

Provincial Parks and Conservation Reserves Act, 2006

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Purpose, Objectives, Management Principles and Interpretation

Purpose

1. The purpose of this Act is to permanently protect a system of provincial parks and conservation reserves that includes ecosystems that are representative of all of Ontario's natural regions, protects provincially significant elements of Ontario's natural and cultural heritage, maintains biodiversity and provides opportunities for compatible, ecologically sustainable recreation. 2006, c. 12, s. 1.

Objectives

Objectives: provincial parks

2. (1) The following are the objectives in establishing and managing provincial parks:

1. To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario's natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained.
2. To provide opportunities for ecologically sustainable outdoor recreation opportunities and encourage associated economic benefits.
3. To provide opportunities for residents of Ontario and visitors to increase their knowledge and appreciation of Ontario's natural and cultural heritage.
4. To facilitate scientific research and to provide points of reference to support monitoring of ecological change on the broader landscape. 2006, c. 12, s. 2 (1).

Objectives: conservation reserves

(2) The following are the objectives in establishing and managing conservation reserves:

1. To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario's natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained.
2. To provide opportunities for ecologically sustainable land uses, including traditional outdoor heritage activities and associated economic benefits.
3. To facilitate scientific research and to provide points of reference to support monitoring of ecological change on the broader landscape. 2006, c. 12, s. 2 (2).

Planning and management principles

3. The following principles shall guide all aspects of the planning and management of Ontario's system of provincial parks and conservation reserves:

1. Maintenance of ecological integrity shall be the first priority and the restoration of ecological integrity shall be considered.
2. Opportunities for consultation shall be provided. 2006, c. 12, s. 3.

Existing aboriginal or treaty rights

4. 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. 2006, c. 12, s. 4.

Definitions and interpretation

5. (1) In this Act,

“conservation reserve manager” means a person who is designated by the Minister to be in charge of a conservation reserve; (“directeur de réserve de conservation”)

“district manager” means the person in charge of the administrative district of the Ministry of Natural Resources in which a conservation reserve is situate; (“chef de district”)

“First Nation” means a band as defined in the Indian Act (Canada); (“Première Nation”)

“Minister” means the Minister of Natural Resources or any other member of the Executive Council to whom the administration of this Act is assigned under the Executive Council Act; (“ministre”)

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

“officer” includes a conservation officer, a park warden designated under section 12, a park ranger, a district manager, a conservation reserve manager, a superintendent and an assistant superintendent designated under section 12; (“agent”)

“public lands” means lands belonging to Her Majesty in right of Ontario, whether or not covered with water; (“terres publiques”)

“regulations” means the regulations made under this Act; (“règlements”)

“road” means a highway as defined in the Highway Traffic Act; (“route”)

“superintendent” means a person who is designated by the Minister as a superintendent to have charge of a provincial park; (“directeur”)

“vehicle” includes a motor vehicle as defined in the Highway Traffic Act, a motorized snow vehicle as defined in the Motorized Snow Vehicles Act and an off-road vehicle as defined in the Off-Roads Vehicles Act. (“véhicule”) 2006, c. 12, s. 5 (1); 2009, c. 33, Sched. 22, s. 9 (1).

Ecological integrity

(2) Ecological integrity refers to a condition in which biotic and abiotic components of ecosystems and the composition and abundance of native species and biological communities are characteristic of their natural regions and rates of change and ecosystem processes are unimpeded. 2006, c. 12, s. 5 (2).

Same

(3) For the purpose of subsection (2), ecological integrity includes, but is not limited to,

(a) healthy and viable populations of native species, including species at risk, and maintenance of the habitat on which the species depend; and

(b) levels of air and water quality consistent with protection of biodiversity and recreational enjoyment. 2006, c. 12, s. 5 (3).

Continuation and Creation of Provincial Parks and Conservation Reserves and Classification of Provincial Parks

Parks dedicated to the public

6. Ontario’s provincial parks and conservation reserves are dedicated to the people of Ontario and visitors for their inspiration, education, health, recreational enjoyment and other benefits with the intention that these areas shall be managed to maintain their ecological integrity and to leave them unimpaired for future generations. 2006, c. 12, s. 6.

Existing parks and conservation reserves continued

7. All provincial parks and conservation reserves in existence when this Act is proclaimed in force shall continue to be reserved, set apart and known as provincial parks or conservation reserves, as the case may be. 2006, c. 12, s. 7.

Classification of provincial parks

8. (1) The Lieutenant Governor in Council may classify provincial parks in one of the following classes:

1. Wilderness Class Parks.
2. Nature Reserve Class Parks.
3. Cultural Heritage Class Parks.
4. Natural Environment Class Parks.
5. Waterway Class Parks.
6. Recreational Class Parks. 2006, c. 12, s. 8 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2006, chapter 12, subsection 57 (1) by adding the following paragraph:

7. Aquatic class parks.

See: 2006, c. 12, ss. 57 (1), 67 (2).

Objectives: wilderness class parks

(2) The objective of wilderness class parks is to protect large areas where the forces of nature can exist freely and visitors travel by non-mechanized means, except as may be permitted by regulation, while engaging in low-impact recreation to experience solitude, challenge and integration with nature. 2006, c. 12, s. 8 (2).

Objectives: nature reserve class parks

(3) The objectives of nature reserve class parks are to protect representative ecosystems and provincially significant elements of Ontario's natural heritage, including distinctive natural habitats and landforms, for their intrinsic value, to support scientific research and to maintain biodiversity. 2006, c. 12, s. 8 (3).

Objectives: cultural heritage class parks

(4) The objective of cultural heritage class parks is to protect elements of Ontario's distinctive cultural heritage in open space settings for their intrinsic value and to support interpretation, education and research. 2006, c. 12, s. 8 (4).

Objectives: natural environment class parks

(5) The objectives of natural environment class parks are to protect outstanding recreational landscapes, representative ecosystems and provincially significant elements of Ontario's natural and cultural heritage and to provide high quality recreational and educational experiences. 2006, c. 12, s. 8 (5).

Objectives: waterway class parks

(6) The objectives of waterway class parks are to protect recreational water routes and representative and significant terrestrial and aquatic ecosystems and associated natural and cultural features and to provide high quality recreational and educational experiences. 2006, c. 12, s. 8 (6).

Objectives: recreational class parks

(7) The objective of recreational class parks is to provide a wide variety of compatible outdoor recreation opportunities in attractive natural surroundings. 2006, c. 12, s. 8 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 8 is amended by the Statutes of Ontario, 2006, chapter 12, subsection 57 (2) by adding the following subsection:

Objectives: aquatic class parks

(8) The objectives of aquatic class parks are to protect aquatic ecosystems and associated natural and cultural features for their intrinsic value, to support scientific research and to maintain biodiversity. 2006, c. 12, s. 57 (2).

See: 2006, c. 12, ss. 57 (2), 67 (2).

New parks and conservation reserves

9. (1) The Lieutenant Governor in Council may by order set apart as a provincial park or a conservation reserve any area in Ontario, may decrease or increase the area of any provincial park or conservation reserve and may prescribe the boundaries of any provincial park or conservation reserve. 2006, c. 12, s. 9 (1).

Acquisition of land

(2) Land may be acquired under the Ministry of Infrastructure Act, 2011 for the purposes of this Act. 2006, c. 12, s. 9 (2); 2011, c. 9, Sched. 27, s. 37.

Disposition of land, less than 1 per cent of the area

(3) The Lieutenant Governor in Council may by order dispose of an area of a provincial park or conservation reserve that is less than 50 hectares or less than 1 per cent of the total area of the provincial park or conservation reserve, whichever is the lesser. 2006, c. 12, s. 9 (3).

Disposition of land, 1 per cent or more of area

(4) The Lieutenant Governor in Council may not order the disposition of an area of a provincial park or conservation reserve that is 50 hectares or more or 1 per cent or more of the total area of the provincial park or conservation reserve, unless,

(a) the Minister first reports on the proposed disposition to the Assembly;

(b) the Minister tables the proposed new boundaries of the provincial park or conservation reserve with the Assembly; and

(c) the Assembly endorses the proposed new boundaries of the provincial park or conservation reserve. 2006, c. 12, s. 9 (4).

Exception

(5) Despite subsection (4), the Lieutenant Governor in Council may order the disposition of an area of a provincial park or conservation reserve that is 50 hectares or more or 1 per cent or more of the total area of the provincial park or conservation reserve if,

(a) the disposition is made as part of a settlement of a claim in respect of aboriginal rights;

(b) the land being disposed of is being added to a national park under the Canada National Parks Act or a marine conservation area under the Canada National Marine Conservation Areas Act; or

(c) the disposition is being made as part of a transaction that increases the size of the provincial park or conservation reserve and enhances ecological integrity. 2006, c. 12, s. 9 (5).

Restriction in Far North

(6) Despite subsections (1) to (5), the Lieutenant Governor in Council may make an order decreasing the area of a provincial park or conservation reserve, where the area to be decreased is located in the Far North and is located in whole or in part in a planning area only if,

(a) a replacement area of equal or increased size is designated as a protected area in a community based land use plan or the order is conditional on there being a replacement area of equal or increased size designated as a protected area in a community based land use plan;

(b) the replacement area described in clause (a) contributes to the protection of areas of cultural value in the Far North and the protection of ecological systems in the Far North; and

(c) before making the order, the Lieutenant Governor in Council provides notice to the public of a proposed order and provides an opportunity for the public, within the time period that the Lieutenant Governor in Council specifies, to provide written comments on the proposed order. 2010, c. 18, s. 24.

Discretion to make order

(7) Upon complying with subsection (6), the Lieutenant Governor in Council may make an order under that subsection with the changes, if any, from the proposed order mentioned in clause (6) (c) that the Lieutenant Governor in Council considers appropriate. 2010, c. 18, s. 24.

Definitions

(8) In subsection (6),

“community based land use plan”, “Far North”, “planning area” and “protected area” have the same meaning as in the Far North Act, 2010. (“plan communautaire d’aménagement du territoire”, “Grand Nord”, “zone d’aménagement”, “zone protégée”) 2010, c. 18, s. 24.

Provincial Park and Conservation Reserve Planning and Reporting

Provincial park and conservation reserve planning

Management direction

10. (1) The Minister shall ensure that the Ministry prepares a management direction that applies to each provincial park and conservation reserve. 2012, c. 8, Sched. 48, s. 1 (1).

Non-application

(1.1) Subsection (1) does not apply with respect to a provincial park or a conservation reserve for which a management direction is deemed to have been approved under this section. 2012, c. 8, Sched. 48, s. 1 (1).

Application to more than one provincial park or conservation reserve

(2) A management direction may apply to one or more provincial parks, one or more conservation reserves or to a combination of provincial parks and conservation reserves. 2006, c. 12, s. 10 (2).

Management direction, approval and contents

(3) A management direction,

(a) shall be approved by the Minister;

(b) shall identify site specific management policies for a provincial park or conservation reserve; and

(c) may include a management statement or a management plan. 2006, c. 12, s. 10 (3); 2012, c. 8, Sched. 48, s. 1 (2).

Management statement

(4) A management statement is a document approved by the Minister that provides a policy and resource management framework that addresses a limited number of non-complex issues or proposals or both for limited capital infrastructure or resource management projects for one or more provincial parks or conservation reserves or for a combination of them. 2006, c. 12, s. 10 (4).

Management plan

(5) A management plan is a document approved by the Minister that provides a policy and resource management framework that addresses substantial and complex issues or proposals or both for substantial capital infrastructure or resource management projects for one or more provincial parks or conservation reserves or for a combination of them. 2006, c. 12, s. 10 (5).

Process

(6) During the process for producing and amending a management statement or for amending a management plan, there shall be at least one opportunity for public consultation and during the multi-stage process for producing a management plan, there shall be more than one opportunity for public consultation. 2012, c. 8, Sched. 48, s. 1 (3).

Examination of management directions

(7) The Ministry shall examine, in an order determined by the Ministry, management directions that have been in place for 20 years or more to determine the need for amendment or replacement of the directions. 2012, c. 8, Sched. 48, s. 1 (4).

Posting of results of examination

(8) The results of the examination of management directions under subsection (7) shall be posted in the registry established under the Environmental Bill of Rights, 1993 or made available for public information by other appropriate means. 2006, c. 12, s. 10 (8).

Requirement for planning manual

(9) The Minister shall require that the Ministry prepare and make public, by the second anniversary of the day this section is proclaimed in force, a planning manual to guide the preparation of management statements and management plans for provincial parks and conservation reserves. 2006, c. 12, s. 10 (9).

Existing management plans, etc.

(10) For the purpose of this section, management plans and interim management statements for provincial parks and statements of conservation interest and resource management plans for conservation reserves that exist on the day that this section is proclaimed in force shall be deemed to be approved management directions. 2006, c. 12, s. 10 (10).

Reporting on provincial parks and conservation reserves

11. (1) The Minister shall report publicly on the state of the provincial park and conservation reserve system. 2006, c. 12, s. 11 (1).

Report contents

(2) The report shall provide, but shall not be limited to, a broad assessment of the extent to which the objectives of provincial parks and conservation reserves, as set out in this Act, are being achieved, including ecological and socio-economic conditions and benefits, the degree of ecological representation, number and area of provincial parks and conservation reserves, known threats to ecological integrity of provincial parks and conservation reserves and their ecological health and socio-economic benefits. 2006, c. 12, s. 11 (2).

Timing of reports

(3) The Minister shall begin reporting on the system no later than by the fifth anniversary of the day this section is proclaimed in force and all components of the report shall be reported on at least once every 10 years on a schedule to be determined by the Minister. 2006, c. 12, s. 11 (3); 2012, c. 8, Sched. 48, s. 2.

Posting of reports

(4) The reports shall be posted in the registry established under the Environmental Bill of Rights, 1993 or made available for public information by other appropriate means. 2006, c. 12, s. 11 (4).

Administration and Land Use

Administration

12. (1) The Minister is responsible for the control and management of provincial parks and conservation reserves and shall designate a superintendent to have charge of each provincial park and a district manager or conservation reserve manager to have charge of each conservation reserve. 2006, c. 12, s. 12 (1).

Assistant superintendent

(1.1) The Minister may designate an assistant superintendent who, in the absence of a superintendent, may exercise the powers of a superintendent and shall perform the duties of a superintendent. 2009, c. 33, Sched. 22, s. 9 (2).

Park warden

(1.2) The Minister may designate a person or class of persons as park wardens for the purpose of this Act and the regulations. 2009, c. 33, Sched. 22, s. 9 (2).

Zoning in provincial parks and conservation reserves

(2) As part of the approval of a management direction, the Minister may define areas on maps or plans of provincial parks or conservation reserves as zones and may prescribe or approve policies that apply to the zones. 2006, c. 12, s. 12 (2).

Exception

(3) Despite subsection (2), hunting in a conservation reserve shall not be constrained by zoning but may be restricted solely in accordance with subsection 15 (3). 2006, c. 12, s. 12 (3).

Use and occupation of land

13. (1) Land in provincial parks and conservation reserves shall be used and occupied in accordance with this Act and the regulations. 2006, c. 12, s. 13 (1).

Prohibition

(2) No person shall use or occupy land in a provincial park or conservation reserve except in accordance with this Act and the regulations. 2006, c. 12, s. 13 (2).

Leasing, etc., of lands

14. (1) Subject to this Act and the regulations, the Minister may enter into commercial agreements with respect to the use and occupation of land in provincial parks and conservation reserves. 2006, c. 12, s. 14 (1).

Leasing, etc., of land, private non-commercial purposes

(2) The Minister may lease land in a provincial park or conservation reserve or issue a land use permit or licence of occupation in respect of land in a provincial park or conservation reserve for private non-commercial purposes if the granting of the lease or the issuing of the land use permit or licence of occupation,

(a) is consistent with this Act and the regulations; and

(b) extends the term of occupation of an existing lease holder or holder of a land use permit or licence of occupation. 2006, c. 12, s. 14 (2).

New land use permits, private non-commercial purposes

(2.1) The Minister may, in the circumstances and for such term as may be prescribed by the regulations, issue land use permits in respect of land in a provincial park or conservation reserve for private non-commercial purposes if the issuing of the land use permit is consistent with this Act and the regulations. 2012, c. 8, Sched. 48, s. 3.

No renewal or extension of term

(2.2) The Minister may not renew or extend the term of a land use permit issued under subsection (2.1). 2012, c. 8, Sched. 48, s. 3.

Existing commercial agreements, etc.

(3) Commercial agreements, leases, land use permits and licences of occupation made in respect of the use or occupation of land in provincial parks or conservation reserves before this section is proclaimed in force shall continue according to their terms and shall be deemed to have been made under this Act. 2006, c. 12, s. 14 (3).

Hunting, provincial parks

15. (1) Hunting is not permitted in provincial parks unless it is allowed by regulation made under the Fish and Wildlife Conservation Act, 1997. 2006, c. 12, s. 15 (1).

Hunting, exception Algonquin Park

(2) Despite subsection (1) and the repeal of The Algonquin Provincial Park Extension Act, 1960-61, hunting is permitted on the public lands in the Geographic Townships of Bruton and Clyde that were added to Algonquin Park by section 1 of The Algonquin Provincial Park Extension Act, 1960-61. 2006, c. 12, s. 15 (2).

Hunting, conservation reserves

(3) Hunting is permitted in conservation reserves unless it is prohibited by regulation made under the Fish and Wildlife Conservation Act, 1997. 2006, c. 12, s. 15 (3).

Prohibited uses

16. (1) The following activities shall not be carried out on lands that are part of a provincial park or conservation reserve:

1. Commercial timber harvest.
2. Generation of electricity.
3. Prospecting, staking mining claims, developing mineral interests or working mines.
4. Extracting aggregate, topsoil or peat.
5. Other industrial uses. 2006, c. 12, s. 16 (1).

Definitions

(2) In this section and in sections 17 to 20,

“aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act; (“agrégats”)

“generation of electricity” means the generation of electricity through the deployment or construction of electrical energy producing devices or facilities and supporting infrastructure, including wind turbines, solar panels, pump storage facilities, reservoirs, impoundments and water control structures or weirs; (“production d’électricité”)

“minerals” means all naturally occurring metallic and non-metallic minerals, including natural gas, petroleum, coal, salt, quarry and pit material, gold, silver and all rare and precious minerals and metals, but does not include sand, gravel and peat; (“minéraux”)

“prospecting” means the investigating of, or searching for, minerals for the purpose of developing mineral interests. (“prospection”) 2006, c. 12, s. 16 (2).

Exception, commercial timber harvesting in Algonquin Provincial Park

17. (1) Despite section 16, timber may be harvested for commercial purposes in Algonquin Provincial Park in accordance with the Algonquin Forestry Authority Act, the Algonquin Provincial Park Management Plan and the Crown Forest Sustainability Act, 1994. 2006, c. 12, s. 17 (1).

Interpretation

(2) Nothing in section 16 prevents the harvesting of timber for the purposes of forest research or forest management in support of provincial park or conservation reserves objectives and consistent with this Act and the regulations. 2006, c. 12, s. 17 (2).

Charges

(3) Crown charges for timber harvested under subsection (2) may be determined by the Minister. 2006, c. 12, s. 17 (3).

Sale of timber

(4) Nothing in section 16 prevents the sale of timber harvested under subsection (2). 2006, c. 12, s. 17 (4).

Exception, oil and gas wells and aggregate pits

18. (1) Despite section 16,

(a) oil and gas wells located in a provincial park or conservation reserve on the day this section is proclaimed in force may continue to operate;

(b) oil and gas wells that are located in an area before the area becomes a provincial park or conservation reserve or a part of one may continue to operate; and

(c) aggregate pits located in provincial parks and conservation reserves that are authorized under the Aggregate Resources Act to operate on the day this section is proclaimed in force may continue in accordance with existing licences, permits or other authorizations. 2006, c. 12, s. 18 (1).

Exception, aggregate pits

(2) Nothing in section 16 prevents the use of aggregate for provincial park or conservation reserve purposes if the aggregate is produced in the provincial park or conservation reserve incidentally as a result of construction activities authorized under this Act. 2006, c. 12, s. 18 (2).

Exception, aggregate pits in Algonquin Park

(3) Despite section 16, new aggregate pits may be established in areas of Algonquin Park in accordance with the Algonquin Park Management Plan in support of forest operations if the Minister is satisfied that the Algonquin Forestry Authority,

(a) has demonstrated the need for the aggregate; and

(b) will ensure that the aggregate pits are managed so as to minimize environmental impacts and will be rehabilitated in a timely manner consistent with the objectives of this Act as applicable to the Park. 2006, c. 12, s. 18 (3).

Exception, existing hydro-electricity generation sites

19. (1) Despite section 16, facilities for the generation of electricity located in a provincial park or conservation reserve that exist on the day this section is proclaimed in force may continue to operate and be maintained and, with the approval of the Minister, may be improved, rebuilt or altered. 2006, c. 12, s. 19 (1).

Exception, not connected to IESO-controlled grid

(2) Despite section 16 and subject to the approval of the Minister, facilities for the generation of electricity may be developed in provincial parks and conservation reserves for use within communities that are not connected to the IESO-controlled grid. 2006, c. 12, s. 19 (2); 2009, c. 12, Sched. L, s. 20.

Exception, existing commitments

(3) If a facility for the generation of electricity was specifically identified in a Ministry land use plan before the site where the facility is to be located was regulated as part of a provincial park or conservation reserve, the facility may be developed subject to the approval of the Minister. 2006, c. 12, s. 19 (3).

Exception, generation for park or conservation reserve purposes

(4) Subject to the approval of the Minister and to applicable policies and management directions, a facility for the generation of electricity may be developed in a provincial park or conservation reserve to generate electricity for use for provincial park or conservation reserve purposes. 2006, c. 12, s. 19 (4).

Definitions

(5) In this section,

“IESO” means the Independent Electricity System Operator continued under Part II of the Electricity Act, 1998; (“SIERE”)

“IESO-controlled grid” means the transmission systems with respect to which, pursuant to agreements, the IESO has authority to direct operations. (“réseau dirigé par la SIERE”) 2006, c. 12, s. 19 (5).

Resource access roads and utility corridors

Resource access roads

20. (1) Subject to the policies of the Ministry and the approval of the Minister, with or without conditions, resource access roads and trails for non-provincial park and conservation reserve uses in provincial parks and conservation reserves are permitted in the following circumstances:

1. Roads and trails that are required for reasonable access to existing mining tenure or claims within a provincial park or conservation reserve or surrounded by a provincial park or conservation reserve.

2. Roads and trails that are required to access minerals or Crown timber outside of a provincial park or conservation reserve. 2006, c. 12, s. 20 (1).

Utility corridors

(2) Subject to the policies of the Ministry and the approval of the Minister, with or without conditions, utility corridors, including but not limited to utility corridors for electrical transmission lines, are permitted in provincial parks and conservation reserves. 2006, c. 12, s. 20 (2).

Conditions for approval, resource access road, etc.

(3) In addition to the conditions in section 21, in approving a resource access road or trail or a utility corridor, the Minister must be satisfied that when the road, trail or utility corridor is no longer required for the purpose for which it was approved or will not be used for a period of five years or more,

(a) the road, trail or utility corridor will be closed and effective measures will be taken to prevent its use; and

(b) rehabilitation and removal of infrastructure will be undertaken at the direction of the Minister. 2006, c. 12, s. 20 (3).

Existing roads, etc.

(4) Authorized resource access roads and trails and utility corridors in provincial parks or conservation reserves that exist on the day this section is proclaimed in force,

(a) are deemed to comply with the policies under this Act and to have the approval of the Minister; and

(b) are not subject to subsection (3). 2006, c. 12, s. 20 (4).

Expansion of existing roads, etc.

(5) Despite subsection (4), the expansion or improvement of a resource access road or trail or utility corridor that exists on the day this section is proclaimed in force is subject to the approval of the Minister. 2006, c. 12, s. 20 (5).

Definition

(6) In this section,

“resource access roads and trails” means roads or trails constructed for or used to support,

(a) timber harvest, or

(b) prospecting, staking mining claims, developing mineral interests or working mines,

but does not include roads or trails constructed for or used for recreational purposes or other resource access purposes. 2006, c. 12, s. 20 (6).

Conditions for approval

21. In approving the development of a facility for the generation of electricity under subsection 19 (2), (3) or (4) or approving a resource access road or trail or a utility corridor under section 20, the Minister must be satisfied that the following conditions are met:

1. There are no reasonable alternatives.

2. Lowest cost is not the sole or overriding justification.

3. Environmental impacts have been considered and all reasonable measures will be undertaken to minimize harmful environmental impact and to protect ecological integrity. 2009, c. 12, Sched. L, s. 21.

Work permits

22. (1) Except in accordance with the terms and conditions of a work permit issued under this Act, no person shall, in a provincial park or conservation reserve, cause or permit,

(a) the construction, expansion or placement of any building, structure or thing;

(b) the construction of any trail or road;

(c) the clearing of any land;

(d) the dredging or filling of any shore lands; or

(e) any activity permitted under section 17, 18, 19 or 20 that causes, results or is expected to result in a major disruption or impairment of the ecological integrity of a provincial park or conservation reserve. 2006, c. 12, s. 22 (1).

Same

(2) For greater certainty, a work permit is required for activities described in subsection (1) even if the lands are occupied under the authority of a lease, land use permit or a licence of occupation. 2006, c. 12, s. 22 (2).

Order to cease work

(3) An officer who finds that there is a contravention of subsection (1) may order that the activity constituting the contravention cease until a work permit authorizing the activity has been obtained. 2006, c. 12, s. 22 (3).

Daily penalty

(4) Any person who continues the activity or causes or permits the activity to be continued after an order has been made is guilty of an offence and on conviction is, in addition to any fine that may be imposed under section 52, liable to a fine of not less than \$1,000 for each day the activity is continued in contravention of the order. 2006, c. 12, s. 22 (4).

Existing work permits

(5) Work permits issued for activities in a provincial park or conservation reserve before this section is proclaimed in force shall be deemed to be work permits issued under this Act. 2006, c. 12, s. 22 (5).

Powers of Minister

Advisory committees

23. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks or conservation reserves and fix the terms of reference and procedures of such committees. 2006, c. 12, s. 23.

Agreements re powers and duties

24. (1) The Minister may enter into an agreement with any person authorizing or requiring the person to exercise any power or perform any duty that is granted to or vested in the Minister or a superintendent, district manager or conservation reserve manager under this Act. 2006, c. 12, s. 24 (1).

Exceptions

(2) Subsection (1) does not apply to the powers of the Minister under sections 25 and 28. 2006, c. 12, s. 24 (2); 2012, c. 8, Sched. 48, s. 4.

Terms and conditions

(3) An agreement under subsection (1) may contain such terms and conditions as the Minister considers appropriate. 2006, c. 12, s. 24 (3).

Deeds and contracts

(4) Section 6 of the Executive Council Act does not apply to a deed or contract that is executed under an agreement made under subsection (1). 2006, c. 12, s. 24 (4).

Gifts

25. (1) The Minister may receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest in property, to support research, monitoring, education or any other related purpose in respect of a provincial park or conservation reserve. 2006, c. 12, s. 25 (1).

Surface rights

(2) Where only the surface rights in land are received and taken by the Minister under subsection (1) and the mines and minerals are not vested in the Crown, paragraph 3 of subsection 16 (1) does not apply to the land. 2006, c. 12, s. 25 (2).

Fees and rentals

Fees and rentals, provincial parks

26. (1) The Minister may establish and charge,

(a) fees for entrance into provincial parks of persons, vehicles, boats or aircraft;

(b) fees for the use of provincial parks or of any facilities or services in provincial parks; and

(c) fees and rentals for any licence, permit, lease or other right issued, made or given in respect of a provincial park. 2006, c. 12, s. 26 (1).

Fees, conservation reserves

(2) The Minister may prescribe by regulation fees that apply in respect of conservation reserves. 2006, c. 12, s. 26 (2).

Service fees

(3) Despite any other Act, any lease, licence of occupation or land use permit granted or issued under this Act or a predecessor Act shall be deemed to include a term requiring the payment of a service fee, in addition to the payment of rent under the lease or of the fee charged under the licence or permit. 2006, c. 12, s. 26 (3).

Determination of service fee

(4) The superintendent in charge of the provincial park or the district manager or conservation reserve manager in charge of the conservation reserve shall determine the amount of the service fee based on,

(a) the cost to construct, operate and maintain the services provided in connection with the property being leased or occupied; and

(b) the cost incurred in the administration of the lease, licence of occupation or land use permit. 2006, c. 12, s. 26 (4).

Application

(5) Subsection (3) applies to leases, licences of occupation and land use permits entered into or issued before and after this section is proclaimed in force. 2006, c. 12, s. 26 (5).

Separate account

27. (1) The following amounts in respect of provincial parks shall be held in a separate account in the Consolidated Revenue Fund:

1. All fines, fees and rentals paid under this Act or the regulations.

2. All amounts received by the Crown under agreements made under this Act or the regulations.

3. All costs or expenses recovered by the Crown under subsection 52 (7).

4. All other revenues generated by provincial parks. 2006, c. 12, s. 27 (1).

Money in account

(2) Money standing to the credit of the separate account is, for the purpose of the Financial Administration Act, money paid to Ontario for a special purpose. 2006, c. 12, s. 27 (2).

Payments out of account

(3) The Minister may direct that money be paid out of the separate account to the Minister or a person specified by the Minister if,

(a) the payment will be used for a purpose related to provincial parks; or

(b) the payment will be used to,

(i) refund all or part of an amount paid under this Act or the regulations, or

(ii) make a payment under subsection 36 (2). 2006, c. 12, s. 27 (3).

Annual report

(4) The Minister shall ensure that a report is prepared annually on the financial affairs of the separate account. 2006, c. 12, s. 27 (4).

Tabling of report

(5) The Minister shall submit the report to the Lieutenant Governor in Council and shall table the report in the Assembly. 2006, c. 12, s. 27 (5).

Access roads to provincial parks, in municipalities

28. (1) The Minister may enter into an agreement with a municipality for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park or a conservation reserve. 2006, c. 12, s. 28 (1); 2012, c. 8, Sched. 48, s. 5 (1).

Jurisdiction and control of road

(2) A road constructed, reconstructed or maintained under an agreement made under subsection (1) remains under the jurisdiction and control of the municipality. 2006, c. 12, s. 28 (2).

Same, in unorganized territory

(3) The Minister may arrange with the road commissioners elected under the Statute Labour Act or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road in the territory for the purpose of providing access to a provincial park or a conservation reserve. 2006, c. 12, s. 28 (3); 2012, c. 8, Sched. 48, s. 5 (2).

Provincial share of costs

(4) The provincial share of the cost of the construction or maintenance of a road or the reconstruction or maintenance of an existing road under this section may be paid out of the money appropriated for that purpose by the Legislature. 2006, c. 12, s. 28 (4).

Collection of personal information

29. The Minister may collect personal information within the meaning of the Freedom of Information and Protection of Privacy Act for the purposes of this Act. 2006, c. 12, s. 29.

Educational grants

30. The Minister may provide educational grants to students who work in provincial parks or conservation reserves. 2006, c. 12, s. 30.

General

Municipal purposes

31. (1) For municipal purposes, any land set apart as a provincial park or conservation reserve or added to a provincial park or conservation reserve shall, so long as it remains part of the provincial park or conservation reserve, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or conservation reserve or a part of one. 2006, c. 12, s. 31 (1).

Judicial purposes

(2) For judicial purposes, any land set apart as a provincial park or conservation reserve or added to a provincial park or conservation reserve shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or conservation reserve or a part of one. 2006, c. 12, s. 31 (2).

Tax assistance, assessment

(3) Despite subsection (1), for the purposes of the Municipal Tax Assistance Act, any land set apart as a provincial park or conservation reserve or added to a provincial park or conservation reserve shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or conservation reserve or a part of one. 2006, c. 12, s. 31 (3).

Unopened road allowances, provincial parks

32. (1) Despite the Municipal Act, 2001 and the City of Toronto Act, 2006, every unopened road allowance that is within a provincial park and that has not been closed and conveyed shall be deemed to have been vested in the Crown from the day on which the area was set apart as a provincial park or the area in which the unopened road allowance is located was added to the provincial park. 2006, c. 12, s. 32 (1); 2006, c. 32, Sched. C, s. 52 (4).

Unopened road allowance, conservation reserves

(2) Despite the Municipal Act, 2001 and the City of Toronto Act, 2006, every unopened road allowance that is within a conservation reserve and that has not been closed and conveyed shall be deemed to have been vested in the Crown from the day on which the area was set apart as a conservation reserve or the area in which the unopened road allowance is located was added to the conservation reserve. 2006, c. 12, s. 32 (2); 2006, c. 32, Sched. C, s. 52 (5).

Same

(3) Subsection (2) applies in respect of areas that are set apart as conservation reserves on and after the day this section is proclaimed in force and areas that are added to conservation reserves on and after the day this section is proclaimed in force. 2006, c. 12, s. 32 (3).

Closure of road allowance

(4) The Minister may, subject to consultation with the affected municipality, close to travel any road allowance in a provincial park or conservation reserve one month after giving notice of the proposed closure in accordance with subsection (5). 2006, c. 12, s. 32 (4).

Notice of closure of road allowance

(5) Notice of closure of a road allowance may be given,

(a) by publishing once a week for four consecutive weeks a notice of closure in a newspaper having general circulation in the locality in which the road allowance is located; or

(b) by posting, one month before the proposed closing, a notice of closure in a conspicuous place at or near the road allowance. 2006, c. 12, s. 32 (5).

Roads, trails and portages

33. (1) The superintendent in charge of a provincial park and the district manager or conservation reserve manager in charge of a conservation reserve may open or close to travel any road or trail in the provincial park or conservation reserve that is not under the control of the Ministry of Transportation, or any portage in the provincial park or conservation reserve. 2006, c. 12, s. 33 (1).

Prohibition against travel on closed road

(2) No person who has knowledge of the closing of a road, trail or portage under subsection (1) shall travel on the road, trail or portage. 2006, c. 12, s. 33 (2).

Conservation of wildlife

34. (1) Subject to the Fish and Wildlife Conservation Act, 1997 and the regulations under that Act, the Minister may take such measures as the Minister considers proper for the protection in a provincial park or a conservation reserve of fish, wildlife and invertebrates within the meaning of that Act. 2006, c. 12, s. 34 (1).

Conservation of Crown property

(2) The Minister may take such measures as the Minister considers proper for the protection in a provincial park or a conservation reserve of any property of the Crown. 2006, c. 12, s. 34 (2).

Facilities and services in provincial parks

35. (1) The superintendent in charge of a provincial park and the district manager or conservation reserve manager in charge of a conservation reserve may develop and operate facilities and provide services in accordance with the purpose and objectives of this Act and subject to the management direction for the provincial park or conservation reserve. 2006, c. 12, s. 35 (1).

Agreements

(2) The superintendent in charge of a provincial park and the district manager or conservation reserve manager in charge of a conservation reserve may enter into agreements for the development and operation of facilities and the provision of services in respect of the provincial park or conservation reserve. 2006, c. 12, s. 35 (2).

Lost, mislaid or abandoned property

36. (1) Any lost, mislaid or abandoned property coming into the custody of the superintendent in charge of a provincial park or the district manager or conservation reserve manager in charge of a conservation reserve and not claimed by the owner within three months is the property of the Crown in right of Ontario and may

be sold under the direction of the Minister, but, if the property is perishable or has no commercial value, it may be given to a charitable institution or destroyed. 2006, c. 12, s. 36 (1).

Same

(2) If a person establishes to the satisfaction of the Minister within one year after the date of sale that the person was the owner of property sold under subsection (1), the Minister may direct the payment to the person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property. 2006, c. 12, s. 36 (2).

Enforcement and Offences

Powers of officer

37. An officer, other than a conservation reserve manager or a district manager, has all the power and authority of a member of the Ontario Provincial Police within a provincial park or conservation reserve. 2006, c. 12, s. 37.

Power to inspect

38. (1) For the purposes of ensuring compliance with this Act and the regulations, an officer may inspect a firearm or ammunition in a provincial park or a conservation reserve. 2006, c. 12, s. 38 (1).

Definition

(2) In this section,

“firearm” includes a rifle, shotgun, air gun, pellet gun, paint ball gun, slingshot, bow or cross bow. 2006, c. 12, s. 38 (2).

Inspection of vehicles, boats, aircraft

39. (1) For the purpose of ensuring compliance with this Act and the regulations, an officer may stop a vehicle, boat or aircraft. 2006, c. 12, s. 39 (1).

Operator to stop

(2) On the officer’s signal to stop, the operator of the vehicle, boat or aircraft shall immediately stop and produce for inspection any document, or other thing requested by the officer for the purpose of this Act and the regulations. 2006, c. 12, s. 39 (2).

Stop signals

(3) For the purpose of subsection (2), signals to stop include,

(a) intermittent flashes of red light, in the case of a vehicle;

(b) intermittent flashes of blue light, in the case of a boat; and

(c) a hand signal to stop, in the case of a vehicle or boat. 2006, c. 12, s. 39 (3).

Inspection of places

40. (1) For the purpose of ensuring compliance with section 22, an officer may enter and inspect a building or other place occupying land in a provincial park or conservation reserve. 2006, c. 12, s. 40 (1).

Dwellings

(2) Subsection (1) does not apply to a building or a part of a building or other place that is being used as a dwelling. 2006, c. 12, s. 40 (2).

Powers during inspection

(3) During the inspection, the officer may,

(a) inspect a work permit or other document that is required to be kept by this Act or by the regulations;

(b) inspect any other thing that is in the building or other place;

(c) ask questions that may be relevant to the inspection; and

(d) conduct any tests that may be relevant to the inspection. 2006, c. 12, s. 40 (3).

Provision of information

(4) No person shall, during the inspection, refuse to provide documents and information requested by the officer that are relevant to the inspection. 2006, c. 12, s. 40 (4).

Copies

(5) The officer may make copies of any documents inspected or produced during the inspection. 2006, c. 12, s. 40 (5).

Removal

(6) The officer may remove any documents or things for the purpose of making copies or for further inspection, but the copying or further inspection shall be carried out with reasonable dispatch and the documents or things shall be returned promptly to the person from whom they were taken. 2006, c. 12, s. 40 (6).

Searches with a warrant

41. (1) If an officer believes on reasonable grounds that there is in a building or other place any thing that will afford evidence of an offence under this Act or the regulations, the officer may obtain a search warrant under Part VIII of the Provincial Offences Act. 2006, c. 12, s. 41 (1).

Assistance in executing warrant

(2) An officer may call upon a police officer for assistance in executing the warrant. 2006, c. 12, s. 41 (2).

Necessary force

(3) An officer may use as much force as is necessary to execute a search warrant or to exercise any authority given by this section. 2006, c. 12, s. 41 (3).

Computers

(4) An officer who is conducting a search may use or cause to be used any computer system for the purpose of examining information contained in or available to the computer system, and may produce or cause to be produced a printout or other output from the computer system. 2006, c. 12, s. 41 (4).

Searches without warrant

42. (1) If an officer believes on reasonable grounds that there is in a building or other place any thing that will afford evidence of an offence under this Act or the regulations but that the time required to obtain a search warrant would lead to the loss, removal or destruction of the evidence, the officer may, without a search warrant, enter and search the building or other place. 2006, c. 12, s. 42 (1).

Dwellings

(2) Subsection (1) does not apply to a building or part of a building or other place that is being used as a dwelling. 2006, c. 12, s. 42 (2).

Application of s. 41 (2) to (4)

(3) Subsections 41 (2), (3) and (4) apply with necessary modifications to a search under this section. 2006, c. 12, s. 42 (3).

Seizure and forfeiture

43. (1) An officer who is lawfully in a building or other place may, with or without a warrant, seize any thing that he or she believes on reasonable grounds,

- (a) has been obtained by the commission of an offence under this Act or the regulations;
- (b) has been used in the commission of an offence under this Act or the regulations;
- (c) will afford evidence of the commission of an offence under this Act or the regulations; or
- (d) is intermixed with a thing referred to in clause (a), (b) or (c). 2006, c. 12, s. 43 (1).

Presence pursuant to warrant

(2) If the officer is in the building or other place pursuant to a warrant, subsection (1) applies to any thing, whether or not it is specified in the warrant. 2006, c. 12, s. 43 (2).

Safekeeping

(3) An officer shall deliver any thing that he or she seizes to a person authorized by the Minister for safekeeping, unless the thing is required to be carried before a justice by a search warrant issued under Part VIII of the Provincial Offences Act. 2006, c. 12, s. 43 (3).

Return of seized things

(4) Any thing seized and not forfeited under this section shall be returned to the person from whom it was seized if,

- (a) a charge is not laid at the conclusion of the investigation; or
- (b) a charge is laid but, when the prosecution is finally disposed of, the defendant is acquitted or the charge is dismissed or withdrawn. 2006, c. 12, s. 43 (4).

Payment of fine

(5) If a person is convicted of an offence and a fine is imposed,

(a) a thing seized in connection with the offence and not forfeited to the Crown in right of Ontario under this section shall not be returned until the fine has been paid; and

(b) if payment of the fine is in default within the meaning of section 69 of the Provincial Offences Act, a justice may order that the thing be forfeited to the Crown in right of Ontario. 2006, c. 12, s. 43 (5).

Forfeiture if identity unknown

(6) If the identity of the person from whom a thing was seized has not been ascertained within 30 days after the seizure, the thing is forfeited to the Crown in right of Ontario. 2006, c. 12, s. 43 (6).

Forfeiture on conviction

(7) If a person is convicted of an offence under this Act or the regulations, the justice may order that any thing seized in connection with the offence be forfeited to the Crown in right of Ontario. 2006, c. 12, s. 43 (7).

Application of subs. (7)

(8) Subsection (7) applies in addition to any other penalty. 2006, c. 12, s. 43 (8).

Forfeiture if possession is an offence

(9) On motion in a proceeding under the Provincial Offences Act, or on application in accordance with the rules of court applicable to applications under that Act, a justice shall determine whether possession of a thing seized is an offence under this Act or the regulations and, if it is, the justice shall order that the thing be forfeited to the Crown in right of Ontario. 2006, c. 12, s. 43 (9).

Application of subs. (9)

(10) Subsection (9) applies whether or not a charge is laid in respect of the thing seized and, if a charge is laid, subsection (9) applies even if the defendant is acquitted or the charge is dismissed or withdrawn. 2006, c. 12, s. 43 (10).

Disposition of forfeited thing

(11) A thing forfeited to the Crown in right of Ontario shall be disposed of in accordance with the directions of the Minister. 2006, c. 12, s. 43 (11).

Application by person with interest

(12) If a thing is forfeited to the Crown in right of Ontario following a conviction under this Act, a person who claims an interest in the thing and who is not the person from whom the thing was seized or the person who was convicted may apply to a justice, not later than 30 days after the thing is forfeited, on notice to the Minister and to the person from whom the thing was seized, for an order directing that the thing be released to the person claiming the interest. 2006, c. 12, s. 43 (12).

Conditions

(13) An order made under subsection (12) is subject to such conditions as may be imposed by the justice. 2006, c. 12, s. 43 (13).

Costs of seizure, etc.

(14) If a person is convicted of an offence under this Act or the regulations, the justice may, in addition to any other penalty, order the person to pay all or part of any expenses incurred by the Minister with respect to the seizure, storage or disposition of any thing seized in connection with the offence. 2006, c. 12, s. 43 (14).

Definition

(15) In this section,

“justice” has the same meaning as in the Provincial Offences Act, 2006, c. 12, s. 43 (15).

Arrest without warrant

44. (1) An officer may arrest without warrant a person that he or she believes on reasonable grounds is committing, has committed or is preparing to commit an offence under this Act or the regulations. 2006, c. 12, s. 44 (1).

Necessary force

(2) An officer may use as much force as is necessary to make an arrest under this section. 2006, c. 12, s. 44 (2).

Release

(3) If an officer arrests a person under this section, he or she shall, as soon as practicable, release the person from custody, unless the officer has reasonable grounds to believe that,

(a) it is necessary in the public interest for the person arrested to be detained, having regard to all the circumstances, including the need to,

(i) establish the identity of the person,

(ii) secure or preserve evidence of or relating to the offence, or

(iii) prevent the continuation or repetition of the offence or the commission of another offence; or

(b) the person arrested, if released, will not respond to the summons or offence notice or will not appear in court. 2006, c. 12, s. 44 (3).

Person to be taken before justice

(4) Section 150 of the Provincial Offences Act applies if the person arrested is not released. 2006, c. 12, s. 44 (4).

Obstruction of an officer

45. A person shall not,

(a) knowingly make a false or misleading statement to an officer who is acting under this Act; or

(b) otherwise obstruct an officer who is acting under this Act. 2006, c. 12, s. 45.

Offence

46. (1) A person is guilty of an offence if the person contravenes or fails to comply with,

(a) subsection 13 (2);

(b) subsection 22 (1);

(c) subsection 33 (2);

(d) subsection 39 (2);

(e) subsection 40 (4); or

(f) Repealed: 2009, c. 33, Sched. 22, s. 9 (4).

(g) section 45. 2006, c. 12, s. 46 (1); 2009, c. 33, Sched. 22, s. 9 (3, 4).

Same

(2) A person who contravenes or fails to comply with a provision of a regulation made under this Act is guilty of an offence. 2006, c. 12, s. 46 (2).

Attempts

(3) A person who attempts to do anything that would be an offence under this Act or the regulations is guilty of that offence. 2006, c. 12, s. 46 (3).

Orders

(4) Every person who fails to comply with an order under section 22 or subsection 52 (6) is guilty of an offence. 2006, c. 12, s. 46 (4).

Permit holder may be convicted

47. (1) The holder of a camp-site and vehicle permit or an interior camping permit issued by the Ministry may be charged with and convicted of an offence under the regulations for which a camp-site occupant is subject to be charged and, on conviction, the holder of the permit is liable to the penalty prescribed for the offence. 2006, c. 12, s. 47 (1).

Exception, camp-site occupied without consent

(2) Subsection (1) does not apply, where at the time of the offence, the camp-site was occupied by a person other than the holder of the permit, without the holder's consent, the burden of proof of which shall be on the holder of the permit. 2006, c. 12, s. 47 (2).

Vehicle owner may be convicted

48. (1) The owner of a vehicle may be charged with and convicted of an offence under this Act or the regulations or the Act or regulations regulating, governing or prohibiting the operation of the vehicle for which the driver of the vehicle is subject to be charged and on conviction, the owner is liable to the penalty prescribed for the offence. 2006, c. 12, s. 48 (1).

Exception, possession of vehicle without consent

(2) Subsection (1) does not apply where, at the time of the offence, the vehicle was in the possession of a person other than the owner without the owner's consent, the burden of proof of which is on the owner. 2006, c. 12, s. 48 (2).

Deemed ownership of plate, etc., holder

(3) For the purposes of this section, where a number plate issued under the Highway Traffic Act or the Off-Road Vehicles Act or a registration number issued under the Motorized Snow Vehicles Act is exposed on the vehicle, the holder of the permit corresponding to the number plate or registration number shall be deemed the owner of the vehicle. 2006, c. 12, s. 48 (3).

Exception, possession without consent

(4) Subsection (3) does not apply where, at the time of the offence, the number plate or registration number was exposed on the vehicle without the consent of the holder of the permit, the burden of proof of which is on the holder of the permit. 2006, c. 12, s. 48 (4).

Corporations

49. If a corporation commits an offence under this Act or the regulations, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted for the offence. 2006, c. 12, s. 49.

Employers and principals

50. In a prosecution for an offence under this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the defendant acting in the course of employment or agency, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the defendant establishes that the offence was committed without the knowledge or consent of the defendant. 2006, c. 12, s. 50.

Licensees

51. In a prosecution for an offence under this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by a person in the course of operations under a licence issued to the defendant, whether or not the person is identified or has been prosecuted for the offence, unless the defendant establishes that the offence was committed without the knowledge or consent of the defendant. 2006, c. 12, s. 51.

Penalty

52. (1) A person convicted of an offence under this Act or the regulations is liable,

(a) for a first offence, to a fine of not more than \$50,000, to imprisonment for a term of not more than one year, or to both; and

(b) for a second or subsequent offence, to a fine of not more than \$100,000, to imprisonment for a term of not more than one year, or to both. 2006, c. 12, s. 52 (1).

Commercial offences

(2) Despite subsection (1), a person convicted of an offence under this Act or the regulations is liable,

(a) for a first offence, to a fine of not more than \$100,000, to imprisonment for a term of not more than two years, or to both, if the offence was committed for commercial purposes; and

(b) for a second or subsequent offence, to a fine of not more than \$200,000, to imprisonment for a term of not more than two years, or to both, if the offence was committed for commercial purposes. 2006, c. 12, s. 52 (2).

Penalty re monetary benefit

(3) The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may increase a fine imposed upon 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 any maximum fine elsewhere provided. 2006, c. 12, s. 52 (3).

Order for compliance

(4) In any prosecution under this Act or the regulations, the court may, in addition to imposing a fine or imprisonment or making any other order authorized by this Act, make such order as the court considers proper to obtain compliance with this Act or the regulations. 2006, c. 12, s. 52 (4).

Compliance with order

(5) A person shall comply with an order made under this section. 2006, c. 12, s. 52 (5).

Order to dismantle and remove, etc.

(6) The court that convicts a person of an offence under this Act or the regulations may, in addition to imposing a fine, order the person,

(a) to cease the activity being carried on in contravention of the Act or the regulations;

(b) to take action, within such time as the court may fix, to rehabilitate the lands,

(i) in accordance with a plan approved by the Minister, or

(ii) if the Minister has not approved a plan, in such manner as the court considers appropriate; and

(c) to obtain a work permit in order to effect the rehabilitation of the lands in accordance with the order of the court. 2006, c. 12, s. 52 (6).

Failure to comply with an order

(7) If a person fails to comply with an order under subsection (6), the Minister may take such action as he or she considers appropriate to rehabilitate the land, and any cost or expense incurred in the rehabilitation is a debt due to the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person. 2006, c. 12, s. 52 (7).

Limitation period

53. A prosecution for an offence under this Act or the regulations shall not be commenced more than two years after the day evidence of the offence first came to the attention of an officer. 2006, c. 12, s. 53.

Regulations

Regulations

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

(a) classifying provincial parks;

(b) setting apart an area as a provincial park or conservation reserve or as part of one, decreasing or increasing the area of a provincial park or conservation reserve and establishing the boundary of a provincial park or conservation reserve;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2006, chapter 12, subsection 57 (3) by adding the following clause:

(b.1) prescribing the objectives for aquatic class parks;

See: 2006, c. 12, ss. 57 (3), 67 (2).

(c) in respect of management directions, management plans and management statements;

(d) in respect of activities that may be undertaken in provincial parks and conservation reserves;

(e) protecting provincial resources in provincial parks and conservation reserves, including, but not limited to, flora, fauna, habitats, geological features, cultural features and archaeological features;

(f) protecting infrastructure associated with provincial parks and conservation reserves;

(g) regulating and controlling the use of lands in provincial parks and conservation reserves;

(h) prohibiting or regulating and controlling the occupation of lands in provincial parks and conservation reserves or designating areas in them where land may be leased or occupied under licence of occupation or land use permit and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;

(i) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and land use permits to lands in provincial parks and conservation reserves and prescribing terms and conditions in connection with them;

(i.1) prescribing circumstances in which land use permits may be issued under subsection 14 (2.1) and the term of the permits;

(j) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class of them in provincial parks and conservation reserves;

(k) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks and conservation reserves. 2006, c. 12, s. 54 (1); 2012, c. 8, Sched. 48, s. 6.

Same

(2) The Minister may make regulations,

(a) governing the issuing, renewing and cancelling of work permits;

(b) governing appeals from a refusal to issue or renew a work permit, from a cancellation of a work permit or in respect of any conditions attaching to a work permit;

(c) prescribing grounds for refusing to issue or to renew work permits;

(d) prescribing conditions attaching to work permits and to any exemption from subsection 22 (1);

(e) exempting any person or class of persons from any provision of subsection 22 (1);

(f) with respect to fees that may be charged in respect of conservation reserves;

(g) governing zoning in provincial parks and conservation reserves;

(h) governing the operation and administration of provincial parks and conservation reserves;

(i) regulating, controlling and licensing and requiring the use of guides in provincial parks and conservation reserves;

(j) governing travelling by mechanized means in wilderness class parks. 2006, c. 12, s. 54 (2).

Regulations re mechanized travel in wilderness class parks

(3) The Minister may make regulations with respect to travel by a mechanized means in a wilderness class park under clause (2) (j) if the Minister is of the opinion that travel by mechanized means addresses one of the following circumstances:

1. To permit uses associated with land occupied in accordance with this Act and the regulations.
2. To permit existing non-conforming uses to continue, pending the approval of a management direction applicable to the park.
3. To permit access through access zones identified in the management plan applicable to the park.
4. To permit access to privately owned or leased land that is surrounded by, but is not part of, the park.
5. To permit First Nations to address their needs.
6. To permit commercial aircraft to land in order to allow visitors to access remote areas, in accordance with the management plan applicable to the park. 2006, c. 12, s. 54 (3).

Application

(4) A regulation under this section may be general or particular in its application and may distinguish between classes of provincial parks and conservation reserves and areas or zones of provincial parks and conservation reserves. 2006, c. 12, s. 54 (4).

Niagara, St. Clair and St. Lawrence Parks not affected

55. Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission, The St. Clair Parks Commission or The St. Lawrence Parks Commission. 2006, c. 12, s. 55.

Public Lands Act

56. The Public Lands Act does not apply to provincial parks or conservation reserves. 2006, c. 12, s. 56.

57. Omitted (provides for amendments to provisions of this Act). 2006, c. 12, s. 57.

58.-66. Omitted (amends or repeals other Acts). 2006, c. 12, ss. 58-66.

67. Omitted (provides for coming into force of provisions of this Act). 2006, c. 12, s. 67.

68. Omitted (enacts short title of this Act). 2006, c. 12, s. 68.