

Ministry of Tourism and Recreation Act

R.S.O. 1990, CHAPTER M.35

Consolidation Period: From May 18, 2010 to the [e-Laws currency date](#).

Last amendment: 2010, c. 1, Sched. 19.

Legislative History: 1993, c. 27, Sched.; 2006, c. 35, Sched. C, s. 83; 2006, c. 9, Sched. N, s. 5, 6; 2009, c. 33, Sched. 24, s. 2; 2010, c. 1, Sched. 19.

Definitions

1 In this Act,

“Deputy Minister” means the Deputy Minister of Tourism and Recreation; (“sous-ministre”)

“Minister” means the Minister of Tourism and Recreation; (“ministre”)

“Ministry” means the Ministry of Tourism and Recreation. (“ministère”) R.S.O. 1990, c. M.35, s. 1.

Ministry continued

2 The ministry of the public service known in English as the Ministry of Tourism and Recreation and in French as ministère du Tourisme et des Loisirs is continued. R.S.O. 1990, c. M.35, s. 2.

Minister to have charge

3 The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry. R.S.O. 1990, c. M.35, s. 3.

Objectives of Ministry

4 The Ministry shall,

- (a) promote tourism and recreation in Ontario to residents of Ontario and other jurisdictions;
- (b) cause the Ministry to stimulate employment and income opportunities through the effective development of tourism and recreation;
- (c) encourage and support the use of parks, tourist facilities and attractions in Ontario;
- (d) ensure that adequate opportunities are available to all residents of Ontario to pursue recreational, sports and fitness activities appropriate to their needs and interests;
- (e) provide recreational, sports and fitness resources to municipalities and to provincial recreational and sports organizations; and
- (f) encourage and promote improvement in the standards of accommodation, facilities and services offered to the travelling and vacationing public. R.S.O. 1990, c. M.35, s. 4.

Administration of Acts

5 The Minister is responsible for the administration of this Act and the Acts that are assigned to the Minister by the Legislature or by the Lieutenant Governor in Council. R.S.O. 1990, c. M.35, s. 5.

Deputy Minister

6 (1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Tourism and Recreation who shall be the deputy head of the Ministry. R.S.O. 1990, c. M.35, s. 6 (1).

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate. R.S.O. 1990, c. M.35, s. 6 (2).

Employment of persons outside Ontario

7 (1) For the purpose of exercising any of his or her powers or carrying out any of his or her duties and functions, the Minister may employ a person who resides outside of Ontario in the service of the Crown in the country, territory or province in which the person resides. R.S.O. 1990, c. M.35, s. 7 (1).

Not an employee of the Crown

(2) A person employed under subsection (1) is not and shall not be deemed to be an employee of the Crown. 2006, c. 35, Sched. C, s. 83.

Section Amendments with date in force (d/m/y)

2006, c. 35, Sched. C, s. 83 - 20/08/2007

Delegation of powers and duties

8 (1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation. R.S.O. 1990, c. M.35, s. 8 (1).

Contracts and agreements

(2) Despite the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister. R.S.O. 1990, c. M.35, s. 8 (2).

Protection from personal liability

9 (1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty. R.S.O. 1990, c. M.35, s. 9 (1).

Crown liability

(2) 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 a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted. R.S.O. 1990, c. M.35, s. 9 (2).

Inspection of financial records

10 (1) The Minister may, on request, inspect any document or record relating to financial assistance given by the Ministry and may require the recipient of financial assistance to prepare and submit a financial statement setting out the details of the disposition of the assistance. R.S.O. 1990, c. M.35, s. 10 (1).

Offence

(2) No person shall obstruct the Minister or a person acting under the Minister's authority in an inspection under this section. R.S.O. 1990, c. M.35, s. 10 (2).

Penalty

(3) Every person who knowingly contravenes subsection (2) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. R.S.O. 1990, c. M.35, s. 10 (3).

Idem

(4) Despite subsection (3), where a corporation is convicted of an offence under subsection (3) the maximum penalty that may be imposed upon the corporation is \$50,000. R.S.O. 1990, c. M.35, s. 10 (4).

Seal

11 (1) The Lieutenant Governor in Council may authorize a seal for the Ministry. R.S.O. 1990, c. M.35, s. 11 (1).

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed. R.S.O. 1990, c. M.35, s. 11 (2).

Transfer of St. Clair Parks Commission lands

11.1 (1) Where real property is transferred to a transferee under an agreement to transfer under clause 3.1 (1) (a) of the *St. Clair Parks Commission Act, 2000*, that transferee shall not subsequently transfer the property unless,

- (a) the agreement to transfer allows the subsequent transfer; or
- (b) the Minister approves the subsequent transfer. 2006, c. 9, Sched. N, s. 5.

Same

(2) A transfer by a transferee to which subsection (1) applies that does not meet the condition set out in clause (1) (a) or (b) is null and void. 2006, c. 9, Sched. N, s. 5.

Section Amendments with date in force (d/m/y)

2006, c. 9, Sched. N, s. 5 - 18/05/2006

Regional tourism funding agreements

11.2 (1) If the Lieutenant Governor in Council has made a regulation under clause 12 (b.1), the Minister may enter into funding agreements with regional tourism organizations responsible for the promotion of tourism in a tourism region established under clause 12 (h). 2010, c. 1, Sched. 19, s. 1.

Grants

(2) If the Minister has entered into a funding agreement with a regional tourism organization under this section, the Minister may make grants to the tourism organization in accordance with the agreement. 2010, c. 1, Sched. 19, s. 1.

Same, amount

(3) Subject to subsection (4), the amount of a grant under a funding agreement with a regional tourism organization under this section, in respect of each fiscal year of the Province of Ontario, is the total amount of tax collected under section 2.1.1 of the *Retail Sales Tax Act* in that fiscal year within the tourism region. 2010, c. 1, Sched. 19, s. 1.

Same, reduction

(4) The amount of the grant shall be reduced to offset the administration costs incurred in connection with the collection and administration of the tax mentioned in subsection (3). 2010, c. 1, Sched. 19, s. 1.

Notice of reduction

(5) In accordance with a regulation made under clause 12 (b.1), the Minister shall give a regional tourism organization notice in writing of the amount or rate of the reduction mentioned in subsection (4). 2010, c. 1, Sched. 19, s. 1.

Charge on Consolidated Revenue Fund

(6) The monies payable under a funding agreement under this section are a charge on and are payable out of the Consolidated Revenue Fund. 2010, c. 1, Sched. 19, s. 1.

Section Amendments with date in force (d/m/y)

2010, c. 1, Sched. 19, s. 1 - 18/05/2010

Regulations

12 The Lieutenant Governor in Council may make regulations,

- (a) providing for and authorizing the conduct of recreational programs in municipalities and territories without municipal organization, by municipal corporations, local services boards, non-profit corporations, school boards, bands as defined in the *Indian Act* (Canada) and other persons;
- (b) providing for programs of financial assistance for the objectives of this Act;
- (b.1) governing funding agreements for the purposes of section 11.2;

- (c) prescribing conditions, one of which may be the approval of the Minister, governing grants of financial assistance;
- (d) authorizing the payment, with the approval of the Minister, and fixing the amounts of financial assistance by way of special grants for recreational programs;
- (e) providing for the recovery of financial assistance given by the Ministry and prescribing the circumstances and manner in which any such recovery may be made;
- (f) governing the granting, issue and form of certificates recognizing levels of experience in recreation;
- (g) addressing transitional or other issues arising as a result of the repeal of the *St. Clair Parks Commission Act, 2000*;
- (h) establishing geographic boundaries of tourism regions within the province. R.S.O. 1990, c. M.35, s. 12; 1993, c. 27, Sched.; 2006, c. 9, Sched. N, s. 6; 2009, c. 33, Sched. 24, s. 2; 2010, c. 1, Sched. 19, s. 2.

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991

2006, c. 9, Sched. N, s. 6 - 10/10/2008

2009, c. 33, Sched. 24, s. 2 - 15/12/2009

2010, c. 1, Sched. 19, s. 2 - 18/05/2010

Annual report

13 The Minister shall in each year submit to the Lieutenant Governor in Council a report of the proceedings of the Ministry during the next preceding fiscal year, and such report shall be laid before the Assembly forthwith, but if the Legislature is not at the time in session, then within thirty days after the commencement of the next session. R.S.O. 1990, c. M.35, s. 13.

Français

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