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# Bill 197

*(Chapter 18 of the Statutes of Ontario, 2020)*

## **An Act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statutes**

**The Hon. S. Clark**

Minister of Municipal Affairs and Housing

1st Reading      July 8, 2020

2nd Reading      July 21, 2020

3rd Reading      July 21, 2020

Royal Assent      July 21, 2020



## SCHEDULE 4 DRAINAGE ACT

**1 (1) The definition of “Minister” in section 1 of the *Drainage Act* is repealed and the following substituted:**

“Minister” means the Minister of Agriculture, Food and Rural Affairs or any 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”)

**(2) Section 1 of the Act is amended by adding the following definitions:**

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

**2 Clause 5 (1) (b) of the Act is repealed and the following substituted:**

(b) if it decides to proceed with the drainage works, send notice of the petition and of its decision to the prescribed persons.

**3 Subsection 6 (1) of the Act is repealed and the following substituted:**

**Notice that environmental appraisal is required**

(1) A person who is prescribed by the regulations and who has received notice of the petition under clause 5 (1) (b) may, within 30 days after receiving the notice, send to the council of the initiating municipality a notice that an environmental appraisal of the effects of the drainage works on the area is required.

**Cost**

(1.1) The cost of an environmental appraisal required under subsection (1) shall be paid by the person who sends the notice requiring it.

**4 Clause 8 (1) (e) of the Act is amended by adding “prescribed or” before “provided”.**

**5 (1) Subsection 10 (2) of the Act is repealed and the following substituted:**

**Consideration of report**

(2) Upon the filing of the preliminary report, the council of the initiating municipality shall cause the clerk to send the prescribed persons a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered.

**(2) Subsection 10 (7) of the Act is amended by striking out “clause (2) (a), (b) or (c)” and substituting “subsection (2)”.**

**(3) Subsection 10 (8) of the Act is repealed and the following substituted:**

**Referral to Tribunal**

(8) The following persons may refer the environmental appraisal to the Tribunal:

1. If lands used for agricultural purposes are included in the area to be drained, the Minister.
2. In any other case, the prescribed persons.

**6 Subsection 41 (1) of the Act is repealed and the following substituted:**

**Notice of drainage works**

(1) Upon the filing of the engineer’s report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within 30 days after the filing of the report, cause the clerk of the initiating municipality to send the prescribed persons a copy of the report and a notice stating,

- (a) the date on which the report was filed;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting at which the report will be considered.

**7 Subsection 58 (4) of the Act is repealed.**

**8 Section 77 of the Act is repealed.**

**9 (1) Subsection 78 (1) of the Act is amended by striking out “projects listed in subsection (1.1)” and substituting “major improvement projects listed in subsection (1.1)”.**

**(2) Subsection 78 (1.1) of the Act is amended by striking out “projects” in the portion before paragraph 1 and substituting “major improvement projects”.**

**(3) Paragraph 5 of subsection 78 (1.1) of the Act is repealed and the following substituted:**

5. Extending the drainage works to an outlet.

5.1 Improving or altering the drainage works if the drainage works is located on more than one property.

**(4) Subsection 78 (1.1) of the Act is amended by adding the following paragraph:**

8. Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

**(5) Subsection 78 (2) of the Act is repealed and the following substituted:**

**Notice**

(2) An engineer shall not be appointed under subsection (1) until 30 days after a notice has been sent to the following persons advising them of the municipality's intent to undertake the major improvement project:

1. The secretary-treasurer of each conservation authority that has jurisdiction over any lands that would be affected by the project.
2. The prescribed persons.

**(6) Section 78 of the Act is amended by adding the following subsection:**

**Minor improvements to drainage works**

(5) Despite subsections (2) to (4), the Minister may prescribe the process for approving minor improvements to a drainage works mentioned in paragraph 8 of subsection (1.1).

**10 The Act is amended by adding the following section:**

AMENDMENTS TO ENGINEER'S REPORT

**Amendments to engineer's report**

**84.1** (1) This section applies with respect to engineer's reports that are prepared for the purpose of a petition under section 4 or for the purpose of section 78 and that are adopted by a municipal by-law.

**Approval process**

(2) The Minister may, by regulation, set out the process by which the engineer's report may be amended and the process by which those amendments are to be approved.

**11 Section 105 of the Act is amended by striking out "constables".**

**12 (1) Section 125 of the Act is amended by adding the following clause:**

- (c) prescribing any matter this Act describes as being prescribed or dealt with in the regulations.

**(2) Section 125 of the Act is amended by adding the following subsections:**

**Adoption of guidelines, etc.**

(2) A regulation may adopt by reference, in whole or in part, with the changes that the Minister considers necessary, any guideline, protocol or procedure, including a guideline, protocol or procedure established by the Minister, and may require compliance with any guideline, protocol or procedure so adopted.

**Amendments to guidelines, etc.**

(3) The power to adopt by reference and require compliance with a guideline, protocol or procedure in subsection (2) includes the power to adopt a guideline, protocol or procedure as it may be amended from time to time.

**When effective**

(4) The adoption of an amendment to a guideline, protocol or procedure that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in *The Ontario Gazette* or in the registry under the *Environmental Bill of Rights, 1993*.

**Commencement**

**13 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**