



[Français](#)

**Water Opportunities Act, 2010**

S.O. 2010, CHAPTER 19

SCHEDULE 1

**Consolidation Period:** From December 2, 2021 to the e-Laws currency date.

Last amendment: 2021, c. 34, Sched. 25.

Legislative History: [ + ]

**CONTENTS [ - ]**

**PART I**

**PURPOSES AND TARGETS**

- 1. Purposes
- 2. Targets

**PART III**

**MUNICIPAL WATER SUSTAINABILITY PLANS AND PERFORMANCE INDICATORS AND TARGETS**

- 24. Definitions
- 25. Municipal water sustainability plan
- 26. Requirements for plan
- 27. Joint plans
- 28. Performance indicators
- 29. Performance targets
- 30. Review and evaluation of performance
- 31. Failure to achieve a target
- 32. Legislation Act, 2006
- 33. Delegation of authority
- 34. Forms
- 35. Regulations

**PART IV**

**PUBLIC SECTOR REQUIREMENTS**

- 36. Definitions
- 37. Water conservation plans
- 38. Joint plans, public agencies
- 39. Duty to consider water
- 40. Regulations

**PART V**

**MUNICIPAL WATER BILLS**

- 41. Municipal water bills

**PART VI**  
**TRIENNIAL REPORTS**

42. Triennial reports

**PART VII**  
**REGULATIONS**

43. Regulations

44. Amendments to adopted documents

**PART I**  
**PURPOSES AND TARGETS**

**Purposes**

**1** (1) The purposes of this Act are,

- (a) to foster innovative water, wastewater and stormwater technologies, services and practices in the private and public sectors;
- (b) to create opportunities for economic development and clean-technology jobs in Ontario; and
- (c) to conserve and sustain water resources for present and future generations. 2010, c. 19, Sched. 1, s. 1 (1).

**Same**

(2) For greater certainty, the purposes of this Act do not include the privatization of publicly owned water, wastewater and stormwater services. 2010, c. 19, Sched. 1, s. 1 (2).

**Targets**

**2** (1) The Minister of the Environment may, to further the purposes of this Act, establish aspirational targets in respect of the conservation of water and any other matter the Minister considers advisable. 2010, c. 19, Sched. 1, s. 2 (1).

**Publication**

(2) The Minister shall publish targets established under this section on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, together with a summary of the information the Minister relied on to establish each target. 2010, c. 19, Sched. 1, s. 2 (2).

**Other targets**

(3) The authority to establish targets under this section is in addition to any other authority to establish targets under this Act. 2010, c. 19, Sched. 1, s. 2 (3).

**PART II (S. 3-23) REPEALED: 2021, C. 34, SCHED. 25, S. 1.**

**3-12** REPEALED: 2021, c. 34, Sched. 25, s. 1.

**Section Amendments with date in force (d/m/y) [ + ]**

**13** REPEALED: 2021, c. 34, Sched. 25, s. 1.

**Section Amendments with date in force (d/m/y) [ + ]**

**14-22** REPEALED: 2021, c. 34, Sched. 25, s. 1.

**Section Amendments with date in force (d/m/y) [ + ]**

**23** REPEALED: 2021, c. 34, Sched. 25, s. 1.

**Section Amendments with date in force (d/m/y) [ + ]****PART III  
MUNICIPAL WATER SUSTAINABILITY PLANS AND PERFORMANCE INDICATORS AND TARGETS****Definitions**

**24** In this Part,

“Minister” means the Minister of the Environment or any other member of the Executive Council to whom responsibility for the administration of this Part is assigned or transferred under the *Executive Council Act*; (“ministre”)

“municipal service” means, subject to the regulations, municipal water services, municipal wastewater services or municipal stormwater services; (“service municipal”)

“municipal service provider” means a municipality, person or entity having jurisdiction over one or more municipal services; (“fournisseur de services municipaux”)

“plan” means a municipal water sustainability plan required under section 25; (“plan”)

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

“regulations” means the regulations made under this Part. (“règlements”) 2010, c. 19, Sched. 1, s. 24.

**Municipal water sustainability plan**

**25** (1) On becoming a regulated entity under the regulations, a municipal service provider shall, in accordance with such requirements as may be prescribed, prepare, approve and submit to the Minister a municipal water sustainability plan for all municipal services,

(a) that are under the municipal service provider’s jurisdiction; and

(b) to which, under the regulations, the regulated entity’s initial plan is to apply. 2010, c. 19, Sched. 1, s. 25 (1).

**Amendments to plans**

(2) A regulated entity shall, in accordance with such requirements as may be prescribed, amend its plan if the regulations subsequently require the regulated entity’s plan to include,

(a) a municipal service under its jurisdiction that was not previously required to be included in its plan; or

(b) new or different information. 2010, c. 19, Sched. 1, s. 25 (2).

**Approval and submission of amended plans**

(3) A regulated entity shall, in accordance with such requirements as may be prescribed, approve amendments to its plan and, in such circumstances as may be prescribed, submit its amended plan to the Minister. 2010, c. 19, Sched. 1, s. 25 (3).

**Amendments to achieve targets**

(4) The Minister may, by direction, require a regulated entity to amend its plan in such manner and at such time as the Minister may direct in order to assist the regulated entity to achieve performance targets established by the Minister under section 29. 2010, c. 19, Sched. 1, s. 25 (4).

**Review of plans**

(5) A regulated entity shall ensure that such review of its plan as may be required by the regulations is undertaken and completed in accordance with such requirements as may be prescribed and that the report of the review is approved and submitted to the Minister in accordance with such requirements as may be prescribed. 2010, c. 19, Sched. 1, s. 25 (5).

**Approval by municipality**

(6) In such circumstances as may be prescribed, if a regulated entity that has jurisdiction over a municipal service is not a municipality, a plan, amendment to a plan or proposed report of a required review of a plan that relates to the municipal service shall not be submitted to the Minister without the approval of the municipality in which the municipal service is provided. 2010, c. 19, Sched. 1, s. 25 (6).

**Requirements for plan**

**26** (1) A plan must satisfy the requirements prescribed by the regulations. 2010, c. 19, Sched. 1, s. 26 (1).

**Contents of plan**

(2) Without limiting the generality of subsection (1), the regulations may require a plan to include any of the following matters, prepared in accordance with such requirements as may be prescribed, with respect to each municipal service to which the plan applies:

1. An asset management plan for the physical infrastructure.
2. A financial plan.
3. If the municipal service is a municipal water service, a water conservation plan.
4. An assessment of risks that may interfere with the future delivery of the municipal service, including, if required by the regulations, the risks posed by climate change and a plan to deal with those risks.
5. Strategies for maintaining and improving the municipal service, including strategies to,
  - i. ensure the municipal service can satisfy future demand,
  - ii. consider technologies, services and practices that promote the efficient use of water and reduce negative impacts on Ontario's water resources, and
  - iii. increase co-operation with other municipal service providers.
6. Such other information or things as may be prescribed relating to the municipal service. 2010, c. 19, Sched. 1, s. 26 (2).

**May include additional information**

(3) A regulated entity may include in a plan such additional information or things as it considers advisable. 2010, c. 19, Sched. 1, s. 26 (3).

**Requirement to assist**

(4) When, for the purpose of preparing, amending or reviewing a plan, a regulated entity requires information from a municipality, person or entity relating to a municipal service, the municipality, person or entity shall co-operate with the regulated entity and, on request, shall,

- (a) provide the regulated entity with a copy of any record or other document in its possession or under its control that relates to matters to be considered in the preparation, amendment or review of the plan; and
- (b) assist the regulated entity in obtaining such other information and things as the regulated entity may require to prepare, amend or review the plan. 2010, c. 19, Sched. 1, s. 26 (4).

**Joint plans**

**27** (1) Two or more regulated entities may prepare a joint plan or a joint part of their plans and, if directed to do so by the Minister, shall prepare a joint plan or joint part of their plans. 2010, c. 19, Sched. 1, s. 27 (1).

**Deemed to be plan of each regulated entity**

(2) If two or more regulated entities prepare a joint plan, or a joint part of a plan, that satisfies the requirements of section 26, the joint plan or joint part of the plan is deemed to be the plan or a part of the plan, as applicable, of each of them. 2010, c. 19, Sched. 1, s. 27 (2).

**Amendments**

(3) Unless otherwise directed by the Minister, any amendments to a joint plan or joint part of a plan must be made by the regulated entities that originally prepared the joint plan or part or by their successors. 2010, c. 19, Sched. 1, s. 27 (3).

**Review of joint plans**

(4) Unless otherwise directed by the Minister, any review of a joint plan or a joint part of a plan must be undertaken by the regulated entities that originally prepared the joint plan or part or by their successors. 2010, c. 19, Sched. 1, s. 27 (4).

**Performance indicators**

**28** (1) The Minister may, by direction, establish performance indicators for any type of municipal service. 2010, c. 19, Sched. 1, s. 28 (1).

**Same**

(2) Performance indicators established under subsection (1),

(a) may relate to the financing, operation or maintenance of a municipal service or to any other matter in respect of which information may be required to be included in a plan; and

(b) may be different for different municipal service providers or for municipal services in different areas of the Province. 2010, c. 19, Sched. 1, s. 28 (2).

**Publication**

(3) The Minister shall publish performance indicators established under this section on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, together with a summary of the information the Minister relied on to establish each performance indicator. 2010, c. 19, Sched. 1, s. 28 (3).

**Performance targets**

**29** (1) In relation to a performance indicator established under subsection 28 (1), the Minister may establish, by direction, one or more performance targets for one or more types of municipal services under the jurisdiction of a regulated entity or a class of regulated entities, and a target may be different for different municipal service providers or for municipal services in different areas of the Province. 2010, c. 19, Sched. 1, s. 29 (1).

**Publication**

(2) The Minister shall publish performance targets established under this section on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, together with a summary of the information the Minister relied on to establish each performance target. 2010, c. 19, Sched. 1, s. 29 (2).

**Review and evaluation of performance**

**30** (1) A regulated entity shall, when directed to do so by the Minister, review and evaluate in accordance with the Minister's directions and such requirements as may be prescribed, the performance of a municipal service under its jurisdiction with reference to the applicable performance indicators and shall,

(a) report the results of its review and evaluation to the Minister in such manner and at such time as the Minister directs and, if a target has been established under section 29, include in the report information on the extent to which the target is being achieved; and

(b) make available, in such manner and at such time as the Minister directs, the results of its review and evaluation to the public in the geographic area in which the regulated entity provides a municipal service. 2010, c. 19, Sched. 1, s. 30 (1).

**Public disclosure**

(2) The Minister may publicly disclose any of the information provided by regulated entities under subsection (1) in such manner and format as the Minister considers appropriate. 2010, c. 19, Sched. 1, s. 30 (2).

**Failure to achieve a target**

**31** If a regulated entity fails to achieve a target established by the Minister under section 29, the Minister may do one or both of the following:

1. Require the regulated entity to provide such additional information as the Minister specifies relating to the regulated entity's efforts to achieve the target and the reasons for its failure to do so.

2. Invite the regulated entity to prepare and submit to the Minister a report describing,

i. proposed strategies to be included in the regulated entity's plan to assist it in achieving the target, or

ii. proposed steps to be taken by the regulated entity to assist it in achieving the target. 2010, c. 19, Sched. 1, s. 31.

**Legislation Act, 2006**

**32** Directions made under this Part are not subject to Part III (Regulations) of the *Legislation Act, 2006*. 2010, c. 19, Sched. 1, s. 32.

**Delegation of authority**

**33** (1) The Minister may in writing delegate any of his or her powers or duties under this Part to one or more public servants employed under Part III of the *Public Service of Ontario Act, 2006*. 2010, c. 19, Sched. 1, s. 33 (1).

**Same**

(2) A reference in this Part or the regulations to the Minister is deemed, for the purpose of a delegation under subsection (1), to be a reference to the delegate. 2010, c. 19, Sched. 1, s. 33 (2).

**Forms**

**34** The Minister may approve forms for any purpose of this Part or the regulations, specify the procedure for the use of the forms and require their use for any purpose of this Part or the regulations. 2010, c. 19, Sched. 1, s. 34.

**Regulations**

**35** The Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) prescribing a municipality, person or entity to be a regulated entity and the date on which the municipality, person or entity becomes a regulated entity with respect to one or more municipal services under their jurisdiction;
- (b) deeming a water service, wastewater service or stormwater service under the jurisdiction of a regulated entity to be a municipal service;
- (c) governing the preparation, approval, submission, amendment and review of plans by regulated entities, including,
  - (i) governing the content of plans, including the requirements for each part of a plan relating to a type of municipal service,
  - (ii) requiring that prescribed parts of the plan be certified in the prescribed manner by persons with prescribed qualifications,
  - (iii) requiring public consultation before a plan, an amendment to a plan or the report of a review under this Part is submitted to the Minister and prescribing the manner for carrying out the public consultation in each case,
  - (iv) requiring that plans or a class of plans be reviewed within the period prescribed by the regulations and the process to be followed in reviewing the plans;
- (d) prescribing circumstances in which a plan, an amendment to a plan or the proposed report of any required review of a plan must be approved by each municipality in which a municipal service is provided to which the plan, amendment or report relates;
- (e) prescribing any time periods or time limits for doing anything required to be done under this Part or the regulations;
- (f) prescribing anything that this Part describes as being prescribed by the regulations. 2010, c. 19, Sched. 1, s. 35.

## PART IV PUBLIC SECTOR REQUIREMENTS

**Definitions**

**36** In this Part,

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

“public agency” means a ministry of the Government of Ontario or an entity, including a municipality, or class of entities that is prescribed as a public agency; (“organisme public”)

“regulations” means the regulations made under this Part. (“règlements”) 2010, c. 19, Sched. 1, s. 36.

**Water conservation plans****Public agencies**

**37** (1) The Lieutenant Governor in Council may, by regulation, require public agencies to prepare water conservation plans. 2010, c. 19, Sched. 1, s. 37 (1).

**Same, regulations**

(2) The regulations may provide that a plan required under subsection (1) cover such period as is prescribed and may be required at such intervals as are prescribed and may require that the plan be filed with the Ministry of the Environment. 2010, c. 19, Sched. 1, s. 37 (2).

**Specified targets and standards, public agencies**

(3) The Lieutenant Governor in Council may, by regulation, require a public agency to achieve prescribed water conservation targets and, in achieving those targets, to comply with prescribed environmental standards and other prescribed requirements. 2010, c. 19, Sched. 1, s. 37 (3).

**Contents, public agencies**

(4) For the purposes of subsection (1), the plan must be prepared in accordance with the requirements, as may be prescribed, and must include the following information:

1. A summary of annual water use for each of the public agency's prescribed operations.
2. A description and a forecast of the expected results of current and proposed activities and measures being taken or proposed to be taken by the public agency to conserve water, including prescribed measures.
3. A summary of the progress and achievements in water conservation since the previous plan, including,
  - i. progress and achievements relating to targets established by the public agency in the plan, and
  - ii. progress and achievements relating to targets prescribed under subsection (3).
4. Such additional information as may be prescribed. 2010, c. 19, Sched. 1, s. 37 (4).

**Publication**

(5) The public agency shall publish the plan in accordance with such requirements as may be prescribed. 2010, c. 19, Sched. 1, s. 37 (5).

**Implementation**

(6) The public agency shall implement the plan and shall do so in accordance with such requirements as may be prescribed. 2010, c. 19, Sched. 1, s. 37 (6).

**Same, regulations**

(7) The regulations may require a public agency to co-ordinate, in the prescribed manner, the preparation and implementation of its water conservation plan under this section with the preparation and implementation of the agency's energy conservation and demand management plan under section 25.35.2 of the *Electricity Act, 1998*. 2010, c. 19, Sched. 1, s. 37 (7); 2018, c. 16, s. 9.

**Section Amendments with date in force (d/m/y) [ + ]****Joint plans, public agencies**

**38** (1) Two or more public agencies may prepare a joint water conservation plan and may publish and implement it jointly. 2010, c. 19, Sched. 1, s. 38 (1).

**Effect**

(2) If the joint plan satisfies the requirements established under section 37, the public agencies are not required to prepare, publish and implement separate water conservation plans for the same period. 2010, c. 19, Sched. 1, s. 38 (2).

**Duty to consider water****When acquiring goods and services**

**39** (1) The Lieutenant Governor in Council may, by regulation, require public agencies, in their acquisition of goods and services, to consider technologies, services and practices that promote the efficient use of water and reduce negative impacts on Ontario's water resources, and to comply with such requirements as may be prescribed for those purposes. 2010, c. 19, Sched. 1, s. 39 (1).

**When making capital investments**

(2) The Lieutenant Governor in Council may, by regulation, require public agencies, when making capital investments, to consider technologies, services and practices that promote the efficient use of water and reduce negative impacts on Ontario's water resources, and to comply with such requirements as may be prescribed for those purposes. 2010, c. 19, Sched. 1, s. 39 (2).

**Regulations**

**40** The Lieutenant Governor in Council may make regulations prescribing anything that this Part refers to as prescribed. 2010, c. 19, Sched. 1, s. 40.

## PART V MUNICIPAL WATER BILLS

**Municipal water bills****Definitions**

**41** (1) In this section,

“municipal water bill” means a bill for,

- (a) fees or charges imposed under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* in respect of a water public utility, or
- (b) fees or charges imposed by a corporation established under section 203 of the *Municipal Act, 2001* in respect of a water public utility; (“facture municipale d’eau”)

“water public utility” means a public utility as defined in section 1 of the *Municipal Act, 2001* that is used to provide water for the public. (“service public d’approvisionnement en eau”) 2010, c. 19, Sched. 1, s. 41 (1).

**Regulations**

(2) The Minister of the Environment may make regulations prescribing information that a person who issues a municipal water bill must or may include on or with the bill. 2010, c. 19, Sched. 1, s. 41 (2).

## PART VI TRIENNIAL REPORTS

**Triennial reports**

**42** (1) The Minister of the Environment shall, at least once every three years, prepare a report that,

- (a) describes the extent to which each target established under section 2 is being achieved;
- (b) REPEALED: 2021, c. 34, Sched. 25, s. 2.
- (c) summarizes the activities and achievements of the Ontario Clean Water Agency during the reporting period relating to financing and promoting the development, testing, demonstration and commercialization of technologies and services for the treatment and management of water, wastewater and stormwater;
- (d) describes actions taken and outcomes achieved during the reporting period by municipalities, persons and entities prescribed as regulated entities for the purposes of Part III in respect of their municipal water, wastewater and stormwater services;
- (e) describes actions taken and outcomes achieved during the reporting period by public agencies as defined in Part IV to conserve water and to use technologies, services and practices that promote the efficient use of water and reduce negative impacts on Ontario's water resources; and
- (f) includes any other information that the Minister considers advisable. 2010, c. 19, Sched. 1, s. 42 (1); 2021, c. 34, Sched. 25, s. 2.

**Report under *Safe Drinking Water Act, 2002***

(2) The Minister may include a report under this section in a report prepared under subsection 3 (4) of the *Safe Drinking Water Act, 2002*. 2010, c. 19, Sched. 1, s. 42 (2).

**Publication**

(3) If a report under this section is not included in a report prepared under subsection 3 (4) of the *Safe Drinking Water Act, 2002*, the Minister shall publish the report on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*. 2010, c. 19, Sched. 1, s. 42 (3).

**Section Amendments with date in force (d/m/y) [ + ]****PART VII  
REGULATIONS****Regulations**

**43** The Lieutenant Governor in Council may make regulations,

- (a) defining any word or expression used in any Part of this Act that is not defined in that Part;
- (b) exempting any person or thing from this Act or any provision of this Act, subject to such conditions as may be prescribed by the regulations. 2010, c. 19, Sched. 1, s. 43.

**Amendments to adopted documents**

**44** (1) If a regulation made under this Act adopts a document by reference and requires compliance with the document, the regulation may adopt the document as it may be amended from time to time. 2010, c. 19, Sched. 1, s. 44 (1).

**When adoption of amendment effective**

(2) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in *The Ontario Gazette* or in the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*. 2010, c. 19, Sched. 1, s. 44 (2).

**PART VIII (OMITTED)**

**45** OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT). 2010, c. 19, Sched. 1, s. 45.

**PART IX (OMITTED)**

**46** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2010, c. 19, Sched. 1, s. 46.

**47** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2010, c. 19, Sched. 1, s. 47.

---

Français