

Ministry of Natural Resources Act

R.S.O. 1990, CHAPTER M.31

Consolidation Period: From May 17, 2017 to the [e-Laws currency date](#).

Last amendment: 2017, c. 8, Sched. 17, s. 1-3.

Legislative History: 2006, c. 9, Sched. G; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 35, Sched. C, s. 78; 2009, c. 12, Sched. L, s. 6; 2017, c. 8, Sched. 17, s. 1-3.

Definitions

1 In this Act,

“Commissioner” means the Mining and Lands Commissioner; (“commissaire”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “Commissioner” in section 1 of the Act is repealed. (See: 2017, c. 8, Sched. 17, s. 1 (1))

“deputy commissioner” means a deputy mining and lands commissioner; (“commissaire adjoint”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “deputy commissioner” in section 1 of the Act is repealed. (See: 2017, c. 8, Sched. 17, s. 1 (1))

“Deputy Minister” means the Deputy Minister of Natural Resources; (“sous-ministre”)

“Minister” means the Minister of Natural Resources; (“ministre”)

“Ministry” means the Ministry of Natural Resources. (“ministère”) R.S.O. 1990, c. M.31, s. 1.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by adding the following definition: (See: 2017, c. 8, Sched. 17, s. 1 (2))

“Tribunal” means the Mining and Lands Tribunal continued under section 6. (“Tribunal”)

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

2017, c. 8, Sched. 17, s. 1 (1, 2) - not in force

Duties of Minister

2 The Minister is responsible for the administration of this Act and any other Acts that are assigned to him or her by the Acts or by the Lieutenant Governor in Council. R.S.O. 1990, c. M.31, s. 2.

Ministry continued

3 The ministry of the public service known in English as the Ministry of Natural Resources and in French as ministère des Richesses naturelles is continued. R.S.O. 1990, c. M.31, s. 3.

Minister to have charge

4 The Minister shall preside over and have charge of the Ministry. R.S.O. 1990, c. M.31, s. 4.

Staff

5 (1) There shall be,

- (a) a Deputy Minister of Natural Resources who shall be the deputy head of the Ministry;
- (b) a Surveyor General who shall be appointed by the Lieutenant Governor in Council and who shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as are assigned by the Lieutenant Governor in Council or by the Minister. R.S.O. 1990, c. M.31, s. 5 (1).

Idem

(2) Such employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under Part III of the *Public Service of Ontario Act, 2006*. R.S.O. 1990, c. M.31, s. 5 (2); 2006, c. 35, Sched. C, s. 78.

Protection from personal liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Commissioner, a deputy commissioner, or any employee of the Ministry or anyone acting under his or her authority for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of his or her duty. R.S.O. 1990, c. M.31, s. 5 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (3) of the Act is amended by striking out “the Commissioner, a deputy commissioner”. (See: 2017, c. 8, Sched. 17, s. 2)

Liability of Crown

(4) Subsection (3) 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 (3) to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection (3) had not been enacted. R.S.O. 1990, c. M.31, s. 5 (4).

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

2006, c. 35, Sched. C, s. 78 - 20/08/2007

2017, c. 8, Sched. 17, s. 2 - not in force

Appointments

6 (1) The Lieutenant Governor in Council may appoint a Mining and Lands Commissioner and one or more deputy mining and lands commissioners. R.S.O. 1990, c. M.31, s. 6 (1).

Absence of Commissioner

(2) In the absence of the Commissioner, where a deputy commissioner is appointed, he or she shall perform the duties and exercise the powers of the Commissioner. R.S.O. 1990, c. M.31, s. 6 (2).

Vacancies

(3) In the case of a vacancy in the office of the Commissioner, the deputy commissioner who in point of time is senior in appointment to office shall act as the Commissioner until the vacancy is filled. R.S.O. 1990, c. M.31, s. 6 (3).

Powers, etc., of tribunal

(4) Where two or more deputy commissioners are appointed, the Commissioner and two of the deputy commissioners may hear any matter, application or appeal to the Commissioner as a tribunal of three and a hearing by the tribunal shall be deemed to be a hearing before the Commissioner and the decision of the majority shall be the decision of the tribunal. R.S.O. 1990, c. M.31, s. 6 (4).

Seal

(5) The Commissioner shall have a seal of office but no document executed by the Commissioner is invalid by reason of the failure to affix the seal thereto. R.S.O. 1990, c. M.31, s. 6 (5).

Regulations

(6) The Lieutenant Governor in Council may make regulations,

- (a) establishing the rules of practice and procedure before the Commissioner or any tribunal provided for in subsection (4);
- (b) assigning to the Commissioner authorities, powers and duties of the Minister. R.S.O. 1990, c. M.31, s. 6 (6).

Application of *Mining Act*, Part VI

(7) Part VI of the *Mining Act* applies with necessary modifications to the exercise of authorities, powers and duties assigned to the Commissioner under clause (6) (b). R.S.O. 1990, c. M.31, s. 6 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 6 of the Act is repealed and the following substituted: (See: 2017, c. 8, Sched. 17, s. 3)

Mining and Lands Tribunal

6 (1) The office of the Mining and Lands Commissioner is hereby continued as a tribunal known in English as the Mining and Lands Tribunal and in French as Tribunal des mines et des terres. 2017, c. 8, Sched. 17, s. 3.

Members of Tribunal

(2) The Tribunal shall be composed of not fewer than two members who shall be appointed by the Lieutenant Governor in Council. 2017, c. 8, Sched. 17, s. 3.

Chair

(3) The Lieutenant Governor in Council shall designate a chair, and may designate an alternate chair, from among the members of the Tribunal. 2017, c. 8, Sched. 17, s. 3.

Absence of chair

(4) If the chair is absent or unable to act or if there is a vacancy in the office of the chair, the alternate chair shall act as chair and shall have all the powers and duties of the chair. 2017, c. 8, Sched. 17, s. 3.

Duties

(5) The Tribunal shall hold the hearings and perform the other duties that are assigned to it by or under this Act or any other Act. 2017, c. 8, Sched. 17, s. 3.

Powers

(6) The Tribunal has all the powers that are necessary or expedient for carrying out the duties referred to in subsection (5) and has such other powers as may be assigned to it under any Act. 2017, c. 8, Sched. 17, s. 3.

Hearings

(7) A hearing by the Tribunal shall be heard and determined by a panel consisting of one or more members of the Tribunal, as assigned by the chair of the Tribunal. 2017, c. 8, Sched. 17, s. 3.

Regulations

(8) The Lieutenant Governor in Council may make regulations,

- (a) establishing the rules of practice and procedure before the Tribunal;
- (b) assigning to the Tribunal authorities, powers and duties of the Minister. 2017, c. 8, Sched. 17, s. 3.

Application of *Mining Act*, Part VI

(9) Part VI of the *Mining Act* applies with necessary modifications to the exercise of authorities, powers and duties assigned to the Tribunal under clause (8) (b). 2017, c. 8, Sched. 17, s. 3.

Protection from personal liability: members

(10) No action or other proceeding shall be instituted against a member of the Tribunal for any act done in good faith in the performance or intended performance of his or her duties or for any neglect or default in the performance in good faith of his or her duties. 2017, c. 8, Sched. 17, s. 3.

Same

(11) Subsection (10) does not relieve the Tribunal of any liability to which it would otherwise be subject. 2017, c. 8, Sched. 17, s. 3.

Transition

(12) Any matter that has been brought before the Commissioner before the day that section 3 of Schedule 17 to the *Stronger, Healthier Ontario Act (Budget Measures), 2017* comes into force shall be continued before the Tribunal, starting at the same stage of proceedings as it left off before the Commissioner. 2017, c. 8, Sched. 17, s. 3.

Same, regulations

(13) The Lieutenant Governor in Council may make regulations respecting transitional matters relating to the continuation of the office of the Mining and Lands Commissioner as the Mining and Lands Tribunal including regulations,

- (a) relating to the composition and members of the Tribunal;
- (b) respecting matters and proceedings referred to in subsection (12) and clarifying the application of that subsection;
- (c) governing any other matter necessary or advisable for the continuation of the Tribunal. 2017, c. 8, Sched. 17, s. 3.

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

2017, c. 8, Sched. 17, s. 3 - not in force

Delegation of powers and duties

7 (1) The Minister may authorize the Deputy Minister or any other employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act. R.S.O. 1990, c. M.31, s. 7 (1).

Limitations

(2) The Minister may limit an authorization made under subsection (1) in such manner as he or she considers advisable. R.S.O. 1990, c. M.31, s. 7 (2).

Deeds and contracts

(3) Section 6 of the *Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection (1). R.S.O. 1990, c. M.31, s. 7 (3).

Contracts

8 The Minister may enter into a contract in respect of any matter that is under his or her administration under this or any other Act. R.S.O. 1990, c. M.31, s. 8.

Facsimile signatures

9 (1) The Minister may authorize the use of a facsimile of his or her signature and the Deputy Minister may authorize the use of a facsimile of his or her signature on any document except an affidavit or a statutory declaration. R.S.O. 1990, c. M.31, s. 9 (1).

Idem

(2) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection (1) shall be deemed to be the signature of the Minister or the Deputy Minister, as the case requires. R.S.O. 1990, c. M.31, s. 9 (2).

Seal

10 (1) The Lieutenant Governor in Council may authorize a seal for the Ministry. R.S.O. 1990, c. M.31, s. 10 (1).

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed. R.S.O. 1990, c. M.31, s. 10 (2).

Officers authorized to take affidavits

11 Affidavits or statutory declarations required under any Act administered by the Minister or intended to be used in reference to any claim, business or transaction in the Ministry or in respect of which the Ministry is interested or which affects the revenue of Ontario, under the control of the Ministry, may be taken before any person having authority to administer oaths or before a local registrar of the Superior Court of Justice, or before the Minister or Deputy Minister, or before any person appointed for that purpose by the Minister or Deputy Minister, or before an Ontario land surveyor appointed by the Minister or Deputy Minister to inquire into, take evidence in or report upon any matter pending in the Ministry. R.S.O. 1990, c. M.31, s. 11; 2006, c. 19, Sched. C, s. 1 (1).

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

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

Certified copy of instrument to be evidence

12 A copy of an instrument made or issued under the hand of the Minister or Deputy Minister or of any officer of the Ministry under the authority of any Act administered by the Minister or under the authority of the regulations made under those Acts, purporting to be certified by the Minister, Deputy Minister or officer as a true copy of such instrument is receivable in evidence in any action, prosecution or other proceeding as proof, in the absence of evidence to the contrary, of the instrument and its contents without proof of the signature or official position of the person purporting to have made the certificate. R.S.O. 1990, c. M.31, s. 12.

Advisory committees

13 Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint the chairs and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairs and members of such committees and sub-committees. R.S.O. 1990, c. M.31, s. 13.

Establishment of programs

13.1 (1) The Minister may establish programs to promote and stimulate the development and management of natural resources in Ontario. 2006, c. 9, Sched. G, s. 1.

Program may give grants

(2) A program established by the Minister under subsection (1) may promote and stimulate the development or management of natural resources in Ontario by providing financial assistance by way of a grant, on such conditions as the Minister may consider advisable. 2006, c. 9, Sched. G, s. 1.

Grants to be approved by Minister of Finance

(3) No grant under subsection (2) may be made to any person without the prior approval of the Minister of Finance. 2006, c. 9, Sched. G, s. 1.

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

2006, c. 9, Sched. G, s. 1 - 18/05/2006

Information relating to renewable energy projects

13.2 The Minister may require that the proponent of a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, provide to the Minister the information or studies that the Minister considers necessary before the Minister issues a permit or approval under an Act for whose administration the Minister is responsible under the *Executive Council Act*. 2009, c. 12, Sched. L, s. 6.

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

2009, c. 12, Sched. L, s. 6 - 14/05/2009

Annual report

14 The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1990, c. M.31, s. 14.

Français

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