

Lake Simcoe Protection Act, 2008

S.O. 2008, CHAPTER 23

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Preamble

Lake Simcoe is an essential part of Ontario's natural environment and a critical resource, especially for people who live, work and play within the watershed of the Lake. In the face of climate change, invasive species, and the pressures of population growth and development, strong action is needed to protect and restore the ecological health of the Lake Simcoe watershed for the present generation and for future

generations. There are many benefits of promoting environmentally sustainable land and water uses, activities and development practices in the Lake Simcoe watershed. Public bodies, aboriginal communities, businesses and individuals share an interest in the ecosystem of the Lake Simcoe watershed and have shared responsibility for its health.

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

Purpose

1. The purpose of this Act is to protect and restore the ecological health of the Lake Simcoe watershed. 2008, c. 23, s. 1.

Definitions

2. In this Act,

“designated policy” means a policy designated in the Lake Simcoe Protection Plan as a designated policy; (“politique désignée”)

“instrument” means any document of legal effect, including a permit, licence, approval, authorization, direction or order, that is issued or otherwise created under an Act, but does not include,

(a) a regulation within the meaning of Part III of the Legislation Act, 2006, or

(b) a by-law of a municipality or local board; (“acte”)

“justice” means a provincial judge or a justice of the peace; (“juge”)

“Lake Simcoe Region Conservation Authority” includes any successor of that Authority; (“Office de protection de la nature de la région du lac Simcoe”)

“Lake Simcoe watershed” means,

(a) Lake Simcoe and the part of Ontario, the water of which drains into Lake Simcoe, or

(b) if the boundaries of the area described by clause (a) are described more specifically in the regulations, the area within those boundaries; (“bassin hydrographique du lac Simcoe”)

“local board” has the same meaning as in the Municipal Affairs Act; (“conseil local”)

“Minister” means the Minister of the Environment 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”)

“Ministry” means the ministry of the Minister; (“ministère”)

“prescribed instrument” means an instrument that is issued or otherwise created under a provision prescribed by the regulations of,

(a) the Aggregate Resources Act,

(b) the Clean Water Act, 2006,

(c) the Conservation Authorities Act,

- (d) the Crown Forest Sustainability Act, 1994,
- (e) the Endangered Species Act, 2007,
- (f) the Environmental Assessment Act,
- (g) the Environmental Protection Act,
- (h) the Fish and Wildlife Conservation Act, 1997,
- (i) the Lakes and Rivers Improvement Act,
- (j) the Nutrient Management Act, 2002,
- (k) the Ontario Water Resources Act,
- (l) the Pesticides Act,
- (m) the Public Lands Act, or
- (n) any other Act or regulation prescribed by the regulations, other than the Planning Act, the Condominium Act, 1998 or a regulation made under the Planning Act or the Condominium Act, 1998; (“acte prescrit”)

“prescribed outside area” means an area prescribed by the regulations as a prescribed outside area; (“zone extérieure prescrite”)

“public body” means,

- (a) a municipality, local board or conservation authority,
- (b) a ministry, board, commission, agency or official of the Government of Ontario, or
- (c) a body prescribed by the regulations or an official of a body prescribed by the regulations; (“organisme public”)

“regulations” means the regulations made under this Act. (“règlements”) 2008, c. 23, s. 2.

Lake Simcoe Protection Plan established

3. (1) The Lieutenant Governor in Council shall establish the Lake Simcoe Protection Plan. 2008, c. 23, s. 3 (1).

Application

(2) Subject to subsection (3) and to any amendments made under sections 13 to 16, the Lake Simcoe Protection Plan applies to the Lake Simcoe watershed. 2008, c. 23, s. 3 (2).

Research

(3) Policies set out in the Lake Simcoe Protection Plan may apply to research and monitoring programs conducted in areas outside the Lake Simcoe watershed for the purpose of determining whether activities in those areas directly affect or would directly affect the ecological health of the Lake Simcoe watershed. 2008, c. 23, s. 3 (3).

Effective date

(4) The Lake Simcoe Protection Plan takes effect on the date specified in the Plan. 2008, c. 23, s. 3 (4).

Notice of Plan

(5) As soon as reasonably possible after the Lake Simcoe Protection Plan is established, the Minister shall publish notice of the Plan on the environmental registry established under section 5 of the Environmental Bill of Rights, 1993, together with any other information that the Minister considers appropriate. 2008, c. 23, s. 3 (5).

Filing of Plan

(6) A copy of the Lake Simcoe Protection Plan and of every amendment to it, certified by the Minister, shall be filed in the office of the Ministry, with the clerk of each municipality having jurisdiction in the Lake Simcoe watershed, with the Lake Simcoe Region Conservation Authority, and in such other locations as the Minister considers appropriate. 2008, c. 23, s. 3 (6).

Objectives of Plan

4. The objectives of the Lake Simcoe Protection Plan are,

(a) to protect, improve or restore the elements that contribute to the ecological health of the Lake Simcoe watershed, including,

(i) water quality,

(ii) hydrology,

(iii) key natural heritage features and their functions, and

(iv) key hydrologic features and their functions;

(b) to restore a self-sustaining coldwater fish community in Lake Simcoe;

(c) to reduce loadings of phosphorus and other nutrients of concern to Lake Simcoe and its tributaries;

(d) to reduce the discharge of pollutants to Lake Simcoe and its tributaries;

(e) to respond to adverse effects related to invasive species and, where possible, to prevent invasive species from entering the Lake Simcoe watershed;

(f) to improve the Lake Simcoe watershed's capacity to adapt to climate change;

(g) to provide for ongoing scientific research and monitoring related to the ecological health of the Lake Simcoe watershed;

(h) to improve conditions for environmentally sustainable recreational activities related to Lake Simcoe and to promote those activities;

(i) to promote environmentally sustainable land and water uses, activities and development practices;

(j) to build on the protections for the Lake Simcoe watershed that are provided by,

(i) provincial plans that apply in all or part of the Lake Simcoe watershed, including the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and

(ii) provincial legislation, including the Clean Water Act, 2006, the Conservation Authorities Act, the Ontario Water Resources Act and the Planning Act; and

(k) any other objectives set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 4.

Contents of Plan

5. (1) The Lake Simcoe Protection Plan shall set out the following:

1. The environmental conditions of the Lake Simcoe watershed.
2. Indicators of the ecological health of the Lake Simcoe watershed.
3. The existing significant threats and potential significant threats to the ecological health of the Lake Simcoe watershed.
4. One or more targets related to the indicators mentioned in paragraph 2 and the objectives mentioned in section 4.
5. Policies to achieve the objectives of the Plan.
6. The principles and priorities that guided the development of the Plan.
7. The priorities that should guide implementation of the Plan.
8. The methods that will be used to assess whether the objectives of the Plan are being achieved.
9. The areas of scientific research that should be pursued to support implementation of the Plan and the priorities with respect to this research.
10. A description of any areas to which regulations made under section 26 may apply and the reasons that those regulations may apply to those areas.
11. A strategy for financing the implementation of the Plan.
12. The date the Plan takes effect. 2008, c. 23, s. 5 (1).

Policies

(2) Without limiting the generality of paragraph 5 of subsection (1), the policies referred to in that paragraph may include the following:

1. Policies to support co-ordination of environmental and resource management programs, land use planning programs and land development programs of the various ministries of the Government of Ontario.
2. Policies to support co-ordination of environmental and resource management, land use planning and land development among municipalities, conservation authorities and other local boards.
3. Policies respecting key natural heritage features and key hydrologic features of the Lake Simcoe watershed that contribute to its ecological health and that have been set out in the Lake Simcoe Protection Plan, including,
 - i. policies prohibiting any use of land or the erection, location or use of buildings or structures for, or except for, such purposes as may be set out in the Plan,

ii. policies restricting or regulating the use of land or the erection, location or use of buildings or structures, and

iii. policies to protect, improve or restore key natural heritage features and their functions and key hydrologic features and their functions.

4. Policies governing requirements for planning, development, infrastructure and site alteration in the Lake Simcoe watershed for the purpose of achieving the objectives of the Lake Simcoe Protection Plan, including policies related to the management of stormwater and wastewater.

5. Policies prohibiting official plans and zoning by-laws from containing provisions that relate to matters specified in the Lake Simcoe Protection Plan that are more restrictive than the provisions in the Plan.

6. Policies,

i. governing and clarifying the application of subsection 6 (4), including determining when a conflict exists for the purpose of that subsection and determining the nature of the conflict,

ii. dealing with any problems or issues arising as a result of the application of subsection 6 (4), and

iii. resolving conflicts between the provisions of designated policies set out in the Lake Simcoe Protection Plan and the provisions of plans and policies mentioned in subsection 6 (5), including determining which provisions prevail.

7. Policies specifying matters for the purpose of paragraph 3 of subsection 6 (8).

8. Policies respecting activities governed by prescribed instruments, including,

i. policies specifying requirements relating to the contents of prescribed instruments, including requirements related to the measures that shall be taken to ensure the activities do not adversely affect the ecological health of the Lake Simcoe watershed,

ii. policies specifying the date by which prescribed instruments shall be amended to comply with the requirements referred to in subparagraph i, and

iii. policies specifying requirements that apply to the creation, issue, amendment and revocation of prescribed instruments.

9. Policies,

i. governing and clarifying the application of subsections 6 (9) and 9 (1) and section 10, including determining when a prescribed instrument does not conform with a designated policy set out in the Lake Simcoe Protection Plan for the purpose of those provisions, and determining the nature of the non-conformity,

ii. dealing with any problems or issues arising as a result of the application of subsections 6 (9) and 9 (1) and section 10,

iii. resolving any non-conformity between provisions of prescribed instruments and provisions of designated policies set out in the Lake Simcoe Protection Plan, including determining how prescribed instruments must be amended to resolve the non-conformity.

10. Policies governing the types of amendments to the Lake Simcoe Protection Plan that may be approved by the Minister.

11. Policies respecting stewardship programs.
12. Policies respecting pilot programs.
13. Policies respecting programs that specify and promote best management practices.
14. Policies respecting outreach and education programs.
15. Policies respecting research and monitoring programs, including performance monitoring programs to assess the effectiveness of the policies set out in the Lake Simcoe Protection Plan.
16. Policies specifying actions to be taken by public bodies to implement the Lake Simcoe Protection Plan or to achieve the Plan's objectives.
17. Policies with respect to matters that may arise in the implementation of the Lake Simcoe Protection Plan, including transitional matters that are not addressed by regulations made under clause 27 (1) (e).
18. Such other policies as may be prescribed by the regulations. 2008, c. 23, s. 5 (2).

Same

(3) For greater certainty, a policy referred to in paragraph 5 of subsection (1) that applies to an activity may apply even if some or all permits, approvals and other instruments necessary to engage in the activity were obtained before the policy took effect. 2008, c. 23, s. 5 (3).

Designated policies

(4) The Lake Simcoe Protection Plan,

(a) shall designate policies described in paragraphs 6 and 9 of subsection (2) as designated policies; and

(b) may designate any other policy referred to in paragraph 5 of subsection (1) as a designated policy. 2008, c. 23, s. 5 (4).

Responsibility for implementing policies

(5) The Lake Simcoe Protection Plan may identify a public body or person as responsible for implementing a policy referred to in paragraph 5 of subsection (1). 2008, c. 23, s. 5 (5).

Effect of Plan

6. (1) A decision under the Planning Act or the Condominium Act, 1998 made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the Lake Simcoe watershed shall,

(a) conform with designated policies set out in the Lake Simcoe Protection Plan; and

(b) have regard to other policies set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (1).

Limitation

(2) Subsection (1) does not apply to a policy statement issued under section 3 of the Planning Act or a minister's order under section 47 of the Planning Act. 2008, c. 23, s. 6 (2).

Conflicts re official plans, by-laws

(3) Despite any other Act, the Lake Simcoe Protection Plan prevails in the case of conflict between a designated policy set out in the Plan and,

(a) an official plan;

(b) a zoning by-law; or

(c) subject to subsection (4), a policy statement issued under section 3 of the Planning Act, 2008, c. 23, s. 6 (3).

Conflicts re provisions in plans, policies

(4) Despite any Act, but subject to a policy described in paragraph 6 of subsection 5 (2), if there is a conflict between a provision of a designated policy set out in the Lake Simcoe Protection Plan and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the ecological health of the Lake Simcoe watershed prevails. 2008, c. 23, s. 6 (4).

Plans or policies

(5) The plans and policies to which subsection (4) refers are,

(a) a policy statement issued under section 3 of the Planning Act;

(b) the Greenbelt Plan established under section 3 of the Greenbelt Act, 2005 and any amendment to the Plan;

(c) the Oak Ridges Moraine Conservation Plan established under section 3 of the Oak Ridges Moraine Conservation Act, 2001 and any amendment to the Plan;

(d) the Growth Plan for the Greater Golden Horseshoe 2006 approved under section 7 of the Places to Grow Act, 2005 and any amendment to the Plan;

(e) a plan or policy made under a provision of an Act that is prescribed by the regulations; and

(f) a plan or policy prescribed by the regulations, or provisions prescribed by the regulations of a plan or policy, that is made by the Lieutenant Governor in Council, a minister of the Crown, or a ministry, board, commission or agency of the Government of Ontario. 2008, c. 23, s. 6 (5).

Actions to conform to Plan

(6) Despite any other Act, no municipality shall,

(a) undertake within the Lake Simcoe watershed any public work, improvement of a structural nature or other undertaking that conflicts with a designated policy set out in the Lake Simcoe Protection Plan; or

(b) pass a by-law for any purpose that conflicts with a designated policy set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (6).

Comments, advice

(7) If a public body provides comments, submissions or advice relating to a decision or matter described in subsection (8), the comments, submissions or advice shall,

(a) conform with designated policies set out in the Lake Simcoe Protection Plan; and

(b) have regard to other policies set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (7).

Same

(8) Subsection (7) applies to the following:

1. A decision under the Planning Act or the Condominium Act, 1998 made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the Lake Simcoe watershed.
2. A decision to issue, otherwise create or amend a prescribed instrument that relates to the Lake Simcoe watershed or a prescribed outside area.
3. Any other matter specified by the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (8).

Prescribed instruments

(9) Subject to a policy described in paragraph 9 of subsection 5 (2), a decision to issue, otherwise create or amend a prescribed instrument shall,

- (a) conform with designated policies set out in the Lake Simcoe Protection Plan; and
- (b) have regard to other policies set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 6 (9).

No authority

(10) Subsection (9) does not permit or require a person or body,

- (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or
- (b) to make amendments that it does not otherwise have authority to make. 2008, c. 23, s. 6 (10).

Official plan and conformity

7. (1) The council of a municipality that has jurisdiction in the Lake Simcoe watershed shall amend its official plan to conform with the designated policies set out in the Lake Simcoe Protection Plan,

- (a) no later than the date the council of the municipality is required to revise an official plan in accordance with subsection 26 (1) of the Planning Act, if the Minister does not direct the council to make the amendments on or before a specified date; or
- (b) no later than the date set by the Minister, if the Minister directs the council of the municipality to make the amendments on or before a specified date. 2008, c. 23, s. 7 (1).

Same

(2) For the purposes of subsection (1), a provision in an official plan that relates to a matter specified under paragraph 5 of subsection 5 (2) does not conform with the Lake Simcoe Protection Plan if it exceeds the requirements of the Plan or is more restrictive than a provision in the Plan. 2008, c. 23, s. 7 (2).

Minister's proposals to resolve official plan non-conformity

8. (1) If, in the Minister's opinion, the official plan of a municipality that has jurisdiction in the Lake Simcoe watershed does not conform with a designated policy set out in the Lake Simcoe Protection Plan, the Minister may,

- (a) advise the clerk of the municipality of the particulars of the non-conformity; and
- (b) invite the council of the municipality to submit, within a specified time, proposals for the resolution of the non-conformity. 2008, c. 23, s. 8 (1).

Joint order

(2) The Minister jointly with the Minister of Municipal Affairs and Housing may, by order, amend the official plan to resolve the non-conformity,

(a) if the council of the municipality fails to submit proposals to resolve the non-conformity within the specified time; or

(b) if proposals are submitted but, after consultation with the Minister, the non-conformity cannot be resolved, and the Minister so notifies the council of the municipality in writing. 2008, c. 23, s. 8 (2).

Effect of order

(3) An order under subsection (2),

(a) has the same effect as an amendment to the official plan that is adopted by the council of the municipality and, if the amendment is not exempt from approval, approved by the appropriate approval authority; and

(b) is final and not subject to appeal. 2008, c. 23, s. 8 (3).

Prescribed instruments and conformity

9. (1) Subject to a policy described in paragraph 9 of subsection 5 (2), a person or body that issued or otherwise created a prescribed instrument before the Lake Simcoe Protection Plan took effect shall amend the instrument to conform with the designated policies set out in the Plan. 2008, c. 23, s. 9 (1).

Deadline for amendments

(2) The person or body that issued or otherwise created the prescribed instrument shall make any amendments required by subsection (1) before the date specified in the Lake Simcoe Protection Plan. 2008, c. 23, s. 9 (2).

No authority

(3) Subsection (1) does not permit or require a person or body to make amendments that it does not otherwise have authority to make. 2008, c. 23, s. 9 (3).

Requests for amendment of instruments

10. Subject to a policy described in paragraph 9 of subsection 5 (2), if, in the Minister's opinion, a prescribed instrument does not conform with a designated policy set out in the Lake Simcoe Protection Plan, the Minister may,

(a) advise any person or body that has authority to amend or require an amendment to the prescribed instrument of the particulars of the non-conformity;

(b) request the person or body to take such steps as are authorized by law to amend the prescribed instrument to address the non-conformity; and

(c) require the person or body to report to the Minister on any steps taken under clause (b) and on any amendment that is made to the prescribed instrument. 2008, c. 23, s. 10.

Monitoring programs

11. If a public body is identified in the Lake Simcoe Protection Plan as being responsible for the implementation of a policy governing monitoring, the public body shall comply with any obligations imposed on it by the policy. 2008, c. 23, s. 11.

Progress reports

12. (1) The Minister shall annually prepare a report that,
- (a) describes the measures that have been taken to implement the Lake Simcoe Protection Plan;
 - (b) summarizes the advice obtained from the Lake Simcoe Science Committee; and
 - (c) summarizes the advice obtained from the Lake Simcoe Coordinating Committee. 2008, c. 23, s. 12 (1).

Same

- (2) The Minister shall, at least once every five years, prepare a report that,
- (a) describes the results of any monitoring programs; and
 - (b) describes the extent to which the objectives of the Lake Simcoe Protection Plan are being achieved. 2008, c. 23, s. 12 (2).

Publication

- (3) The Minister shall ensure that reports prepared under subsections (1) and (2) are published on the environmental registry established under section 5 of the Environmental Bill of Rights, 1993. 2008, c. 23, s. 12 (3).

Amendments to Plan

13. (1) An amendment to the Lake Simcoe Protection Plan shall be made in accordance with this section and sections 14, 15 and 16. 2008, c. 23, s. 13 (1).

Proposed amendment

- (2) The Minister may prepare and propose an amendment to the Lake Simcoe Protection Plan. 2008, c. 23, s. 13 (2).

Amendment to expand Plan to area outside watershed

- (3) If the Minister proposes an amendment to the Lake Simcoe Protection Plan that would expand the application of the Plan to an area outside the Lake Simcoe watershed, the Minister shall prepare a report that describes,
- (a) the proposed area to which the Lake Simcoe Protection Plan would apply;
 - (b) activities in the proposed area that directly affect or would directly affect the ecological health of the Lake Simcoe watershed; and
 - (c) the types of policies that could be included in the Lake Simcoe Protection Plan to deal with the activities mentioned in clause (b). 2008, c. 23, s. 13 (3).

Notice re proposed amendment

(4) If an amendment to the Lake Simcoe Protection Plan is proposed under subsection (2), the Minister shall ensure that,

- (a) notice of the proposed amendment is given in the prescribed manner to each municipality with jurisdiction in the Lake Simcoe watershed, the Lake Simcoe Region Conservation Authority and any other prescribed person, public body or other body;
- (b) the persons, public bodies and bodies mentioned in clause (a) are invited to make written submissions on the proposed amendment within the period of time specified by the Minister; and
- (c) within the period of time specified by the Minister, notice of the proposed amendment, in a form approved by the Minister and containing such information as the Minister considers appropriate, is given on the environmental registry established under section 5 of the Environmental Bill of Rights, 1993. 2008, c. 23, s. 13 (4).

Same, if amendment to expand Plan to area outside watershed

(5) In addition to the requirements under subsection (4), if the Minister proposes an amendment to the Lake Simcoe Protection Plan that would expand the application of the Plan to an area outside the Lake Simcoe watershed, the Minister shall ensure that,

- (a) notice of the proposed amendment is given in the prescribed manner to each municipality with jurisdiction in the proposed area;
- (b) the municipalities mentioned in clause (a) are invited to make written submissions on the proposed amendment within the period of time specified by the Minister; and
- (c) the report prepared under subsection (3) is published on the environmental registry established under section 5 of the Environmental Bill of Rights, 1993. 2008, c. 23, s. 13 (5).

Typographical errors, etc.

(6) Subsection (4) does not apply to an amendment that is made to correct a clerical, grammatical or typographical error. 2008, c. 23, s. 13 (6).

Hearing officer

14. (1) The Minister may appoint one or more hearing officers for the purpose of conducting one or more hearings within the Lake Simcoe watershed or its general proximity for the purpose of receiving representations respecting a proposed amendment to the Lake Simcoe Protection Plan. 2008, c. 23, s. 14 (1).

Duty of hearing officer

(2) On being appointed under subsection (1), the hearing officer shall,

- (a) fix the time and place for the hearing; and
- (b) require that notice, as specified by the hearing officer, be given to the prescribed persons, public bodies and other bodies in the prescribed manner. 2008, c. 23, s. 14 (2).

Rules of procedure

(3) The hearing officer may make rules of procedure for the hearing. 2008, c. 23, s. 14 (3).

Protection from personal liability

(4) The hearing officer is not personally liable for anything done by him or her in good faith in the execution of his or her duty under this Act or for any neglect or default in the execution in good faith of his or her duty. 2008, c. 23, s. 14 (4).

Recommendations

(5) Upon the conclusion of the hearing, the hearing officer shall prepare written recommendations, with reasons, recommending what action the Minister should take with respect to the proposed amendment and shall give the written recommendations with the reasons to the Minister and to the parties to the hearing within 60 days after the conclusion of the hearing. 2008, c. 23, s. 14 (5).

Extension of time

(6) The Minister may extend the 60-day period at the hearing officer's request. 2008, c. 23, s. 14 (6).

Decision of Minister

15. (1) After considering any written submissions received under subsections 13 (4) and (5) and any written recommendations of a hearing officer received under subsection 14 (5), the Minister may,

- (a) decide not to proceed with the proposed amendment; or
 - (b) after making any modifications to the proposed amendment that the Minister considers desirable,
 - (i) recommend that the proposed amendment be approved by the Lieutenant Governor in Council, or
 - (ii) in the circumstances described in the Lake Simcoe Protection Plan, approve the proposed amendment.
- 2008, c. 23, s. 15 (1).

Approval re prescribed outside areas

(2) The Minister shall not approve a proposed amendment that would make any provision of the Lake Simcoe Protection Plan applicable to an area outside the Lake Simcoe watershed unless,

- (a) a regulation has been made prescribing the area as a prescribed outside area; and
- (b) the proposed amendment does not make any policy that would affect a decision under the Planning Act or the Condominium Act, 1998 applicable to the prescribed outside area. 2008, c. 23, s. 15 (2).

Decision final

(3) A decision, recommendation or approval by the Minister under subsection (1) is final and not subject to appeal. 2008, c. 23, s. 15 (3).

Notice of approval

- (4) The Minister shall forward a copy of an approval under subclause (1) (b) (ii) to,
 - (a) the clerk of each municipality that has jurisdiction in the Lake Simcoe watershed;
 - (b) the clerk of each municipality that has jurisdiction in a prescribed outside area;
 - (c) the Lake Simcoe Region Conservation Authority;

- (d) the parties to any hearing conducted under section 14 in respect of the proposed amendment; and
- (e) such other persons or public bodies as the Minister may determine. 2008, c. 23, s. 15 (4).

Decision of L.G. in C.

16. (1) If the Minister recommends a proposed amendment under subclause 15 (1) (b) (i), the Lieutenant Governor in Council may,

- (a) decide not to approve the proposed amendment;
- (b) approve the proposed amendment, in whole or in part; or
- (c) make modifications to the proposed amendment and approve the proposed amendment, in whole or in part. 2008, c. 23, s. 16 (1).

Approval re prescribed outside areas

(2) The Lieutenant Governor in Council shall not approve a proposed amendment that would make any provision of the Lake Simcoe Protection Plan applicable to an area outside the Lake Simcoe watershed unless,

- (a) a regulation has been made prescribing the area as a prescribed outside area; and
- (b) the proposed amendment does not make any policy that would affect a decision under the Planning Act or the Condominium Act, 1998 applicable to the prescribed outside area. 2008, c. 23, s. 16 (2).

Decision final

(3) A decision or approval by the Lieutenant Governor in Council under subsection (1) is final and not subject to appeal. 2008, c. 23, s. 16 (3).

Notice of approval

- (4) The Minister shall forward a copy of an approval under clause (1) (b) or (c) to,
 - (a) the clerk of each municipality that has jurisdiction in the Lake Simcoe watershed;
 - (b) the clerk of each municipality that has jurisdiction in a prescribed outside area;
 - (c) the Lake Simcoe Region Conservation Authority;
- (d) the parties to any hearing conducted under section 14 in respect of the proposed amendment; and
- (e) such other persons or public bodies as the Minister may determine. 2008, c. 23, s. 16 (4).

Review

17. (1) The Minister shall ensure that a review of the Lake Simcoe Protection Plan is carried out at least every 10 years after the date the Plan takes effect to determine whether the Plan should be amended. 2008, c. 23, s. 17 (1).

Same

(2) During a review under subsection (1), the Minister shall review the functions and operations of the Lake Simcoe Science Committee and the Lake Simcoe Coordinating Committee. 2008, c. 23, s. 17 (2).

Consultation and public participation

(3) During a review under subsection (1), the Minister shall,

(a) consult with the council of each municipality that has jurisdiction in the Lake Simcoe watershed or the prescribed outside areas;

(b) consult with the Lake Simcoe Region Conservation Authority;

(c) consult with other public bodies that, in the opinion of the Minister, could be affected by the review;

(d) consult with the Lake Simcoe Science Committee and the Lake Simcoe Coordinating Committee; and

(e) ensure that the public is given an opportunity to participate in the review. 2008, c. 23, s. 17 (3).

Lake Simcoe Science Committee

18. (1) A committee known in English as the Lake Simcoe Science Committee and in French as Comité scientifique du lac Simcoe is established. 2008, c. 23, s. 18 (1).

Functions

(2) The Lake Simcoe Science Committee shall perform the following functions:

1. Review the environmental conditions of the Lake Simcoe watershed and provide advice to the Minister with respect to,

i. the ecological health of the Lake Simcoe watershed,

ii. current significant threats and potential significant threats to the ecological health of the Lake Simcoe watershed,

iii. potential strategies to deal with the threats identified under subparagraph ii, and

iv. the scientific research that needs to be pursued to support the implementation of the Lake Simcoe Protection Plan.

2. When requested by the Minister, provide advice to the Minister with respect to,

i. the design and implementation of monitoring programs to monitor whether the Lake Simcoe Protection Plan is meeting its objectives,

ii. whether a proposed amendment to the Lake Simcoe Protection Plan is consistent with the precautionary principle and, if not, whether the proposed amendment should be modified to achieve consistency,

iii. proposed amendments to the Lake Simcoe Protection Plan,

iv. proposed regulations under this Act,

v. proposed regulations under subsection 75 (1.7) of the Ontario Water Resources Act.

3. Such other functions as may be specified by the Minister. 2008, c. 23, s. 18 (2).

Appointment of committee members

(3) After considering the recommendations of the Minister, the Lieutenant Governor in Council shall appoint the members of the Lake Simcoe Science Committee. 2008, c. 23, s. 18 (3).

Practices and procedures

(4) The Minister may specify practices and procedures for the Lake Simcoe Science Committee. 2008, c. 23, s. 18 (4).

Lake Simcoe Coordinating Committee

19. (1) A committee known in English as the Lake Simcoe Coordinating Committee and in French as Comité de coordination pour le lac Simcoe is established. 2008, c. 23, s. 19 (1).

Functions

(2) The Lake Simcoe Coordinating Committee shall perform the following functions:

1. Provide a forum to,
 - i. co-ordinate implementation of the Lake Simcoe Protection Plan, and
 - ii. identify and resolve issues that arise in relation to the implementation of the Lake Simcoe Protection Plan.
2. Provide advice to the Minister on any issues or problems related to the implementation of the Lake Simcoe Protection Plan.
3. With respect to threats to the ecological health of the Lake Simcoe watershed that are identified by the Lake Simcoe Science Committee, provide advice to the Minister on the types of measures that could be taken to deal with the threats, including,
 - i. policies that could be included in the Lake Simcoe Protection Plan, or
 - ii. regulations that could be made under this or any other Act.
4. Assist the Minister and other public bodies to monitor progress on the implementation of the Lake Simcoe Protection Plan.
5. Make recommendations on any proposed amendments to the Lake Simcoe Protection Plan to ensure that the Plan meets its objectives.
6. Assist the Minister with a review of the Lake Simcoe Protection Plan.
7. Such other functions as may be specified by the Minister. 2008, c. 23, s. 19 (2).

Appointment of committee members

(3) After considering the recommendations of the Minister, the Lieutenant Governor in Council shall appoint the members of the Lake Simcoe Coordinating Committee. 2008, c. 23, s. 19 (3).

Minister's recommendations

(4) For the purposes of subsection (3), the Minister shall recommend persons who represent the following interests:

1. The interests of the municipalities that are located, in whole or in part, in the Lake Simcoe watershed and the prescribed outside areas.
2. The interests of the Lake Simcoe Region Conservation Authority.
3. The interests of ministries of the Government of Ontario and other public bodies and persons that are responsible for implementing policies referred to in paragraph 5 of subsection 5 (1).
4. The interests of the agricultural, commercial and industrial sectors of the Lake Simcoe watershed's economy, including small business interests.
5. The interests of the aboriginal communities that have a historic relationship with the Lake Simcoe watershed.
6. Other interests, including, in particular, environmental and other interests of the general public. 2008, c. 23, s. 19 (4).

Practices and procedures

- (5) The Minister may specify practices and procedures for the Lake Simcoe Coordinating Committee. 2008, c. 23, s. 19 (5).

Delegation by Minister

20. (1) The Minister may delegate in writing any of his or her powers or duties under this Act to one or more public servants employed under Part III of the Public Service of Ontario Act, 2006. 2008, c. 23, s. 20 (1).

Exception

- (2) Subsection (1) does not apply to the Minister's powers under subsection 15 (1), except to the extent that those powers may be exercised to approve an amendment to the Lake Simcoe Protection Plan that is made to correct a clerical, grammatical or typographical error. 2008, c. 23, s. 20 (2).

Existing aboriginal or treaty rights

21. For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the Constitution Act, 1982. 2008, c. 23, s. 21.

Non-application of certain Acts

22. (1) The Statutory Powers Procedure Act does not apply to anything done under this Act. 2008, c. 23, s. 22 (1).

Not an undertaking

- (2) For greater certainty, the Lake Simcoe Protection Plan is not an undertaking as defined in subsection 1 (1) of the Environmental Assessment Act, but that Act continues to apply within the Lake Simcoe watershed. 2008, c. 23, s. 22 (2).

Legislation Act, 2006

- (3) Part III (Regulations) of the Legislation Act, 2006 does not apply to the Lake Simcoe Protection Plan. 2008, c. 23, s. 22 (3).

Limitations on remedies

23. (1) No cause of action arises as a direct or indirect result of,

(a) the enactment or repeal of any provision of this Act;

(b) the making or revocation of any provision of the regulations made under this Act; or

(c) anything done or not done in accordance with this Act or the regulations made under it. 2008, c. 23, s. 23 (1).

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause (1) (a), (b) or (c). 2008, c. 23, s. 23 (2).

Proceedings barred

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in clause (1) (a), (b) or (c) may be brought or maintained against any person. 2008, c. 23, s. 23 (3).

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this Act. 2008, c. 23, s. 23 (4).

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day this Act comes into force shall be deemed to have been dismissed, without costs, on the day this Act comes into force. 2008, c. 23, s. 23 (5).

No expropriation or injurious affection

(6) Nothing done or not done in accordance with this Act or the regulations constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law. 2008, c. 23, s. 23 (6).

Person defined

(7) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, members of the Executive Council, and municipalities and their employees and agents. 2008, c. 23, s. 23 (7).

Regulations under s. 28 of Conservation Authorities Act

24. (1) Despite subsection 28 (7) of the Conservation Authorities Act, a regulation made by the Lake Simcoe Region Conservation Authority under section 28 of that Act may provide that all or part of the regulation applies to an area that is outside the area over which the Authority would otherwise have jurisdiction under that Act but that is within the Lake Simcoe watershed. 2008, c. 23, s. 24 (1).

Limitation period

(2) A proceeding under subsection 28 (16) or (24) of the Conservation Authorities Act that relates to a regulation made by the Lake Simcoe Region Conservation Authority under section 28 of that Act shall not be commenced more than two years after the later of the following days:

1. The day on which the offence was committed.
2. The day on which evidence of the offence first came to the attention of an officer appointed under a regulation made under section 28 of the Conservation Authorities Act. 2008, c. 23, s. 24 (2).

Conflict with other Acts

25. If there is a conflict between a provision of this Act and a provision of another Act with respect to a matter that affects or has the potential to affect the ecological health of the Lake Simcoe watershed, the provision that provides the greatest protection to the ecological health of the Lake Simcoe watershed prevails. 2008, c. 23, s. 25.

Regulations – shoreline protection

26. (1) The Lieutenant Governor in Council may make regulations,

- (a) regulating or prohibiting activities that may adversely affect the ecological health of the Lake Simcoe watershed;
- (b) requiring persons to do things to protect or restore the ecological health of the Lake Simcoe watershed;
- (c) providing for the appointment of officers to enforce any regulation made under this section;
- (d) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section;
- (e) authorizing an officer appointed under clause (c) or (d) to issue orders to any person who contravenes a regulation made under clause (a) or (b), governing the issuance of those orders and their contents, and providing for and governing appeals of those orders. 2008, c. 23, s. 26 (1).

Application, cl. (1) (a)

(2) For greater certainty, a regulation under clause (1) (a) may regulate or prohibit an activity even if some or all permits, approvals and other instruments necessary to engage in the activity were obtained before the regulation came into force. 2008, c. 23, s. 26 (2).

Application of cls. (1) (a) and (b)

(3) A regulation under clause (1) (a) may apply only to activities that are carried out in, and a regulation under clause (1) (b) may apply only in respect of things to be done in, the Lake Simcoe watershed in areas specified in the Lake Simcoe Protection Plan that are,

- (a) areas of land or water adjacent or close to the shoreline of Lake Simcoe or any other lake in the Lake Simcoe watershed;
- (b) areas of land or water within, adjacent or close to a permanent or intermittent tributary of Lake Simcoe;
or
- (c) areas of land or water within, adjacent or close to wetlands. 2008, c. 23, s. 26 (3).

References to maps

(4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed with a public body specified in the regulation and are available for public review during normal office business hours. 2008, c. 23, s. 26 (4).

Permits

(5) A regulation under clause (1) (a) that prohibits an activity may provide that the prohibition does not apply if the activity is engaged in in accordance with a permit issued by a person or body specified by the regulations, and the regulations under that clause may,

(a) govern the issuance, renewal, suspension and revocation of permits, including requiring payment of fees set by the person or body;

(b) govern the contents of permits;

(c) provide for and govern appeals from decisions to refuse to issue, refuse to renew, suspend or revoke permits;

(d) for the purpose of the Conservation Authorities Act, deem a permit under this section to be permission required under section 28 of that Act. 2008, c. 23, s. 26 (5).

Inspections

(6) Subject to subsections (7) and (8), an officer appointed under clause (1) (c) or (d) may, for the purpose of enforcing a regulation made under subsection (1), enter property, without the consent of the owner or occupier and without a warrant, if,

(a) the officer has reasonable grounds to believe that an activity is being engaged in on the property that is regulated or prohibited by a regulation made under clause (1) (a);

(b) the officer has reasonable grounds to believe that a person is required by a regulation made under clause (1) (b) to do a thing on the property; or

(c) the officer has reasonable grounds to believe that there are documents or data on the property that relate to an activity that is regulated or prohibited by a regulation made under clause (1) (a) or to a thing that a person is required to do by a regulation made under clause (1) (b). 2008, c. 23, s. 26 (6).

Training

(7) An officer shall not enter property unless the officer has received training prescribed by the regulations. 2008, c. 23, s. 26 (7).

Dwellings

(8) An officer shall not enter a room actually used as a dwelling without the consent of the occupier except under the authority of a warrant under subsection (17). 2008, c. 23, s. 26 (8).

Other persons

(9) An officer who is authorized to enter property under subsection (6) may be accompanied by any person possessing expert or special knowledge that is related to the purpose of the entry. 2008, c. 23, s. 26 (9).

Time

(10) Subject to subsection (11), the power to enter property under subsection (6) may be exercised at any reasonable time. 2008, c. 23, s. 26 (10).

Notice

(11) The power to enter property under subsection (6) shall not be exercised unless reasonable notice of the entry has been given to the occupier of the property. 2008, c. 23, s. 26 (11).

Exception

(12) Subsection (11) does not apply if the officer has reasonable grounds to believe that a contravention of a regulation made under subsection (1) is causing or is likely to cause environmental damage and that entry without reasonable notice to the occupier is required to prevent or reduce the damage. 2008, c. 23, s. 26 (12).

No use of force

(13) Subsection (6) does not authorize the use of force. 2008, c. 23, s. 26 (13).

Powers

(14) A person who enters property under subsection (6) or (9) may, for the purpose for which the entry is made under subsection (6),

- (a) make necessary excavations;
- (b) require that any thing be operated, used or set in motion under conditions specified by the person;
- (c) take samples for analysis;
- (d) conduct tests or take measurements;
- (e) examine, record or copy any document or data, in any form, by any method;
- (f) require the production of any document or data, in any form, related to the purpose of the entry;
- (g) remove from a place documents or data, in any form, produced under clause (f) for the purpose of making copies;
- (h) retain samples and copies obtained under this subsection for any period and for any purpose related to the enforcement of a regulation made under subsection (1); and
- (i) require any person to provide reasonable assistance and to answer reasonable inquiries, orally or in writing. 2008, c. 23, s. 26 (14).

Limitation re removal of documents, data

(15) A person who enters property under subsection (6) or (9) shall not remove documents or data under clause (14) (g) without giving a receipt for them and shall promptly return the documents or data to the person who produced them. 2008, c. 23, s. 26 (15).

Identification

(16) On request, a person who enters property under subsection (6) or (9) shall identify himself or herself and shall explain the purpose of the entry. 2008, c. 23, s. 26 (16).

Warrant for entry

(17) A justice may issue a warrant authorizing an officer appointed under clause (1) (c) or (d) to do anything set out in subsection (6) or (14) if the justice is satisfied, on evidence under oath or affirmation by an officer appointed under clause (1) (c) or (d), that there are reasonable grounds to believe that it is appropriate for the enforcement of a regulation made under subsection (1) for an officer appointed under clause (1) (c) or (d) to do anything set out in subsection (6) or (14) and that an officer appointed under clause (1) (c) or (d) may not be able to effectively carry out his or her duties without a warrant under this subsection because,

(a) no occupier is present to grant access to a place that is locked or otherwise inaccessible;

(b) a person has prevented an officer appointed under clause (1) (c) or (d) from doing anything set out in subsection (6) or (14);

(c) there are reasonable grounds to believe that a person may prevent an officer appointed under clause (1) (c) or (d) from doing anything set out in subsection (6) or (14);

(d) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for an officer appointed under clause (1) (c) or (d) to obtain a warrant under this subsection without delay if access is denied; or

(e) there are reasonable grounds to believe that an attempt by an officer appointed under clause (1) (c) or (d) to do anything set out in subsection (6) or (14) without the warrant might not achieve its purpose. 2008, c. 23, s. 26 (17).

Application without notice

(18) A warrant under subsection (17) may be issued or renewed on application without notice. 2008, c. 23, s. 26 (18).

Application for dwelling

(19) An application for a warrant under subsection (17) to enter a dwelling shall specifically indicate that the application relates to a dwelling. 2008, c. 23, s. 26 (19).

Application of subss. (9), (15) and (16)

(20) Subsections (9), (15) and (16) apply to an entry under a warrant under subsection (17). 2008, c. 23, s. 26 (20).

Expiry

(21) Unless renewed, a warrant under subsection (17) expires on the earlier of the day specified for the purpose in the warrant and the day that is 30 days after the date on which the warrant is issued. 2008, c. 23, s. 26 (21); 2009, c. 33, Sched. 15, s. 6.

Renewal

(22) A warrant under subsection (17) may be renewed in the circumstances in which a warrant may be issued under that subsection, before or after expiry, for one or more periods each of which is not more than 30 days. 2008, c. 23, s. 26 (22).

When to be executed

(23) A warrant under subsection (17) shall be carried out between 6 a.m. and 9 p.m., unless the warrant otherwise authorizes. 2008, c. 23, s. 26 (23).

Use of force

(24) A person authorized by a warrant under subsection (17) to do anything set out in subsection (6) or (14) may call on police officers as necessary and may use force as necessary to do the thing. 2008, c. 23, s. 26 (24).

Restoration

(25) If property is entered under this section, the officer shall, in so far as is practicable, restore the property to the condition it was in before the entry. 2008, c. 23, s. 26 (25).

Offence: contravening regulation or order

(26) Every person who contravenes a regulation made under subsection (1) or an order issued in accordance with a regulation made under subsection (1) is guilty of an offence. 2008, c. 23, s. 26 (26).

Offence: obstruction

(27) Any person who prevents or obstructs a person from entering property or doing any other thing authorized under this section is guilty of an offence. 2008, c. 23, s. 26 (27).

Penalty, individual

(28) An individual who is guilty of an offence under this section is liable, on conviction,

(a) in the case of a first conviction, to a fine of not more than \$25,000 for each day or part of a day on which the offence occurs or continues; and

(b) in the case of a subsequent conviction, to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues. 2008, c. 23, s. 26 (28).

Same, corporation

(29) A corporation that is guilty of an offence under this section is liable, on conviction,

(a) in the case of a first conviction, to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues; and

(b) in the case of a subsequent conviction, to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues. 2008, c. 23, s. 26 (29).

Directors, officers, employees and agents

(30) If a corporation commits an offence under this section, a director, officer, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or failed to take all reasonable care to prevent the commission of the offence, or who participated in the commission of the offence, is also guilty of the offence, whether the corporation has been prosecuted for the offence or not. 2008, c. 23, s. 26 (30).

Penalty re monetary benefit

(31) The court that convicts a person of an offence under this section, 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 acquired by or that accrued to the person as a result of the commission of the offence, despite the maximum fine provided in subsection (28) or (29). 2008, c. 23, s. 26 (31).

Additional orders

(32) The court that convicts a person under this section may, on its own initiative or on the motion of counsel for the prosecutor, make one or more of the following orders:

1. An order requiring the person, within the period or periods specified in the order, to take specified action to prevent, decrease or eliminate any adverse effect or potential adverse effect on the ecological health of the Lake Simcoe watershed.
2. An order requiring the person, within the period or periods specified in the order, to comply with an order issued in accordance with a regulation made under subsection (1).
3. An order imposing requirements that the court considers appropriate to prevent similar unlawful conduct or to contribute to the person's rehabilitation.
4. An order prohibiting the continuation or repetition of the offence by the person. 2008, c. 23, s. 26 (32).

Other remedies and penalties preserved

(33) Subsection (32) is in addition to any other remedy or penalty provided by law. 2008, c. 23, s. 26 (33).

Non-compliance with order

(34) If a person does not comply with an order made under paragraph 1 or 2 of subsection (32), a public body prescribed by the regulations may take any action required by the order. 2008, c. 23, s. 26 (34).

Liability for certain costs

(35) The person convicted is liable for the cost of taking action under subsection (34) and the amount is recoverable by the public body by action in a court of competent jurisdiction. 2008, c. 23, s. 26 (35).

Limitation period

(36) A proceeding for an offence under this section shall not be commenced more than two years after the later of the following days:

1. The day on which the offence was committed.
2. The day on which evidence of the offence first came to the attention of an officer appointed under clause (1) (c) or (d). 2008, c. 23, s. 26 (36).

Immunity from liability

(37) No action or other proceeding shall be instituted against an officer appointed under clause (1) (c) or (d) or any other individual prescribed by the regulations for any act done in good faith in the execution or intended execution of any power or duty to which this section applies or for any alleged neglect or default in the execution in good faith of that power or duty. 2008, c. 23, s. 26 (37).

Vicarious liability

(38) Despite subsections 5 (2) and (4) of the Proceedings Against the Crown Act, subsection (37) does not relieve the employer or principal of the person referred to in subsection (37) of liability in respect of a tort committed by the person to which his or her employer or principal would otherwise be subject, and the employer or principal is liable for any such tort as if subsection (37) were not enacted. 2008, c. 23, s. 26 (38).

Conflict with regulations or instruments under other Acts

(39) If there is a conflict between a provision of a regulation made under this section and a provision of a regulation, by-law or instrument made, issued or otherwise created under another Act with respect to a matter that affects or has the potential to affect the ecological health of the Lake Simcoe watershed, the provision that provides the greatest protection to the ecological health of the Lake Simcoe watershed prevails. 2008, c. 23, s. 26 (39).

Regulations – general

27. (1) The Lieutenant Governor in Council may make regulations,

(a) designating, for the purposes of this Act, the participating municipalities for the Lake Simcoe Region Conservation Authority;

(b) requiring the councils of municipalities within the Lake Simcoe watershed to pass by-laws under the Municipal Act, 2001 respecting trees or site alteration, or respecting activities that may adversely affect the ecological health of the Lake Simcoe watershed, and specifying the municipalities and the by-law provisions;

(c) requiring the councils of municipalities within prescribed outside areas to pass by-laws under the Municipal Act, 2001 respecting site alteration, and specifying the municipalities and the by-law provisions;

(d) prescribing or respecting any matter that this Act refers to as a matter prescribed by the regulations or as otherwise dealt with by the regulations, other than prescribing an area as a prescribed outside area;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2008, chapter 23, section 29 by adding the following clause:

(d.1) prescribing an area outside but adjacent to or close to the Lake Simcoe watershed as a prescribed outside area;

See: 2008, c. 23, ss. 29, 31 (2).

(e) providing for transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of the Lake Simcoe Protection Plan. 2008, c. 23, s. 27 (1).

Regulations under cl. (1) (a)

(2) If a regulation is made under clause (1) (a) designating participating municipalities for the Lake Simcoe Region Conservation Authority for the purposes of this Act, section 14 of the Conservation Authorities Act applies, with necessary modifications, for the purposes of this Act. 2008, c. 23, s. 27 (2).

Regulations under cl. (1) (b) or (c)

(3) A regulation under clause (1) (b) or (c) may only be made if the Lieutenant Governor in Council is of the opinion that the by-laws required by the regulation are necessary or desirable to facilitate implementation of the Lake Simcoe Protection Plan. 2008, c. 23, s. 27 (3).

Regulations under cl. (1) (e)

(4) Without limiting the generality of clause (1) (e), a regulation under that clause may,

(a) provide for transitional matters respecting matters, applications and proceedings that were commenced before or after the Lake Simcoe Protection Plan takes effect;

(b) determine which matters, applications and proceedings shall be continued and disposed of in accordance with the Lake Simcoe Protection Plan and which matters, applications and proceedings may be continued and disposed of as if the Lake Simcoe Protection Plan had not taken effect;

(c) deem a matter, application or proceeding to have been commenced on the date or in the circumstances described in the regulation. 2008, c. 23, s. 27 (4).

Amendments to adopted documents

28. (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. 2008, c. 23, s. 28 (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. 2008, c. 23, s. 28 (2).

29. Omitted (provides for amendments to this Act). 2008, c. 23, s. 29.

30. Omitted (amends, repeals or revokes other legislation). 2008, c. 23, s. 30.

31. Omitted (provides for coming into force of provisions of this Act). 2008, c. 23, s. 31.

32. Omitted (enacts short title of this Act). 2008, c. 23, s. 32.