

Caution:

This draft regulation is provided solely to facilitate public consultation under section 16 of the Environmental Bill of Rights, 1993. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the draft regulation are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

PESTICIDES ACT

Amending O. Reg. 228/07

(SERVICE OF DOCUMENTS)

1. Ontario Regulation 228/07 is amended by adding the following section:

Definitions

0.1 In this Regulation,

“Ministry’s electronic system” has the same meaning as in Ontario Regulation 227/07 (Service of Documents) made under the *Environmental Protection Act*; (“système électronique du ministère”)

“Ministry account” has the same meaning as in Ontario Regulation 227/07 (Service of Documents) made under the *Environmental Protection Act*. (“compte du ministère”)

2. Section 1 of the Regulation is amended by adding the following subsections:

(2) Subject to subsection (3), any document given, served or delivered under the Act or the regulations is, for the purposes of clause 38 (1) (c) of the Act, sufficiently given or delivered to or served on a person who is the holder of a Ministry account if it is given, served or delivered by the method specified in subsection 2.1 (1) of this Regulation, and the conditions set out in subsection 2.1 (2) of this Regulation are met.

(3) Subsection (2) does not apply in respect of the following documents:

1. A copy of an order made under the Act.

2. A notice of a proposal mentioned in subsection 13 (1) of the Act.
3. A notice mentioned in subsection 13 (8) of the Act of a decision to,
 - i. refuse to issue a permit,
 - ii. cancel a permit, or
 - iii. impose or alter a term or condition in a permit that has been issued.
4. A notice respecting a reconsideration decision mentioned in subsection 13 (9.1) of the Act.

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

Filing in Ministry account, method of giving or serving documents

2.1 (1) For the purposes of subsection 1 (2), the method of giving or delivering a document to or serving a document on a person who is the holder of a Ministry account is filing the document in the person's Ministry account.

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

1. The Director must file the document in the person's Ministry account.
2. The Director must send an electronic notification to the person, notifying the person that a document has been filed in the account.

4. (1) Section 5 of the Regulation is amended by adding the following subsection:

(3.1) A document that is given or served under section 2.1 is deemed to be effectively given or served on the later of,

- (a) the day on which the Director files the document in the person's Ministry account;
and
- (b) the day on which the Director sends the electronic notification to the person who is the holder of the Ministry account, notifying the person that a document has been filed in the account.

(2) Subsection 5 (4) of the Regulation is amended by,

- (a) **striking out "Despite subsections (1) and (3)" at the beginning and substituting "Despite subsections (1), (3) and (3.1)"; and**

- (b) striking out “illness or other causes” and substituting “illness, disability or other causes”.

Commencement

5. [Commencement].