

Transboundary Pollution Reciprocal Access Act

R.S.O. 1990, CHAPTER T.18

Consolidation Period: From December 31, 1990 to the e-Laws currency date.

No amendments.

Definitions

1. In this Act,

“person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government in its private or public capacity, governmental subdivision or agency, or any other legal entity; (“personne”)

“reciprocating jurisdiction” means a state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States of America, or a province or territory of Canada, which has enacted this Act or provides substantially equivalent access to its courts and administrative agencies. (“territoire accordant la réciprocité”) R.S.O. 1990, c. T.18, s. 1.

Forum

2. An action or other proceeding for injury or threatened injury to property or person in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Ontario may be brought in Ontario. R.S.O. 1990, c. T.18, s. 2.

Right to relief

3. A person in a reciprocating jurisdiction who suffers or is threatened with injury or whose property in a reciprocating jurisdiction suffers or is threatened with injury caused by pollution originating, or that may originate, in Ontario has the same rights to relief with respect to the injury or threatened injury, and may enforce those rights in Ontario, as if the injury or threatened injury occurred in Ontario. R.S.O. 1990, c. T.18, s. 3.

Applicable law

4. The law to be applied in an action or other proceeding brought under this Act, including what constitutes pollution, is the law of Ontario excluding choice of law rules. R.S.O. 1990, c. T.18, s. 4.

Equality of rights

5. This Act does not accord a person injured or threatened with injury in another jurisdiction any rights superior to those that the person would have if injured or threatened with injury in Ontario. R.S.O. 1990, c. T.18, s. 5.

Right additional to those now existing

6. The right provided in this Act is in addition to and not in derogation of any other rights. R.S.O. 1990, c. T.18, s. 6.

Act binds Crown

7. This Act binds the Crown in right of Ontario only to the extent that the Crown would be bound if the person were injured or threatened with injury in Ontario. R.S.O. 1990, c. T.18, s. 7.

Regulations

8. Despite the definition of “reciprocating jurisdiction”, the Lieutenant Governor in Council may by regulation declare a jurisdiction to be a reciprocating jurisdiction for the purposes of this Act. R.S.O. 1990, c. T.18, s. 8.

Uniformity of application and construction

9. This Act shall be applied and construed to carry out its general purpose to make uniform the law with respect to the subject of this Act among jurisdictions enacting it. R.S.O. 1990, c. T.18, s. 9.

Français

[Back to top](#)