

Environmental Review Tribunal Act, 2000

S.O. 2000, CHAPTER 26
Schedule F

Consolidation Period: From December 15, 2009 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 2, s. 29.

Environmental Review Tribunal

1. (1) The Environmental Assessment Board and the Environmental Appeal Board are amalgamated and continued as a tribunal known in English as the Environmental Review Tribunal and in French as Tribunal de l'environnement. 2000, c. 26, Sched. F, s. 1 (1).

Composition of Tribunal

(2) The Tribunal shall be composed of not fewer than five persons who shall be appointed by the Lieutenant Governor in Council. 2000, c. 26, Sched. F, s. 1 (2).

Same

(3) None of the members of the Tribunal shall be public servants employed under Part III of the Public Service of Ontario Act, 2006 who work in the Ministry of the Environment. 2006, c. 35, Sched. C, s. 37 (1).

Chair and vice-chairs

(4) The Lieutenant Governor in Council shall designate a chair and one or more vice-chairs from among the members of the Tribunal. 2000, c. 26, Sched. F, s. 1 (4).

Acting chair

(5) In the case of the absence or inability to act of the chair or of there being a vacancy in the office of the chair, a vice-chair shall act as and have all the powers of the chair and, in the absence of the chair and vice-chair or vice-chairs from any meeting of the Tribunal, the members of the Tribunal present at the meeting shall appoint an acting chair who shall act as and have all the powers of the chair during the meeting. 2000, c. 26, Sched. F, s. 1 (5).

Remuneration

(6) The members of the Tribunal shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. 2000, c. 26, Sched. F, s. 1 (6).

Employees

2. A secretary of the Tribunal and such other employees as are necessary to carry out the duties of the Tribunal shall be appointed under Part III of the Public Service of Ontario Act, 2006. 2000, c. 26, Sched. F, s. 2; 2006, c. 35, Sched. C, s. 37 (2).

Joint sittings

3. The Tribunal may sit jointly either within or outside Ontario with any tribunal established under the law of another jurisdiction. 2000, c. 26, Sched. F, s. 3.

Quorum

4. (1) Three members of the Tribunal constitute a quorum. 2000, c. 26, Sched. F, s. 4 (1).

One or two members

(2) The chair or a vice-chair may in writing authorize one or two members of the Tribunal to hear and determine any matter and, for that purpose, the member or members have all the jurisdiction and powers of the Tribunal. 2000, c. 26, Sched. F, s. 4 (2).

Participation in decision

5. Only members who are present throughout the hearing of a matter shall participate in making the Tribunal's decision about it. 2000, c. 26, Sched. F, s. 5.

Expert assistance

6. The Tribunal may appoint from time to time one or more persons having technical or special knowledge of any matter to inquire into and report to the Tribunal and to assist the Tribunal in any capacity in respect of any matter before it. 2000, c. 26, Sched. F, s. 6.

Tribunal may appoint class representative

7. For the purpose of a proceeding before the Tribunal, the Tribunal may appoint from among a class of parties to the proceeding having, in the opinion of the Tribunal, a common interest, a person to represent that class in the proceeding, but any other member of the class for which such appointment was made may, with the consent of the Tribunal, take part in the proceeding despite the appointment. 2000, c. 26, Sched. F, s. 7.

Non-compellability

8. No member or appointee of the Tribunal or employee in the Tribunal shall be required to testify in any proceeding with regard to information obtained by him or her in the discharge of duties as a member, appointee or employee. 2009, c. 33, Sched. 2, s. 29.

Protection from personal liability

8.1 (1) No action or other proceeding shall be instituted against a member of the Tribunal, an employee in the Tribunal or any other public servant employed under Part III of the Public Service of Ontario Act, 2006 who is acting under the direction of a member of the Tribunal as a result of any act done in good faith in the performance or intended performance of any duty under any Act or in the exercise or intended exercise of any power under any Act, or of any alleged neglect or default in the performance or exercise in good faith of such duty or power. 2009, c. 33, Sched. 2, s. 29.

Exception

(2) Subsection (1) does not apply in the case of an application for judicial review or an action or proceeding that is specifically provided for under an Act with respect to a person referred to in that subsection. 2009, c. 33, Sched. 2, s. 29.

Crown liability

(3) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the Proceedings Against the Crown Act, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject. 2009, c. 33, Sched. 2, s. 29.

Inspection of premises

9. (1) For the purposes relevant to the subject-matter of a hearing, the Tribunal, its employees and appointees may enter and inspect any land or premises other than a dwelling at any reasonable time. 2000, c. 26, Sched. F, s. 9 (1).

Identification

(2) On the request of an owner or occupier of the land or premises, a person who exercises a power conferred under subsection (1) shall identify himself or herself and shall explain the purpose of the entry. 2000, c. 26, Sched. F, s. 9 (2).

10.-14. Omitted (amends or repeals other Acts). 2000, c. 26, Sched. F, ss. 10-14.

15.-17. Omitted (provides for transition). 2000, c. 26, Sched. F, ss. 15-17.

18. Omitted (provides for coming into force of provisions of this Act). 2000, c. 26, Sched. F, s. 18.

19. Omitted (enacts short title of this Act). 2000, c. 26, Sched. F, s. 19.
