seat for the newly created County of Victoria. The arrival of the railway facilitated the growth of business and industry by opening up access to economic opportunities to the south, while its establishment as the regional administrative centre attracted new professionals to the community. Lindsay was quickly becoming a much more urban centre with a concentrated main street along Kent Street West, rebuilt in 1861 after a fire that destroyed much of the older building stock, and industrial establishment including lumber, shingle and grist mills as well as a tannery, foundry, carriage and wagon manufacturers and a brewery. It also developed into the primary regional railway hub throughout the 1860s and 1870s with the establishment of several new railway lines, including the Victoria Railway linking Lindsay and Haliburton in 1875 and the Whitby, Port Perry and Lindsay Railway in 1877; by 1887, the majority of the regional lines had consolidated into the Midland Railway with its operational headquarters established in Lindsay. The importance of Lindsay as a railway hub to its economic development cannot be understated; its new prominence as a regional transportation centre allowed for businesses to both export and import materials and products into the town fueling industrial and commercial growth, particularly in the lumber and agriculture sectors where Lindsay was well-positioned to link directly to the primary industries in the surrounding areas. As the 1865-66 *Fuller's Counties of Peterborough and Victoria Directory* noted:

Lindsay is situated in one of the richest arable counties in Canada. Its local trade is excellent and as the surrounding country possess great agricultural advantages, it is not likely to decline but on the contrary to increase yearly.... It

possesses a good water privilege and is connected by rail to all parts of Canada.¹

The economic growth of the community necessitated its population growth, as new residents moved to Lindsay to take advantage of new economic opportunities, both from the surrounding rural area and from outside of Victoria County. In the 1861 census, just a few years after the arrival of the railway, the town's population was 1,907 people. By 1871, that number had more than doubled to 4,049 and then grew rapidly again to 5,080 in 1881 and to 6,081 in 1891; this period between 1861 and 1891 marked the largest proportional increase in Lindsay's population from its establishment in the early nineteenth century until the late twentieth century.

The town's new residents needed places to live and a construction boom began in earnest in the early 1860s. In 1860, there were 300 dwellings in Lindsay, concentrated primarily immediately north and south of Kent Street West and to the east of Lindsay Street near the Scugog River. This number grew rapidly over the next several decades to 736 dwellings in 1871, 939 in 1881 and 1,261 in 1891 as the town expanded to the north and south, as well as east of the Scugog River. The 1875 map shows Lindsay at the time the subject property was constructed, with its expanding residential footprint around the downtown core.

The subject property was built in the middle of this boom in the area to the north of Kent Street West. This area of Lindsay had begun to attract middle- and upper-class residents of the community at this time, including business owners and professionals, who built and purchased the large and fashionably designed houses along Peel, Wellington, Bond and Francis Streets to the north and south and Albert, Sussex, Victoria and Cambridge Streets to the east and west. There were certainly residential properties in this area prior to the mid-1860s, but the decades between 1861 and 1891 saw its build out as the neighbourhood of choice for the owners, managers, and professionals of the Lindsay's rapidly growing private and public sectors.

In the first decade after its construction, the house was owned by a succession of owners including Nicolle and an Abraham Laidley, about whom nothing is known, except that he was from Mariposa Township. When Laidley bought the property in 1875, the house was constructed as he is known to have taken out insurance on a building on the lot. However, in 1878, the house was sold to Sarah Ann Lovell, the wife of prominent local businessman James Lovell. The Lovells, along with their young daughter Emma, lived at 78 Bond Street West at the time of the purchase before moving the new house on Sussex Street North. James Lovell was born in London, England around 1832 and came to

¹ *Fuller's Counties of Peterborough and Victoria Directory for 1865 & 1866* (Toronto: Blackburn City Steam Press, 1866), 49.

Lindsay in 1861 where, the following year, he opened a saddle and harness making business on the north side of Kent Street West. This business later relocated, at an unknown time, to William Street North where it is known to have been located by the early 1870s. Almost nothing is known about Lovell prior to his arrival in Lindsay.

Lovell's business quickly grew to a large and prosperous trade. In his own advertisements that appeared in local area newspapers, Lovell stated that his business was one of the largest in Ontario in the early 1870s which, although likely hyperbole, certainly speaks to its success. Harness and saddle making, at this time, was an extremely important and profitable enterprise due to the centrality of horses for travel and work in the nineteenth century.

The late nineteenth century was undoubtedly the era of the horse. From the early nineteenth century, the population of horses in North America exploded as they were increasingly used for a large number of jobs in growing communities, both urban and rural. While the majority of horses lived in rural areas and rural people had a greater reliance on them for work and transport, by the second half of the nineteenth century, the urban horse population grew exponentially as they increasingly powered industrializing towns and cities and facilitated economic growth.

Horses were primarily viewed at time as useful machines facilitating human activity and took on a wide range of jobs in both urban and rural settings. The most well-known job was with regard to transport; outside of trains and boats, horses were the primary means of transport for most people in the nineteenth century. Although people did ride horses, they were primarily used for pulling vehicles, such as wagons, carriages and sleighs, where people and their possessions would ride. In urban areas, they were also used for mass transit, with horses pulling omnibuses and streetcars in the period before combustion engines and the electrification of streetcars.

However, horses main use was as work animals. On farms, they were used for nearly every aspect of crop development, from ploughing to planting to harvesting, with a range of machinery to facilitate various activities. In wooded areas of central Ontario including Kawartha Lakes, they were also integral to the growth and expansion of the lumber industry – a vital aspect of the local economy – where horses were used both for moving equipment and for skidding, or transporting loggings out of the bush. In more urban environments, they were used to transport goods and freight, move materials to construction sites, extract rocks and trees, and power manufacturers in areas where other sources of power, such as water power, were not available, among other things. For much of the nineteenth century, horses were, in fact, seen as a more reliable power source than mechanized power, such as steam power, when these technologies were still very much in the early stages of

their development while horses were a well-established and dependable source of power.

As a result of their importance at this time period, a multitude of businesses sprung up to facilitate the ongoing use and care of horses for work and transport, including livery stables, farriers, and saddleries. Lovell's business responded directly to this demand and manufactured a wide variety of saddles, harnesses and other tack required for different applications; he also supplied other good related to horse care, such as brushes and combs. He certainly catered to clients in Lindsay who used horses to pull carriages, wagons, and other vehicles but his advertising was primarily aimed at industrial clients, namely farms and lumber camps where horses, and the equipment required to use them for work, were central to the jobs that farmers and lumbermen were required to do. Lovell's business was only one of many in Kawartha Lakes' that undertook this work, but it was certainly one of the most well-known in Lindsay and area and appears to have been very profitable.

By the mid-1870s, Lovell was branching out into development in downtown Lindsay where he is known to have constructed at least one of the new commercial blocks that were built in the downtown between the 1861 fire that destroyed much of central Lindsay and the late 1870s. Between 1876 and 1878, Lovell constructed what was known at the time as the Lovell Block and is now addressed municipally as 106-108 Kent Street West. Lovell never operated his business from this location, with his own premise remaining on William Street North, but rather rented it out as an additional business opportunity and income generator for himself. After he retired from his harness and saddle business, Lovell remained a landlord for this block which provided him an income until around 1914. As a businessman, Lovell was well-known and respected in the community; in his 1916 obituary, the writer noted that "he established a reputation for sterling worth and integrity"² throughout his years in the saddle and harness trade and as a landlord. He also served a term on the Town of Lindsay Council in the early 1890s and was prominent in both Methodist and Conservative circles.

In 1864, Lovell married Sarah Ann Beacock who, like her husband, was a Methodist and had been born in Ulceby in North Lincolnshire around 1842. She came to Ontario from England with her parents, George and Ann Beacock, and at least five siblings in 1854 and settled on Lot 6, Concession 6 in Manvers Township between the hamlets of Lotus and Ballyduff. After her marriage to Lovell, she moved to Lindsay and their daughter and only child Emma Mathilda – who is referred to by one or both of her names in historic records – was born in 1868. In 1870, the family moved to a new house at 78 Bond Street West which had just been constructed from the newly subdivided park lots on the

² "The Late James Lovell," *Lindsay Post*, October 20, 1916, 10.

west side of Lindsay. The remained there for eight years before moving into the subject property in 1878; it is not known why they moved into what was a substantially smaller house at a time when Lovell's business was prospering or why the house was purchased in Sarah's name, as opposed to her husband's which was the more common practice at the time. It did occur at the same time as Lovell was constructing the Lovell Block on Kent Street West and these two occurrences may have been related as he began to invest in his downtown property.

James Lovell retired from his business at some point in the early 1890s, and he and Sarah Ann continued to live in the Sussex Street North house along with their daughter who remained unmarried. However, on September 29, 1897, Emma Lovell, then age 29, married Dr. William J. Burden of Bowmanville with the reception held at her parents' house. The couple soon moved to Rochester, New York where Burden set up a practice as a doctor and became known as a specialist in gastrointestinal medicine. James and Sarah Ann Lovell provided the couple with ample financial assistance to start their new life in the United States, including for William to start his practice. Little is known about their marriage until 1912 when William filed for divorce, allegedly that Emma had a sexual relationship with their 20-year-old chauffeur, Frederick Mensing.

By the early twentieth century, divorce was substantially less common than it is in the present day and came with significant social stigma attached to it at a time when the nuclear Christian family was a prized moral ideal. For most of the nineteenth century, divorces were extremely difficult to obtain in most parts of Canada and the United States and, in the majority of places, the dissolution of a marriage could only be obtained if there was evidence of either adultery or desertion on the part of either spouse. However, by the final decades of the nineteenth century, divorce rates in North America were beginning to rise, with divorce rates in the United States reaching one in six marriages by the early decades of the twentieth century. There were likely a number of factors that influenced this statistic, including expanding economic opportunities for women, as well as changes in the law that allowed women to obtain and retain more financial assets as individuals such as bank accounts and property. At the same time, many states in the United States were actively liberalizing their divorce laws around the same period, allowing for greater ground for divorce such as drunkenness, cruelty or insanity and for women to retain custody of their children. None of these factors caused couples to divorce but they did reduce financial and legal barriers for couples who wished to separate. It should be noted that, in the United States, not all states liberalized to the same degree and Canadian law certainly did not liberalize until well into the twentieth century; Canada remained, up to the Second World War, in many ways a significantly more conservative and traditional country in terms of both its legal framework and its societal expectations regarding gender, marriage and family than its southern neighbour and, in

most provinces, adultery remained the only ground for divorce, although this gradually began to change in the interwar period. In 1912, for example, the year that Emma Lovell and William Burden divorced in New York, there were only 35 formal and legal divorces across the nine provinces that were then part of Canada although there were certainly more informal types of separation that occurred.

Despite rising rates and the liberalization of laws, divorce was particularly risky for women. Although more women were beginning to enter the workforce at this time, the majority of women, and particularly married women, had very little financial autonomy and divorce risked forcing them into poverty, particularly as alimony was not always granted. There was also substantially more stigma attached to divorced women than men, who could be seen as loose or immoral after the dissolution of their marriage. Court proceedings were also expensive and many women did not have the independent financial resources to pay the legal costs, regardless of costs of running their own household once the marriage was dissolved. Nevertheless, it was increasingly women who initiated divorce proceedings against their husbands where, between the 1880s and the First World War, two-thirds of divorces in the United States were initiated by women.

The Burden case was initiated by William Burden with allegations of adultery against his wife and the case was highly publicized in Rochester's *Democrat and Chronicle* newspaper. Burden was a prominent local doctor accusing his wife of an affair with their chauffeur nearly twenty-five years their junior and naming Mensing as the co-respondent in his suit; the extensive publication related to the case also reflects the still scandalous nature of divorce at this time where it remained relatively uncommon and looked down upon. New York, at this time, was one of a handful of eastern states where divorce laws had not liberalized over the late nineteenth and early twentieth century, and where adultery was the only accepted ground for divorce and it is unclear as to whether adultery was a reality in their marriage or an excuse for the couple to separate. However, Emma countersued her husband, both denying his allegations and accusing her husband of adultery with multiple other women over several years in both New York and – including proof from a local hotel – cruelty and professional malpractice. With the countersuit, William fled out of state to Michigan and requested that the suit be dropped. However, the judge ruled in Emma's favour, granting her both \$125 in legal fees and \$10 a week in alimony in September 1912. The divorce was likely simplified by the fact that the couple did not have children. By January 1913, William had married 24-year-old Marion Morse of Pittsburgh and Emma had returned to Lindsay to live with her father at 15 Sussex Street North, as her mother had died the previous year. In Lindsay, where, like much of the rest of Canada, divorce was both uncommon and not supported, Emma likely faced a certain stigma within the community and was in a unique and enviable position that she was able to

move back into her parents' home, which she, in fact owned as it had been left to her in her mother's will. It is not known what her father, a devout Methodist, thought of her divorce.

James Lovell died just a few years later in 1916, after he had a stroke in the house and fell down the stairs. With his death, Emma was left alone in the house. She remained living in the house by herself for the next fifteen years, although she appears to have occasionally rented rooms to other single women. In the 1921 census, for example, Emma is shown as renting a room to a Beatrice Brown, a 44-year-old bookkeeper for Dominion Arsenal. Acting as a landlady was not uncommon for early twentieth-century single women who owned a house of their own, usually either willed to them from a husband or parents; for someone like Emma, now middle-aged and divorced, it was one of the few money-making options available to her at a time when there were few economic opportunities for women like her.

For expanding late nineteenth and early twentieth century urban areas such as Lindsay, landladies such as Emma Lovell were vital parts of the patchwork of urban housing provisions for both young and working-class people. At a time when new people were rapidly moving to town such as Lindsay for jobs and growing businesses and factories, there was a need for housing both for families and for single people. For families, they were often able to rent or purchase a house, but for single people, renting or purchasing their own place was typically not a financially-feasible option. As a result, a patchwork of rental options emerged for both male and female workers who needed a place to live on their own.

For men, many of whom arrived to work in positions related to physical labour in factories or as clerks, book keepers or apprentices in local business, there were a variety of options from hotels, many of which at this time regularly provided long-term leases, and boarding houses which could house multiple men and were run by both landlords and landladies in residential properties. For women, there were fewer choices as there were considerations around both physical safety and moral respectability to contend with; it was not considered wise, for example, for a young, single woman to stay in a boarding house that also housed men.

As a result, boarding and lodging houses emerged specifically catering to women, almost always run by an older, often single, women as a supplement to her income or, for some women, as the entirety of their women. Often, these boarding houses catered to young women in positions such as store girls, book keepers or telephone operators and who were living away from their parents for the first time; their landlady often both ran the house and also provided them with a motherly presence to police their behaviour and help to maintain their reputation as upstanding and moral young women. There were

also landladies, such as Emma Lovell, who many have taken on one or two boarders who themselves were older, single women and were looking for a rental space that was safe for a working, respectable woman where there would be no allegations of sexual impropriety with men, at a time when there were strict social and moral expectations in Edwardian society. There is almost nothing known about Brown, besides her name, age, and occupation, but as a single bookkeeper in her forties, lodging at the subject property would have been seen as an appropriate choice during this time period.

Emma Lovell sold the house in 1936 to Anna Dinner and her husband, Vern Dinner; Lovell herself had remarried to Mariposa farmer Alfred Varcoe and moved elsewhere, although to where is not known. Throughout the twentieth century, the house remained a residential property and passed through a series of owners after it left the Lovell family. Although the house has changed ownership, it remains associated with this family and their historic role in Lindsay. It also yields information regarding the period of its construction in Lindsay's history at a time when the town was experiencing economic and demographic growth and a boom in residential development.

Contextual Value

15 Sussex Street North has contextual value as part of the historic residential neighbourhood to the north of Kent Street in Lindsay that forms the town's historic North Ward. The property supports the historic character of the surrounding residential area as one of a collection of late nineteenth and early twentieth century houses in this area of Lindsay developed primarily during this period. The property is historically linked to its surroundings as part of this historic residential development and visually linked to them through the consistent and cohesive use of popular Victorian and Edwardian residential architectural styles in this area.

The subject property was constructed around 1875 as part of a wave of development in this part of Lindsay from around 1860 to 1890. Lindsay had been established as a mill site in the late 1820s and surveyed for urban settlement over the next several decades, with Kent Street sited and cut around 1840. Residential development began around this time, to the north and south of Kent Street and in close proximity to the Scugog River near the mill site.

By the mid-1860s, Lindsay had grown to a prosperous regional centre and its residential development was increasing apace. The lands to the north and south of Kent Street were laid out in lots for new houses, for Lindsay's increasingly prosperous citizens. Particularly to the north of Kent Street, the new and growing residential areas in this area from Peel Street to Colborne Street and from Cambridge Street North to Albert Street North attracted members of the town's growing upper and middle classes, including

professionals and business owners who began to commission new homes in the areas in the fashionable and popular styles of the second half of the nineteenth century. Like most other areas of Lindsay, these streets were laid out in a grid pattern with lots of a variety of sizes fronting onto them. The area continued to develop into the early twentieth century as a desirable residential area of Lindsay with new suburban houses being constructed there throughout the century's first two decades.

Two historic views of the area show its development in the final quarter of the nineteenth century and the first decade of the twentieth century. The 1875 Bird's Eye View Map shows the Town of Lindsay just as the subject property was being constructed; it does not appear on this map but was sold in late 1875 with the house in place. Kent Street West, at this time, is largely built out as the town's commercial core and residential areas are beginning to form to the north, south and east of the downtown. Looking to the north of the main street, in the area that would become known as Lindsay's North Ward, the residential development is densest immediately to the north of Kent Street West and, as it moves north and west, the residential development is sparser; although the blocks in the area of the subject property all contain houses, they are not fully built out with large open areas for future development remaining.

A fire insurance plan of Lindsay was developed in 1898 and updated in 1911 and this map shows the area nearly forty years later. The subject property does appear on this plan and the area around it is substantially built out, primarily with one-and-a-half to two-and-a-half storey brick buildings with similar massing and frontage. By this period, the area had become established as a prosperous residential neighbourhood with a wide variety of homes primarily constructed between the periods when these two maps were created. The property is historically linked to its surroundings as part of the development of this area of Lindsay that occurred during this period, increasingly the residential footprint of the area and expanding the town to the north of the established commercial core.

Looking at the area in the present day, the majority of these properties have been retained and provide additional insight into the stylistic and visual coherence of the neighbourhood, to which the subject property contributes. The subject property is located on the northwestern corner of the intersection of Peel Street and Sussex Street North and is located near the more southerly border of the residential area before it transitions to commercial use at Kent Street West. The neighbourhood surrounds it to the north, east and west and the houses contained within this area retain visual coherence with the subject property. The majority are constructed in buff or red brick and, as identified in the 1911 Fire Insurance Plan are one-and-a-half to two-and-a-half storeys high with similar setbacks and massing. Most are constructed in a range of popular late nineteenth and early twentieth century styles. These styles include

Italianate, like the subject property, as well as Edwardian Classical, Victorian and Queen Anne which are interspersed throughout the block on which the property is located and those in the surrounding area. There is very little modern development in the area; the house immediately adjacent to the subject property at 17 Sussex Street North was constructed in the mid-1930s and is one of the newer houses in this neighbourhood.

Taken together, the buildings in the area around the subject property form a cohesive and mature historic residential neighbourhood which is supported by the age, massing and style of the subject property. The range of styles and types of residential properties in this area speak to its growth and development in the late nineteenth and early twentieth century as part of Lindsay's expanding suburban area. The subject property supports and contributes to this historic character and is visually and historically connected to its surroundings as part of this historic neighbourhood.

Summary of Reasons for Designation

The short statement of reasons for designation and the description of the heritage attributes of the property, along with all other components of the Heritage Designation Brief, constitute the Reasons for Designation required under the Ontario Heritage Act.

Short Statement of Reasons for Designation

Design and Physical Value

15 Sussex Street North has design and physical value as a representative example of an Italianate residential property in Lindsay. The house is believed to have been constructed around 1875 and demonstrates the core features of the domestic Italianate style which was popular in residential design from approximately 1860 until 1900. It drew from the Classical architecture of Renaissance Italy and was disseminated throughout Ontario largely through pattern books and other publications. Key features of this style that are present on the house include its hipped roof, Classical verandah with columns and entablature, and ornate window hoods.

Historical and Associative Value

15 Sussex Street North has historical and associative value through its association with prominent late nineteenth century local businessman James Lovell and his family. Lovell ran a successful harness making business in downtown Lindsay beginning in the early 1860s and also became a downtown developer and landlord. He lived in the house with his wife Sarah Ann from 1878 until his death in 1916, after which it passed to their daughter Emma. Emma had returned to Lindsay from the United States several years previously after a high-profile and contentious divorce at a time when divorce rates were increasing throughout Canada and the United States and, through her, the property yields information regarding marriage and divorce around the turn of the century. The property also yields information regarding the economic and population growth of Lindsay in the final quarter of the nineteenth century as a result of the industrial and commercial growth of the community.

Contextual Value

15 Sussex Street North has contextual value as part of the historic residential neighbourhood to the north of Kent Street in Lindsay that forms the town's historic North Ward. The property supports the historic character of the surrounding residential area as one of a collection of late nineteenth and early twentieth century houses in this area of Lindsay developed primarily during this period. The property is historically linked to its surroundings as part of this historic residential development and visually linked to them through the consistent and cohesive use of popular Victorian and Edwardian residential architectural styles in this area.

Summary of Heritage Attributes to be Designated

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Attributes

The design and physical attributes of the property support its value as a representative example of Italianate residential architecture in Lindsay.

- Two-storey buff brick construction
- Hipped and gable roofs
- Three-bay front elevation
- Offset entrance including:
 - Door
 - Raised brick hood
- Rubble stone and pressed concrete foundation
- Dormer
- Fenestration including:
 - Segmentally arched and square headed two-over-two sash windows
 - Two-over-one sash windows
 - Lug sills
- Cast concrete window hoods
- Raised brick window hoods
- Verandah including:
 - Tuscan columns
 - Entablature
 - Dog-tooth coursing
 - Balustrade
 - Skirting
- Rear entrance including:
 - Canopy
 - Curved bracket
- Quoins
- Cornice
- Wide eaves
- Chimneys

Historical and Associative Attributes

The historical attributes of the property support its value as part of the late

nineteenth century residential development of Lindsay and its association with the Lovell family.

- Long-standing association with the Lovell family
- Location in Lindsay's historic North Ward

Contextual Attributes

The contextual attributes of the property support its value as a contributing feature to the residential landscape of Lindsay's historic North Ward.

- Location of the property at the northwest corner of Sussex Street North and Peel Street
- Views of the property from Peel Street and Sussex Street North
- Views of Sussex Street North and Peel Street from the property

Images







Bibliography

Blumenson, John. *Ontario Architecture: A Guide to Styles and Building Terms, 1784 to the Present*. Toronto: Fitzhenry and Whiteside, 1990.

Capern, Amanda L., Briony McDonagh, and Jennifer Aston. *Women and the Land, 1500-1900*. London: Boydell Press, 2019.

Capon, Alan. *Historic Lindsay*. Belleville: Mika Publishing, 1974.

Greene, Ann Norton. *Horses at Work: Harnessing Power in Industrial America*. Cambridge MA: Harvard University Press, 2008.

Kirkconnell, Watson. *County of Victoria: Centennial History*. 2nd edition. Lindsay: County of Victoria Council, 1967.

Lindsay Architectural Conservation Advisory Committee. *"Bless These Walls": Lindsay's Heritage*. Lindsay: Blewett Printing, 1999.

Macrae, Marion and Anthony Adamson. *The Ancestral Roof: Domestic Architecture of Upper Canada*. Toronto: Clarke, Irwin and Company, 1963.

May, Elaine Tyler. *Great Expectations: Marriage and Divorce in Post-Victorian America*. Chicago: University of Chicago Press, 1983.

McAlester, Virginia Savage. *A Field Guide to American Houses: The Definitive Guide to Identifying and Understanding America's Domestic Architecture*. New York: Alfred A. Knopf, 2015.

McShane, Clay and Joel Tarr. *The Horse in the City: Living Machines in the Nineteenth Century*. Baltimore: John Hopkins University Press, 2007.

Mikel, Robert. *Ontario House Styles: The Distinctive Architecture of the Province's 18th and 19th Century Homes*. Toronto: James Lorimer, 2004.

O'Connor, Vern. *Lindsay's Roots: Part and Present*. Lindsay: Hall Printing, 1985.

Phillips, Roderick. *Untying the Knot: A Short History of Divorce*. Cambridge: Cambridge University Press, 1991.

Snell, James G. *In the Shadow of the Law: Divorce in Canada, 1900-1930*. Toronto: University of Toronto Press, 1991.

Wright, Janet. *Architecture of the Picturesque in Canada*. Ottawa: Parks Canada, 1984.

Municipal Heritage Committee Report

Report Number:	KLMHC2025-035
Meeting Date:	May 1, 2025
Title:	Proposed Heritage Designation of 90 Bolton Street, Village of Bobcaygeon
Description:	Proposed heritage designation of 90 Bolton Street (Orr Building) under Part IV of the Ontario Heritage Act
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2025-035, **Proposed Heritage Designation of 90 Bolton Street, Village of Bobcaygeon**, be received;

That the designation of the property known municipally as 90 Bolton Street be endorsed; and

That the recommendation to designate the subject property be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The City of Kawartha Lakes designates properties under Part IV of the Ontario Heritage Act. Properties are recommended for designations by their owners, members of the public, local organizations, the Municipal Heritage Committee, Council or staff. Properties proposed for designated are reviewed by the Municipal Heritage Committee, as required by subsection 29(2) of the Ontario Heritage Act, and their recommendation is brought forward to Council under the cover of a staff report.

90 Bolton Street, also known as the Orr Building, has cultural heritage value as the former Orr Temperance Hotel and the current site of the Masonic Lodge. The property is currently listed on the City's Heritage Register. Although there was initially no intention by staff to designate this building under Part IV of the Ontario Heritage Act, amendments to the Ontario Heritage Act made through Bill 23, More Homes Built Faster Act (2022), now require municipalities to designate listed properties or remove them from the Register within two years of the amendments coming into effect. Practically, this means that, in order for municipalities to provide heritage protection to their cultural heritage resources as is required by provincial land use planning policy, they must be designated under Part IV of the Act. The amendments came into effect on January 1, 2023. Recent amendments to the Act have extended the deadline to designate properties by an additional two years to January 1, 2027.

90 Bolton Street has been prioritized as a landmark historic commercial building in downtown Bobcaygeon. It has a high degree of architectural value as a unique example of a late nineteenth century small-town commercial building and through its historic value as both the Orr Temperance Hotel and the Kenosha Inn. It is an important building block in the historic landscape of downtown Bobcaygeon. This property was identified by staff and the Municipal Heritage Committee as a priority property. Staff have undertaken a site visit to and a heritage evaluation report about the property and have determined that the property is eligible for designation under Part IV of the Act.

This report provided the background information regarding the cultural heritage value of the property for the Municipal Heritage Committee's review.

Rationale:

90 Bolton Street has cultural heritage value as a historic hotel in Bobcaygeon and as a unique example of a late nineteenth century commercial building. Constructed in 1871, the building eschews the Italianate commercial style popular at this time in favour of a

simpler style that combines both Georgian and Victorian elements. It is one of a small collection of purpose-built historic stone commercial buildings in Kawartha Lakes. The property has historical value as the former Orr Temperance Hotel which was established as a dry hotel by local businessman Alexander Orr and speaks to the importance of the temperance movement in late nineteenth century society, as well as the role of hotels in Bobcaygeon in this period, both under Orr and later as the Kenosha Inn. It became the Masonic Lodge in 1940 and continues to serve that purpose. The property is a landmark downtown commercial building in downtown Bobcaygeon and supports the historic commercial character of Bolton Street.

A heritage evaluation report outlining the full reasons for designation and the property's heritage attributes is attached to this report as Appendix A.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

Consultations:

N/A

Attachments:

Appendix A – Heritage Evaluation Report: 90 Bolton Street



Adobe Acrobat
Document

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

90 Bolton Street, Village of Bobcaygeon (Orr Building)

Heritage Designation Evaluation

Village of Bobcaygeon

PT LT 9 RANGE 6 PL 11 VERULAM AS IN R308721; KAWARTHA LAKES
2025



Statement of Cultural Heritage Value or Interest

The subject property has been researched and evaluated in order to determine its cultural heritage significance under Ontario Regulation 9/06 of the Ontario Heritage Act R.S.O. 1990. A property is eligible for designation if it has physical, historical, associative or contextual value and meets any two of the nine criteria set out under Regulation 9/06 of the Act. Staff have determined that 90 Bolton Street has cultural heritage value or interest and merits designation under the Ontario Heritage Act.

1. The property has design value or physical value because it:

i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method:

It is a rare example of a stone constructed commercial building in Kawartha Lakes. Constructed in 1871 as a dry good store and hotel, the building is one of a small collection of surviving stone commercial buildings in the City. Stylistically, it adheres to the earlier mid-Victorian commercial style, as opposed to the most popular Italianate commercial style and is one of only a few buildings within Kawartha Lakes' urban downtowns to do so.

ii. displays a high degree of craftsmanship or artistic merit:

The property displays a typical degree of craftsmanship or artistic merit for a building of this type.

iii. demonstrates a high degree of technical or scientific achievement:

There are no specific technical or scientific achievements associated with this property.

2. The property has historical or associative value because it:

i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to the community:

The property has direct associations with the history and role of hotels in Bobcaygeon and their role in the development of the community in the nineteenth and twentieth century for both for tourists and other visitors to the community. The property was originally constructed as the Orr Temperance Hotel and was later turned into the Kenosha Inn. It also has direct historical associations with the temperance movement in Bobcaygeon in its original role as a temperance hotel.

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture:

The property yields information regarding the temperance movement in Bobcaygeon through its original role as a temperance hotel in the late nineteenth century. The property also yields information regarding the development of Bobcaygeon's tourism industry throughout the late

nineteenth and early twentieth century for its longstanding role as a local hotel.

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community:
The designer or builder of the property is not definitively known.

3. The property has contextual value because it:

i. is important in defining, maintaining or supporting the character of an area:

The property is important in defining the historic commercial character of downtown Bobcaygeon. The building is one of a collection of historic and more modern commercial buildings along Bolton which form a cohesive small-town commercial area at the core of the community. It helps define the character of the downtown as its corner anchor building on the southern gateway to Bolton Street.

ii. is physically, functionally, visually, or historically linked to its surroundings:

The property is functionally and historically linked to its surroundings as part of the historic development of Bolton Street as Bobcaygeon's commercial core. The property is located in the village's downtown core and surrounded by a collection of other historic commercial buildings of various ages and styles that were constructed as part of the establishment and development of Bolton Street.

iii. is a landmark.

The property is a landmark as a corner anchor building in downtown Bobcaygeon. The building is located at the southern gateway to Bolton Street and entrance to Bobcaygeon's downtown core and is recognizable as its largest historic commercial building.

Design and Physical Value

90 Bolton Street has design and physical value as a unique example of a Victorian commercial building and is one of a small collection of surviving stone commercial buildings remaining extant in Kawartha Lakes. Constructed in 1871, the property is demonstrative of vernacular commercial architecture of the early Victorian and mid-nineteenth century period, which were typically built to the front lot line and formed a consistent streetwall, with limited ornamentation, as opposed to the later Italianate style, which had become popular by this period. This building is one of only a few downtown commercial buildings in Kawartha Lakes constructed in this manner.

Commercial architecture in Canada's cities, towns and villages, including Fenelon Falls, underwent a period of significant evolution throughout the nineteenth century. The earliest commercial architecture was purely functional, such as small general stores or blacksmith's shops in nascent communities where the proprietors would build a structure, often in a vernacular style, near or adjacent to their residence. As the century wore on, these structures often took on the stylistic trappings of contemporary architectural styles, but remained relatively basic detached structures on their own lots. A new structural type also developed: a two-storey structure with the commercial establishment on the main floor and the business owner's residence on the upper storey. Architecturally, these buildings still generally resembled residential structures although the ground floor would often have larger window to showcase the store's products. This type of arrangement was, and remained, typical for small hamlets with a few commercial enterprises.

However, with the increasing urbanization of many of the province's communities, commercial architecture was forced to adapt to the rapidly changing conditions of Ontario's towns and cities; this change was not limited to Ontario and is reflective of the condition of commercial structures across North America. One of the most significant changes was the centralization of commercial structures together in downtown areas. Although the concept of formal zoning was just being developed during this period, it was a time when commercial enterprises and work were being moved outside of the home and businesses were beginning to establish their own spaces in communities; as had and was continuing to occur in urban centres in Europe, businesses naturally clustered together for convenience, creating the beginnings of the commercial downtown and the idea of a main street.

As more businesses came together to form a downtown core, their buildings began to get closer together to respond to the increasing density and desire to not waste limited space. By the mid-century, the idea of commercial buildings being linked in a continuous street wall was common in urban areas as commercial structures were built directly adjacent to one another and even shared dividing walls. This arrangement was a direct mirror of European urban

spaces where tightly packed commercial cores necessitated buildings attached to one another, and built directly to the edge of the lot to maximize space. In the early days of this new commercial arrangement, two types of buildings prevailed. The first were two- to three storey buildings similar to a basic Georgian plan, and often with a gable roof divided by a parapet wall, forming a continuous gable along the street; good examples of this type of structure can be seen in Kingston where a substantial portion of the downtown developed during this time. Like their predecessors, these invariably included commercial space on the ground floor with residential space on the second and third storeys; the third storey was often located in the gable and included dormer windows for light. This was a continuation of the two-part commercial block which had developed in the first part of the nineteenth century. The second was the use of false facades to create the look of a much taller building when in fact, a flat rectangular façade was applied to a much smaller, generally gable roofed structure behind it. These were usually built in wood and located in areas where erecting a large commercial building was not feasible. Examples of this type of commercial architecture are less common because they were often replaced with larger brick buildings, but there are extant examples in Kawartha Lakes, particularly in Bethany where several of these structures are still standing. In both types, the idea of the storefront had developed with large windows and often a recessed entrance to show off products and entice shoppers inside. Whichever form of architecture they used, these mid-century streetscapes were often an eclectic mix of architectural forms but represented the shift towards a highly urbanized downtown with densely packed buildings, a continuous street wall and distinctive commercial architecture separate from purely residential spaces.

By the late 1850s, a new architectural style had evolved to respond to the need for urban commercial space. The Italianate style had become popular in residential architecture integrated elements from Italian and other European Renaissance architecture into eclectic and often exaggerated combinations. Features such as columns and pilasters were common, as well as wide eaves with decorative brackets, decorative brick and iron work and arched windows with elaborate hoods and surrounds. Increasing mobility and the growth of pattern books allowed people in North America to see and experience European architecture and it was increasingly seen as being desirable to imitate and adapt for the North American context.

This style was quickly adapted into commercial architecture where its decorative elements could be easily applied to the facades of downtown structures. With the high density of commercial buildings, and the fact that they now shared walls, the front façade of the structure was the only one that was seen from the street. As a result, builders and architects focussed on this side of the structure as the focal point for decoration and ornamentation. The space for this type of work on these buildings was substantial: the increasing

density of urban downtown necessitated buildings going up, instead of out, and by the 1860s, the majority of commercial buildings in downtown areas were two to four storeys, high enough to create upper storey residential or, by this time, office space, but still short enough to allow a person to comfortably ascend to the top storey by the stairs. This gave architects several storeys, albeit only on one side, of a building to craft ornate and decorative spaces

By the 1860s, a new standard form for downtown commercial buildings had fully emerged. These buildings, which like their predecessors were linked together in a continuous streetwall, were generally two to four storeys in height with commercial space on the ground floor and residential or office space upstairs. The commercial space on the ground floor generally included large plate glass windows and a recessed entrance which allowed for a substantial amount of display area visible from the street. This was not always the case for non-retail establishments such as hotels where the ground floor might have been used as a tavern so required a different orientation and focus and less visibility to the interior. The upper storeys were generally similar to one another with bands of tall sash windows differentiating each floor and the façade often divided into repeating bays by pilasters. These upper storeys also included extensive decorative elements, such as decorative brickwork in a variety of patterns, elaborate window hoods and large and heavy cornices. A flat, or gently sloping, roof was hidden behind the cornice. When placed together as part of a block of these structures, each individual building was distinct, but fit into a wider cohesive whole with consistent styling and massing.

The application of the Italianate style was nearly universal across developing downtowns throughout the 1860, 1870s and 1880s but it was occasionally not used in favour of different styles, such as the Second Empire commercial style which rose to prominence in the 1870s and is primarily characterized by its mansard roofs and lavish decorative elements. However, builders in the last decades of the nineteenth century occasionally built more simple buildings that eschewed decorative elements and were more aesthetically aligned with Georgian commercial structures from an earlier time period. These vernacular commercial buildings were constructed in a variety of urban contexts, from small towns to larger centres and continued the typically massing of Italianate commercial buildings – two to four storeys and built to the lot line to create a continuous streetwall – but without the high level of ornamentation popular at this time. Simpler buildings were constructed for a variety of reasons including cost and the tastes of the owner who may have preferred a more sober building in contrast to the eclectic and ornate Italianate style. Many of these vernacular commercial buildings were built in stone, which could be more challenging to adapt to the Italianate style than brick masonry because of its materiality and was more expensive as a construction material, likely leading to a reduction in spending elsewhere such as decoration. They occasionally used

the flat roof, as in Italianate construction, or the gable roof of the Georgian style, but were often inconsistent with either style and used elements of both.

90 Bolton Street was constructed within this context and is one of a small collection of late nineteenth century commercial buildings in Kawartha Lakes that is not constructed in the Italianate style. The building was constructed in 1871 as a hotel and general store. When it was originally constructed, the southern half of the ground floor was intended as a general store and included a Victorian storefront with large windows and a recessed entrance, while the northern part of the ground floor and its upper storeys were used as a temperance hotel with a smaller entrance and windows; a portion of the upper storey on the south side was also used as an apartment for the Orr family, the original owners of the building and the operators of the hotel and general store. The both the ground floor and upper storey external layout has largely been maintained, although with some modifications at street level on Bolton Street to suit the current commercial tenants of the building.

The building itself is stone constructed and two-and-a-half storeys in height with a gable roof, reminiscent of the earlier Georgian style; aesthetically, it is more closely related to this earlier commercial style than its contemporary commercial architecture. However, it diverges from the Georgian style through the three large gable peaks on the front elevation of the building which are taken directly from prevailing Victorian architecture trends of the 1870s, where large, prominent gables were popular in residential design. The gables have been used in this building to both provide visual interest to the front of the building and act as dormers to let light into the top half storey of the building which originally housed hotel rooms. The building is built on a rectangular plan to the lot line; as a corner building, it is constructed to the lot line on Bolton Street, but not to the lot line on King Street East in order to facilitate a small entrance porch on its south elevation. On the rear of the building, however, are two extensions with gable roofs: a two-storey extension directly adjacent to King Street East, and a one-storey addition on the north side of the building. Both of these extensions are original to the building and constructed in the same stone as the main body of the structure. There are virtually no decorative elements on this structure, which has been the case since it was constructed; the ornamentation on this structure is limited to the front gables, the articulated quoins and lintels, and the lug sills.

There are very few other nineteenth century commercial buildings in Kawartha Lakes that are not constructed in the Italianate style, although they certainly are present throughout the municipality. The vast majority of the City's historic commercial building stock was erected between 1860 and 1880, at the very height of the Italianate style's popularity, and, as such, adheres to this style. There is an important and significant collection of Second Empire commercial buildings in Omemee, which date from the 1890s, alongside several in Lindsay,

and there are also a range of vernacular false façade buildings in several of the City's smaller communities, notably in Bethany and Coboconk, but these structures remain in the minority when compared with the strong preference for Italianate buildings with varying degrees of embellishment. The majority of the vernacular commercial buildings fall into the latter false façade type and are built in wood, although there are certainly variations from this type; there are few masonry vernacular commercial buildings and those that do exist often were constructed for specialized purposes, such as livery stables.

To add to its uniqueness within Kawartha Lakes, 90 Bolton Street is constructed in limestone and is one of only a small collection of purpose-built stone commercial buildings in Kawartha Lakes. The stone used for the building was quarried from the Big Bob River, in close proximity to the structure, and it was constructed by Scottish masons who were brought over to Bobcaygeon by Alexander Orr, the original owner of the building and himself from Scotland, specifically to erect this building. The construction of this building shows its Scottish influence; the smooth and coursed ashlar that can be seen in this building was a common construction and design feature in Scottish architecture at this time and used in a variety of different urban architectural applications. However, this type of construction was not common in Kawartha Lakes where the availability of timber and the mass production of bricks in the second half of the nineteenth century made stone a relatively uncommon construction material, particularly for large commercial buildings. There is one other purpose-built stone commercial building in Bobcaygeon: the former Bank of British North America at 35 Bolton Street, constructed in 1913, although there are several former stone residential buildings which have been converted to commercial use, including at 58 Bolton Street and 30 King Street East. The other major example of a purpose-built stone building in Kawartha Lakes is the McArthur Livery Stable in Fenelon Falls, constructed in 1883, although there are other examples where rubble stone has been used to construct the rear of a commercial building but with a brick façade.

Overall, 90 Bolton Street is a unique example of a stone Victorian commercial building in Kawartha Lakes. Constructed in a late nineteenth century vernacular style, it draws from both Georgian and Victorian commercial architecture and eschews the more popular Italianate style of the day. It is one of small collections of commercial buildings in Kawartha Lakes, both those that are built in stone and those that are constructed in styles other than commercial Italianate. Aesthetically, it is more closely related to the earlier Georgian commercial style but with modifications, such as the three gables on the front elevations, that align it with Victorian design trends. The building remains a unique and important late nineteenth century commercial building in both Bobcaygeon and Kawartha Lakes.

Historical and Associative Value

90 Bolton Street has historical and associative value as a historic hotel in downtown Bobcaygeon. The property was originally constructed in 1871 as the Orr Temperance Hotel and later became the Kenosha Inn where it served tourists and other visitors to Bobcaygeon from the late nineteenth onward. Through this historic role as a hotel, it yields information regarding the role and development of hotels in Bobcaygeon as import aspects of its economic growth. The property is also directly related to the strong temperance movement in Bobcaygeon as it was originally constructed as a temperance hotel, long before the community enacted the local option. It yields information regarding the growth of the temperance movement in the community and its role in the hospitality industry. It is also directly related to the local Masonic Lodge which purchased the building in 1940 and continues to own and use the building.

Verulam Township, the township in which Bobcaygeon is geographically located, was first surveyed by John Houston in 1831, slightly later than the townships to the south, and lots were placed on the market by 1832. The first settlers arrived soon after, although many lots were purchased early by speculators and were not settled for some years. As with most townships across the territory, the government of Upper Canada deemed it appropriate to reserve a village and mill site as part of the survey which it located in lot 16 of concession 10. The village site was chosen in 1833 and located on the north side of the Bobcaygeon River. Initially named St. Albans, after the English village, the name was changed the following year by Lieutenant Governor John Colborne to Rokeby, named after Rokeby Park in England's County Durham.

At the same time, lot 15 to the south of the townsite was purchased from George Boulton, an early speculator, by Thomas Need, an Oxford-educated son of an English country landowner and magistrate and one of many sons of the landed gentry who emigrated to Upper Canada in the first half of the nineteenth century. The land Need purchased included the islands to the south of the government townsite and he quickly set about establishing a saw mill on the river, as well as surveying a new village site with the assistance of surveyor John Read. By 1834, the streets were laid out and named, with the main street named Boulton after the original landowner; this was eventually changed to Bolton Street as time passed.

A saw mill was quickly established by Need and other businesses formed soon after, including as well as grist mill, general store, post office and a tavern, staples of a pioneer settlement. With the advent of these services, the new settlement quickly became a primary centre for settlers in the surrounding rural area and Bobcaygeon increasingly became an important commercial centre for the area and continued to attract new residents throughout the

middle of the century. By the late 1850s, the 1858 Directory for Peterborough and Victoria Counties reported that not only was the community expanding demographically and economically, but it was also being used as a starting point for population expansion further north. The directory reported:

This rising village stands on an island on the east side of the township of Verulam. The island is formed by the waters of Sturgeon Lake on the west side and Pigeon Lake on the east, and is comprised of a very superior cristaline [sic] limestone. There is an excellent grist and saw mill at Bobcaygeon, although stopped for some time during the progress of the construction of the Bobcaygeon lock, are now at work again. There are two other saw mills on the south side of Sturgeon Lake, worked by a stream called Sheriff's Creek; and on the north side of the Lake Mr. J.W. Dunsford has a shingle factory, capable of cutting 12,000 shingles in 12 hours. There are two stores in the village and the industrial callings are fairly representative. The Government have recently opened up a road, for free settlement, from Bobcaygeon into the interior country. Upwards of a score of new townships are being opened up and settlement is taking place very rapidly. Population of the village about 150.¹

As a growing and bustling backwoods community, Bobcaygeon contained a range of small businesses catering to local settlers and visitors to the area. This included hotels and taverns which served both the local population who patronized the taverns for food and drink and visitors who stayed overnight.

Hotels were a common fixture in late nineteenth century communities. In a time before rapid travel by car, more accommodation was required for travellers who could not get as far as quickly by the modes of transport available to them, which in Bobcaygeon were either by steamship or by roads, which were generally poor. The earliest hotels catered primarily to settlers as they made their journey to their new homestead or travelled from their farms to nascent villages to purchase supplies or access facilities such as grist mill and provided both accommodations and food; the earliest hotel in Bobcaygeon was likely the tavern that was constructed at Need's mill site in the mid-1830s as what were known as taverns at this time typically provided food, drink and lodging. In general, most people did not travel far except for necessities. In the early and mid-nineteenth century, travel throughout Ontario was extremely difficult with travellers relying on travel by water or on poor

¹ *Directory of the United Counties of Peterborough and Victoria* (Peterborough: T. & R. White, 1858), 39-40.

roads; stagecoaches were available in some areas but they were far from reliable or comfortable. However, by the second half of the nineteenth century, the rapid development of new railways meant that more people could and were travelling for various reasons, including for summer vacations to areas such as Kawartha Lakes where the region's lakes quickly became a draw for travellers. The new railways provided travellers with reasonably comfortable and regular travel that was rapidly being expended throughout the 1850s, 1860s and 1870s meaning more people were travelling more often and further afield.

Unlike the majority of communities in Kawartha Lakes, however, Bobcaygeon was not reached by rail until the early twentieth century. As a result, the majority non-road-based travel into Bobcaygeon from the mid-nineteenth century onwards was by steamship and facilitated by the construction of the lock at Bobcaygeon 1833. Steamships travelled both east and west from the village to Lindsay and to Peterborough and, although a different mode of transport than the railway, steamship travellers also needed accommodation when they arrived, and this was facilitated by the construction of hotels.

Bobcaygeon was also the launching off point for settlement further north, in northeastern Kawartha Lakes, northwestern Peterborough County and Haliburton County. The village was chosen as the starting point for the Bobcaygeon colonization road which was intended to run north to North Bay and to help open up the area between Kawartha Lakes and Lake Nipissing for settlement, although it never went that far north. Construction began in Bobcaygeon in 1856, reaching Kinmount in 1858, Minden in 1859 and in 1863, reached its eventual terminus at the Oxtongue River near Dwight. Although, like most mid-nineteenth century roads, the Bobcaygeon Road was very poor, it was a vital artery for settlement and commerce because there were so few other transportation routes in this area of Ontario; it was also an important route for the expansion of the lumber industry in the region. As a result, hotels became vital pieces of infrastructure as it could take several days to travel the route. This included in Bobcaygeon where many people stayed before beginning their travels north. By 1865, there were three hotels in Bobcaygeon listed in the Peterborough and Victoria County business directory, including a hotel owned by Alexander Orr.

Alexander Orr was born in Renfrewshire, Scotland in 1817 to John Orr, a farmer, and Mary Erskine, one of ten children. He is believed to have been born at Moniabrock Farm – which still exists – near the Bridge of Weir. In 1840, the family left Scotland for Lower Canada as part of a significant wave of Scottish immigration throughout the first several decades of the nineteenth century. They settled at English River in the Eastern Townships where they established a farm. There, Alexander married another Scottish immigrant, Helen Cameron, which whom he eventually had four children between 1851 and 1860, Mary,

John, Robert and Agnes, of whom only Mary was born in Quebec. By the mid-1850s, Alexander's family moved first to Peterborough, then to Bobcaygeon in the 1860s where he opened a store and temperance hotel. There is no record as to why the family made this move as the rest of the Orr family appears to have remained in Quebec but it was likely due to the growing economic opportunities in the area at the time with increased settlement throughout central Ontario and new economic growth, largely associated with the burgeoning lumber industry.

Temperance hotels emerged in Ontario around the mid-nineteenth century, although they were sometimes seen as a risky proposition. Although food and lodging were key aspects of hotels, a significant portion of their income came from alcohol sales, both from people staying at the hotel and community members coming to the bar. But, at the same time, many hotels were notorious for drunkenness and barroom brawls and were unpleasant for many travellers, whether they abstained for liquor or not. By the mid-nineteenth century, there was a demand for temperance hotels, that is hotels that did not serve alcohol, but rather offered accommodation, food, and non-alcoholic beverages, including a selection of what were known as "temperance drinks" such as ginger ale, sarsaparilla, and lemonade. By the 1850s, temperance hotels were reasonably common in Ontario communities, although they remained decidedly less common than traditional inns and taverns.

The growth of temperance hotels came at the same time as the growth of the temperance movement across Ontario. The temperance movement had emerged in the early nineteenth century and grew in tandem with the Social Gospel movement with which it shared similar goals of societal betterment. The temperance movement believed that alcohol hindered the development of moral, pious, and economically productive society, hurt family structure and values, and had a lasting negative impact on the individual who indulged in it both with regard to their health and morality. Its growth coincided with urbanization and industrialization, including the mass manufacture of alcohol, and the increasing use of alcohol in society. The temperance movement was supported in large part by middle-class women and Protestant churches who saw alcohol as a major ill in nineteenth century society; the temperance and suffrage movements went hand-in-hand across Canada and were both heavily organized and championed by women. Organizations like the Women's Christian Temperance League (WCTU) led the charge for temperance and the legal prohibition of the sale and consumption of alcohol across Canada. The WCTU was, in fact, the largest non-denominational women's organization in late nineteenth and early twentieth century Canada and speaks to the centrality of this movement in turn of the century life.

One of the challenges for the temperance movement in Canada was lack of support for full prohibition at the federal and provincial levels. While there was

generalized support for the temperance movement and indeed for prohibition in some quarters, there were a number of factors that prevented its enactment. On one hand, the regulation of alcohol manufacture and sales were split between federal, provincial and municipal governments where the manufacture and export of alcohol was regulated federally, its sale regulated provincially and the issuance of liquor licenses was generally regulated at a municipal or local level. The other was lack of significant support, particularly along ethnic, cultural and linguistic lines. In particular, prohibition was not supported in Quebec or by French-Canadians more broadly; this was particularly challenging for the federal government where support from Quebec was paramount for forming government. Indeed, an 1898 plebiscite where the majority of voters voted for prohibition was not passed by the federal government in large part due to a lack of support from Quebec. Similarly, and overlapping significantly with the French-Canadian demographic, the Catholic Church was also not supportive of prohibition as a blanket ban, although there was certainly support for greater controls over the sale and consumption of alcohol and, in some areas at the diocesan and parish level, there was also support for localized prohibition.

As a result, the federal government passed the Canada Temperance Act, also known as the Scott Act after its sponsor Liberal Senator Richard William Scott, in 1878 which allowed municipalities to pass local regulations to prohibit the sale of alcohol within their boundaries; similar legislation, the Dunkin Act, had been passed by the Province of Canada prior to confederation in 1864. This was known colloquially as the local option, as it gave local municipalities the choice whether or not to become dry based on a local plebiscite. The ability for municipalities to undertake this course of action was further supported in Ontario by the passed of the Local Option Act in 1890 which strengthened the federal legislation in the provincial context and required a three-fifths majority of voters to support prohibition for a local option to be enacted. This did not include women, who were not allowed to vote on local plebiscites but were the major supporters of both temperance and the local option.

The local option eventually passed in Bobcaygeon, but not until 1909 during a period of significant growth of support for the local option across central Ontario; local options were passed in Lindsay and Fenelon Falls in the same year. Bobcaygeon's local option by-law was actually not repealed until 2005, although liquor sales certainly occurred in the community prior to that date. However, when Orr opened his hotel in the early 1860s, temperance was not as popular as it would be forty years later and he, in fact, faced significant opposition at a time when drinking, particularly drinking at hotels, was a significant aspect of Victorian social life.

Orr was, in many ways, an outlier in the temperance movement; primarily driven by women, men were less prominent members of the movement,

particularly given that drinking formed a significant part of male sociability during this time. However, male involvement in temperance did exist both through fraternal lodges and churches where temperance was viewed as an inherent part of Christian duty and masculinity. Orr's involvement in the movement, and his choice to open a temperance hotel at a time there was not widespread support for universal prohibition was likely derived from his religious beliefs. Orr, like many Scottish immigrants, was a staunch Presbyterian with strong beliefs regarding morality and Christian character, including the importance of temperance in maintaining a Christian home.

The Presbyterian Church was an important player in the crusade against alcohol in the mid-nineteenth century. Like most Protestant churches, the Presbyterian Church saw liquor as one of Victorian society's moral ills and actively campaigned for temperance and full prohibition. From the church's perspective, alcohol was a major scourge on the morality and structure of the Christian family; when men – and it was mostly men – indulged in alcohol, they were neither looking after their family financially or providing good moral leadership as the head of the household, leading to the suffering, both materially and spiritually of their wife and children. Interestingly, in the early nineteenth century, Presbyterians were the most divided of the mainline Protestant denominations on the question of temperance where many more moderate members of the Church did not object to modest alcohol consumption at events such as wakes. However, as the nineteenth century wore on, the church turned sharply in favour of temperance, particularly with growing industrialization and the increased availability and manufacture of liquor across the province.

On a local level, Protestant ministers, including Presbyterians, and church lay leaders became major proponents and supporters of temperance, alongside the WCT. Orr joined the local Presbyterian congregation in Bobcaygeon upon his arrival in the village; a church was constructed for the denomination in 1867, soon after the family's arrival in the village under the direction of the Reverend William Patterson, himself a supporter of temperance. Orr became one of the church's first elders and remained an important leader in the congregation until his death, promoting a strong adherence to Christianity and its moral principles, including temperance in his role as a church leader and as a local businessman.

At the time Orr opened his hotel in Bobcaygeon in 1865, there were a number of different types of travellers who might require accommodation in the village. These potential travellers included tourists, many of whom at this time were parties of men undertaking fishing expeditions, business travellers who travelled throughout rural Ontario at this time and primarily met with local businesses to sell products for their stores, settlers resting in Bobcaygeon on their way north, and, particularly in Bobcaygeon, lumbermen on their way to

northern camps. It is not known who Orr's primary clientele was, but it is likely that he primarily served families, devout Christians and parties that included women, where his hotel would have been seen as a location that was safer and less rowdy than other accommodations in town and for whom the lack of alcohol on the premises was seen as a selling feature for the hotel. It is known that he had many fishermen who stayed at his hotel, demonstrating that the preference for a temperance establishment certainly transcended gender lines. This was particularly the case in Bobcaygeon, which, in the middle decades of the nineteenth century, had a reputation for being a heavy drinking village, likely due to the substantial male population and drinking culture associated with the lumber industry at this time.

Despite the challenges that came with operating a temperance hotel, namely the decrease in revenue that came from not having a bar, Orr's hotel was very successful. His establishment was known for its excellent food and that reputation certainly attracted visitors. As noted above, Orr opened his first hotel in the early 1860s, likely as early as 1861, and, by spring 1871, had replaced the original building, about which nothing is known, with the present structure. In April 1871, in an advertisement in the *Bobcaygeon Independent*, it was noted that:

The subscriber begs to return thanks to the numerous customers who have patronized them for the last ten years and now intimates that he had just opened his large and commodious Commercial Temperance House (at the corner of John and Boulton [sic] streets) which has been erected and fitted up at great expense and the public now may rely upon obtaining first rate accommodation.²

Orr had clearly met success with his initial venture and the new building was a substantial one, anchoring southern end of Bolton Street and Bobcaygeon's downtown core. It was certainly one of the largest buildings in the downtown at this time and reflected a successful and thriving business. Orr also ran a dry goods store on the ground floor of the building with the hotel operating out of one store front and the upper storey and the store from the other. The success of his business was also noted in his obituary when he died just fifteen years later in November 1886, from stomach cancer. It noted that Orr:

succeeded in establishing one of the largest and most flourishing temperance houses in the province...His career has shown conclusively that a temperance house on strict total prohibition principles can be successfully conducted in a Canadian village, and also that family worship can be

² Advertisement, *Bobcaygeon Independent*, April 8, 1871, 1.

maintained morning and evening even amid the disturbing circumstances of a large and engrossing business.³

Soon after Orr's death, the hotel was transformed into the Kenosha Inn, another hotel. Like Orr's hotel, catered to a range of travellers to Bobcaygeon, although, by this time, the town's economy was shifting more and more in favour of tourism and tourists made up a substantial portion of hotel guest in Bobcaygeon at this time, particularly fishermen who travelled to the community from as far afield as the United States for its highly sought after fishing opportunities. Like Orr's establishment, the Kenosha Inn offered both served food and offered accommodation; it is not known if the Kenosha was also a dry establishment, although the passage of the local option by-law in 1909 made dry hotels the default in the community.

It also appears from the hotel's advertisements that appeared in the *Bobcaygeon Independent* in the early twentieth century that it offered long-term accommodation to local workers. Residential hotels were common in urban areas from the late nineteenth century onwards; the growth of the Canadian economy during this period led to a widespread migration to urban areas for economic opportunities. These people, who were often young and single, required somewhere to live and many, if not most, hotels provided temporary accommodation for them during this period that could range from a few weeks to months to years and typically provided both room and board. The residential hotel, in its various forms, was a central pillar of late nineteenth century urban life and a recognizable institution in towns and cities across North America as new workers flocked to developing and growing industries. In Bobcaygeon, residential hotels were often used by lumbermen who worked in the lumber camps in the winter and returned to town in the other months to work in the sawmill or in other businesses and industries.

The Kenosha Inn operated at this location until the late 1930s; mentions of the hotel appear as late as 1937 in the *Bobcaygeon Independent*. In 1940, the hotel was sold to the Verulam Lodge, the local Masonic lodge, and converted into the local Masonic Hall, a capacity in which the upper storey of the building still serves. Through this continued role, the building speaks to the history of the Masonic Lodge in Bobcaygeon and its role in the community from the nineteenth century.

There were certainly Masons in the earliest days of Bobcaygeon's development, but there was no local lodge until 1872; prior to this date, Masons had to travel to other communities, namely Peterborough and Lindsay, to meet. However, as the population of Bobcaygeon and the surrounding area grew, there was increasingly a need for a local lodge, and a charter was issued

³ Alexander Orr Obituary, n.d. (1886), Maryboro Lodge Museum.

for Verulam Lodge #268 in July 1872, with John Kennedy as the first Master. It is believed that the lodge's first meeting was held in one of the village's hotels although the exact location is not known. Soon after, the lodge purchased a building on Mansfield Street where meetings were held until the early 1890s. In 1893, the lodge decided that it was better for them to be located in the centre of the village and rooms above Cain's General Store, now location of the Bank of British North America. Little is known about its early memberships although it likely included a large number of the village's men, given the centrality and importance of fraternal organizations, including the Masonic Lodge, in nineteenth century small-town Ontario. Fraternal orders provided, for men, a space for masculine socialization, as well as a promoter and supporter of virtuous and moral male leadership in nineteenth century Christian society. They also acted as a benevolent society, supporting their members and the community through charitable endeavours.

Cain's building burned down in 1913 as part of the fire that destroyed large portions of downtown Bobcaygeon; by this time, the property was owned by the Bank of British North America but the lodge continued to occupy its upper storey. The fire destroyed this building, along with the majority of the lodge's records from the early decades of its existence. Fortunately, the bank's reconstruction included a new lodge room over the bank which was formally opened in July 1915.

However, the lodge wanted its own building and discussions of purchasing a new property were underway as early as 1922. A property was first purchased on Bolton Street in 1927, but was never used as a lodge building and was later sold. In 1940, the Lodge was finally able to purchase the subject property, due in large part to a bequest by the late Sidney C. Cluxton, a Verulam Lodge member, who had died in 1924 and had left funds to the lodge; the building was renamed as the Cluxton Memorial Masonic Building in his honour. The upper storey was converted for use, while the lower storeys continued to be rented out for a range of commercial and residential tenants. The first lodge meeting was held there in August 1941 and it has continued to be used in that capacity.

The subject property has a long history in the development of Bobcaygeon, serving in several capacities throughout its lifetime. Through its role as a hotel, first as the Orr Temperance Hotel and then the Kenosha Inn, it provides insight into the history of accommodation in Bobcaygeon and, particularly under the Alexander Orr, the temperance movement in the community and its role in late nineteenth century life. Its transition to use as the Masonic Lodge continued its community use and provides information regarding the fraternal organization from the establishment of the Verulam Lodge in 1872.

Contextual Value

90 Bolton Street has contextual value as a contributing feature to the historic commercial character of Bobcaygeon's downtown and is functionally linked to its surroundings as part of the village's downtown landscape. The property is located on the south east corner of Bolton Street and forms a corner anchor building for the community's main commercial thoroughfare. It supports the small-town commercial streetscape of Bolton Street which is comprised of a mix of historic and contemporary commercial buildings with similar setbacks and massing. The property is a landmark building as the largest commercial building in the downtown, as well as through its building material and location.

Bolton Street developed as Bobcaygeon's downtown commercial core beginning in the first half of the nineteenth century. The survey of the main island and the establishment of streets and lots was undertaken in 1834 and Bolton Street, known then as Boulton Street, was laid out at that time as the main thoroughfare on the island. Several small business, including a tavern and a general store, were established in Bobcaygeon at this time, at the same time as Thomas Need built the original mill in the community, although their exact location is not known.

By the mid-nineteenth century, however, Bolton Street had developed into a bustling Victorian small-town downtown with a range of commercial buildings along its east and west sides in a variety of sizes and mid-nineteenth century architectural forms. The evolution of the streetscape can be seen in the 1890 Fire Insurance plan of the village which shows Bolton Street lined with a variety of commercial buildings, mostly built to the lot line, but not forming a fully connected streetwall as was the case in most larger urban centres by this time; the subject property can also be seen on this plan, as the only stone building in the downtown where most other structures were brick, brick clad or wood.

In 1913, a sizable portion of Bobcaygeon's downtown burned down as a result of a catastrophic fire that swept through the community. The section of the downtown that was destroyed, largely is northern side, was reconstructed throughout the 1910s through a significant rebuilding effort, and the majority of the buildings in the downtown as it currently exists post-date this fire; there are certainly exceptions to this, particularly at the southern end of the downtown and including the subject property.

At the present time, the west side of the street is comprised of a continuous commercial streetwall that runs south from Canal Street with some of the buildings physically linked through this continuous façade and shared side wall. This streetwall is comprised of primarily historic buildings of one and two storeys with similar sizing, massing and architectural features. Most are erected in a simplified version of the Italianate style. There are a number of

alleyways integrated into the streetscape, as well as several newer commercial buildings, but these nevertheless maintain the massing and rhythm of the west side of the street. The east side of the street, where the subject property is located, has a more eclectic mix of structures, many of which are more modern in their date of construction. Nevertheless, the size, massing and tightly packed urban forms are maintained on the east side of the street as well, creating a consistent downtown form, comprised of one to two-storey buildings, arranged in a tight urban configuration that creates the overall character of a small-town commercial downtown which is supported by the subject property. Similarly, the continuous and ongoing use of these structures as commercial buildings of a variety of uses, including retail, dining, and services that are also present in the subject property, contribute to its overall character and reaffirm the role of Bolton Street as Bobcaygeon's commercial core.

The property is also widely regarded as a local landmark for its location, size, massing and historic use. The building is located at the south end of Bolton Street at the intersection with King Street as its corner anchor building where it is visible from multiple vantage points and is a commanding presence in the viewscape of the downtown. At two-and-a-half storeys and a large footprint, the building is the largest historic commercial building in downtown Bobcaygeon and is readily recognized through its size, massing and distinct architecture, including its construction material; it one of only two purpose-built stone commercial buildings in downtown Bobcaygeon and is constructed in a unique late nineteenth-century architectural style that combined elements of both Georgian and Victorian architecture. Its historic use as a hotel is well-known in Bobcaygeon, both as the Orr Temperance Hotel and the Kenosha Inn, but it is also widely recognized in the community as the location of the Masonic Lodge which is located on the top storey of the building. The Masonic Lodge has owned and operated out of the building since 1940 and the building is widely associated with this local charitable and fraternal organization.

Summary of Reasons for Designation

The short statement of reasons for designation and the description of the heritage attributes of the property, along with all other components of the Heritage Designation Brief, constitute the Reasons for Designation required under the Ontario Heritage Act.

Short Statement of Reasons for Designation

Design and Physical Attributes

90 Bolton Street has design and physical value as a unique example of a Victorian commercial building and is one of a small collection of surviving stone commercial buildings remaining extant in Kawartha Lakes. Constructed in 1871, the property is demonstrative of vernacular commercial architecture of the early Victorian and mid-nineteenth century period, which were typically built to the front lot line and formed a consistent streetwall, with limited ornamentation, as opposed to the later Italianate style, which had become popular by this period. This building is one of only a few downtown commercial buildings in Kawartha Lakes constructed in this manner.

Historical and Associative Attributes

90 Bolton Street has historical and associative value as a historic hotel in downtown Bobcaygeon. The property was originally constructed in 1871 as the Orr Temperance Hotel and later became the Kenosha Inn where it served tourists and other visitors to Bobcaygeon from the late nineteenth onward. Through this historic role as a hotel, it yields information regarding the role and development of hotels in Bobcaygeon as important aspects of its economic growth. The property is also directly related to the strong temperance movement in Bobcaygeon as it was originally constructed as a temperance hotel, long before the community enacted the local option. It yields information regarding the growth of the temperance movement in the community and its role in the hospitality industry. It is also directly related to the local Masonic Lodge which purchased the building in 1940 and continues to own and use the building.

Contextual Attributes

90 Bolton Street has contextual value as a contributing feature to the historic commercial character of Bobcaygeon's downtown and is functionally linked to its surroundings as part of the village's downtown landscape. The property is located on the south east corner of Bolton Street and forms a corner anchor building for the community's main commercial thoroughfare. It supports the small-town commercial streetscape of Bolton Street which is comprised of a mix of historic and contemporary commercial buildings with similar setbacks and massing. The property is a landmark building as the largest commercial building in the downtown, as well as through its building material and location.

Summary of Heritage Attributes to be Designated

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Attributes

The design and physical attributes of the property support its value as a unique example of Victorian commercial architecture in Bobcaygeon.

- Two-and-a-half storey stone construction
- Coursed ashlar
- Gable roofs
- Rectangular massing with rear two-storey and one-storey extensions
- Gables on front elevations and extensions
- Symmetrical massing
- Commercial entrances including:
 - Recessed southern entrance
- Fenestration including:
 - Sash windows
 - Segmentally arched sash windows
 - Stone voussoirs
 - Lug sills
- Articulated quoins

Historical and Associative Attributes

The historical and associative attributes of the property support its value in its relationship with Alexander Orr, the temperance movement in Bobcaygeon, historic hotels and the local Masonic Lodge.

- Mixed-use character, including ground floor commercial functions
- Historic association with the hotel business in Bobcaygeon
- Historic and continuing associated with the Masonic Lodge

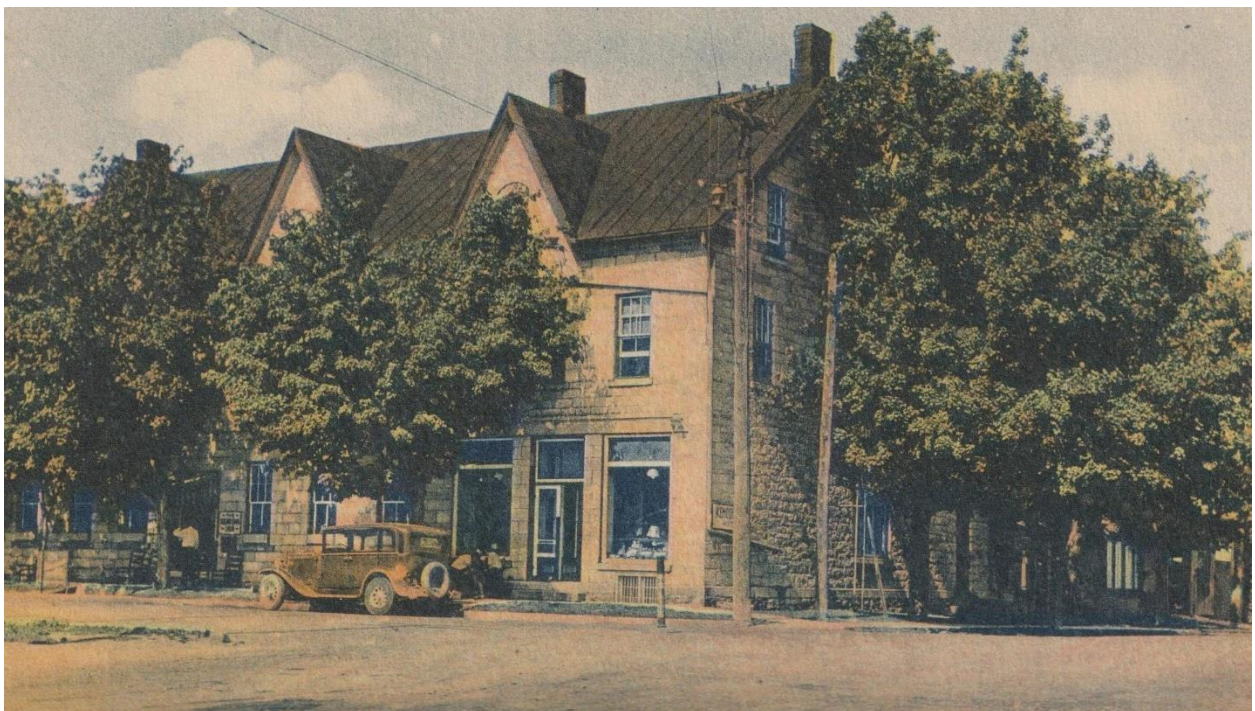
Contextual Attributes

The contextual attributes of the property support its value as a contributing feature to the historic landscape of downtown Bobcaygeon and as a local landmark.

- Location at the northeast corner of the intersection of Bolton Street and King Street East
- Construction to the west lot line

- Views of the property from Bolton Street and King Street East as they relate to the historic streetscape of downtown Bobcaygeon
- Stone construction in a Victorian architecture style

Images









Bibliography

Baxter, Megan. "'Would You Sell Yourself for a Drink, Boy?' Masculinity and Christianity in the Ontario Temperance Movement." *Canadian Society of Church History Historical Papers* (2011): 99-112.

Blumenson, John. *Ontario Architecture: A Guide to Styles and Building Terms, 1784 to the Present*. Toronto: Fitzhenry and Whiteside, 1990.

Comber, Dorothy. *Bobcaygeon History*. Bobcaygeon: The Bobcaygeon Independent, 1972.

Francaviglia, Richard V. *Main Street Revisited: Time, Space and Image Building in Small Town America*. Iowa City: University of Iowa Press, 1996.

Heron, Craig. *Booze: A Distilled History*. Toronto: Between the Lines Publishing, 2003.

Kalman, Harold. *A History of Canadian Architecture*. 2 vols. Toronto: Oxford University Press, 1994.

Kirkconnell, Watson. *County of Victoria: Centennial History*. 2nd edition. Lindsay: County of Victoria Council, 1967.

Longstreath, Richard. *The Buildings of Main Street: A Guide to Urban American Commercial Architecture*. Walnut Creek CA: AltaMira Press, 2000.

McBurney, Margaret and Mary Byers. *Tavern in the Town: Early Inns and Taverns of Ontario*. Toronto: University of Toronto Press, 1987.

McKim, Denis. *Boundless Dominion: Providence, Politics, and the Early Canadian Presbyterian Worldview*. Montreal: McGill-Queens University Press, 2017.

Moir, John S. *Enduring Witness: A History of the Presbyterian Church in Canada*. Toronto: Bryant Press, 1975.

Powers, Jo Marie and Dorothy Duncan. "Temperance Hotels and 'those Damned Cold Water Drinking Societies'." *Proceedings of the Oxford Symposium on Food and Cookery 1991*. London: Prospect Books, 1992.

Rifkind, Carole. *Main Street: The Face of Urban America*. New York: Harper and Row Publishers, 1977.

Thomas, W.D. *Bobcaygeon: The Hub of the Kawarthas*. 1980.

Van Oudenaren, Harry. *Bobcaygeon: A Picture Book of Memories*. Bobcaygeon: Bobcaygeon Publishing, 1992.

Municipal Heritage Committee Report

Report Number:	KLMHC2025-037
Meeting Date:	March 6, 2025
Title:	2025 Heritage Outreach
Description:	Discussion regarding outreach activities for 2025
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2025-037, **2025 Heritage Outreach**, be received; and

That the Committee members and staff report back on identified action items.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In its 2025 work plan, the Municipal Heritage Committee identified public outreach as one of its goals for the year. The intention of the Committee was to increase public engagement and education with heritage in the City.

Through its brainstorming related to the heritage designation strategy and workshops earlier in the year, the Committee has identified a range of potential outreach activities that it may want to pursue. In order to execute outreach in 2025, the Committee needs to decide on what initiatives wants to participate in and spearhead, based on available budget and staffing resources.

At present, there are a number of outreach activities that staff are working on that can be bolstered and supported by Committee efforts. The Committee may also want to identify some activities that it would also like to pursue and which there is Committee member time and capacity to undertake.

This report is intended to provide background information for the Committee to discuss what outreach activities it would like to participate in in 2025.

Rationale:

In order to execute outreach events in 2025, the Committee needs to identify and develop an action plan for the rest of the year regarding what it would like to do and when. Items for 2025 should be achievable with the availability of time and resources of both staff and Committee members. The Committee may also wish to identify some longer-term goals for outreach that may take additional planning and coordination to execute in anticipation for outreach activities in 2026 and beyond; this is particularly the case where activities may include external partners.

There are currently a number of ongoing outreach initiatives that can be bolstered and supported by Committee efforts. The Committee may also want to identify, discuss and plan additional activities it would like to undertake in 2025.

Social Media

Currently, staff provide history-related content through the City and Economic Development social media to showcase programming and topics of interest for the community. Currently the majority of content is provided for Facebook but Communications staff have recently launched an Instagram page to increase social

engagement. The incoming Young Canada Works intern will be working on this program.

The Committee has discussed the idea of providing social media content in the past and there is an opportunity for Committee members to do so in future on different heritage related content. Content will be coordinated with Communications and Marketing staff through the heritage planning program. Content requires an image and no more than 150 words of text.

Should Committee members wish to provide content, they should discuss who will be providing content and identify some topics to research. There is no defined schedule for providing content as staff have flexibility with regard to scheduling social media posts.

Newsletter

The Committee has discussed the idea of having a newsletter for the public to disseminate information about heritage sites and events. This has also been a discussion amongst staff for several years. Budget has been allocated for 2025 to develop a newsletter for Arts, Culture and Heritage which will include consumer-focussed content related to built heritage, museums collections, archives and culture in the City. The intention is to run the newsletter quarterly in March, June, September and December in print and digital formats. It will be 4 pages in length, including a page for events and activities in the community. Paper copies will be available for distribution in municipal buildings and in the community.

Staff are suggesting that Committee members who are interested provide content for the newsletter, such as a discussion of a historic building, site or story. Articles will need to include one or two images and around 200 words.

In order to give time for editing, formatting, printing and distribution, staff have prepared the following schedule for publication and receipt of content for 2025.

June edition deadline (publication June 1): May 12

September Edition deadline (publication September 1): August 11

December Edition deadline (publication December 1): November 10

Should Committee members wish to contribute content, they should discuss who will be providing content for which newsletter edition, recognizing that there is room for one or two contributions per issue.

Workshops

At its January meeting, the Committee brainstormed a range of topics for workshops in 2025 which staff are in the process of planning and scheduling for later in the year. At present the following workshops are scheduled or being planned:

- **Researching Your Historic Property:** This is a successful workshop that has been held several times with large participation. For 2025, it has been scheduled for September 24, 2025 at Coronation Hall in Omeme.
- **How to Use OnLand:** Staff are currently planning a hands-on session to assist with community members using OnLand for property research. The date and location is currently TBD as it will require a room with access to computers for hands on learning. Staff are anticipating this workshop will take place in late spring.
- **Insurance and Real Estate:** Staff are currently planning an information session regarding heritage and real estate with the date and location TBD.
- **Restoration and Reuse of Historic Barns:** Both heritage and agriculture staff receive inquiries regarding the restoration of historic barns and are partnering to develop an information session to discuss this topic. The intention is to bring in a speaker who is an expert on this area near the end of 2025 and include the agricultural community.

Other Alternatives Considered:

The Committee could choose not to participate in outreach activities in 2025, although undertaking outreach has been included as an action item on the Committee's work plan.

Financial/Operation Impacts:

A budget of \$1750 has been allocated for outreach activities in 2025. This budget includes costs associated with workshops, but does not include the Osprey Heritage Awards. This budget may be used for paper and digital advertising, room rental, and refreshments at events.

Consultations:

Economic Development staff.

Attachments:

N/A

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Municipal Heritage Committee Report

Report Number: KLMHC2025-038
Meeting Date: May 1, 2025
Title: Osprey Heritage Awards
Description: Planning for the Osprey Heritage Awards
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2025-038, **Osprey Heritage Awards**, be received; and

That the Committee members and staff report back on identified action items.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Osprey Heritage Awards were developed in 2018 to recognize members of the community who have had a positive influence on heritage preservation throughout Kawartha Lakes. Community members and businesses could be nominated for a variety of categories and the awards were presented at a ceremony in November. The intention of this event was to raise awareness regarding heritage preservation and provide recognition from the City for community members making a positive contribution.

The original program parameters for the awards were to hold them on a bi-annual basis, but outreach events were paused for several years due to the COVID-19 pandemic. In 2023, it was decided to hold the Osprey Heritage Awards on a bi-annual basis, alternating every other year with Doors Open. This decision was made in order to make the best use of the budget available to the Committee for outreach events and to focus the organizing capabilities of the Committee and staff on one large outreach event each year. The Osprey Heritage Awards were held in 2023 and Doors Open was held in 2024. In 2025, the scheduled event is once again the Osprey Heritage Awards.

At its meeting of January 9, 2025, the Municipal Heritage Committee decided to undertake the awards as scheduled and form an Outreach Subcommittee to organize the awards. The execution of the awards is included in the Committee's 2025 work plan. The subcommittee met on February 25 to begin planning. The subcommittee's minutes are attached as Appendix A of this report. At that meeting, the subcommittee reviewed the awards structure, discussed a timeline and began some brainstorming ideas around marketing. The subcommittee also discussed some ideas about outreach in general, which will be addressed in a separate report.

At the March 18 Council meeting, Council made amendments to all City committee Terms of Reference to remove the ability to have subcommittees. With the removal of subcommittees from Committee terms of reference, the work of the Outreach Subcommittee will now need to be undertaken within the structure of the Committee's main meetings. This report is intended to advance the planning of the Osprey Heritage Awards for 2025.

Rationale:

The current status of action items discussed by the former subcommittee and the Committee is as follows:

- The awards categories for the awards have been set and will remain the same as in 2023.
- Nominations will take place throughout the summer of 2025 with a closing date in early fall.
- The awards ceremony will take place at a Council meeting. The former subcommittee identified that it would like to see a lunch or reception ahead of the awards ceremony and the Victoria and Weldon Rooms have been booked for this purpose on December 9.

Action items for review at its meeting of May 1, 2025 have been identified as:

- Development of a marketing plan, including what types of marketing would the Committee like to undertake and how. Staff will take these ideas to Communications and Marketing who will develop and finalize marketing materials for the Committee's review and approval at its June meeting.
- Finalization of timelines for the awards including dates for the launch and close of nominations. At present, the awards are tentatively scheduled for the December 9 Council meeting. This will require a closed session report to Council in November and the review of the awards by the Committee at its October meeting.

Next steps after the discussion at the meeting will be:

- Presentation of marketing materials to the Committee for review and approval.
- Identification of locations for paper marketing materials.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts of this report. The budget for the Osprey Heritage Awards has been allocated in the 2025 Heritage Planning budget and reviewed by the Committee.

Consultations:

N/A

Attachments:

N/A

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Municipal Heritage Committee Report

Report Number:	KLMHC2025-039
Meeting Date:	May 1, 2025
Title:	Proposed Amendments to the Ontario Heritage Act
Description:	Proposed amendments to the Ontario Heritage Act through Bill 5, the Protect Ontario by Unleashing Our Economy Act (2025)
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2025-039, **Proposed Amendments to the Ontario Heritage Act**, be received; and

That the Committee provide comments to staff through the Chair.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

On April 17, 2025, the provincial government introduced the Protecting Ontario by Unleashing Our Economy Act (2025), also known as Bill 5. This Act proposed amendments to a variety of legislation to make changes to regulations related to environmental protections, mining, and procurement and is intended to spearhead more rapid development in areas of provincial priorities. It also introduced the idea of Special Economic Zones that the province may designate for areas of strategic importance for provincial economic and development priorities through the new Special Economic Zones Act which is included as part of Bill 5.

The amendments proposed through Bill 5 include amendments to the Ontario Heritage Act. These amendments primarily impact archaeology and archaeological assessments taking place as part of development proposal and are summarized for the Committee's review below. These proposed amendments are currently posted on the Environmental Registry of Ontario (ERO) for commenting. The commenting deadline is May 17. A copy of Bill 5 is attached as Appendix A including a summary of the major amendments and the full text of the bill.

This report is intended to provide an overview of the proposed amendments to give the opportunity for the Committee to provide comment on them. The Committee's comments are prepared by the Chair in a letter to staff. Staff then include the Committee's comments as part of the overall City comments and response to the proposed legislative changes.

Rationale:

The proposed amendments to the Ontario Heritage Act through Bill 5 are as follows:

Exemption for Property

The amendments are proposing that the Lieutenant Governor in Council be given the authority to exempt property from the requirements under Part VI of the Ontario Heritage Act and from the requirement to complete an archaeological assessment under both the OHA or any other provincial legislation, such as the Planning Act or Environmental Assessment Act if the exemption could advance provincial priorities including, but not limited to, housing, transit, health and long-term care, and infrastructure. Regulations would be established criteria that must be met in order for a property to be eligible for an exemption.

The Ministry is proposing to consult separately on these regulations.

Expanding Existing Inspection Authorities

Presently, the Ministry has the ability to inspect licensed archaeologists, properties on which they are conducting or have conducted an archaeological assessment, and their business premises including labs, storage and offices. The proposed amendments would allow for the Minister to direct and inspection on any piece of land or under water to determine if archaeological sites or artifacts are present.

Establishing Authority for the Minister to Order an Archaeological Assessment

A new provision is proposed to be added to the Act to allow the Minister the ability to order the completion of an archaeological assessment, including fieldwork. The Minister currently does not have this power under the Act.

Enhancing Powers to Seize and Direct Artifacts and Archaeological Collections

The amendments are proposing to expand the Minister's existing powers to seize artifacts and archaeological collections from both individuals and businesses without licences and licensees who are in contravention of their licenses. It would also allow the Minister to direct their deposit with public institutions or Indigenous communities.

Authorizing Investigations

The OHA currently does not have investigating powers under Part VI of the Act but rather relies on authority under the Provincial Offences Act. The proposed amendments would explicitly add investigative powers to the OHA as it relates to archaeology including obtaining warrants and searching premises, details of investigators powers, and protection orders for documents or data.

Setting Out a Limitations Period

There is currently no explicit limitations period for offenses committed under the OHA and, as such, defaults to the limit under the POA of six months from the date an offense was committed. The proposed amendments would set out a limitation period of two years that would apply to any offense under the OHA.

Orders to Prevent Damage

The proposed amendments would authorize court orders to prevent, eliminate or ameliorate damage connected with the commission of an offense.

Definitions

The proposed amendments would allow for the terms “archaeological collection” and “public institution” to be defined through regulation. These terms are currently not defined in the Act. Consultation will occur separately on the definitions of these terms.

New definitions for these terms will likely impact where artifacts from archaeological sites can be stored and displayed.

Impact on City Operations

The proposed amendments will likely have little impact on City operations and there are no anticipated policy or process changes or amendments that will result if they are adopted at the provincial level. Impact would likely be on a project-by-project basis should the Minister deem a project taking place in Kawartha Lakes exempt from requirements or to order an archaeological assessment.

The ability of the Minister to order the deposit or seizure of artifacts may have a future impact on the City’s artifact care and management program but additional details are required from the province to fully gauge an impact. Similarly, the definitions of “archaeological collection” and “public institution” may impact the ability of the City to collect and store artifacts.

Other Alternatives Considered:

The Committee could choose not to comment on the proposed amendments.

Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

Consultations:

Ministry of Citizenship and Multiculturalism

Attachments:

Appendix A – Bill 5



Adobe Acrobat
Document

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 44TH LEGISLATURE, ONTARIO
3 CHARLES III, 2025

Bill 5

**An Act to enact the Special Economic Zones Act, 2025,
to amend the Endangered Species Act, 2007 and to replace it with the
Species Conservation Act, 2025, and to amend various Acts and
revoke various regulations in relation to development and to procurement**

The Hon. S. Lecce
Minister of Energy and Mines

Government Bill

1st Reading April 17, 2025

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1
ELECTRICITY ACT, 1998

Various amendments are made to the *Electricity Act, 1998*.

Subsection 25.32 (5) of the Act authorizes the issuance of directives requiring the IESO to undertake a request for proposal or other procurement initiative or activity relating to a specified matter respecting electricity. The section is amended to specify that any such directive may set out requirements relating to the country, region or territory of origin of any good or service used in connection with the matter to which the directive relates. The section is also amended to provide that the IESO is not permitted to enter into a procurement contract that relates to specified matters respecting electricity in circumstances that may be prescribed by regulations made under the Act. Finally, a new section 25.32.1 is added to provide that the IESO is not permitted to procure a good or service that relates to something other than one of the specified matters respecting electricity, in circumstances that may be prescribed by the regulations.

A new section 53.6.1 provides for restrictions respecting the procurement by Ontario Power Generation Inc., or by any of its subsidiaries that may be specified by the regulations, of a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin.

A new section 3.2 provides for the extinguishment of specified causes of action against the Crown, the IESO, Ontario Power Generation Inc. and other specified persons in connection with the amendments made to the Act, including for things done or not done in accordance with those amendments. It also provides for a bar on legal proceedings connected to those matters.

SCHEDULE 2
ENDANGERED SPECIES ACT, 2007

Various amendments are made to the *Endangered Species Act, 2007*, including:

1. Amendments to the purpose of the Act.
2. Amendments to several definitions in subsection 2 (1), including a new definition of “habitat”.
3. Section 2.1 is added to the Act to enable the Minister to delegate powers and duties under the Act.
4. The following changes are made to section 7 so that making a regulation under that section is no longer mandatory but at the discretion of the Lieutenant Governor in Council:
 - i. The Lieutenant Governor in Council would be authorized to make a regulation listing species that are classified by COSSARO as extirpated species, endangered species, threatened species or special concern species.
 - ii. Such a regulation would not be required to list all of the species classified by COSSARO but, if a species is listed, the classification of the species must be the same as COSSARO’s classification.
 - iii. Requirements under the Act relating to a species that has been removed from the list cease to have effect.
5. The temporary suspension of protections upon initial listing of a species is removed.
6. Provisions regarding government response statements, management plans and agreements are repealed and transitional amendments are made throughout to refer to requirements that continue in respect of instruments that existed before the date of repeal.
7. Section 17 is re-enacted to remove the need for conditions to be satisfied before certain permits could be issued, remove reference to species conservation charges and make other changes.
8. Section 18, which authorizes persons to engage in prohibited activities set out in a regulation if the activity is regulated under another Act, is repealed.
9. Sections 20 and 30, which deal with hearings, are repealed and section 30 is replaced with provisions governing appeals of permits and orders.
10. Subsections 20.3 (7) to (9) are added to the Act to address the cessation of monies being paid into the Fund.
11. Section 20.19 is added to provide for the wind up of the Agency.
12. Section 22.1 is added to require persons to respond to reasonable inquiries related to determining if the person is in compliance with the Act or regulations.
13. Changes are made to the inspection powers to remove a requirement for a warrant with respect to certain inspections.
14. Amendments are made to remove the ability of enforcement officers to issue stop orders and to authorize provincial officers to issue contravention orders and to authorize the Minister to issue mitigation orders.
15. The name of the Species at Risk in Ontario Stewardship Program is changed to the Species Conservation Program.

16. The authorization for the Minister to establish an advisory committee is removed.
17. Section 57, which sets out special requirements for certain regulations, is repealed.
18. Schedules 1 to 5 are repealed.
19. Various other administrative and consequential amendments.

SCHEDULE 3 ENVIRONMENTAL ASSESSMENT ACT

The Schedule amends the *Environmental Assessment Act*.

The Act is amended to provide for the termination of the agreement entered into under section 3.0.1 of the Act concerning various enterprises or activities for or related to the proposed Eagle's Nest multi-metal mine in Northern Ontario near McFaulds Lake. A related approval under the Act is also revoked.

Part II.3 of the Act requires every proponent who wishes to proceed with a Part II.3 project to apply to the Minister for approval to do so. The Act is amended to provide that specified activities relating to the Chatham-Kent waste disposal site are exempt from Part II.3 of the Act.

SCHEDULE 4 ENVIRONMENTAL PROTECTION ACT

The Schedule amends the *Environmental Protection Act* to revoke a document that was signed by the Minister under the Act for the purpose of establishing fees with respect to the Environmental Activity and Sector Registry. The Minister may refund such fees in circumstances where a registration has been removed from the Registry under the Act.

SCHEDULE 5 MINING ACT

The Schedule makes multiple amendments to the *Mining Act*. Some of the more significant amendments are described below.

Section 2 is amended so that the Act's purpose of encouraging prospecting, registration of mining claims and exploration for the development of mineral resources must be to a degree that is consistent with the protection of Ontario's economy.

Section 4.1 is amended to allow the Minister to make an order suspending the operation of some or all functions of the mining lands administration system if doing so is desirable for the protection of the strategic national mineral supply chain. The new section 26.1 allows the Minister to make the following orders if they are desirable for the protection of the strategic national mineral supply chain: an order that the account of a mining lands administration system user be suspended or restricted, an order prohibiting a person from registering as a user on the mining lands administration system, an order prohibiting a person from obtaining a prospector's licence and an order terminating a prospector's licence.

Section 81 is amended to allow the Minister to deny the issuance of a lease if the Minister considers denying the lease desirable for the protection of the strategic national mineral supply chain.

The new section 153.0.1 allows the Minister to establish a mine authorization and permitting delivery team for any project designated by the Minister. If the proponent provides the required information, the team shall prepare an integrated authorization and permitting plan that sets out steps for the application, review and decision-making processes for obtaining the permits and authorizations required for the project under this and any other Act. The team shall also co-ordinate with any other ministry to expedite the application, review and decision-making processes for the permits and authorizations specified in the integrated authorization and permitting plan.

The new section 176.1 allows the Minister, subject to the approval of the Lieutenant Governor in Council, to cancel or revoke unpatented mining claims or a licence of occupation or terminate a lease of any mining lands or mining rights if the Minister considers doing so desirable for the protection of the strategic national mineral supply chain.

Finally, various causes of action connected to the amendments are extinguished.

SCHEDULE 6 ONTARIO ENERGY BOARD ACT, 1998

Various amendments are made to the *Ontario Energy Board Act, 1998*.

A new section 43.1 provides for restrictions respecting the procurement of a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin by,

- (a) gas transmitters, gas distributors or storage companies that may be specified by the regulations made under the Act; or
- (b) gas transmitter, gas distributor or storage company subsidiaries that may be specified by the regulations.

Similarly, a new section 73 provides for restrictions respecting the procurement of a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin by,

- (a) licence holders that may be specified by the regulations; or
- (b) licence holder subsidiaries that may be specified by the regulations.

A new section 134 provides for the extinguishment of specified causes of action against the Crown and other specified persons in connection with the amendments made to the Act, including for things done or not done in accordance with those amendments. It also provides for a bar on legal proceedings connected to those matters.

SCHEDULE 7 ONTARIO HERITAGE ACT

The Schedule amends the *Ontario Heritage Act*. The major elements are set out below.

The amendments expand the inspection powers in section 51.2 of the Act so that inspections may also be done for the purpose of assessing whether any artifacts or archaeological sites are on any land, or land under water, in the Province. This kind of inspection may only be conducted on the order of the Minister. Any artifacts or archaeological sites that are found in the inspection, or that have been removed or altered, are to be reported to the Minister and to the person who owns the land.

New section 61.1 is added to authorize the Minister to make assessment orders. Assessment orders direct that no person shall alter or remove an artifact or any other physical evidence of past human use or activity until a licensee under Part VI of the Act has completed archaeological fieldwork and reported that there is no further cultural heritage value or interest in the site.

Currently, section 66 of the Act authorizes the Minister to direct that artifacts taken under the authority of a licence or a permit shall be deposited in a public institution to be held in trust for the people of Ontario and authorizes the seizure of those artifacts if they are taken by certain unauthorized persons. Section 66 is re-enacted to authorize the Minister to also direct the deposit of material in an archaeological collection. Seized artifacts and materials may, in addition to being deposited in a public institution, be deposited with an Indigenous community. The amendments also authorize persons who are directed to seize these artifacts to enter premises during business hours, but not dwellings. The Minister is further authorized to direct inspectors or investigators under the Act to seize artifacts or archaeological material in the course of an inspection or investigation and to direct the seizure of artifacts or material in an archaeological collection that were seized in an investigation and subsequently released after a conviction.

New section 66.1 allows the Lieutenant Governor in Council to exempt property from any requirement in Part VI of the Act, or in related regulations, or exempt it from a requirement to conduct an archaeological assessment under provisions of any other Act or regulation, or instrument under any other Act, subject to certain exceptions. These exemptions may only be granted if the Lieutenant Governor in Council is of the opinion that the exemption could potentially advance specified provincial priorities. Under the new section 66.2, various causes of action connected to sections 66.1 and 66.2 are extinguished.

New Part VI.1 is added to authorize investigations under the Act. The Minister is given the power to appoint investigators. Investigators may obtain a search warrant and conduct investigations for the purpose of investigating offences or potential offences committed under the Act. The investigators' powers are set out. It also authorizes searches in exigent circumstances and mandatory production orders for documents or data that may provide evidence of an offence.

Section 68.3 of the Act is expanded to specify that certain instruments, including regulations and orders made by the Lieutenant Governor in Council, do not entitle persons to compensation.

New section 69.1 establishes a new two-year limitation period for the prosecution of offences under the Act. New section 69.2 authorizes court orders to prevent, eliminate or ameliorate damage connected to the commission of an offence.

SCHEDULE 8 REBUILDING ONTARIO PLACE ACT, 2023

The Schedule amends the *Rebuilding Ontario Place Act, 2023* to provide that Part II of the *Environmental Bill of Rights, 1993* does not apply to a proposal to issue, amend or revoke an instrument related to the Ontario Place Redevelopment Project or any enterprise or activity that furthers the Project.

SCHEDULE 9 SPECIAL ECONOMIC ZONES ACT, 2025

The Schedule enacts the *Special Economic Zones Act, 2025*.

The Lieutenant Governor in Council is authorized to make regulations designating special economic zones and the Minister is authorized to make regulations designating trusted proponents and projects.

The Lieutenant Governor in Council is authorized to make regulations exempting a trusted proponent or designated project from requirements under an Act, regulation or other instrument under an Act, including by-laws of a municipality or local board, as those requirements would apply in a special economic zone. The Lieutenant Governor in Council is also authorized to make regulations modifying the application of provisions of an Act, regulation or other instrument under an Act, including by-laws of a municipality or local board, as those provisions would apply with respect to a trusted proponent or designated project in a special economic zone.

Certain causes of action are extinguished.

SCHEDULE 10
SPECIES CONSERVATION ACT, 2025

The Schedule enacts the *Species Conservation Act, 2025*. It also repeals the *Endangered Species Act, 2007*. The following are some highlights of the *Species Conservation Act, 2025*:

1. The Committee on the Status of Species at Risk in Ontario (COSSARO) is continued for the purposes of assessing and classifying species. Rules governing reporting by COSSARO and the classification of species are included.
2. The Lieutenant Governor in Council is authorized to make regulations listing species classified by COSSARO as extirpated, endangered or threatened. Certain migratory birds and aquatic species listed as extirpated, endangered or threatened under the *Species at Risk Act* (Canada) are excluded from the application of the Act, other than for the purposes of assessment and classification by COSSARO.
3. The Act prohibits engaging in activities likely to result in a species no longer living in the wild in Ontario. Additionally, engaging in specified activities without having a permit or registering the activity in the Registry is prohibited.
4. A registry known as the Species Conservation Registry is established. The Act includes provisions governing the suspension or removal of registrations and the filing of orders or notices in the Registry.
5. The process for applying for permits is established. The Minister is empowered to issue, amend, revoke and suspend permits.
6. The Act prohibits possession, sale or trade of species contrary to laws of other jurisdictions that protect extirpated, endangered or threatened species.
7. The Minister is authorized to establish codes of practice, standards or guidelines for the protection and conservation of species listed on the Protected Species in Ontario List or their habitat.
8. The Species Conservation Program is continued for the purposes of promoting conservation activities, including habitat preservation, public education and grants.
9. Transitional matters with respect to the Agency and the Species Conservation Account established under the *Endangered Species Act, 2007* are provided for.

Other provisions address matters including enforcement, appeals of permits and orders, offences and penalties, regulation-making authority and the revocation of various regulations.

**An Act to enact the Special Economic Zones Act, 2025,
to amend the Endangered Species Act, 2007 and to replace it with the
Species Conservation Act, 2025, and to amend various Acts and
revoke various regulations in relation to development and to procurement**

CONTENTS

Preamble	
1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Electricity Act, 1998
Schedule 2	Endangered Species Act, 2007
Schedule 3	Environmental Assessment Act
Schedule 4	Environmental Protection Act
Schedule 5	Mining Act
Schedule 6	Ontario Energy Board Act, 1998
Schedule 7	Ontario Heritage Act
Schedule 8	Rebuilding Ontario Place Act, 2023
Schedule 9	Special Economic Zones Act, 2025
Schedule 10	Species Conservation Act, 2025

Preamble

The Government of Ontario is:

Protecting Ontario from global economic uncertainty by unleashing our economy.

Unlocking the potential of Ontario's critical minerals by streamlining approval processes for mining and critical infrastructure projects to achieve outcomes that fuel our economy while also creating jobs and protecting the strategic national mineral supply chain – all for the benefit of the people of Ontario and Canada.

Supporting the acceleration of provincial permitting and approvals for projects so Ontario can build mines and infrastructure faster, while ensuring environmental protections for future generations.

Keeping our energy supply safe by limiting foreign participation in Ontario's energy sector.

Working to make Ontario the best place in the G7 to invest, create jobs and do business.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by order of the Lieutenant Governor in Council, an order may apply to one or more of those provisions, and orders may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Protect Ontario by Unleashing our Economy Act, 2025*.

SCHEDULE 1 ELECTRICITY ACT, 1998

1 The *Electricity Act, 1998* is amended by adding the following section:

Extinguishment of certain causes of action re procurement restrictions

3.2 (1) No cause of action arises against the Crown, any current or former member of the Executive Council or employee, officer or agent of or adviser to the Crown, the IESO, or any current or former director, officer, employee or agent of or adviser to the IESO, as a direct or indirect result of,

- (a) the enactment of the amendments made to this Act by Schedule 1 to the *Protect Ontario by Unleashing our Economy Act, 2025*, or the amendment or repeal of any provision added to this Act by that Schedule;
- (b) the issuance, amendment or revocation of any provision of a directive under subsection 25.32 (5) that includes a requirement described in subsection 25.32 (6.1);
- (c) the making, amendment or revocation of any provision of a regulation for the purposes of subsection 25.32 (12) or section 25.32.1; or
- (d) anything done or not done in accordance with the provisions added to this Act by Schedule 1 to the *Protect Ontario by Unleashing our Economy Act, 2025*, a directive referred to in clause (b) or a regulation referred to in clause (c).

Same

(2) No cause of action arises against the Crown, any current or former member of the Executive Council or employee, officer or agent of or adviser to the Crown, Ontario Power Generation Inc., or any current or former director, officer, employee or agent of or adviser to Ontario Power Generation Inc., as a direct or indirect result of,

- (a) the enactment of the amendments made to this Act by Schedule 1 to the *Protect Ontario by Unleashing our Economy Act, 2025*, or the amendment or repeal of any provision added to this Act by that Schedule;
- (b) the making, amendment or revocation of any provision of a regulation for the purposes of section 53.6.1; or
- (c) anything done or not done in accordance with the provisions added to this Act by Schedule 1 to the *Protect Ontario by Unleashing our Economy Act, 2025* or a regulation referred to in clause (b).

No remedy

(3) No costs, compensation or damages, including for loss of revenue, profit or any other alleged loss, whether direct or indirect, are owing or payable to any person by a person referred to in subsection (1) or (2), and no remedy, including a remedy in contract, restitution or tort, a remedy for misfeasance, bad faith or a breach of trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available to any person against a person referred to in those subsections, in connection with anything referred to in those subsections.

Proceedings barred

(4) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) or (2) may be brought or maintained against any person referred to in that subsection.

Same

(5) Subsections (3) and (4) do not apply with respect to an application for judicial review or a claim for constitutional remedy, but do apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief or the enforcement of a judgment, order or award made outside Ontario.

No costs awarded

(6) No costs shall be awarded against any person in respect of a proceeding that cannot be brought or maintained under subsection (4).

No expropriation or injurious affection

(7) Nothing referred to in subsection (1) or (2) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Proceedings by Crown not prevented

(8) This section does not apply with respect to proceedings brought by the Crown.

2 Section 25.32 of the Act is amended by adding the following subsections:

Directive may specify requirements

(6.1) Without limiting the generality of subsection (5), a directive issued under that subsection may specify requirements relating to the country, region or territory of origin of any good or service, as that origin is determined in the directive, used in connection with the matter listed in subsection (2) to which the directive relates.

Restriction, procurement contracts

(12) The IESO shall not enter into a procurement contract respecting a matter listed in subsection (2) in the circumstances prescribed by the regulations.

Application

(13) Subsection (12) applies with respect to a procurement only if, on the day a regulation made for the purposes of that subsection begins to apply,

- (a) the final version of the request for proposal or any other document that would give rise to the procurement has not yet been issued, in the case of a competitive procurement; or
- (b) in the case of a procurement that is not a competitive procurement, the parties have not entered into a final contract in respect of the procurement.

Conflict with directive

(14) In the event of a conflict, a regulation made for the purposes of subsection (12) prevails over a directive issued under subsection (5) to the extent of the conflict.

Non-application, *Discriminatory Business Practices Act*

(15) The *Discriminatory Business Practices Act* does not apply to anything done or not done in accordance with a directive issued under subsection (5) that includes a requirement described in subsection 25.32 (6.1) or with a regulation made for the purposes of subsection (12).

3 The Act is amended by adding the following section:

Other procurements

25.32.1 (1) The IESO shall not procure a good or service respecting a matter that is not listed in subsection 25.32 (2) if the good or service meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations.

Application

(2) Subsection (1) applies with respect to a procurement only if, on the day a regulation made for the purposes of that subsection begins to apply,

- (a) the final version of the request for proposal or any other document that would give rise to the procurement has not yet been issued, in the case of a competitive procurement; or
- (b) in the case of a procurement that is not a competitive procurement, the parties have not entered into a final contract in respect of the procurement.

Non-application, *Discriminatory Business Practices Act*

(3) The *Discriminatory Business Practices Act* does not apply to anything done or not done in accordance with a regulation made for the purposes of subsection (1).

4 The Act is amended by adding the following section:

Procurement restrictions

53.6.1 (1) Ontario Power Generation Inc. shall not procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations.

Same, subsidiaries

(2) Any subsidiary of Ontario Power Generation Inc. that is prescribed by the regulations shall not procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations.

Application

(3) Subsection (1) or (2) applies with respect to a procurement only if, on the day a regulation made for the purposes of that subsection begins to apply,

- (a) the final version of the request for proposal or any other document that would give rise to the procurement has not yet been issued, in the case of a competitive procurement; or
- (b) in the case of a procurement that is not a competitive procurement, the parties have not entered into a final contract in respect of the procurement.

Non-application, *Discriminatory Business Practices Act*

(4) The *Discriminatory Business Practices Act* does not apply to anything done or not done in accordance with a regulation made for the purposes of subsection (1) or (2).

Commencement

5 This Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

SCHEDULE 2
ENDANGERED SPECIES ACT, 2007

1 (1) The English version of paragraph 1 of section 1 of the *Endangered Species Act, 2007* is amended by striking out “aboriginal” and substituting “Indigenous”.

(2) Paragraphs 2 and 3 of section 1 of the Act are repealed and the following substituted:

2. To provide for the protection and conservation of species while taking into account social and economic considerations including the need for sustainable economic growth in Ontario.

2 (1) The definition of “aboriginal person” in subsection 2 (1) of the Act is repealed.

(2) The definition of “enforcement officer” in subsection 2 (1) of the Act is repealed.

(3) The definition of “habitat” in subsection 2 (1) of the Act is repealed and the following substituted:

“habitat” means, subject to subsection (3),

- (a) in respect of an animal species,
 - (i) a dwelling-place, such as a den, nest or other similar place, that is occupied or habitually occupied by one or more members of a species for the purposes of breeding, rearing, staging, wintering or hibernating, and
 - (ii) the area immediately around a dwelling place described in subclause (i) that is essential for the purposes set out in that subclause.
- (b) in respect of a vascular plant species, the critical root zone surrounding a member of the species, and
- (c) in respect of all other species, an area on which any member of a species directly depends in order to carry on its life processes; (“habitat”)

(4) The definition of “officer in charge” in subsection 2 (1) of the Act is repealed.

(5) The definition of “person” in subsection 2 (1) of the Act is repealed.

(6) Subsection 2 (1) of the Act is amended by adding the following definition:

“provincial officer” means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations; (“agent provincial”)

(7) The definition of “recovery strategy” in subsection 2 (1) of the Act is repealed.

(8) Subsection 2 (1) of the Act is amended by adding the following definitions:

“transition date” means the day Schedule 2 to the *Protect Ontario by Unleashing our Economy Act, 2025* comes into force; (“date de transition”)

“Tribunal” means the Ontario Land Tribunal; (“Tribunal”)

(9) Subsection 2 (2) of the Act is amended by striking out “clause (b) of”.

(10) Subsection 2 (3) of the Act is repealed and the following substituted:

Same, old definition continued

(3) A reference to “habitat” in any of the following provisions is deemed to be a reference to the definition of “habitat” under subsection (1) as it read immediately before the transition date:

1. Any provision of an authorization granted under subsection 9 (5) before the transition date.
2. Any provision of an agreement entered into under section 16 before the transition date.
3. Any provision of a permit issued under section 17 or subsection 19 (3) before the transition date.
4. Any provision of an order made under section 27, 27.1, 28 or 41 before the transition date.
5. Any provision of this Act in respect of an instrument mentioned in paragraphs 1 to 4, and any amendment made to such an instrument, whether the amendment was made before or after the transition date.
6. Any provision of this Act as it applies to a person who was granted an authorization mentioned in paragraph 1, who entered into an agreement mentioned in paragraph 2, who was issued a permit mentioned in paragraph 3 or in respect of whom an order mentioned in paragraph 4 was made.
7. Any provision in a regulation made under clause 55 (1) (c) as it applies to a person if it applied to the person before the transition date.
8. In respect of Black Ash, any provision of this Act, the regulations or a permit issued under this Act.

Same

(4) For greater certainty, the definition of “habitat” continued under subsection (3) includes any area prescribed for the purpose of clause (a) of that definition in a regulation made under subsection 56 (1) (a) before the transition date.

3 The Act is amended by adding the following section:**Delegation of powers and duties**

2.1 (1) The Minister may authorize the Deputy Minister or any other employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this Act.

Limitations

(2) The Minister may limit an authorization made under subsection (1) in such manner as the Minister considers advisable.

4 (1) Subsections 3 (2) and (3) of the Act are repealed and the following substituted:**Composition**

(2) COSSARO shall be composed of at least 10 members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

Chair and vice chair

(3) The Lieutenant Governor in Council shall designate a chair and a vice-chair from among the members of COSSARO.

(2) The English version of clause 3 (4) (b) of the Act is amended by striking out “aboriginal” and substituting “Indigenous”.

(3) Clause 3 (6) (a) of the Act is amended by striking out “subsection 4 (10)” and substituting “subsection 1 (1)”.

5 (1) Paragraph 1 of subsection 4 (1) of the Act is amended by adding “as extinct, extirpated, endangered, threatened or of special concern” at the end.

(2) Clause 4 (2) (a) of the Act is amended by striking out “has been” at the beginning and substituting “is”.

6 (1) Subsection 5 (2) of the Act is amended by striking out “shall be deemed to apply” and substituting “applies”.

(2) The English version of subsection 5 (3) of the Act is amended by striking out “aboriginal” and substituting “Indigenous”.

7 (1) Subsection 6 (1) of the Act is repealed and the following substituted:**Annual report**

(1) Between January 1 and January 31 of each year, COSSARO shall submit an annual report to the Minister that sets out,

(a) the common name and scientific name of each species that COSSARO has classified since its last annual report as extinct, extirpated, endangered, threatened or of special concern; and

(b) the classification of each species described in clause (a) and the reasons for the classification.

(2) Section 6 of the Act is amended by adding the following subsection:**Time limit**

(4) The Minister shall ensure that a COSSARO report received under this section is made available to the public under section 51 not later than 90 days following receipt of the report by the Minister.

8 Section 7 of the Act is repealed and the following substituted:**Species at Risk in Ontario List**

7 (1) The Lieutenant Governor in Council may make a regulation listing species that are classified by COSSARO as extirpated species, endangered species, threatened species or special concern species.

Deviation from COSSARO classification

(2) For greater certainty, a regulation made under subsection (1) is not required to list all of the species classified by COSSARO but, if a species is listed, the classification of the species shall be the same as COSSARO’s classification and shall include any geographic limitation indicated by COSSARO in respect of the species under subsection 5 (2).

Effect of removal or down-listing

(3) A requirement or condition, in respect of a species, that is set out in a regulation or an instrument listed in subsection (4) ceases to have effect,

(a) if the Lieutenant Governor in Council amends or revokes a regulation made under subsection (1) so as to remove the species from the list of species in the regulation, on the day the species is removed; or

- (b) if the Lieutenant Governor in Council amends or revokes a regulation made under subsection (1) so as to change the classification of the species in the regulation from an extirpated species, endangered species or threatened species to a special concern species, on the day the species is reclassified.

Same

- (4) The following are the instruments mentioned in subsection (3):
1. An authorization granted under subsection 9 (5) as that subsection read immediately before the transition date.
 2. An agreement entered into under section 16 as that section read immediately before the transition date.
 3. A permit issued under section 17.
 4. A permit issued under subsection 19 (3) as that subsection read immediately before the transition date.
 5. An order made under section 26.1, 27, 27.1, 28 or 41.

Contents of regulation

- (5) A regulation made under subsection (1) shall contain the following information for each species:
1. The common name and scientific name of the species.
 2. COSSARO's classification of the species as an extirpated species, endangered species, threatened species or special concern species.
 3. If the classification applies only to a specified geographic area, the area.

Notice of proposal, *Environmental Bill of Rights, 1993*

(6) For greater certainty, if a regulation is proposed to be made under subsection (1), the brief description required in respect of a notice of proposal under section 16 of the *Environmental Bill of Rights, 1993* in respect of the regulation shall include each species that is proposed to be listed in the regulation.

9 (1) Subsections 8 (4) to (4.2) of the Act are repealed.

(2) The English version of subsection 8 (5) of the Act is amended by striking out “he or she” and substituting “the Minister”.

10 Section 8.1 of the Act is repealed.

11 (1) Paragraphs 1 to 3 of subsection 8.2 (1) of the Act are repealed and the following substituted:

1. A person engaged in an activity under an agreement that was entered into under section 16 before the transition date.
2. A person engaged in an activity under a permit that was issued under section 17 before the species is so listed.
3. A person engaged in an activity under a permit that was issued under subsection 19 (3) before the transition date.

(2) Subsection 8.2 (2) of the Act is repealed.

(3) Subsection 8.2 (3) of the Act is amended by striking out “Subsections (1) and (2) authorize” at the beginning of the portion before paragraph 1 and substituting “Subsection (1) authorizes”.

(4) Subsection 8.2 (4) of the Act is repealed and the following substituted:

First time listing

(4) For greater certainty, a reference in this section to a species being listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time is a reference to a species being so listed in circumstances where the species has not been previously listed as either an endangered species or a threatened species.

Same

- (5) A reference described in subsection (4) does not include a species if, before the listing, the species, or some members of the species, were classified,
- (a) under a different common or scientific name that appeared on the Species at Risk in Ontario List as belonging to an endangered or threatened species; or
 - (b) as an extinct species or an extirpated species.

12 (1) Clause 9 (1) (a) of the Act is amended by striking out “harm, harass” and substituting “harm”.

(2) Subsections 9 (1.1) and (1.4) of the Act are repealed.

(3) Subsections 9 (5) and (5.1) of the Act are repealed.

13 Subsection 10 (3) of the Act is repealed.

14 Sections 11 to 16.1 of the Act are repealed.

15 Section 17 of the Act is repealed and the following substituted:

Permits

17 (1) After considering an application for a permit, the Minister may issue a permit to a person that, with respect to a species specified in the permit that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species, authorizes the person to engage in an activity specified in the permit that would otherwise be prohibited by section 9 or 10.

Additional powers

(2) If the Minister decides not to issue a permit under subsection (1), after considering an application for a permit, the Minister may,

- (a) refuse to issue the permit;
- (b) amend an existing permit that is in effect and impose, amend or revoke the conditions or expand the scope of the permit;
- (c) revoke the permit in whole or in part, with or without issuing a new permit; or
- (d) suspend a permit in whole or in part.

Conditions

(3) A permit issued under this section shall contain any requirements prescribed by the regulations and may contain such other conditions as the Minister considers appropriate.

Same

(4) Without limiting the generality of subsection (3), conditions in a permit may,

- (a) limit the time during which the permit applies;
- (b) limit the circumstances in which the permit applies;
- (c) require the holder of the permit to take steps specified in the permit, including steps that maybe be required to be taken before engaging in the activity authorized by the permit;
- (d) require the holder of the permit to provide security in an amount or in a form sufficient to ensure compliance with the permit;
- (e) require the holder of the permit to take steps to ensure that the activity authorized by the permit, and the effects of the activity, are monitored in accordance with the permit;
- (f) require the holder of the permit to rehabilitate or restore habitat damaged or destroyed by the activity authorized by the permit, or to provide alternative habitat for the species specified in the permit; or
- (g) require the holder of the permit to submit information and reports to the Minister.

Minister may require information

(5) The Minister may require a person who applies for a permit to submit any data, reports, documents or other information and to carry out and report on any tests or experiments relating to any activity in respect of which the application is made.

Minister may require consultation

(6) The Minister may require a person who applies for a permit to consult with the persons or entities specified by the Minister, in a manner specified by the Minister, before the Minister makes a decision in respect of the application.

Exercise of powers on Minister's initiative

(7) The Minister may, on the Minister's own initiative,

- (a) amend or revoke conditions of a permit after it has been issued;
- (b) impose new conditions in a permit; or
- (c) suspend or revoke all or part of a permit.

Consideration of applications

(8) The Minister is not required to consider an application for a permit that has not been prepared and submitted in accordance with this section.

Non-application of prohibitions

(9) Subject to subsection (10), subsections 9 (1) and 10 (1) do not apply to the holder of a permit issued under subsection (1) of this section with respect to the species and activity specified in the permit.

Same

(10) A permit may specify that one or more of the prohibitions in subsections 9 (1) and 10 (1) continue to apply to the holder of the permit.

Compliance

(11) A person who holds a permit under this section shall comply with the conditions of the permit.

Same

(12) For greater certainty, subsection (9) applies even if a person fails to comply with a condition of a permit.

16 Sections 18 to 20 of the Act are repealed.**17 (1) Paragraphs 1 to 5 of subsection 20.3 (1) of the Act are repealed and the following substituted:**

1. A person who is required to do so under a permit issued under section 17 before the transition date.
2. A person who is required to do so under a permit issued under subsection 19 (3), before the transition date.
3. A person who is exempted from all or some of the prohibitions in subsection 9 (1) or 10 (1) by the regulations made under clause 55 (1) (c) and is required to pay the charge as a condition of the exemption set out in the regulations.

(2) Subsection 20.3 (5) of the Act is repealed and the following substituted:**Payment of charge**

(5) A species conservation charge shall be paid to the Agency at the time and in the manner that may be set by the regulations.

(3) Section 20.3 of the Act is amended by adding the following subsections:**Cessation of all payments to Fund**

(7) Despite anything in this Act or the regulations, the Agency shall not accept any payment of monies described subsection 20.2 (1) on or after the transition date.

Same

(8) Subsection (7) does not apply in respect of monies described in paragraph 1 of subsection 20.2 (1) if the monies are required to be paid on a day that is no later than 30 days after the transition date.

No option to pay charge as condition of exemption

(9) Despite paragraph 3 of subsection (1) and anything in this Act or the regulations, a condition of an exemption set out in a regulation made under clause 55 (1) (c) that relates to the payment of a species conservation charge does not to apply to a person on and after the transition date.

18 (1) Subsection 20.7 (2) of the Act is amended by striking out “under section 12.1” and substituting “under section 12.1 as that section read immediately before the transition date” in the portion before clause (a).

(2) The English version of clause 20.7 (3) (c) of the Act is amended by striking out “aboriginal” and substituting “Indigenous”.

19 The English version of subsection 20.18 (2) of the Act is amended by striking out “his or her” and substituting “their”.

20 The Act is amended by adding the following section:

Winding up the Agency

20.19 (1) The Minister may, by order, require the board of directors to wind up the affairs of the Agency.

Preparation of plan

(2) If the Minister makes an order under subsection (1), the board of directors shall prepare a proposed plan for winding up the Agency and transferring its assets, liabilities, rights and obligations and shall give the proposed plan to the Minister for approval.

Restriction

(3) The plan for winding up the Agency shall provide for transferring assets, liabilities, rights and obligations to the Crown in right of Ontario.

Implementation

(4) If the Minister approves the proposed plan, the board shall wind up the affairs of the Agency and transfer its assets, liabilities, rights and obligations, including transferring the proceeds from the liquidation of assets, in accordance with the plan.

Species Conservation Account

(5) An account shall be established in the Public Accounts to be known as the Species Conservation Account in English and compte pour la conservation des espèces in French in which shall be recorded an amount equal to the balance in the Fund that is transferred to the Crown in right of Ontario in accordance with the plan for winding up the Agency.

Amount deemed to be paid to Ontario

(6) For the purposes of subsection (5), an amount equal to the balance in the Fund that is transferred to the Crown in right of Ontario in accordance with the plan for winding up the Agency is deemed to be paid to Ontario.

Payment out of the account

(7) Amounts not exceeding the balance in the account may be charged to the Species Conservation Account and paid out of the Consolidated Revenue Fund for the purpose of funding activities that further the purposes of this Act.

Notice

(8) The board shall notify the Minister in writing when it has finished complying with subsection (4).

Dissolution

(9) After the Minister receives the notice under subsection (8), the Lieutenant Governor in Council may, by order, dissolve the Agency.

21 Section 21 of the Act is repealed and the following substituted:

Provincial officers

21 The Minister may designate persons or classes of persons as provincial officers, in respect of any provision of this Act or the regulations set out in the designation.

22 The Act is amended by adding the following section:

Power to require response to inquiries

22.1 (1) For the purposes of determining if a person is in compliance with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by any means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided on paper or electronically, or both.

23 (1) Subsections 23 (1) to (3) of the Act are repealed and the following substituted:

Inspections to determine compliance

(1) A provincial officer may enter and inspect any land or other place without a warrant for the purpose of determining whether there is compliance with any of the following provisions:

1. Subsection 8.2 (3), section 9 or 10, subsection 26 (5) or section 35 or 49.
2. Any provision of an authorization granted under subsection 9 (5) as that subsection read immediately before the transition date.
3. Any provision of an agreement entered into under section 16 as that section read immediately before the transition date.
4. Any provision of a permit issued under section 17.
5. Any provision of a permit issued under subsection 19 (3) as that subsection read immediately before the transition date.
6. Any provision of an order made under section 26.1, 27, 27.1, 28 or 41.
7. Any provision of the regulations.

(2) Subsection 23 (4) of the Act is amended by striking out “Subsections (1), (2) and (3) do” at the beginning and substituting “Subsection (1) does”.

(3) Clause 23 (5) (a) of the Act is amended by striking out “subsection (3)” and substituting “subsection (1)” at the end.

(4) Subsection 23 (6) of the Act is amended by striking out “(1) or”.

(5) Subsection 23 (7) of the Act is amended by striking out “(1) or”.

24 (1) Subsection 24 (1) of the Act is repealed and the following substituted:

Inspection of vehicles, boats, aircraft

(1) A provincial officer may stop a vehicle, boat or aircraft if the officer has reasonable grounds to believe that stopping the vehicle, boat or aircraft would assist in determining whether there is compliance with any of the following provisions:

1. Subsection 8.2 (3), section 9 or 10, subsection 26 (5) or section 35 or 49.
2. Any provision of an authorization granted under subsection 9 (5) as that subsection read immediately before the transition date.
3. Any provision of an agreement entered into under section 16 as that section read immediately before the transition date.
4. Any provision of a permit issued under section 17.
5. Any provision of a permit issued under subsection 19 (3) as that subsections read immediately before the transition date.
6. Any provision of an order made under section 26.1, 27, 27.1, 28 or 41.
7. Any provision of the regulations.

(2) The English version of subsection 24 (2) of the Act is amended by striking out “enforcement officer’s” and substituting “provincial officer’s”.

25 The English version of section 26 of the Act is amended by striking out “he or she” wherever it appears and substituting in each case “the officer”.

26 The Act amended by adding the following section:

Contravention order

26.1 (1) A provincial officer may make an order requiring a person to take one or more of the actions set out in subsection (2) within the time and in the manner specified in the order if the provincial officer has reasonable grounds to believe that the person is engaging in an activity, has engaged in an activity or may engage in an activity and, as a result, is contravening, has contravened or may contravene any of the following provisions:

1. Any provision of the Act or regulations.
2. Any provision of an authorization granted under subsection 9 (5) as that subsection read immediately before the transition date.
3. Any provision of an agreement entered into under section 16 as that section read immediately before the transition date.
4. Any provision of a permit issued under section 17.
5. Any provision of a permit issued under subsection 19 (3) as that subsection read immediately before the transition date.
6. Any provision of an order made under section 26.1, 27, 27.1, 28 or 41.
7. Any provision of the regulations.

Contents

(2) The following are the actions mentioned in subsection (1):

1. Stop engaging in or not engage in the activity.
2. Take steps to prevent, mitigate, address or avoid any adverse effect of the activity on the species specified in the order.
3. Take steps to rehabilitate or restore any area damaged or destroyed by the activity or to provide for alternative habitat.
4. Engage contractors or consultants satisfactory to the provincial officer to prepare a plan or carry out requirements.
5. Secure, by means of locks, gates, fences, security guards or other means any land, place, thing or species specified in the order.
6. Obtain, construct, install or modify the things, devices, equipment or facilities specified in the order at the locations and in the manner specified in the order.
7. Sample, test, measure, monitor or report in respect of a species specified in the order or its habitat, including describing the presence or status of the species or its habitat.
8. Take all steps necessary to achieve compliance with the provision.
9. Prevent the commission, continuation or repetition of the contravention.

10. Pay a species conservation charge that the person is otherwise required to pay under this Act to the Agency in accordance with section 20.3.

Information to be included in order

- (3) The order shall,
 - (a) specify the provision that the provincial officer believes is being, has been or may be contravened;
 - (b) identify the species or habitat that the order relates to;
 - (c) briefly describe the nature of the potential contravention and its location; and
 - (d) state that a hearing on the order may be required in accordance with section 30.

27 Section 27 of the Act is repealed and the following substituted:

Mitigation order

27 (1) The Minister may issue an order described in subsection (2) to a person who is authorized under the following provisions to carry out an activity that would otherwise be prohibited by section 9 or 10 in respect of a species or to a person who is exempt from those prohibitions under a regulation in respect of a species:

1. Section 16 as that section read immediately before the transition date.
2. Section 17.
3. Subsection 19 (3) as that subsection read immediately before the transition date.

Contents

(2) The order shall require a person mentioned in subsection (1) to take one or more of the following actions within the time and in the manner specified in the order if the Minister has reasonable grounds to believe that the actions are necessary or advisable to mitigate any potential adverse effect on the species or its habitat resulting from the activity:

1. Engage contractors or consultants satisfactory to the Minister or a provincial officer to prepare a plan or carry out requirements.
2. Secure, by means of locks, gates, fences, security guards or other means any land, place, thing or species specified in the order.
3. Obtain, construct, install or modify the things, devices, equipment or facilities specified in the order at the locations and in the manner specified in the order.
4. Sample, test, measure, monitor or report in respect of a species specified in the order or its habitat, including describing the presence or status of the species or its habitat.
5. Prevent, mitigate, address or avoid any adverse effect on a species specified in the order or its habitat, including action to rehabilitate or restore any habitat damaged or destroyed or to provide for alternative habitat.
6. Study, monitor or report on any adverse effect on a species specified in the order or its habitat or the effectiveness of any of the requirements in the order to prevent, mitigate or remedy any adverse effect.
7. Any other action specified in the order necessary to mitigate any adverse effect on a species specified in the order or its habitat.

Information to be included in order

- (3) The order shall,
 - (a) identify the species or habitat that the order relates to;
 - (b) briefly describe the reasons for the order and the circumstances on which the reasons are based, including the nature of the activity and the effect of the activity on the species or its habitat; and
 - (c) state that a hearing on the order may be required in accordance with section 30.

28 (1) Subsection 27.1 (1) of the Act is repealed and the following substituted:

Species Protection Order

(1) The Minister may make an order described in subsection (2) if the Minister has reasonable grounds to believe that a person is engaging in or is about to engage in an activity that has or is about to have a significant adverse effect on a species and either of the following criteria are satisfied:

1. The species is listed on the Species at Risk in Ontario List as an endangered or threatened species, a regulation under clause 55 (1) (c) provides that one or more of the prohibitions in subsection 9 (1) do not apply with respect to the species and, as a result of the regulation, section 9 will not prevent the person from engaging in the activity.

2. The species is not listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species and the Minister has received a report from COSSARO classifying or reclassifying the species as an extirpated, endangered or threatened species.

(2) Paragraph 3 of subsection 27.1 (2) of the Act is amended by striking out “take steps set out in the order” and substituting “take steps set out in the order within the time and in the manner specified in the order”.

29 (1) Subsection 28 (1) of the Act is repealed and the following substituted:

Habitat protection order

(1) The Minister may make an order described in subsection (2) if the Minister has reasonable grounds to believe that a person is engaging in or is about to engage in an activity that is destroying or seriously damaging or is about to destroy or seriously damage the habitat for a species and either of the following criteria are satisfied:

1. The species is listed on the Species at Risk in Ontario List as an extirpated species and no regulation is in force that prescribes the species for the purpose of clause 10 (1) (b).
2. The species is not listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species and the Minister has received a report from COSSARO classifying or reclassifying the species as an extirpated, endangered or threatened species.

(2) Paragraph 3 of subsection 28 (2) of the Act is repealed and the following substituted:

3. An order directing the person to take steps set out in the order within the time and in the manner specified in the order to rehabilitate or restore any area damaged or destroyed by the activity or to provide for alternative habitat.

(3) Clause 28 (3) (a) of the Act is amended by striking out “the species” and substituting “the species and the habitat”.

30 (1) Subsection 29 (1) of the Act is repealed and the following substituted:

Service of order

(1) An order under section 26.1, 27, 27.1 or 28 shall be served,

- (a) personally;
- (b) by mail addressed to the person against whom the order is made at the person’s last known address; or
- (c) in accordance with the regulations, if any.

(2) Subsection 29 (2) of the Act is amended by striking out “registered”.

(3) Subsection 29 (3) of the Act is amended by striking out “section 27” and substituting “section 26.1, 27”.

31 Section 30 of the Act is repealed and the following substituted:

APPEALS

Appeal of permit or order

30 (1) A person may require a hearing by the Tribunal if,

- (a) the Minister issues or refuses to issue a permit to the person or amends or revokes such a permit; or
- (b) the Minister or a provincial officer issues an order to the person or amends such an order.

Same

(2) The person may require the hearing by written notice served on the Minister or provincial officer, as applicable, and on the Tribunal, within 15 days after the action in respect of the permit is taken or the person is served with the order.

Failure or refusal to issue, etc.

(3) Failure or refusal to make, amend or revoke an order is not itself an order.

Extension of time for requiring hearing

30.1 The Tribunal shall extend the time in which a person may give a notice under section 30 requiring a hearing on a permit or an order if, in the Tribunal’s opinion, it is just to do so because the person establishes that they, acting in good faith, did not receive notice of the permit or order or received it on a later date because of a reason beyond the person’s control, including absence, accident, disability or illness.

Contents of notice requiring hearing

30.2 (1) An applicant for a hearing by the Tribunal shall state in the notice requiring the hearing,

- (a) the portions of the permit or order in respect of which the hearing is required; and
- (b) the grounds on which the applicant intends to rely at the hearing.

Effect of contents of notice

(2) Except with leave of the Tribunal, at a hearing by the Tribunal, an applicant is not entitled to appeal a portion of the permit or order, or to rely on a ground, that is not stated in the applicant's notice requiring the hearing.

Leave by Tribunal

(3) The Tribunal may grant the leave referred to in subsection (2) if the Tribunal is of the opinion that to do so is proper in the circumstances, and it may give such directions as it considers proper consequent on the granting of the leave.

No stay on appeal

30.3 (1) The commencement of a proceeding before the Tribunal does not stay the operation of the portions of a permit or an order under appeal unless the Tribunal orders otherwise.

Tribunal may grant stay

(2) The Tribunal may, on the application of a party to a proceeding before it, stay the operation of the portions of a permit or an order described in subsection (1).

Right to apply to remove stay: new circumstances

(3) A party to a proceeding may apply for the removal of a stay that was granted under subsection (2) if relevant circumstances have changed or have become known to the party since the stay was granted, and the Tribunal may grant the application.

Right to apply to remove stay: new party

(4) A person who is made a party to a proceeding after a stay is granted under subsection (2) may, at the time the person is made a party, apply for the removal of the stay, and the Tribunal may grant the application.

Parties

30.4 The following persons are parties to the proceeding:

1. The person requiring the hearing.
2. The provincial officer, if the officer issued the order being appealed.
3. The Minister, if the Minister issued the permit or order being appealed.
4. Any other person specified by the Tribunal.

Powers of Tribunal

30.5 A hearing by the Tribunal shall be a new hearing and the Tribunal may confirm, amend or revoke the action of the Minister or the provincial officer that is the subject matter of the hearing and, for such purposes, the Tribunal may substitute its opinion for that of the Minister or provincial officer, as applicable.

Appeals from Tribunal

30.6 (1) Any party to a hearing before the Tribunal under this Act may appeal from its decision on a question of law to the Divisional Court, with leave of the Divisional Court, in accordance with the rules of court.

Decision of Tribunal not automatically stayed on appeal

(2) An appeal of a decision of the Tribunal to the Divisional Court under this section does not stay the operation of the decision, unless the Tribunal orders otherwise.

Divisional Court may grant or set aside stay

- (3) If a decision of the Tribunal is appealed to the Divisional Court under this section, the Divisional Court may,
- (a) stay the operation of the decision; or
 - (b) set aside a stay ordered by the Tribunal under subsection (2).

32 Section 31 of the Act is repealed.

33 Section 32 of the Act is repealed and the following substituted:

Necessary force

32 A provincial officer may use whatever force is reasonably necessary to exercise any of their powers under this Act.

34 Section 35 of the Act is repealed and the following substituted:

Compliance with investigations, etc.

Obstruction

35 (1) No person shall hinder or obstruct any provincial officer or any employee in or agent of the Ministry in the performance of their duties under this Act.

False information

(2) No person shall orally, in writing or electronically give or submit false or misleading information in any statement, document or data, to any provincial officer, the Minister, the Ministry, any employee in or agent of the Ministry or any person involved in carrying out a program of the Ministry in respect of any matter related to this Act or the regulations.

Same

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act or the regulations.

Refusal to provide information

(4) No person shall refuse to provide any provincial officer, the Minister, the Ministry or any employee in or agent of the Ministry with information required for the purposes of this Act and the regulations.

35 Subsection 36 (1) of the Act is repealed and the following substituted:

Offences

(1) A person is guilty of an offence if the person contravenes any of the following provisions:

1. Subsection 9 (1) or 10 (1), section 22.1, subsection 24 (2) or 26 (5), section 35, or subsection 49 (1) or (2).
2. Any provision of an authorization granted under subsection 9 (5) as that subsection read immediately before the transition date.
3. Any provision of an agreement entered into under section 16 as that section read immediately before the transition date.
4. Any provision of a permit issued under section 17.
5. Any provision of a permit issued under subsection 19 (3) as that subsection read immediately before the transition date.
6. Any provision of an order made under section 26.1, 27, 27.1, 28 or 41.
7. Any provision of the regulations.

36 (1) Paragraph 2 of subsection 41 (1) of the Act is amended by adding “or to provide for alternative habitat” at the end.

(2) Paragraph 4 of subsection 41 (1) of the Act is amended by striking out “recovery” and substituting “conservation”.

(3) The English version of subsection 41 (3) of the Act is amended by striking out “he or she” and substituting “the Minister”.

37 (1) Subsection 47 (1) of the Act is amended by,

- (a) striking out “Species at Risk in Ontario Stewardship Program” and substituting “Species Conservation Program”; and
- (b) striking out “Programme d’intendance des espèces en péril en Ontario” and substituting “Programme de conservation des espèces”.

(2) Subsection 47 (2) of the Act is amended by,

- (a) striking out “listed on the Species at Risk in Ontario List” in the portion before clause (a); and
- (b) striking out “stewardship” wherever it appears and substituting in each case “conservation”.

(3) Clause 47 (2) (b) of the Act is repealed.

(4) Clause 47 (2) (d) of the Act is amended by striking out “recovery” and substituting “conservation”.

38 Section 48 of the Act is repealed.

39 Paragraphs 4 to 7 of subsection 51 (1) of the Act are repealed.

40 Subsection 49 (3) of the Act is amended by striking out “that are extirpated” and substituting “that are identified under the applicable law as extirpated”.

41 The Act is amended by adding the following section:

Act of officer, etc.

53.1 For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, official, employee or agent of a corporation in the course of their employment or in the exercise of their powers or the performance of their duties is deemed to be also an act or thing done or omitted to be done by the corporation.

42 Subsection 54 (2) of the Act is amended by striking out “protection or recovery of species listed on the Species at Risk in Ontario List” at the end and substituting “protection or conservation of species listed on the Species at Risk in Ontario List”.

43 (1) Subsection 55 (1) of the Act is amended by striking out “Subject to section 57” at the beginning of the portion before clause (a).

(2) Clauses 55 (1) (a) to (d) of the Act are repealed and the following substituted:

- (a) defining “adverse effect”, “alternative habitat”, “in the wild” and “significant adverse effect” for the purposes of this Act and the regulations;
- (b) limiting the application of “habitat” as defined in subsection 2 (1) in respect of one or more specified species;
- (c) exempting any person from one or more of the prohibitions listed in subsection 9 (1) or 10 (1), and making such exemptions subject to conditions or restrictions;

(3) Subsection 55 (1) of the Act is amended by adding the following clause:

- (h.1) providing for the method of service of any document given or served under this Act;

(4) Subsection 55 (2) of the Act is amended by adding the following clause:

- (c.1) establish a Registry and require persons to register in respect of exemptions;

(5) Subsection 55 (3) of the Act is repealed and the following substituted:

Transition

(3) The Lieutenant Governor in Council may make regulations with respect to any transitional matters resulting from,

- (a) the enactment of Schedule 5 to the *More Homes, More Choice Act, 2019*; or
- (b) the enactment of Schedule 2 to the *Protect Ontario by Unleashing our Economy Act, 2025*.

44 (1) Subsection 56 (1) of the Act is amended by striking out “Subject to subsection 57” at the beginning of the portion before clause (a).

(2) Clauses 56 (1) (a) to (c) of the Act are repealed and the following substituted:

- (a) prescribing species for the purpose of clause 10 (1) (b);
- (b) prescribing requirements for the purposes of subsection 17 (3);

(3) Subsections 56 (2) and (3) of the Act are repealed.

45 Section 57 of the Act is repealed.

46 The Act is amended by adding the following section:

Transition

59 (1) The following instruments are continued:

- 1. An authorization granted under subsection 9 (5) before the transition date.
- 2. An agreement entered into under section 16 or 16.1 or subsection 19 (1) before the transition date.
- 3. A permit issued under subsection 19 (3) before the transition date.

(2) The following provisions, as they read immediately before the transition date, continue in respect of an instrument described in subsection (1).

- 1. Subsections 9 (5) and (5.1).
- 2. Sections 16, 16.1 and 19.

47 Schedules 1 to 5 to the Act are repealed.

48 The Act is amended by,

- (a) striking out “an enforcement officer” wherever it appears and substituting in each case “a provincial officer”; and
- (b) striking out “the enforcement officer” wherever it appears and substituting in each case “the provincial officer”.

Commencement

49 This Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

**SCHEDULE 3
ENVIRONMENTAL ASSESSMENT ACT**

1 (1) The *Environmental Assessment Act* is amended by adding the following section:

Eagle’s Nest

Definitions

3.0.2 (1) In this section,

“Eagle’s Nest Agreement” means the agreement entered into under section 3.0.1 between the Minister of the Environment and Noront Resources Ltd., its agents, successors and assigns, having an effective date of September 9, 2011 and available on a website of the Government of Ontario, concerning various enterprises or activities for or related to the proposed Eagle’s Nest multi-metal mine in Northern Ontario near McFaulds Lake; (“entente Eagle’s Nest”)

“Eagle’s Nest Approval” means the approval, issued on June 18, 2015 under subsection 6 (4) as that subsection read on that date and available on a website of the Government of Ontario, of terms of reference for the preparation of an environmental assessment concerning various enterprises or activities for or related to the proposed Eagle’s Nest multi-metal mine in Northern Ontario near McFaulds Lake. (“approbation Eagle’s Nest”)

Termination

(2) The Eagle’s Nest Agreement is terminated.

Non-application of s. 3.0.1. (4)

(3) Subsection 3.0.1 (4) does not apply in respect of any enterprise or activity described in the Eagle’s Nest Agreement.

Non-application of regulation

(4) Section 5 of Ontario Regulation 53/24 (General and Transitional Matters) made under the Act does not apply to the enterprises or activities described in the Eagle’s Nest Agreement.

Revocation

(5) The Eagle’s Nest Approval is revoked.

(2) Section 3.0.2 of the Act, as enacted by subsection (1), is repealed.

2 (1) The Act is amended by adding the following section:

Exemption, Chatham-Kent Waste Disposal Site

Definitions

17.28.1 (1) In this section,

“designated activities” means the activities that are designated by Ontario Regulation 50/24 (Part II.3 Projects – Designations and Exemptions) made under the Act as a project to which Part II.3 applies; (“activités désignées”)

“waste disposal site activities” means the activities designated under section 2 of Ontario Regulation 284/24 (Designation – Chatham-Kent Waste Disposal Site) made under the Act as it read immediately before it was revoked. (“activités au lieu d’élimination des déchets”)

Exemption re Part II.3

(2) Any waste disposal site activities that are designated activities are exempt from Part II.3.

(2) Section 17.28.1 of the Act, as enacted by subsection (1), is repealed.

Revocation of O. Reg. 284/24

3 Ontario Regulation 284/24 is revoked.

Commencement

4 (1) Except as otherwise provided for in this section, this Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

(2) Subsections 1 (2) and 2 (2) come into force a day to be named by order of the Lieutenant Governor in Council.

**SCHEDULE 4
ENVIRONMENTAL PROTECTION ACT**

1 Section 179.1 of the *Environmental Protection Act* is amended by adding the following subsections:

Minister's requirement document, revocation

(2) The document signed by the Minister under subsection (1) for the purpose of establishing and requiring fees, titled "Minister's requirement for fees with Environmental Activity & Sector Registry", available on a website of the Government of Ontario and dated January 12, 2017, is revoked.

Refunds, Part II.2 registrations

(3) If a fee was paid pursuant to the requirements of the document mentioned in subsection (2) before the transition date and the registration in respect of which the fee was paid is removed from the Registry under section 20.23, the Minister may refund the full amount of the fee.

Same

(4) The Minister may refund a fee referred to in subsection (3) regardless of whether the registration was removed from the Registry before, after or on the transition date.

Definitions

(5) For the purposes of subsections (3) and (4),

"registration" and "Registry" have the same meanings as in Part II.2; ("enregistrement", "Registre")

"transition date" means the day section 1 of Schedule 4 to the *Protect Ontario by Unleashing our Economy Act, 2025* comes into force. ("date de transition")

Commencement

2 This Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

SCHEDULE 5 MINING ACT

1 The *Mining Act* is amended by,

- (a) striking out “employee of the Ministry” wherever it appears and substituting in each case “employee in the Ministry”; and
- (b) striking out “employees of the Ministry” wherever it appears and substituting in each case “employees in the Ministry”.

2 Section 2 of the Act is amended by striking out “mineral resources, in a manner consistent” and substituting “mineral resources to a degree that is consistent with the protection of Ontario’s economy and in a manner consistent”.

3 Section 4.1 of the Act is amended by adding the following subsections:

Order to suspend mining lands administration system

(8) Despite the *Statutory Powers Procedure Act*, the Minister may, without prior notice or hearing, make an order suspending the operation of some or all functions of the mining lands administration system, if, in the Minister’s opinion, the order is desirable for the protection of the strategic national mineral supply chain.

Factors to consider

(9) In making a determination for the purposes of subsection (8), the Minister shall consider the following factors:

- 1. Any risk assessment provided by the Ministry of the Solicitor General.
- 2. The economic interests of Ontario.
- 3. Any prescribed factors.

Duration of order

(10) An order made under subsection (8) expires 10 days after the day it is made unless the Minister revokes the order at an earlier time.

Extension of order

(11) Despite the *Statutory Powers Procedure Act*, the Minister may, without prior notice or hearing, make an order extending an order made under subsection (8) by an additional period specified in the order made under this subsection if, in the Minister’s opinion, the order made under subsection (8) will remain desirable for the protection of the strategic national mineral supply chain for the specified period.

Publication of order

(12) The Minister shall ensure an order made under subsection (8) or (11) is published on a website of the Government of Ontario as soon as possible.

Order not regulation

(13) For greater certainty, Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to an order made under subsection (8) or (11).

No compensation payable

(14) No person is entitled to any compensation or any other remedy or relief for any suspension of the operation of some or all functions of the mining lands administration system under this section.

4 Part I of the Act is amended by adding the following section:

Orders to protect mineral supply chain

26.1 (1) Despite the *Statutory Powers Procedure Act*, the Minister may, without prior notice or hearing, make one or more of the following orders if, in the Minister’s opinion, the order is desirable for the protection of the strategic national mineral supply chain:

- 1. An order that the account of a mining lands administration system user be suspended or restricted for such period as is specified in the order or be terminated.
- 2. An order prohibiting a person from registering as a user on the mining lands administration system.
- 3. An order prohibiting a person from obtaining a prospector’s licence.
- 4. An order terminating a prospector’s licence.

Factors to consider

(2) In making a determination for the purposes of subsection (1), the Minister shall consider the following factors:

1. Any risk assessment provided by the Ministry of the Solicitor General.
2. The economic interests of Ontario.
3. Any prescribed factors.

Deemed suspension

(3) In the case of an order made under paragraph 1 of subsection (1) in respect of a user who is a licensee, the license is deemed to be suspended and all mining claims associated with the user are restricted from transfer for the duration of the period of suspension or restriction specified in the order.

Terms and conditions

(4) An order under this section may be subject to such terms and conditions as may be imposed by the Minister.

No compensation payable

(5) No person is entitled to any compensation or any other remedy or relief for any suspension, restriction, prohibition, termination or imposition of terms and conditions in respect of an account, registration or licence under this section.

5 The French version of subsection 78 (1) of the Act is amended by striking out “employés du ministère” and substituting “une ou plusieurs personnes employées au ministère”.

6 (1) Section 81 of the Act is amended by adding the following subsections:

Exception

(1.1) Despite subsection (1), and despite the *Statutory Powers Procedure Act*, the Minister may, without prior notice or hearing, deny the issuance of a lease if the Minister considers denying the lease desirable for the protection of the strategic national mineral supply chain.

Factors to consider

(1.2) In making a determination for the purposes of subsection (1.1), the Minister shall consider the following factors:

1. Any risk assessment provided by the Ministry of the Solicitor General.
2. The economic interests of Ontario.
3. Any prescribed factors.

No compensation payable

(1.3) No person is entitled to any compensation or any other remedy or relief for the denial of a lease under subsection (1.1).

(2) Subsection 81 (11) of the Act is amended by adding “or 176.1 (1)” after “under subsection (10)”.

(3) Subsection 81 (13) of the Act is amended by adding “or subsection 176.1 (1)” after “terminated under this section”.

7 The Act is amended by adding the following section:

Expedited process

Mine authorization and permitting delivery team

153.0.1 (1) The Minister may establish a mine authorization and permitting delivery team for any project designated by the Minister.

Notifications

(2) The Minister shall notify a proponent in writing if the proponent’s project is designated in accordance with subsection (1) and again if a mine authorization and permitting delivery team is established in respect of the project under subsection (1).

Team lead

(3) Once a mine authorization and permitting delivery team is established under subsection (1), the Deputy Minister shall appoint an employee in the Ministry as the team lead.

Functions

(4) If the proponent of the project provides the information required by the Minister to the mine authorization and permitting delivery team in the form approved by the Minister, the mine authorization and permitting delivery team shall,

- (a) prepare an integrated authorization and permitting plan that sets out steps for the application, review and decision-making processes for obtaining the permits and authorizations required for the project under this and any other Act; and
- (b) co-ordinate with any other ministry to expedite the application, review and decision-making processes for the permits and authorizations specified in the integrated authorization and permitting plan referred to in clause (a).

Same

(5) If the proponent of the project provides the information required by the Minister to the mine authorization and permitting delivery team in the form approved by the Minister, the mine authorization and permitting delivery team may support any efforts by any ministry or agency to fulfil the Crown's duty to consult Aboriginal communities with respect to the project, including by communicating with or co-ordinating communication among the proponent, Aboriginal communities and affected ministries and agencies of the Government of Ontario.

Regulations

- (6) The Lieutenant Governor in Council may make regulations,
- (a) prescribing service standards to be met by any ministry under any Act respecting review time for permits and authorizations required for a project in respect of which an integrated authorization and permitting plan has been prepared under clause (4) (a);
 - (b) specifying whether, in the event of a failure to meet the service standards referred to in clause (a), the proponent is entitled to the refund of any fees that the proponent was required to pay under an Act for a permit or authorization in respect of which the service standards were prescribed.

Service standards, non-application

- (7) Service standards prescribed under clause (6) (a) shall not apply to the time required for,
- (a) any efforts by the Crown to fulfil the duty to consult with Aboriginal communities after the consultation has commenced, including efforts by the proponent to fulfil the duty to consult with Aboriginal communities if the procedural aspects of consultation for a designated project have been delegated to the proponent;
 - (b) proponents to prepare and submit complete applications and satisfy the requirements for any permits and authorizations required under this and any other Act;
 - (c) an environmental impact assessment carried out in accordance with the *Environmental Assessment Act*; or
 - (d) land disposition requirements or processes under this and any other Act.

Refund

(8) If a ministry fails to comply with a service standard prescribed under clause (6) (a) and a regulation made under clause (6) (b) provides that the proponent is entitled to a refund in respect of such non-compliance, the minister of that ministry shall pay the refund.

Amount of refund

(9) For greater certainty, a refund paid under subsection (8) shall not exceed the amount of the fee, if any, that was payable in respect of the permit or authorization.

Regulations may be general or particular

(10) A regulation made under subsection (6) may be general or particular in application, may be limited as to time or place or both and may provide that it applies only to a project or projects designated by the Minister.

Minister's designations

(11) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a Minister's designation that is permitted by subsection (10).

Conflict

(12) In the event of any conflict between a regulation made under subsection (6) and any other Act, regulation or other instrument, the regulation made under subsection (6) prevails.

8 The French version of paragraph 2 of section 157 of the Act is amended by striking out "tout autre employé du ministère" and substituting "toute autre personne employée au ministère".

9 The Act is amended by adding the following section:

Minister may cancel, revoke, terminate

176.1 (1) Despite the *Statutory Powers Procedure Act* and anything in this Act, the Minister may, without prior notice or hearing, if the Minister considers doing so desirable for the protection of the strategic national mineral supply chain and subject to the approval of the Lieutenant Governor in Council, by order, cancel or revoke unpatented mining claims or a licence of occupation or terminate a lease of any mining lands or mining rights.

Factors to consider

(2) In making a determination for the purposes of subsection (1), the Minister shall consider the following factors:

1. Any risk assessment provided by the Ministry of the Solicitor General.

2. The economic interests of Ontario.
3. Any prescribed factors.

Order not regulation

(3) For greater certainty, Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to an order made under subsection (1).

Regulations

(4) The Lieutenant Governor in Council may make regulations governing matters arising from an order made under subsection (1).

When land open for registration

(5) Where a mining claim is cancelled under subsection (1), the land in the cells on the provincial grid corresponding to the cancelled claim shall become open for the registration of mining claims at a time and date specified in the order made under subsection (1), unless the land is otherwise not open for the registration of mining claims under any other provision of this Act.

No compensation payable

(6) No person is entitled to any compensation or any other remedy or relief for the revocation, cancellation or termination of an unpatented mining claim, licence of occupation or lease of any mining lands or mining rights under this section.

10 Part XII of the Act is amended by adding the following section:

Extinguishment of causes of action

185.1 (1) No cause of action arises against the Crown, any current or former member of the Executive Council or employee, officer or agent of or adviser to the Crown as a direct or indirect result of,

- (a) the enactment of the amendments made to this Act by Schedule 5 to the *Protect Ontario by Unleashing our Economy Act, 2025*, or the amendment or repeal of any provision added to this Act by that Schedule;
- (b) the making, amendment or revocation of a regulation, order or other instrument made under a provision added to this Act by Schedule 5 to the *Protect Ontario by Unleashing our Economy Act, 2025*;
- (c) anything done or not done in accordance with the provisions added to this Act by Schedule 5 to the *Protect Ontario by Unleashing our Economy Act, 2025* or a regulation, order or other instrument made under a provision added to this Act by that Schedule;
- (d) any modification, revocation, suspension, cessation or termination of property rights, contractual rights or other rights resulting from anything referred to in clauses (a) to (c); or
- (e) any purported failure to meet any service standard prescribed under clause 153.0.1 (6) (a).

Exception, refund of fees

(2) Subsection (1) does not apply to a claim respecting the refund of any fees paid by a proponent in accordance with subsection 153.0.1 (8).

No remedy

(3) No costs, compensation or damages, including for loss of revenue, profit or any other alleged loss, whether direct or indirect, are owing or payable to any person by a person referred to in subsection (1), and no remedy, including a remedy in contract, restitution or tort, a remedy for misfeasance, bad faith or a breach of trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available to any person against a person referred to in that subsection, in connection with anything referred to in that subsection.

Proceedings barred

(4) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Same

(5) Subsections (3) and (4) do not apply with respect to an application for judicial review or a claim for constitutional remedy, but do apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief or the enforcement of a judgment, order or award made outside Ontario.

No costs awarded

(6) No costs shall be awarded against any person in respect of a proceeding that cannot be brought or maintained under subsection (4).

No expropriation or injurious affection

(7) Nothing referred to in subsection (1) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Proceedings by Crown not prevented

(8) This section does not apply with respect to proceedings brought by the Crown.

Commencement

11 This Schedule comes into force on a day to be named by order of the Lieutenant Governor in Council.

SCHEDULE 6
ONTARIO ENERGY BOARD ACT, 1998

1 The *Ontario Energy Board Act, 1998* is amended by adding the following section:

Procurement restrictions

43.1 (1) No gas transmitter, gas distributor or storage company that is prescribed by the regulations shall procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations.

Same, subsidiaries

(2) No gas transmitter, gas distributor or storage company subsidiary that is prescribed by the regulations shall procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations.

Application

(3) Subsection (1) or (2) applies with respect to a procurement only if, on the day a regulation made for the purposes of that subsection begins to apply,

- (a) the final version of the request for proposal or any other document that would give rise to the procurement has not yet been issued, in the case of a competitive procurement; or
- (b) in the case of a procurement that is not a competitive procurement, the parties have not entered into a final contract in respect of the procurement.

Non-application, *Discriminatory Business Practices Act*

(4) The *Discriminatory Business Practices Act* does not apply to anything done or not done in accordance with a regulation made for the purposes of subsection (1) or (2).

2 The Act is amended by adding the following section:

Procurement restrictions

73 (1) In this section,

“licensee” means the holder of a licence under this Part, other than the IESO or Ontario Power Generation Inc.

Same

(2) No licensee that is prescribed by the regulations shall procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations.

Same, subsidiaries

(3) No licensee subsidiary that is prescribed by the regulations shall procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations.

Application

(4) Subsection (2) or (3) applies with respect to a procurement only if, on the day a regulation made for the purposes of that subsection begins to apply,

- (a) the final version of the request for proposal or any other document that would give rise to the procurement has not yet been issued, in the case of a competitive procurement; or
- (b) in the case of a procurement that is not a competitive procurement, the parties have not entered into a final contract in respect of the procurement.

Non-application, *Discriminatory Business Practices Act*

(5) The *Discriminatory Business Practices Act* does not apply to anything done or not done in accordance with a regulation made for the purposes of subsection (2) or (3).

3 The Act is amended by adding the following section:

No cause of action, procurement restrictions

134 (1) No cause of action arises against the Crown or any current or former member of the Executive Council or employee, officer or agent of or adviser to the Crown, as a direct or indirect result of,

- (a) the enactment, amendment or repeal of section 43.1, 73 or this section;
- (b) the making, amendment or revocation of any provision of a regulation for the purposes of section 43.1 or 73; or

- (c) anything done or not done in accordance with a provision referred to in clause (a) or a regulation referred to in clause (b).

No remedy

(2) No costs, compensation or damages, including for loss of revenue, profit or any other alleged loss, whether direct or indirect, are owing or payable to any person by a person referred to in subsection (1), and no remedy, including a remedy in contract, restitution or tort, a remedy for misfeasance, bad faith or a breach of trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available to any person against a person referred to in that subsection, in connection with anything referred to in that subsection.

Proceedings barred

(3) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Same

(4) Subsections (2) and (3) do not apply with respect to an application for judicial review or a claim for constitutional remedy, but do apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief or the enforcement of a judgment, order or award made outside Ontario.

No costs awarded

(5) No costs shall be awarded against any person in respect of a proceeding that cannot be brought or maintained under subsection (3).

No expropriation or injurious affection

(6) Nothing referred to in subsection (1) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Proceedings by Crown not prevented

(7) This section does not apply with respect to proceedings brought by the Crown.

Commencement

4 This Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

**SCHEDULE 7
ONTARIO HERITAGE ACT**

1 Section 1 of the *Ontario Heritage Act* is amended by adding the following definition:

“business day” means a weekday, excluding a day that is a holiday; (“jour ouvrable”)

2 Sections 51.2 and 51.3 of the Act are repealed and the following substituted:

Inspection

51.2 (1) An inspector may conduct an inspection for the purpose of,

- (a) ensuring that a person licensed under section 48 is complying with the Act and the regulations and remains entitled to a licence under the Act; or
- (b) assessing whether any artifacts or archaeological sites are on any land, or land under water, in the Province.

Minister’s direction required

(2) An inspection under clause (1) (b) may only be conducted if the inspector is directed to do so by the Minister.

Power of entry

(3) An inspector conducting an inspection may enter and inspect any of the following places:

- 1. An archaeological site or any other land, or land under water, on which a licensee is carrying out archaeological fieldwork.
- 2. An archaeological site or any other land, or land under water, on which archaeological fieldwork is no longer being carried out but was carried out by a licensee within the one-year period preceding the inspection.
- 3. A location, building, structure, facility or conveyance at which artifacts and other materials found on an archaeological site are analysed or stored.
- 4. A licensee’s business premises.
- 5. In the case of an inspection under clause (1) (b), land, or land under water, that, in the opinion of the Minister, may contain an artifact or archaeological site.
- 6. In the case of an inspection under clause (1) (b), the business premises of a person, if the Minister reasonably believes that artifacts or other materials found on an archaeological site may have been found on land that the person owns.

Dwellings

(4) An inspector entering a place under subsection (3) shall not enter any part of the place that is used as a dwelling without the consent of the occupant.

Powers of inspector

(5) While carrying out an inspection, an inspector may,

- (a) take up and examine any artifact, device, article, thing or material;
- (b) require a person at the place being inspected to produce any artifact, drawing, field notes, specifications, licence, document, record, report, photograph, video or other visual recording or any other material or thing that is relevant to the inspection and examine, audit or make copies of such material or things;
- (c) upon giving a receipt therefore, remove, for the purpose of making copies or extracts, any material or thing referred to in clause (b);
- (d) conduct tests at the place being inspected or take samples from the place, including tests conducted on, or samples taken from, artifacts found at the place;
- (e) require, in writing, that any test or sample referred to in clause (d) be conducted or taken by a person specified by the inspector, including a person having special, expert or professional knowledge or qualifications accompanying the inspector under subsection (7);
- (f) require the person conducting or taking tests or samples to provide a report to the inspector within such time as the inspector may specify;
- (g) take photographs, video or other visual recording, make acoustic recordings or make notes of the field or site conditions, of the conditions of any other place being inspected or of the artifacts or materials found at the place and take with them such equipment or recording materials required for this purpose;
- (h) make such inquiries of any person working at the place being inspected as are relevant to the inspection;

- (i) observe ongoing archaeological fieldwork being carried out on an archaeological site or on other lands on which archaeological fieldwork is carried out or observe laboratory work taking place in a laboratory; and
- (j) prohibit persons from entering the area where the inspection is being carried out for a reasonable period of time for the purposes of carrying out an examination, excavation or test.

Return of things removed

(6) An inspector who removes any material or other thing from a place under clause (5) (c) shall return them to the person from whom they were taken within a reasonable time, unless they are seized under section 66.

Experts, etc.

(7) An inspector entering premises under subsection (3) may be accompanied by a person having special, expert or professional knowledge of any matter relevant to the inspection.

Use of force

(8) An inspector is not entitled to use force to enter and inspect a place.

Time of entry

- (9) An inspector may enter a place referred to in subsection (3),
 - (a) in the case of a place referred to in paragraphs 2 to 6 of subsection (3), between 9 a.m. and 5 p.m. during a business day, or at any other time when the place is open to the public; and
 - (b) in the case of a place referred to in paragraph 1 of subsection (3), at any time at which archaeological fieldwork is being carried out.

Obstruction of inspector

(10) No person shall obstruct an inspector conducting an inspection under this section or withhold from them or conceal or destroy any artifact, document, material or thing that is relevant to the inspection.

Obligation to assist

(11) Any person shall, on request by an inspector, provide such assistance as is reasonably necessary.

Obligation to produce

(12) A person who is required to produce an artifact, document, material or thing under clause (5) (b) shall produce it.

False information

(13) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information to an inspector.

Report by inspector

51.3 (1) An inspector shall prepare a report if the inspector believes that,

- (a) a person licensed under section 48 has failed to comply with the Act, the regulations or the terms and conditions of the licence; or
- (b) in the case of an investigation under clause 51.2 (1) (b),
 - (i) an artifact or archaeological site is on land, or land under water, described in clause 51.2 (1) (b),
 - (ii) an artifact has been removed from land, or land under water, described in clause 51.2 (1) (b), or
 - (iii) an archaeological site on land, or land under water, described in clause 51.2 (1) (b) has been altered.

Report to be provided

(2) The inspector shall provide the report to the Minister and to the licensee or person who owns the land, as applicable.

3 The Act is amended by adding the following section:

Assessment order

61.1 (1) If the Minister is of the opinion that land, or land under water, in the Province may contain an artifact or an archaeological site, the Minister may issue an assessment order under subsection (2), which may be made subject to conditions.

Contents of order

(2) The assessment order shall direct that no person shall alter or remove an artifact or any other physical evidence of past human use or activity from the land, or land under water, until,

- (a) a licensee under this Part,

- (i) has completed archaeological fieldwork, within the meaning of the regulations, on the land or land under water, and
- (ii) has provided a report to the Minister under subsection 65 (1) stating that any sites found have no further cultural heritage value or interest; and

(b) the report referred to in subclause (a) (ii) has been filed in the register referred to in section 65.1.

Service of order

(3) The Minister may serve an order issued under this section on the owner of the land in question, or any person in apparent possession of the land, by any method of service described in subsection 67 (1) and by posting the order in a conspicuous place on the land to which it applies.

Service deemed effective

(4) Service under subsection (3) is effective from the earlier of the date of posting or the effective date of service described in subsections 67 (2) to (4).

4 Section 66 of the Act is repealed and the following substituted:

Direction for artifact or material in archaeological collection

66 (1) The Minister may direct that any artifact taken under the authority of a licence or a permit, or any material in an archaeological collection, be deposited in such public institution as the Minister may determine, to be held in trust for the people of Ontario, or deposited with an Indigenous community.

Seizure of artifact or material in archaeological collection

(2) Any artifact or any material in an archaeological collection that is removed from an archaeological site and that is in the possession of a person who is not a licensee under this Part, or who is a licensee but is acting in contravention of their licence, may be seized by a person authorized to do so by the Minister and deposited in such public institution as the Minister may determine, to be held in trust for the people of Ontario, or deposited with an Indigenous community.

Production of authorization

(3) A person who is acting under an authorization described in subsection (2) shall, upon request, produce a copy of the authorization.

Powers

(4) A person who is acting under an authorization described in subsection (2) may, for the purposes of seizing the artifact or material, enter any location where the person reasonably believes the artifact or material may be held between 9 a.m. and 5 p.m. during a business day.

Dwellings

(5) A person who is acting under an authorization described in subsection (2) shall not enter any part of a place that is used as a dwelling without the consent of the occupant.

Seizure during inspection or investigation

(6) The Minister may direct an inspector or investigator to, in the course of conducting an inspection or investigation under this Act, seize any artifact or material in an archaeological collection on the premises that are being inspected or investigated and deposit the artifact or material in such public institution as the Minister may determine, to be held in trust for the people of Ontario, or deposit it with an Indigenous community.

Seizure after return post-conviction

(7) The Minister may direct that any artifact or material in an archaeological collection that were seized in an investigation under this Act and subsequently released after a conviction for an offence under this Act be deposited in such public institution as the Minister may determine, to be held in trust for the people of Ontario, or be deposited with an Indigenous community.

5 The Act is amended by adding the following sections:

Exemption for properties

66.1 (1) Subject to the regulations, if any, the Lieutenant Governor in Council may, by order, exempt a property from the application of a requirement described in subsection (2) if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:

1. Transit.
2. Housing.
3. Health and Long-Term Care.
4. Other infrastructure.

5. Such other priorities as may be prescribed.

Requirements

- (2) An order under subsection (1) may exempt a property from the application of any of the following requirements:
1. A requirement under a provision of this Part.
 2. A requirement under a provision of a regulation, or other instrument, relating to a provision of this Part.
 3. A requirement to conduct an archaeological assessment under a provision of any other Act or regulation, or instrument under any other Act, other than a provision of the *Funeral, Burial and Cremation Services Act, 2002* or a regulation or instrument made under that Act.

Conditions

- (3) An order under subsection (1) may set out conditions for the exemption.

Not a regulation

- (4) An order made under subsection (1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

Extinguishment of causes of action

66.2 (1) No cause of action arises against the Crown or any current or former member of the Executive Council or employee, officer or agent of or advisor to the Crown as a direct or indirect result of,

- (a) the enactment, amendment or repeal of any provision of this section or section 66.1;
- (b) the making, amendment or revocation of any provision of an order under section 66.1 or a regulation relating to section 66.1; or
- (c) anything done or not done in accordance with section 66.1, an order under section 66.1 or a regulation relating to section 66.1.

No remedy

(2) No costs, compensation or damages, including for loss of revenue or profit or any other alleged loss, whether direct or indirect, are owing or payable to any person by a person referred to in subsection (1), and no remedy, including a remedy in contract, restitution, tort, a remedy for misfeasance, bad faith or a breach of trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available to any person against any person referred to in subsection (1) in connection with anything referred to in that subsection.

Proceedings barred

(3) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(4) Subsections (2) and (3) do not apply with respect to an application for judicial review or a claim for a constitutional remedy, but do apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief or the enforcement of a judgment, order or award made outside Ontario.

No costs awarded

(5) No costs shall be awarded against any person in respect of a proceeding that cannot be brought or maintained under subsection (3).

No expropriation or injurious affection

(6) Nothing referred to in subsection (1) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Proceedings by Crown not prevented

(7) This section does not apply with respect to proceedings brought by the Crown.

6 The Act is amended by adding the following Part:

PART VI.1 INVESTIGATIONS

Investigators

Appointment of investigators

66.3 (1) The Minister may appoint persons to be investigators for the purposes of conducting investigations.

Certificate of appointment

(2) The Minister shall issue to every investigator a certificate of appointment bearing the Minister's signature or a facsimile of the signature.

Production of certificate of appointment

(3) Every investigator who is conducting an investigation shall, upon request, produce the certificate of appointment as an investigator.

Search warrant

66.4 (1) Upon application made without notice by an investigator, a justice of the peace may issue a warrant, if the justice of the peace is satisfied by information given under oath or affirmation that there are reasonable grounds for believing that a person has committed or is committing an offence under this Act and there is,

- (a) in any building, dwelling, receptacle or place anything relating to the offence; or
- (b) information or evidence relating to the offence that may be obtained through the use of an investigative technique or procedure or the doing of anything described in the warrant.

Powers under warrant

(2) Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator to,

- (a) enter or access the building, dwelling, receptacle or place specified in the warrant and examine and seize any thing described in the warrant;
- (b) make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form;
- (e) observe ongoing archaeological fieldwork being carried out on an archaeological site or on other lands on which archaeological fieldwork is carried out or observe laboratory work taking place in a laboratory;
- (f) prohibit persons from entering the area where the investigation is being carried out for a reasonable period of time for the purposes of carrying out an examination, excavation or test; and
- (g) use any investigative technique or procedure or do anything described in the warrant.

Entry of dwelling

(3) Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling, unless,

- (a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and
- (b) the justice of the peace authorizes the entry into the dwelling.

Conditions on warrant

(4) A warrant obtained under subsection (1) shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

Expert help

(5) The warrant may authorize persons who have special, expert or professional knowledge and other persons as necessary to accompany and assist the investigator in respect of the execution of the warrant.

Time of execution

(6) An entry or access under a warrant issued under this section shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise.

Expiry of warrant

(7) A warrant issued under this section shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may extend the date of expiry for an additional period of no more than 30 days, upon application without notice by an investigator.

Use of force

(8) An investigator may call upon police officers for assistance in executing the warrant and the investigator may use whatever force is reasonably necessary to execute the warrant.

No obstruction

(9) No person shall obstruct an investigator executing a warrant under this section or withhold from the investigator or conceal, alter or destroy any thing relevant to the investigation being conducted pursuant to the warrant.

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 66.5 may make a copy of it.

Admissibility

(12) A copy of a document or record certified by an investigator as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Seizure of things not specified

66.5 An investigator who is lawfully present in a place pursuant to a warrant or otherwise in the execution of the investigator's duties may, without a warrant, seize any thing in plain view that the investigator believes, on reasonable grounds, will afford evidence relating to the commission of an offence under this Act.

Searches in exigent circumstances

66.6 (1) An investigator may exercise any of the powers described in subsection 66.4 (2) without a warrant if the conditions for obtaining the warrant exist but, by reason of exigent circumstances, it would be impracticable to obtain the warrant.

Dwellings

(2) Subsection (1) does not apply to a building or part of a building that is being used as a dwelling.

Use of force

(3) The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

Applicability of s. 66.4

(4) Subsections 66.4 (5), (9), (10), (11) and (12) apply with necessary modifications to a search under this section.

Report when things seized

66.7 (1) An investigator who seizes any thing under the authority of section 66.4, 66.5 or 66.6 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply, with necessary modifications, in respect of a thing seized under the authority of section 66.4, 66.5 or 66.6 of this Act.

Production order

66.8 (1) On application without notice by an investigator, a justice of the peace may issue a production order to a person, other than a person under investigation for an offence, requiring the person to,

- (a) produce documents or copies of documents, certified by affidavit to be true copies, or produce data; or
- (b) prepare a document based on documents or data already in existence and produce it.

Contents of order

(2) A production order must stipulate when, where and how the documents or data are to be produced, and to whom they are to be produced.

Grounds

(3) A justice of the peace may make a production order if satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence or suspected offence; and
- (c) the person who is subject to the order has possession or control of the document or data.

Conditions

(4) A production order may contain any conditions the justice of the peace considers advisable.

Admissibility

(5) A copy of a document or data produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document or data would have if it had been proved in the ordinary way.

No return of copies

(6) Copies of documents or data produced under this section are not required to be returned to the person who provided them.

Compliance required

(7) A person to whom a production order is directed shall comply with the order according to its terms.

7 Subsection 68.3 (1) of the Act is repealed and the following substituted:**No compensation**

(1) Except as may be provided under this Act, no owner of property or other person is entitled to compensation in respect of any decision, designation, order or regulation, made by a municipality, the Tribunal, the Minister or the Lieutenant Governor in Council under this Act.

8 The Act is amended by adding the following sections:**Limitation period**

69.1 A proceeding with respect to any offence under this Act shall not be commenced more than two years after the day on which the offence first comes to the attention of a provincial offences officer appointed under the *Provincial Offences Act*.

Order to prevent damage, etc.

69.2 (1) On its own initiative or on the request of the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may order the person to,

- (a) take such action as the court directs within the time specified in the order to prevent, eliminate or ameliorate damage that results from or is in any way connected to the commission of the offence; or
- (b) comply with any order, direction or other requirement issued under this Act to the person in relation to damage that results from or is in any way connected to the commission of the offence.

Other conditions

(2) An order under subsection (1) may contain such other conditions relating to the circumstances of the offence and of the person that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct.

Variation of order

(3) The court that made an order under subsection (1) may make any changes in or additions to the conditions prescribed in the order that in the opinion of the court are rendered desirable by a change in circumstances,

- (a) on its own initiative at any time; or
- (b) on application by counsel for the prosecutor, by the person convicted or by the person authorized under the *Law Society Act* to represent the person convicted, with notice to the other party, after a hearing or, with the consent of the parties, without a hearing.

Conflict

(4) Nothing in subsection (1) authorizes the making of an order that conflicts with an order, direction or other requirement previously issued under this Act by the Minister, but an order may be made under subsection (1) supplementing the provisions of an order in respect of the prevention or limitation of alteration.

Continuation in force

(5) Where a person bound by an order under subsection (1) is imprisoned, the order continues in force except in so far as the imprisonment renders it impossible for the person to comply for the time being with the order.

9 (1) Clause 70 (1) (h) of the Act is repealed and the following substituted:

- (h) defining “archaeological collection”, “archaeological fieldwork”, “archaeological site”, “artifact”, “cultural heritage”, “marine archaeological site” and “public institution” for the purposes of this Act and the regulations;

(2) Subsection 70 (1) of the Act is amended by adding the following clause:

- (m.1) governing exemptions under section 66.1, which may include establishing criteria that must be met for a property to be eligible for an exemption;

Commencement

10 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

(2) Section 5 and subsection 9 (2) come into force on a day to be named by order of the Lieutenant Governor in Council.

SCHEDULE 8
REBUILDING ONTARIO PLACE ACT, 2023

1 The *Rebuilding Ontario Place Act, 2023* is amended by adding the following section:

NON-APPLICATION OF ENVIRONMENTAL BILL OF RIGHTS, 1993

Non-application of *Environmental Bill of Rights, 1993*, re Ontario Place

9.1 Part II of the *Environmental Bill of Rights, 1993* does not apply to a proposal to issue, amend or revoke an instrument for or related to either of the following despite the proposal being a type of proposal for an instrument that is classified by a regulation made under that Act:

1. The Ontario Place Redevelopment Project.
2. Any enterprise or activity that furthers the Ontario Place Redevelopment Project that is not at the Ontario Place site.

2 Section 18 of the Act is amended by adding the following clause:

- (f.1) respecting whether an enterprise or activity is in furtherance of the Ontario Place Redevelopment Project for the purposes of paragraph 2 of section 9.1, which may include specifying enterprises or activities that further or do not further the Ontario Place Redevelopment Project or authorizing a person specified by the regulation to make a determination of whether enterprises or activities further the Ontario Place Redevelopment Project;

Commencement

3 This Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

SCHEDULE 9 SPECIAL ECONOMIC ZONES ACT, 2025

CONTENTS

1.	Definitions
2.	Special economic zones
3.	Trusted proponents
4.	Designated projects
5.	Exemption from requirements
6.	Modification of application of provisions of other Acts, etc.
7.	Extinguishment of causes of action
8.	Commencement
9.	Short title

Definitions

1 In this Act,

“designated project” means a project designated under section 4; (“projet désigné”)

“local board” means a local board as defined in the *Municipal Affairs Act*; (“conseil local”)

“Minister” means the Minister of Economic Development, Job Creation and Trade or such other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“special economic zone” means a special economic zone designated under section 2; (“zone économique spéciale”)

“trusted proponent” means a trusted proponent designated under section 3. (“promoteur fiable”)

Special economic zones

2 (1) The Lieutenant Governor in Council may, by regulation, designate an area of the Province as a special economic zone if the prescribed criteria are met.

Criteria for designation

(2) The Lieutenant Governor in Council may make regulations prescribing criteria for the purposes of subsection (1).

Trusted proponents

3 (1) The Minister may, by regulation, designate a person as a trusted proponent if the prescribed criteria are met.

Trusted proponents - classes

(2) The Minister may, by regulation, designate a class of persons as trusted proponents if the prescribed criteria are met.

Criteria for designation

(3) The Lieutenant Governor in Council may make regulations prescribing criteria for the purposes of subsection (1) or (2).

Designated projects

4 (1) The Minister may, by regulation, designate a project as a designated project if the prescribed criteria are met.

Designated projects - classes

(2) The Minister may, by regulation, designate a class of projects as designated projects if the prescribed criteria are met.

Criteria for designation

(3) The Lieutenant Governor in Council may make regulations prescribing criteria for the purposes of subsection (1) or (2).

Exemption from requirements

5 (1) The Lieutenant Governor in Council may, by regulation, exempt a trusted proponent or a designated project from requirements under provisions of an Act or of a regulation or other instrument under an Act, subject to conditions specified in the regulation, as those requirements would apply in a special economic zone.

Municipal by-laws, etc.

(2) For greater certainty, the reference to “other instrument under an Act” in subsection (1) includes a by-law or other instrument of a municipality or local board.

Modification of application of provisions of other Acts, etc.

6 (1) The Lieutenant Governor in Council may, by regulation, modify the application of provisions of an Act or of a regulation or other instrument under an Act, subject to conditions specified in the regulation, as those provisions would apply,

- (a) with respect to a trusted proponent in a special economic zone; or
- (b) with respect to a designated project in a special economic zone.

Municipal by-laws, etc.

(2) For greater certainty, the reference to “other instrument under an Act” in subsection (1) includes a by-law or other instrument of a municipality or local board.

Extinguishment of causes of action

7 (1) No cause of action arises against a person set out in subsection (2) as a direct or indirect result of,

- (a) the enactment, amendment or repeal of any provision of this Act;
- (b) the making, amendment or revocation of any provision of a regulation under this Act; or
- (c) anything done or not done in accordance with this Act or a regulation under this Act.

Persons referred to

(2) The persons referred to in subsection (1) are,

- (a) the Crown or any current or former member of the Executive Council or employee, officer or agent of or advisor to the Crown; or
- (b) a municipality or local board, or any current or former member of the council of the municipality or of the local board, or employee, officer or agent of or advisor to the municipality or local board.

No remedy

(3) No costs, compensation or damages, including for loss of revenue or profit or any other alleged loss, whether direct or indirect, are owing or payable to any person by a person referred to in subsection (1), and no remedy, including a remedy in contract, restitution, tort, a remedy for misfeasance, bad faith or a breach of trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available to any person against any person referred to in subsection (1) in connection with anything referred to in that subsection.

Proceedings barred

(4) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(5) Subsections (3) and (4) do not apply with respect to an application for judicial review or a claim for a constitutional remedy, but do apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief or the enforcement of a judgment, order or award made outside Ontario.

No costs awarded

(6) No costs shall be awarded against any person in respect of a proceeding that cannot be brought or maintained under subsection (4).

No expropriation or injurious affection

(7) Nothing referred to in subsection (1) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Proceedings by Crown not prevented

(8) This section does not apply with respect to proceedings brought by the Crown.

Certain proceedings by municipalities not prevented

(9) This section does not apply with respect to proceedings brought by a municipality against,

- (a) any current or former member of the council of the municipality or of a local board of the municipality; or
- (b) any current or former employee, officer or agent of or advisor to the municipality or a local board of the municipality.

Certain proceedings by local boards not prevented

(10) This section does not apply with respect to proceedings brought by a local board against,

- (a) any current or former member of the local board; or

(b) any current or former employee, officer or agent of or advisor to the local board.

Commencement

8 The Act set out in this Schedule comes into force on the day the *Protect Ontario by Unleashing our Economy Act, 2025* receives Royal Assent.

Short title

9 The short title of the Act set out in this Schedule is the *Special Economic Zones Act, 2025*.

**SCHEDULE 10
SPECIES CONSERVATION ACT, 2025**

CONTENTS

PART I

INTERPRETATION, APPLICATION AND ADMINISTRATION

1. Purposes
2. Definitions
3. Existing Aboriginal or treaty rights
4. General non-application, aquatic species and migratory birds
5. Designation of provincial officers
6. Delegation of powers and duties
7. Crown bound

PART II

CLASSIFICATION OF SPECIES

8. Interpretation
9. Committee on the Status of Species at Risk in Ontario
10. Functions of COSSARO
11. Rules for classification
12. Annual report by COSSARO
13. Additional reports

PART III

PROTECTION AND CONSERVATION OF SPECIES

GENERAL

14. Protected Species in Ontario List
15. Prohibition, extirpation in Ontario
16. Prohibition, s. 16 activities

REGISTRATIONS

17. Registry
18. Registrations
19. Suspension or removal of registration
20. Filing of order or notice in Registry

PERMITS

21. Application for permit
22. Powers of Minister

LAWS OF OTHER JURISDICTIONS

23. Activities contrary to laws of other jurisdictions

CODES OF PRACTICE AND THE SPECIES CONSERVATION PROGRAM

24. Codes of practice, etc.
25. Species Conservation Program

PART IV

ENFORCEMENT

PROVINCIAL OFFICERS

26. Production of identification
27. Power to require response to inquiries
28. Necessary force
29. Incidental authority to pass through
30. Exemptions from Act, provincial officers
31. Compliance with inspections, etc.

INSPECTIONS

32. Inspections to determine compliance
33. Inspection of vehicles, boats, aircraft
34. Searches with respect to offences
35. Seizure and forfeiture

ORDERS

36. Mitigation order
37. Habitat protection order
38. Species Protection Order
39. Contravention order
40. Service of orders
41. Compliance with orders

PART V

APPEALS

42. Appeal of permit or order
43. Extension of time for requiring hearing

- 44. Contents of notice requiring hearing
- 45. No stay on appeal
- 46. Parties
- 47. Powers of Tribunal
- 48. Appeals from Tribunal

**PART VI
OFFENCES AND PENALTIES**

- 49. Offences
- 50. Corporations
- 51. Employers and principals
- 52. Defence
- 53. Penalties
- 54. Order for compliance
- 55. Presiding judge
- 56. Limitation period
- 57. Similar species
- 58. Proof of inspected or seized things
- 59. Evidence of documents

**PART VII
MISCELLANEOUS**

- 60. Information for public
- 61. Information that could lead to contravention
- 62. Personal information
- 63. Incorporation by reference
- 64. Regulations
- 65. Regulations, Lieutenant Governor in Council

**PART VIII
TRANSITION**

- 66. Agency under the Endangered Species Act, 2007
- 67. Transitional regulations

**PART IX
REPEAL, REVOCATIONS, COMMENCEMENT AND SHORT TITLE**

- 68. Endangered Species Act, 2007
- 69. Revocations
- 70. Commencement
- 71. Short title

**PART I
INTERPRETATION, APPLICATION AND ADMINISTRATION**

Purposes

1 The purposes of this Act are,

- (a) to identify species at risk based on the best available scientific information, including information obtained from community knowledge and Indigenous traditional knowledge; and
- (b) to provide for the protection and conservation of species while taking into account social and economic considerations, including the need for sustainable economic growth in Ontario.

Definitions

2 (1) In this Act,

“COSSARO” means the Committee on the Status of Species at Risk in Ontario; (“CDSEPO”)

“habitat” means, subject to subsection (2),

- (a) in respect of an animal species,
 - (i) a dwelling place, such as a den, nest or other similar place, that is occupied or habitually occupied by one or more members of a species for the purposes of breeding, rearing, staging, wintering or hibernating, and
 - (ii) the area immediately around a dwelling place described in subclause (i) that is essential for the purposes set out in that subclause,
- (b) in respect of a vascular plant species, the critical root zone surrounding a member of the species, and
- (c) in respect of all other species, an area on which any member of the species directly depends in order to carry on its life processes; (“habitat”)

“justice” has the same meaning as in the *Provincial Offences Act*; (“juge”)

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“permit” means a permit issued under section 22; (“permis”)

“permit activity” means a section 16 activity that is prescribed for the purposes of subsection 16 (2); (“activité exigeant un permis”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“Protected Species in Ontario List” means the regulation made under subsection 14 (1); (“Liste des espèces protégées en Ontario”)

“provincial officer” means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations; (“agent provincial”)

“registerable activity” means a section 16 activity that is not prescribed for the purposes of subsection 16 (2); (“activité exigeant un enregistrement”)

“registration” means a registration in the Registry; (“enregistrement”)

“Registry” means the registry established under section 17; (“Registre”)

“regulations” means the regulations made under this Act; (“règlements”)

“section 16 activity” means,

(a) any activity that results or is likely to result in,

(i) the killing, harming, capturing or taking of a member of a species that is listed on the Protected Species in Ontario List, or

(ii) damage to or destruction of the habitat of a species that is listed on the Protected Species in Ontario List,

(b) possessing, transporting, collecting, buying, selling, leasing, trading or offering to buy, sell, lease or trade,

(i) a living or dead member of a species that is listed on the Protected Species in Ontario List, or

(ii) anything derived from a living or dead member of a species referred to in subclause (i), or

(c) selling, leasing, trading or offering to sell, lease or trade anything that a person represents to be a thing described in subclause (b) (i) or (ii); (“activité visée par l’article 16”)

“species” means a species, subspecies, variety or genetically or geographically distinct population of animal, plant or other organism, other than a bacterium or virus, that is native to Ontario; (“espèce”)

“Tribunal” means the Ontario Land Tribunal. (“Tribunal”)

Definition of “habitat”

(2) For greater certainty, the definition of “habitat” in subsection (1) does not include an area where the species formerly occurred or has the potential to be reintroduced unless existing members of the species depend on that area to carry on their life processes.

Member of a species

(3) A reference in this Act to a member of a species,

(a) includes a reference to a member of the species at any stage of its development;

(b) includes a reference to a gamete or asexual propagule of the species; and

(c) includes a reference to the member of the species, whether or not it originated in Ontario.

Existing Aboriginal or treaty rights

3 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing Aboriginal or treaty rights of the Aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

General non-application, aquatic species and migratory birds

4 Unless otherwise provided in this Act or the regulations, this Act and the regulations do not apply with respect to the following species, if the species is listed as extirpated, endangered or threatened on the List of Wildlife Species at Risk under the *Species at Risk Act* (Canada):

1. Species of birds protected by the *Migratory Birds Convention Act, 1994* (Canada).
2. Aquatic species as defined in subsection 2 (1) of the *Species at Risk Act* (Canada).

Designation of provincial officers

5 (1) The Minister may designate persons or classes of persons as provincial officers in respect of any provision of this Act or the regulations that is set out in the designation.

Limitations

(2) The Minister may limit a designation made under subsection (1) in such manner as the Minister considers advisable.

Delegation of powers and duties

6 (1) The Minister may authorize the Deputy Minister or any other employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this Act.

Limitations

(2) The Minister may limit an authorization made under subsection (1) in such manner as the Minister considers advisable.

Crown bound

7 (1) This Act binds the Crown in right of Ontario.

Protection and conservation activities

- (2) Nothing in this Act prohibits employees or agents of the Crown in right of Ontario from,
- (a) possessing or transporting a member of a species listed on the Protected Species in Ontario List; or
 - (b) engaging in any other activity to assist in the protection and conservation of species listed on the Protected Species in Ontario List.

PART II CLASSIFICATION OF SPECIES

Interpretation

8 Despite section 4, a reference to a “species” in this Part includes a reference to species described in that section.

Committee on the Status of Species at Risk in Ontario

9 (1) The committee known in English as the Committee on the Status of Species at Risk in Ontario (COSSARO) and in French as Comité de détermination du statut des espèces en péril en Ontario (CDSEPO) is continued.

Composition

(2) COSSARO shall be composed of at least 10 members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

Qualifications

- (3) The Minister shall not recommend a person to be a member of COSSARO unless the Minister considers the person to have relevant expertise that is drawn from,
- (a) a scientific discipline such as conservation biology, ecology, genetics, population dynamics, taxonomy, systematics or wildlife management; or
 - (b) community knowledge or Indigenous traditional knowledge.

Chair and vice-chair

(4) The Lieutenant Governor in Council shall designate a chair and a vice-chair from among the members of COSSARO.

Independence

(5) The members of COSSARO shall perform their functions in an independent manner, and not as representatives of their employers or of any other person or body.

Lobbying

- (6) A member of COSSARO shall not, with respect to any matter related to this Act,
- (a) act as a consultant lobbyist within the meaning of subsection 1 (1) of the *Lobbyists Registration Act, 1998*; or
 - (b) act as an in-house lobbyist within the meaning of subsection 5 (7) or 6 (5) of the *Lobbyists Registration Act, 1998*.

Functions of COSSARO

10 (1) COSSARO shall perform the following functions:

1. Subject to section 11, maintain criteria for assessing and classifying species as extinct, extirpated, endangered, threatened or of special concern.
2. Maintain and prioritize a list of species that should be assessed and classified, including species that should be reviewed and, if appropriate, reclassified.
3. Subject to section 13, assess, review and classify species in accordance with the list maintained under paragraph 2.
4. Submit reports to the Minister in accordance with this Act.
5. Provide advice to the Minister on any matter submitted to COSSARO by the Minister.
6. Perform any other function required under this or any other Act.

List of species to be assessed

- (2) COSSARO shall ensure that the list referred to in paragraph 2 of subsection (1) includes every Ontario species that,
- (a) is classified by the Committee on the Status of Endangered Wildlife in Canada as extirpated, endangered, threatened or of special concern under the *Species at Risk Act* (Canada); and
 - (b) has not yet been assessed by COSSARO.

Information for Minister

- (3) COSSARO shall ensure that the Minister is provided with up to date copies of the criteria referred to in paragraph 1 of subsection (1) and the list referred to in paragraph 2 of subsection (1).

Rules for classification

- 11** (1) For the purposes of this Act, COSSARO shall classify species in accordance with the following rules:

1. A species shall be classified as an extinct species if it no longer lives anywhere in the world.
2. A species shall be classified as an extirpated species if it lives somewhere in the world, lived at one time in the wild in Ontario, but no longer lives in the wild in Ontario.
3. A species shall be classified as an endangered species if it lives in the wild in Ontario but is facing imminent extinction or extirpation.
4. A species shall be classified as a threatened species if it lives in the wild in Ontario, is not endangered, but is likely to become endangered if steps are not taken to address factors threatening to lead to its extinction or extirpation.
5. A species shall be classified as a special concern species if it lives in the wild in Ontario, is not endangered or threatened, but may become threatened or endangered because of a combination of biological characteristics and identified threats.

Geographic limitation

- (2) When COSSARO classifies a species, the classification applies to all of Ontario unless COSSARO indicates that the classification applies only to a specified geographic area in Ontario.

Best available scientific information

- (3) COSSARO shall classify species based on the best available scientific information, including information obtained from community knowledge and Indigenous traditional knowledge.

Criteria for classification

- (4) The criteria for assessing and classifying species as endangered, threatened or special concern species under paragraph 1 of subsection 10 (1) shall include considerations of,
- (a) the species' geographic range in Ontario; and
 - (b) the condition of the species across the broader biologically relevant geographic range in which it exists both inside and outside of Ontario.

Same

- (5) If consideration of the condition of the species both inside and outside of Ontario under clause (4) (b) would result in a species classification indicating a lower level of risk to the survival of the species than would result if COSSARO considered the condition of the species inside Ontario only, COSSARO's classification of a species shall reflect the lower level of risk to the survival of the species.

Annual report by COSSARO

- 12** (1) Between January 1 and January 31 of each year, COSSARO shall submit an annual report to the Minister that sets out,
- (a) the common name and scientific name of each species that COSSARO has classified since its last annual report as extinct, extirpated, endangered, threatened or of special concern;

- (b) the classification of each species described in clause (a) and the reasons for the classification; and
- (c) an indication of whether the species is a species described in section 4.

Same

- (2) The annual report may also state that,
- (a) an assessment of a species indicates that it is not at risk; or
 - (b) there is insufficient information available to classify a species.

Additional reports

- 13** (1) COSSARO shall not submit an additional report with respect to the classification of species to the Minister unless,
- (a) the Minister has requested that COSSARO classify a species or reconsider its classification of a species under subsection (2) or (3); or
 - (b) COSSARO is of the opinion that a species that is not listed on the Protected Species in Ontario List may be facing imminent extinction or extirpation.

Risk of imminent extinction or extirpation

- (2) If a species is not listed on the Protected Species in Ontario List and the Minister is of the opinion that the species may be facing imminent extinction or extirpation, the Minister may require COSSARO to assess and classify the species and, not later than the date specified by the Minister, submit a report to the Minister under subsection (1).

Reconsideration

- (3) If the Minister is of the opinion that credible scientific information indicates that a classification reported to the Minister by COSSARO may not be appropriate, the Minister may require COSSARO to reconsider the classification and, not later than the date specified by the Minister, submit a report to the Minister under subsection (1) indicating whether COSSARO confirms the classification or reclassifies the species.

Consultation with chair of COSSARO

- (4) The Minister shall not require COSSARO to do anything under this section without first consulting with the chair of COSSARO.

PART III PROTECTION AND CONSERVATION OF SPECIES

GENERAL

Protected Species in Ontario List

- 14** (1) The Lieutenant Governor in Council may make a regulation listing species that are classified by COSSARO as extirpated, endangered or threatened.

Deviation from COSSARO classification

- (2) A regulation made under subsection (1) is not required to list all of the species classified by COSSARO but, if a species is listed, the classification of the species shall be the same as COSSARO's classification and shall include any geographic limitation indicated by COSSARO in respect of the species under subsection 11 (2).

Contents of regulation

- (3) A regulation made under subsection (1) shall include the following information for each species:
1. The common name and scientific name of the species.
 2. COSSARO's classification of the species as extirpated, endangered or threatened.
 3. If the classification applies only to a specified geographic area, the area.

Notice of proposal, *Environmental Bill of Rights, 1993*

- (4) For greater certainty, if a regulation is proposed to be made under subsection (1), the brief description required in respect of a notice of proposal under section 16 of the *Environmental Bill of Rights, 1993* in respect of the regulation shall include each species that is proposed to be listed in or removed from the regulation.

Prohibition, extirpation in Ontario

- 15** Despite any other provision of this Act or the regulations, no person shall engage in an activity that is likely to result in a species no longer living in the wild in Ontario.

Prohibition, s. 16 activities

Registration required

16 (1) No person shall engage in a registerable activity unless,

- (a) the person has registered the activity in the Registry in accordance with the regulations;
- (b) the Minister has provided the person with a confirmation of registration in respect of the activity;
- (c) the person engages in the activity in accordance with the regulations; and
- (d) the registration is not suspended and has not been removed from the Registry.

Permit required

(2) No person shall, except under and in accordance with a permit, engage in a permit activity.

Exceptions

(3) Subsection (1) or (2), as applicable, does not apply in respect of any of the following section 16 activities:

- 1. In the case of an activity described in clause (b) of the definition of “section 16 activity” in subsection 2 (1), the member of the species affected by the activity was lawfully killed, captured or taken in a jurisdiction outside of Ontario.
- 2. A section 16 activity for which all of the criteria set out in subsection (4) in respect of the activity, the person engaging in the activity and the species affected by the activity are met.
- 3. If a geographic area is specified in the Protected Species in Ontario List in respect of a species, a section 16 activity engaged in with respect to that species outside of the geographic area.
- 4. Any other section 16 activity prescribed by the Lieutenant Governor in Council for the purposes of this subsection, subject to any conditions or restrictions prescribed by the Lieutenant Governor in Council.

First listing criteria, one-year exception

(4) The following are the criteria mentioned in paragraph 2 of subsection (3):

- 1. The activity is,
 - i. described in clause (a) of the definition of “section 16 activity” in subsection 2 (1), or
 - ii. described in clause (b) of that definition but only as the definition relates to possessing or transporting a member of a species.
- 2. The person is engaging in the activity in relation to another species in accordance with subsection (1) or (2), as applicable.
- 3. The species is listed on the Protected Species in Ontario List as an endangered species or a threatened species and has been so listed for less than one year.
- 4. Before being listed as described in paragraph 3, the species was not previously listed, under its current name or any other common or scientific name, on the Species at Risk in Ontario List under the *Endangered Species Act, 2007* or the Protected Species in Ontario List.

Transition

(5) If a person’s registration, in respect of an activity, is in effect when the activity becomes a permit activity, subsection (1) continues to apply to the person engaging in the activity and subsection (2) does not apply until the Minister removes the person’s registration from the Registry in accordance with subsection 19 (1).

Same

(6) If a permit activity ceases to be a permit activity, subsection (2) continues to apply to a person who holds a permit in respect of the activity and subsection (1) does not apply until the Minister revokes the permit in accordance with subsection 22 (7).

Changes to the Protected Species in Ontario List

(7) For greater certainty, if an amendment to the Protected Species in Ontario List results in a species no longer being listed, a requirement under this Act in respect of that species ceases to apply to a person on the day the amendment comes into force in respect of any activities engaged in after that day.

REGISTRATIONS

Registry

17 (1) The Minister shall, by regulation, establish, maintain and operate a registry known in English as the Species Conservation Registry and in French as *Registre pour la conservation des espèces*.

Purposes

(2) The purposes of the Registry are to allow persons to register registerable activities and any other purposes as may be prescribed.

Registrations

18 (1) When registering an activity in the Registry, a person shall include the prescribed information in the registration.

Minister to provide confirmation

(2) If a person registers an activity in the Registry and pays any required fee, the Minister shall provide the person with a confirmation of registration.

Retention of confirmation and maintenance of registration

(3) A person who engages in a registerable activity shall ensure that the confirmation of registration is retained and that,

- (a) the registration is maintained and updated in accordance with the regulations, if any;
- (b) the registration includes any data, reports, documents or other information as may be required by the Minister or as may be prescribed; and
- (c) the registration includes the results of any tests or experiments relating to the registered activity as may be required by the Minister or as may be prescribed.

Complete and accurate information, etc.

(4) If the Minister is of the opinion that any information included with a registration is incomplete, misleading or otherwise inaccurate, the Minister may require the person engaging in the registerable activity to file additional information that is complete and accurate, including additional data, reports or documents.

Suspension or removal of registration

19 (1) The Minister may suspend a registration in respect of an activity or remove the registration from the Registry if,

- (a) the person who is engaging in the activity is in contravention of this Act or the regulations;
- (b) the past conduct of the person who is engaging in the activity, or, if the person is a corporation, the past conduct of its officers and directors, affords reasonable grounds to believe that the person will not engage in the activity in accordance with this Act or the regulations;
- (c) the confirmation of registration was provided on the basis of misleading, mistaken, false or inaccurate information;
- (d) the person who was engaging in the activity is no longer doing so;
- (e) a registerable activity becomes a permit activity and,
 - (i) if an application for a permit in respect of the activity has been made, a decision under subsection 22 (1) in respect of the application has been made and all rights of appeal have been exhausted, or
 - (ii) an application for a permit in respect of the activity has not been made on or before the date, if any, prescribed in respect of the activity;
- (f) the person who is engaging in the activity requests that their registration be removed;
- (g) the registration is obsolete; or
- (h) any other circumstance as may be prescribed by the Lieutenant Governor in Council exists.

Order

(2) If the Minister relies on clause (a), (b), (c), (d), (e) or (h) to suspend or remove a registration, the Minister shall do so by order and shall serve the order together with written reasons on the person who is or was engaging in the activity.

Notice

(3) If the Minister relies on clause (f) or (g) to suspend or remove a registration, the Minister shall do so by giving written notice to the person who is or was engaging in the activity.

End of suspension

(4) The Minister may, by giving written notice to a person mentioned in subsection (2) or (3), end a suspension of a registration if the Minister is satisfied that the reasons for the suspension no longer exist.

Filing of order or notice in Registry

20 The Minister shall file in the Registry a copy of any order issued or notice given under section 19.

PERMITS

Application for permit

21 (1) A person may apply to the Minister for a permit to engage in one or more permit activities.

Form

(2) An application under this section shall be prepared and submitted to the Minister in accordance with any prescribed requirements.

Multiple sites

(3) If a person applies for a permit to engage in a permit activity that is to be engaged in at more than one site, the application may be in respect of the activity at more than one site unless the Minister requires otherwise.

Powers of Minister

22 (1) After considering an application for a permit in respect of one or more permit activities at one or more sites, the Minister may,

- (a) issue or refuse to issue a permit in respect of one or more of the activities at one or more of the sites;
- (b) if the Minister issues a permit, impose conditions in the permit;
- (c) amend an existing permit that is in effect and impose, amend or revoke the conditions or expand the scope of the permit to other activities or sites;
- (d) revoke the permit in whole or in part, with or without issuing a new permit; or
- (e) suspend a permit in whole or in part.

Conditions

(2) In addition to any conditions imposed under clause (1) (b) or (c), a permit issued under this section is subject to any conditions prescribed by the Lieutenant Governor in Council.

Same

(3) Without limiting the generality of subsection (2), conditions in a permit may,

- (a) limit the time during which the permit applies;
- (b) limit the circumstances in which the permit applies;
- (c) require the holder of the permit to take steps specified in the permit and require that the steps be taken before engaging in the activity authorized by the permit;
- (d) require the holder of the permit to provide financial security in an amount or in a form sufficient to ensure compliance with the permit;
- (e) require the holder of the permit to ensure that the activity authorized by the permit, and the effects of the activity, are monitored in accordance with the permit;
- (f) require the holder of the permit to rehabilitate or restore habitat damaged or destroyed by the activity authorized by the permit, or to provide alternative habitat for the species specified in the permit; or
- (g) require the holder of the permit to submit reports to the Minister.

Past conduct

(4) The Minister may suspend, revoke or refuse to issue a permit if the past conduct of the holder of the permit or the applicant, or, if the holder or applicant is a corporation, the past conduct of its officers and directors, affords reasonable grounds to believe that the person will not engage in the activity in accordance with this Act or the regulations.

Minister may require information

(5) The Minister may require a person who applies for a permit to submit any data, reports, documents or other information and to carry out and report on any tests or experiments relating to any activity in respect of which the application is made.

Minister may require consultation

(6) The Minister may require a person who applies for a permit to consult with the persons or entities specified by the Minister, in a manner specified by the Minister, before the Minister makes a decision in respect of the application.

Exercise of powers on Minister's initiative

(7) The Minister may, on the Minister's own initiative,

- (a) amend or revoke conditions of a permit after it has been issued;

- (b) impose new conditions in a permit; or
- (c) suspend or revoke all or part of a permit.

Consideration of applications

(8) The Minister is not required to consider an application for a permit that has not been prepared and submitted in accordance with section 21 or any prescribed requirements.

Compliance with a permit

(9) A person to whom a permit is issued shall comply with the permit.

LAWS OF OTHER JURISDICTIONS

Activities contrary to laws of other jurisdictions

Possession of species killed, captured etc. contrary to law in other jurisdiction

23 (1) No person shall possess a living or dead animal, plant or other organism, any part of a living or dead animal, plant or other organism or any thing derived from a living or dead animal, plant or other organism, if the thing possessed, or the animal, plant or other organism,

- (a) was killed, captured, taken, possessed, collected, transported, bought, sold, leased or traded contrary to a law that is described in subsection (3); or
- (b) was removed from another jurisdiction, contrary to a law of that jurisdiction that is described in subsection (3).

Purchase, sale etc, contrary to law in other jurisdiction

(2) No person shall buy, sell, lease, trade or offer to buy, sell, lease or trade a living or dead animal, plant or other organism, any part of a living or dead animal, plant or other organism, or any thing derived from a living or dead animal, plant or other organism, that has been transported into Ontario if, in the jurisdiction from which the animal, plant or other organism was originally exported, the purchase, sale, lease or trade would be contrary to a law of that jurisdiction that is described in subsection (3).

Applicable laws

(3) The laws referred to in subsections (1) and (2) are laws of another jurisdiction that protect animals, plants or other organisms that are identified as extirpated, endangered or threatened in that jurisdiction, or animals, plants or other organisms, however described, that are similarly at risk in that jurisdiction.

Defence

(4) A person shall not be convicted of an offence for contravening subsection (1) or (2) if the person establishes that the person honestly and reasonably believed that the law of the other jurisdiction,

- (a) did not prohibit the killing, capturing, taking, possessing, collecting, transporting, buying, selling, leasing or trading, as the case may be, of the thing that the person is alleged to have possessed or the animal, plant or other organism, in the case of a prosecution for contravening clause (1) (a);
- (b) did not prohibit the removal from the other jurisdiction of the thing that the person is alleged to have possessed or the animal, plant or other organism, in the case of a prosecution for contravening clause (1) (b); or
- (c) did not prohibit the purchase, sale, lease or trade, as the case may be, of the thing that the person is alleged to have bought, sold, leased, traded or offered to buy, sell, lease or trade, in the case of a prosecution for contravening subsection (2).

Interpretation

(5) Subsection 2 (3) applies, with necessary modifications, to the references in this section to animals, plants and other organisms.

CODES OF PRACTICE AND THE SPECIES CONSERVATION PROGRAM

Codes of practice, etc.

24 The Minister may establish codes of practice, standards or guidelines with respect to the protection and conservation of species that are listed on the Protected Species in Ontario List and their habitat.

Species Conservation Program

25 (1) The program known in English as the Species Conservation Program and in French as Programme de conservation des espèces is continued.

Purpose

(2) The purpose of the program is to promote protection and conservation activities that relate to species classified by COSSARO in a report submitted under section 12 or 13, including,

- (a) the preservation and rehabilitation of habitat, and the enhancement of other areas so that they can become habitat;
- (b) public education and outreach programs relating to conservation; and
- (c) other activities to assist in the protection and conservation of species.

Grants

(3) As part of the program, the Minister may make grants for the purpose described in subsection (2).

PART IV ENFORCEMENT

PROVINCIAL OFFICERS

Production of identification

26 A provincial officer who is acting under this Act shall, on request, produce identification.

Power to require response to inquiries

27 (1) For the purposes of determining if a person is in compliance with this Act or the regulations, a provincial officer may, at any reasonable time and with any reasonable assistance, require the person, or any person employed by or providing services to the person, to respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), a provincial officer may make inquiries by any means of communication.

Production of document

(3) In requiring a person to respond to an inquiry under subsection (1), a provincial officer may require the production of any document or data, in any form, required to be kept under this Act and any other document or data, in any form, related to the purpose of the inquiry.

Records in electronic form

(4) If a record is retained in electronic form, a provincial officer may require that a copy of it be provided either on paper or electronically, or both.

Necessary force

28 A provincial officer may use whatever force is reasonably necessary to exercise any of their powers under this Act.

Incidental authority to pass through

29 A provincial officer who has the power to enter any land, building or other place under this Act, and any person authorized under this Act to accompany the provincial officer, may enter and pass through other private property for the purpose of reaching the land, building or other place.

Exemptions from Act, provincial officers

30 The Minister may, for the purpose of inspections and other law enforcement activities under this Act, exempt a provincial officer from the application of any provision of this Act, subject to such conditions as the Minister considers necessary and shall set out such exemptions in a designation made under subsection 5 (1).

Compliance with inspections, etc.

Obstruction

31 (1) No person shall hinder or obstruct any provincial officer or any employee in or agent of the Ministry in the performance of their duties under this Act.

False information

(2) No person shall orally, in writing or electronically, give or submit false or misleading information in any statement, document or data, to any provincial officer, the Minister, the Ministry, any employee in or agent of the Ministry or any person involved in carrying out a program of the Ministry, in respect of any matter related to this Act or the regulations.

Same

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act or the regulations.

Refusal to provide information

(4) No person shall refuse to provide any provincial officer, the Minister, the Ministry or any employee in or agent of the Ministry with information required for the purposes of this Act or the regulations.

INSPECTIONS

Inspections to determine compliance

32 (1) A provincial officer may enter and inspect any land or other place without a warrant for the purpose of determining whether there is compliance with any of the following provisions:

1. Section 15, subsection 16 (1) or (2) or section 23.
2. Any provision of a permit.
3. Any provision of an order issued under section 36, 37, 38, 39 or 54.
4. Any provision of the regulations.

Dwellings

(2) Subsection (1) does not authorize the provincial officer to enter a building or part of a building that is being used as a dwelling.

Warrant; compliance with permits, orders

(3) On application without notice, a justice may issue a warrant authorizing a provincial officer to enter and inspect any land or other place, including a building or part of a building that is being used as a dwelling, if the justice is satisfied by information under oath that there are reasonable grounds to believe that,

- (a) an inspection under this section would assist in determining whether there is compliance with a provision referred to in subsection (1); and
- (b) entry has been refused or is likely to be refused.

Duration

(4) A warrant issued under subsection (3) is valid for 30 days or for such shorter period as may be specified in it.

Further warrants

(5) A justice may issue further warrants under subsection (3).

Time of entry

(6) An entry under this section shall be made at a time that is reasonable in view of any activity that is conducted on the land or in the place.

Powers during inspection

- (7) During an inspection under this section, the provincial officer may,
 - (a) be accompanied and assisted by any person authorized by the provincial officer;
 - (b) inspect any thing that is relevant to the inspection;
 - (c) use or cause to be used any computer or other device that contains or is able to retrieve information, for the purpose of examining information contained in or available to the computer or other device, and produce or cause to be produced a printout or other output from the computer or other device;
 - (d) conduct any tests, take any measurements, take any specimens or samples, set up any equipment and make any photographic or other records that may be relevant to the inspection; and
 - (e) ask questions that may be relevant to the inspection.

Provision of information

(8) A person shall, during an inspection under this section, provide information requested by the provincial officer that is relevant to the inspection.

Copies

(9) The provincial officer may make copies of any thing inspected or produced during the inspection.

Removal

(10) The provincial officer may remove any thing for the purpose of making copies or of further inspection, but the copying or further inspection shall be carried out with reasonable dispatch and any thing removed shall be returned promptly to the person from whom it was taken unless it is not reasonable for the person to expect the thing to be returned.

Inspection of vehicles, boats, aircraft

33 (1) A provincial officer may stop a vehicle, boat or aircraft if the officer has reasonable grounds to believe that stopping the vehicle, boat or aircraft would assist in determining whether there is compliance with any of the following provisions:

1. Section 15, subsection 16 (1) or (2) or section 23.
2. Any provision of a permit.
3. Any provision of an order issued under section 36, 37, 38, 39 or 54.
4. Any provision of the regulations.

Operator to stop

(2) On the provincial officer's signal to stop, the operator of the vehicle, boat or aircraft shall immediately stop and produce for inspection any thing requested by the officer that is relevant to the purpose for which the vehicle, boat or aircraft was stopped.

Stop signals

- (3) For the purpose of subsection (2), signals to stop include,
- (a) intermittent flashes of red light, in the case of a vehicle;
 - (b) intermittent flashes of blue light, in the case of a boat; and
 - (c) a hand signal to stop, in the case of a vehicle or boat.

Searches with respect to offences

34 (1) On application without notice, a justice may issue a warrant authorizing a provincial officer to use any investigative technique or procedure or to do any thing described in the warrant if the justice is satisfied by information under oath that there are reasonable grounds to believe that an offence under this Act has been or is being committed and that evidence concerning the offence will be obtained through the use of the technique or procedure or the doing of the thing.

Assistance

(2) The warrant may authorize any person specified in the warrant to accompany and assist the provincial officer in the execution of the warrant.

Warrant, authorized activities

(3) The warrant shall authorize the provincial officer to enter and search the building or other place for which the warrant was issued and, without limiting the powers of the justice under subsection (1), the warrant may, in respect of the alleged offence, authorize the provincial officer to conduct any tests, take any measurements, take any specimens or samples, set up any equipment, make any excavations and make any photographic or other records that may be relevant to the search.

Duration

(4) The warrant is valid for 30 days or for such shorter period as may be specified in it.

Further warrants

(5) A justice may issue further warrants under subsection (1).

Part VIII of the *Provincial Offences Act*

(6) Subsections (1) to (5) do not prevent a provincial officer from obtaining a search warrant under Part VIII of the *Provincial Offences Act*.

Searches without warrant

(7) If a provincial officer has reasonable grounds to believe that there is in a building or other place any thing that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the provincial officer may, without a warrant, enter and search the building or other place.

Dwellings

(8) Subsection (7) does not apply to a building or part of a building that is being used as a dwelling.

Computers, etc.

(9) A provincial officer who is conducting a search that is authorized by a warrant or by subsection (7) may, for the purpose of examining information contained in or available to any computer or other device that contains or is able to retrieve information, use or cause to be used the computer or other device and produce or cause to be produced a printout or other output from the computer or other device.

Seizure and forfeiture

35 (1) A provincial officer who is lawfully in a building or other place may, without a warrant, seize any thing that the officer has reasonable grounds to believe,

- (a) has been obtained by the commission of an offence under this Act;
- (b) has been used in the commission of an offence under this Act;
- (c) will afford evidence of the commission of an offence under this Act; or
- (d) is intermixed with a thing referred to in clause (a), (b) or (c).

Presence pursuant to warrant

(2) If the provincial officer is in the building or other place pursuant to a warrant, subsection (1) applies to any thing, whether or not it is specified in the warrant.

Safekeeping

(3) A provincial officer shall deliver any thing that they seize to a person authorized by the Minister for safekeeping.

Leaving with occupant

(4) Despite subsection (3), a provincial officer may leave a thing that they seize in the custody of the occupant of the building or other place in which it was seized.

Occupant to safeguard

(5) If any thing is left in the custody of an occupant under subsection (4), the occupant shall safeguard the thing until,

- (a) a provincial officer removes the thing;
- (b) the occupant is notified by a provincial officer that the investigation has concluded and that a charge will not be laid; or
- (c) the defendant is acquitted or the charge is dismissed or withdrawn, if a charge is laid and the charge is finally disposed of.

Thing taken before justice

(6) Subsections (3) and (4) do not apply to a thing that is required to be carried before a justice by a search warrant issued under Part VIII of the *Provincial Offences Act*.

Return of seized things

(7) Any thing seized and not forfeited under this section shall be returned to the person from whom it was seized if,

- (a) a charge is not laid at the conclusion of the investigation; or
- (b) a charge is laid but, when the charge is finally disposed of, the defendant is acquitted or the charge is dismissed or withdrawn.

Payment of fine

(8) If a person is convicted of an offence and a fine is imposed,

- (a) a thing seized in connection with the offence and not forfeited to the Crown in right of Ontario under this section shall not be returned until the fine has been paid; and
- (b) if payment of the fine is in default within the meaning of section 69 of the *Provincial Offences Act*, a justice may order that the thing be forfeited to the Crown in right of Ontario.

Forfeiture if identity unknown

(9) If the identity of the person from whom a thing was seized has not been ascertained within 30 days after the seizure, the thing is forfeited to the Crown in right of Ontario.

Forfeiture of dead animals, etc.

(10) Despite any order under Part VIII of the *Provincial Offences Act*, any dead animal, plant or other organism that is seized is forfeited to the Crown in right of Ontario if, in the opinion of the person who has custody of it, it is likely to spoil.

Forfeiture of live animals, etc.

(11) Despite any order under Part VIII of the *Provincial Offences Act*, any live animal, plant or other organism that is seized is forfeited to the Crown in right of Ontario if, in the opinion of the person who has custody of it, it cannot properly be maintained in custody.

Forfeiture on conviction

(12) If a person is convicted of an offence under this Act,

- (a) any animal, plant or other organism seized in connection with the offence, and any cage, shelter or other container seized in connection with the animal, plant or other organism, are forfeited to the Crown in right of Ontario; and
- (b) the justice may order that any other thing seized in connection with the offence be forfeited to the Crown in right of Ontario.

Application of subs. (12)

(13) Subsection (12) applies in addition to any other penalty.

Forfeiture if possession is an offence

(14) On motion in a proceeding under the *Provincial Offences Act*, or on application in accordance with the rules of court applicable to applications under that Act, a justice shall determine whether possession of a thing seized is an offence under this Act and, if it is, the justice shall order that the thing be forfeited to the Crown in right of Ontario.

Application of subs. (14)

(15) Subsection (14) applies whether or not a charge is laid in respect of the thing seized and, if a charge is laid, subsection (14) applies even if the defendant is acquitted or the charge is dismissed or withdrawn.

Disposition of forfeited thing

(16) A thing forfeited to the Crown in right of Ontario shall be disposed of in accordance with the directions of the Minister.

Application by person with interest

(17) If a thing is forfeited to the Crown in right of Ontario following a conviction under this Act, a person who claims an interest in the thing and who is not the person from whom the thing was seized or the person who was convicted may apply to a justice, not later than 30 days after the thing is forfeited, on notice to the Minister and to the person from whom the thing was seized, for an order directing that the thing be released to the person claiming the interest.

Conditions

(18) An order issued under subsection (17) is subject to such conditions as may be imposed by the justice.

Exception

(19) Subsections (17) and (18) do not apply to a thing forfeited under subsection (10) or (11).

Interpretation

(20) Subsection 2 (3) applies, with necessary modifications, to the references in this section to animals, plants and other organisms, and those references include references to any part of an animal, plant or other organism.

ORDERS

Mitigation order

36 (1) The Minister may issue an order described in subsection (2) to any of the following persons engaging in a section 16 activity, if the Minister has reasonable grounds to believe that the actions are necessary or advisable to mitigate any potential adverse effect on a species or its habitat resulting from the activity:

1. A person who holds a permit in respect of the activity.
2. A person who has registered the activity in the Registry.
3. A person to whom subsection 16 (1) or (2), as applicable, does not apply in respect of the activity.
4. Any other person prescribed by the Lieutenant Governor in Council.

Contents

(2) The order shall require a person mentioned in subsection (1) to take one or more of the following actions within the time and in the manner specified in the order:

1. Engage contractors or consultants satisfactory to the Minister or a provincial officer to prepare a plan or carry out requirements.
2. Secure, by means of locks, gates, fences, security guards or other means, any land, place, thing or species specified in the order.
3. Obtain, construct, install or modify the things, devices, equipment or facilities specified in the order at the locations and in the manner specified in the order.
4. Sample, test, measure, monitor or report in respect of a species specified in the order or its habitat, including describing the presence or status of the species or its habitat.

5. Prevent, mitigate, address or avoid any adverse effect on a species specified in the order or its habitat, including action to rehabilitate or restore any habitat damaged or destroyed or to provide for alternative habitat.
6. Study, monitor or report on any adverse effect on a species specified in the order or its habitat or the effectiveness of any of the requirements in the order to prevent, mitigate or remedy any adverse effect.
7. Any other action specified in the order necessary to mitigate any adverse effect on a species specified in the order or its habitat.

Information to be included in order

- (3) The order shall,
- (a) identify the species or habitat that the order relates to;
 - (b) briefly describe the reasons for the order and the circumstances on which the reasons are based, including the nature of the activity and the effect of the activity on the species or its habitat; and
 - (c) state that a hearing on the order may be required in accordance with Part V.

Habitat protection order

37 (1) The Minister may issue an order described in subsection (2) in either of the following circumstances:

1. A regulation made under clause 65 (1) (b) limits the definition of “habitat” in respect of a species and the Minister has reasonable grounds to believe that a person is engaging in or about to engage in an activity that results in or is likely to result in damage or destruction to an area that would otherwise be habitat for the species.
2. A species not listed on the Protected Species in Ontario List is classified in a report submitted under section 12 or 13 as extirpated, endangered or threatened and the Minister has reasonable grounds to believe that a person is engaging in or about to engage in an activity that results in or is likely to result in damage to or destruction of the species’ habitat.

Contents of order

(2) The order shall require a person mentioned in subsection (1) to take one or more of the following actions within the time and in the manner specified in the order:

1. If the activity has not commenced, do not engage in the activity.
2. Stop engaging in the activity.
3. Engage in the activity in accordance with directions set out in the order.
4. Take steps set out in the order to rehabilitate or restore any area damaged or destroyed by the activity or to provide for alternative habitat.

Information to be included in order

- (3) The order shall,
- (a) identify the species and habitat that the order relates to;
 - (b) briefly describe the nature of the activity and the important features of the area affected by the activity; and
 - (c) state that a hearing on the order may be required in accordance with Part V.

Species Protection Order

38 (1) If the Minister receives a report from COSSARO classifying a species as extirpated, endangered or threatened and the species is not listed on the Protected Species in Ontario List, the Minister may issue an order described in subsection (2) if the Minister has reasonable grounds to believe that a person is engaging in or about to engage in an activity that results in or is likely to result in a significant adverse effect on the species.

Contents of order

(2) The order shall require a person mentioned in subsection (1) to take one or more of the following actions within the time and in the manner specified in the order:

1. If the activity has not commenced, do not engage in the activity.
2. Stop engaging in the activity.
3. Engage in the activity in accordance with directions set out in the order.
4. Take steps set out in the order to address the significant adverse effect of the activity on the species.

Information to be included in order

- (3) The order shall,

- (a) identify the species to which the order relates;
- (b) briefly describe the nature of the activity and the significant adverse effect of the activity on the species; and
- (c) state that a hearing on the order may be required in accordance with Part V.

Contravention order

39 (1) A provincial officer may issue an order requiring a person to take one or more of the actions set out in subsection (2) within the time and in the manner specified in the order if the provincial officer has reasonable grounds to believe that the person is engaging in, previously engaged in or is about to engage in an activity that results in or is likely to result in a contravention of any of the following provisions:

- 1. Section 15, subsection 16 (1) or (2) or section 23.
- 2. Subsection 22 (9) in respect of any provision of a permit.
- 3. Section 41 in respect of any provision of an order issued under section 36, 37 or 38.
- 4. Subsection 54 (2) in respect of any provision of an order issued under subsection 54 (1).
- 5. Any provision of the regulations.

Contents

(2) The following are the actions mentioned in subsection (1):

- 1. Stop engaging in or not engage in the activity.
- 2. Take steps to prevent, mitigate, address or avoid any adverse effect of the activity on the species specified in the order.
- 3. Take steps to rehabilitate or restore any area damaged or destroyed by the activity or to provide for alternative habitat.
- 4. Engage contractors or consultants satisfactory to the provincial officer to prepare a plan or carry out requirements.
- 5. Secure, by means of locks, gates, fences, security guards or other means any land, place, thing or species specified in the order.
- 6. Obtain, construct, install or modify the things, devices, equipment or facilities specified in the order at the locations and in the manner specified in the order.
- 7. Sample, test, measure, monitor or report in respect of a species specified in the order or its habitat, including, describing the presence or status of the species or its habitat.
- 8. Take all steps necessary to achieve compliance with the provision.
- 9. Prevent the commission, continuation or repetition of the contravention.

Information to be included in order

(3) The order shall,

- (a) specify the provision that the provincial officer believes is being, has been or may be contravened;
- (b) identify the species or habitat that the order relates to;
- (c) briefly describe the nature of the contravention and its location; and
- (d) state that a hearing on the order may be required in accordance with Part V.

Service of orders

40 (1) An order issued under subsection 19 (2) or section 36, 37, 38 or 39 shall be served,

- (a) personally;
- (b) by mail addressed to the person to whom the order is issued at the person's last known address;
- (c) in the case of an order issued under subsection 19 (2), by filing a copy of the order on the Registry in accordance with section 20; or
- (d) in accordance with the regulations, if any.

Mail

(2) An order served by mail shall be deemed to have been served on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the order until a later date.

Effective date

(3) An order mentioned in subsection (1) takes effect when it is served, or at such later time as is specified in the order.

Compliance with orders

41 (1) A person who is served with an order under section 40 shall comply with the order.

Exception

(2) Subsection (1) does not apply in respect of an order issued under subsection 19 (2).

**PART V
APPEALS**

Appeal of permit or order

42 (1) A person may require a hearing by the Tribunal if,

- (a) the Minister takes an action set out in subsection 22 (1) or (7) in respect of a permit issued to the person; or
- (b) the Minister or a provincial officer issues an order under subsection 19 (2) or section 36, 37, 38 or 39 to the person or amends such an order.

Same

(2) The person may require the hearing by written notice served on the Minister or provincial officer, as applicable, and on the Tribunal, within 15 days after the action in respect of the permit is taken or the person is served with the order.

Failure or refusal to issue, etc.

(3) Failure or refusal to issue, amend or revoke an order is not itself an order.

Extension of time for requiring hearing

43 The Tribunal shall extend the time in which a person may give a notice under subsection 42 (2) requiring a hearing if, in the Tribunal's opinion, it is just to do so because the person establishes that they, acting in good faith, did not receive notice of the permit or order or received it on a later date because of a reason beyond the person's control, including absence, accident, disability or illness.

Contents of notice requiring hearing

44 (1) An applicant for a hearing by the Tribunal shall state in the notice requiring the hearing,

- (a) the portions of the permit or order in respect of which the hearing is required; and
- (b) the grounds on which the applicant intends to rely at the hearing.

Effect of contents of notice

(2) Except with leave of the Tribunal, at a hearing by the Tribunal, an applicant is not entitled to appeal a portion of the permit or order, or to rely on a ground, that is not stated in the applicant's notice requiring the hearing.

Leave by Tribunal

(3) The Tribunal may grant the leave referred to in subsection (2) if the Tribunal is of the opinion that to do so is proper in the circumstances, and it may give such directions as it considers proper consequent on the granting of the leave.

No stay on appeal

45 (1) The commencement of a proceeding before the Tribunal does not stay the operation of the portions of a permit or order under appeal unless the Tribunal orders otherwise.

Tribunal may grant stay

(2) The Tribunal may, on the application of a party to a proceeding before it, stay the operation of the portions of a permit or order described in subsection (1).

Right to apply to remove stay: new circumstances

(3) A party to a proceeding may apply for the removal of a stay that was granted under subsection (2) if relevant circumstances have changed or have become known to the party since the stay was granted, and the Tribunal may grant the application.

Right to apply to remove stay: new party

(4) A person who is made a party to a proceeding after a stay is granted under subsection (2) may, at the time the person is made a party, apply for the removal of the stay, and the Tribunal may grant the application.

Parties

46 The following persons are parties to the proceeding:

1. The person requiring the hearing.
2. The provincial officer, if the officer issued the order being appealed.
3. The Minister, if the Minister issued the permit or order being appealed.
4. Any other person specified by the Tribunal.

Powers of Tribunal

47 A hearing by the Tribunal shall be a new hearing and the Tribunal may confirm, amend or revoke the action of the Minister or provincial officer that is the subject matter of the hearing and, for such purposes, the Tribunal may substitute its opinion for that of the Minister or provincial officer, as applicable.

Appeals from Tribunal

48 (1) Any party to a hearing before the Tribunal under this Act may appeal from its decision on a question of law to the Divisional Court, with leave of the Divisional Court, in accordance with the rules of court.

Decision of Tribunal not automatically stayed on appeal

(2) An appeal of a decision of the Tribunal to the Divisional Court under this section does not stay the operation of the decision, unless the Tribunal orders otherwise.

Divisional Court may grant or set aside stay

- (3) If a decision of the Tribunal is appealed to the Divisional Court under this section, the Divisional Court may,
- (a) stay the operation of the decision; or
 - (b) set aside a stay ordered by the Tribunal under subsection (2).

PART VI OFFENCES AND PENALTIES

Offences

49 (1) A person is guilty of an offence if the person contravenes any of the following provisions:

1. Section 15, subsection 16 (1) or (2), 18 (3), 22 (9), 23 (1) or (2), section 31, subsection 33 (2), section 41 or subsection 54 (2).
2. Any provision of the regulations.

Attempts

(2) A person who attempts to do anything that would be an offence under this Act is guilty of that offence.

Corporations

50 If a corporation commits an offence under this Act, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted for the offence.

Employers and principals

51 In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the defendant acting in the course of employment or agency, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the defendant establishes that,

- (a) the offence was committed without the knowledge of the defendant; and
- (b) the offence was committed without the consent of the defendant.

Defence

52 A person shall not be convicted of an offence under this Act if the person establishes that,

- (a) the person exercised all due diligence to prevent the commission of the offence; or
- (b) the person honestly and reasonably believed in the existence of facts that, if true, would render the person's conduct innocent.

Penalties

53 (1) A person convicted of an offence under this Act is liable,

- (a) in the case of a first offence under this Act,

- (i) to a fine of not more than \$1,000,000, in the case of a corporation, or
- (ii) to a fine of not more than \$250,000 or to imprisonment for a term of not more than one year, or to both, in the case of any other person; and
- (b) in the case of a second or subsequent offence under this Act,
 - (i) to a fine of not more than \$2,000,000, in the case of a corporation, or
 - (ii) to a fine of not more than \$500,000 or to imprisonment for a term of not more than one year, or to both, in the case of any other person.

More than one animal, plant, etc.

(2) Despite subsection (1), if an offence involves more than one animal, plant or other organism, the maximum fine that may be imposed is the amount that would otherwise apply under subsection (1), multiplied by the number of animals, plants and other organisms that are involved.

Monetary benefit

(3) The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may increase a fine imposed on the person by an amount equal to the amount of the monetary benefit that was acquired by or that accrued to the person as a result of the commission of the offence, despite the maximum fine specified in subsection (1) or (2).

Order for compliance

54 (1) The court that convicts a person of an offence under this Act may, in addition to imposing a fine or imprisonment, issue any of the following orders against the person:

1. An order not to engage in any activity that could, in the opinion of the court, result in the continuation or repetition of the offence.
2. An order to take any action that the court considers appropriate to remedy or avoid any adverse effect to a species that resulted or may result from the commission of the offence, including action to rehabilitate or restore habitat damaged or destroyed by the offence or to provide for alternative habitat.
3. An order to pay the Government of Ontario or any other person for all or part of any costs incurred to remedy or avoid any adverse effect to a species that resulted or may result from the commission of the offence, including action to rehabilitate or restore habitat damaged or destroyed by the offence or to provide for alternative habitat.
4. An order to pay any person an amount for the purpose of assisting in the protection or conservation of the species in respect of which the offence was committed.
5. An order to take such other steps as are specified in the order to comply with this Act.
6. An order to pay all or part of any expenses incurred by the Minister or any other person with respect to the seizure, storage or disposition of any thing seized in connection with the offence.

Compliance with order

(2) A person shall comply with an order issued under this section.

Failure to comply

(3) If a person fails to comply with an order to take action under paragraph 2 of subsection (1), the Minister may take such action as the Minister considers appropriate to implement the order, and any cost or expense incurred by the Minister is a debt due to the Crown in right of Ontario and may be recovered by the Minister in a court of competent jurisdiction in an action against the person.

Presiding judge

55 The Crown in right of Ontario may, by notice to the clerk of the Ontario Court of Justice, require that a provincial judge preside over a prosecution for an offence under this Act.

Limitation period

56 A prosecution for an offence under this Act shall not be commenced more than five years after the offence was committed.

Similar species

57 In a prosecution under this Act,

- (a) a living or dead animal, plant or other organism that is not easily distinguishable from a member of a species that is listed on the Protected Species in Ontario List is deemed, in the absence of evidence to the contrary, to be a member of that species; and

- (b) a part of a living or dead animal, plant or other organism that is not easily distinguishable from a part of a member of a species that is listed on the Protected Species in Ontario List is deemed, in the absence of evidence to the contrary, to be a part of a member of that species.

Proof of inspected or seized things

58 In a prosecution under this Act, a copy of a document or other thing purporting to be certified by a provincial officer as a true copy of a document or other thing inspected or seized under this Act or Part VIII of the *Provincial Offences Act* is admissible in evidence as proof, in the absence of evidence to the contrary, of the document or other thing.

Evidence of documents

59 (1) In this section,

“official document” means,

- (a) a permit, order, notice or confirmation of registration under this Act,
- (b) a certificate as to service of a document mentioned in clause (a),
- (c) a certificate as to the custody of any book, record or report or as to the custody of any other document, or
- (d) a certificate as to whether or not any document or notification was received or issued by the Minister or the Ministry under this Act.

Official documents as evidence

(2) An official document that purports to be signed by the Minister or an employee in the Ministry shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document.

PART VII MISCELLANEOUS

Information for public

60 (1) The Minister shall ensure that the following information is made available to the public:

- 1. General information about this Act and the regulations.
- 2. The most recent information that the Minister has received from COSSARO under subsection 10 (3).
- 3. All reports submitted to the Minister by COSSARO under sections 12 and 13.
- 4. General information about the enforcement of this Act.

Publication of COSSARO reports

(2) COSSARO reports that are required to be made available to the public under paragraph 3 of subsection (1) shall be made available no later than 90 days after the report is submitted.

Information that could lead to contravention

61 Nothing in this Act requires the Minister to make information available to the public or otherwise disclose information if doing so could reasonably be expected to lead to a contravention of section 15, subsection 16 (1) or (2) or 23 (1) or (2).

Personal information

62 The Ministry may, for the purposes of this Act, collect personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act*.

Incorporation by reference

63 (1) A regulation may incorporate, in whole or in part and with such changes as the Minister or the Lieutenant Governor in Council considers necessary, a document, including a code, formula, standard, protocol, procedure or guideline, as the document may be amended or remade from time to time.

Same

(2) An amendment to a document referred to in subsection (1), or a remade version of such a document, has no effect until the Ministry publishes notice of the amendment or remade document in *The Ontario Gazette* or in the registry under the *Environmental Bill of Rights, 1993*.

Regulations

64 (1) The Minister may make regulations,

- (a) prescribing anything that is referred to in this Act as prescribed or as otherwise dealt with in the regulations, other than by the Lieutenant Governor in Council;

- (b) prescribing section 16 activities for the purposes of subsection 16 (2);
- (c) governing the establishment, operation and maintenance of the Registry, including,
 - (i) governing registrations, including requiring electronic registrations, and procedures for registering, which may include designating a person responsible for establishing procedures,
 - (ii) governing the maintenance of registrations and prescribing any information, reports, records or documents to be included in registrations,
 - (iii) prescribing the timing and requirements relating to periodic updating of registrations,
 - (iv) governing registrable activities,
 - (v) requiring persons with qualifications specified in the regulations to provide certifications as part of registrations,
 - (vi) governing certifications mentioned in subclause (v),
 - (vii) governing the suspension or removal of registrations,
 - (viii) governing requirements for financial assurance and methods of calculating financial assurance in respect of registrable activities and prescribing measures for which financial assurance may be required,
 - (ix) requiring persons prescribed by the regulations to carry insurance, specifying the insurance that is required to be carried and specifying limits and conditions respecting insurance coverage;
- (d) requiring persons who have been issued an instrument under this Act or any other specified persons to prepare, store and submit prescribed documents, information, data or reports and respecting the methods of creating, storing and submitting them;
- (e) providing for the preparation and signing of documents and reports by electronic means, the filing of documents and reports by direct electronic transmission and the printing of documents and reports filed by direct electronic transmission.

Same, permit activities

(2) Without limiting the generality of clause (1) (b), a regulation made under that clause may describe a prescribed section 16 activity in terms of,

- (a) the species affected by the activity;
- (b) the geographic area of the activity;
- (c) the temporal nature of the activity, for example prescribing an activity in respect of a particular time of day or year;
- (d) the purpose of the activity;
- (e) the stage in the development of a species affected by the activity;
- (f) the persons or class of persons engaging in the activity; or
- (g) the circumstances in which the activity is engaged.

Regulations, Lieutenant Governor in Council

65 (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that is referred to in this Act as prescribed or as otherwise dealt with in the regulations made by the Lieutenant Governor in Council;
- (b) limiting the application of “habitat” as defined in subsection 2 (1) in respect of one or more specified species that are listed on the Protected Species in Ontario List;
- (c) defining “adverse effect”, “alternative habitat”, “in the wild”, “significant adverse effect” and “site” for the purposes of this Act;
- (d) governing any transitional matters that may arise in connection with the application of this Act or the regulations;
- (e) respecting any matter that the Lieutenant Governor in Council considers advisable to effectively carry out the purpose of this Act other than a matter mentioned in section 64.

Same, excepted registerable activities

(2) Without limiting the generality of clause (1) (a), a regulation made under that clause for the purposes of paragraph 4 of subsection 16 (3) may,

- (a) describe a prescribed section 16 activity in terms of,
 - (i) the species affected by the activity,

- (ii) the geographic area of the activity,
 - (iii) the temporal nature of the activity, for example prescribing an activity in respect of a particular time of day or year,
 - (iv) the purpose of the activity,
 - (v) the stage in the development of a species affected by the activity,
 - (vi) the persons or class of persons engaging in the activity, or
 - (vii) the circumstances in which the activity is engaged; and
- (b) in the case of a permit activity,
- (i) prescribe conditions requiring the activity to be registered in the Registry in accordance with the regulations, and
 - (ii) prescribe provisions of this Act and the regulations that would not otherwise apply in respect of the permit activity to apply.

PART VIII TRANSITION

Agency under the *Endangered Species Act, 2007*

Continued immunity of Crown

66 (1) For greater certainty, subsections 20.18 (1) to (3) of the *Endangered Species Act, 2007* continue to apply in respect of any act or omission of the Agency or its officers, directors or employees done under the authority of that Act before its repeal.

Unpaid judgments against Agency

(2) The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgement against the Agency that remains unpaid after the day the *Endangered Species Act, 2007* is repealed.

Species Conservation Account

(3) Amounts not exceeding the balance in the Species Conservation Account established under the *Endangered Species Act, 2007* may be charged to the account and paid out of the Consolidated Revenue Fund for the purpose of funding activities that further the purposes of this Act.

Definitions

(4) In this section,

“Agency” and “Fund” have the same meaning as in subsection 2 (1) of the *Endangered Species Act, 2007*, as that subsection read immediately before it was repealed.

Transitional regulations

67 (1) The Lieutenant Governor in Council may make regulations governing any transitional matters that may arise from the enactment of this Act or the repeal of any provision of the *Endangered Species Act, 2007*, including,

- (a) governing proceedings commenced but not finally disposed of under the *Endangered Species Act, 2007*, including providing for their termination;
- (b) providing for the continued application, on a transitional basis, of any provision of the *Endangered Species Act, 2007* or any provision of a regulation that is revoked by this Act, as the provision read immediately before its repeal or revocation, with such modifications as may be specified.

Same

(2) In the event of a conflict between a regulation made under subsection (1) and this Act, the regulation prevails to the extent of the conflict.

PART IX REPEAL, REVOCATIONS, COMMENCEMENT AND SHORT TITLE

Endangered Species Act, 2007

68 The *Endangered Species Act, 2007* is repealed.

Revocations

69 The following regulations are revoked:

1. Ontario Regulation 230/08.
2. Ontario Regulation 242/08.
3. Ontario Regulation 651/21.

4. Ontario Regulation 656/21.
5. Ontario Regulation 829/21.
6. Ontario Regulation 830/21.
7. Ontario Regulation 832/21.
8. Ontario Regulation 6/24.

Commencement

70 The Act set out in this Schedule comes into force on a day to be named by order of the Lieutenant Governor in Council.

Short title

71 The short title of the Act set out in this Schedule is the *Species Conservation Act, 2025*.