



# The Ontario Gazette

# La Gazette de l'Ontario

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## Government Notices Respecting Corporations

## Avis du gouvernement relatifs aux compagnies

### Cancellation of Certificates of Incorporation (Corporations Tax Act Defaulters)

### Annulation de certificats de constitution (Non-respect de la Loi sur l'imposition des corporations)

NOTICE IS HEREBY GIVEN that, under subsection 241 (4) of the *Business Corporations Act*, the Certificates of Incorporation of the corporations named hereunder have been cancelled by an Order dated 25 April, 2005 for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (4) de la *Loi sur les sociétés par actions*, les certificats de constitution dont les 25 avril 2005 pour non-respect des dispositions de la *Loi sur l'imposition des corporations* et que la dissolution des sociétés concernées prend effet à la date susmentionnée.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
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<b>2005-04-25</b>	
AXIS GRAPHICS INC.....	001274041
BAIE BLACKWELL COMMUNICATIONS LTD.....	001046419
BALLAGH ENTERPRISES INCORPORATED.....	001452141
BRADSIL LIMITED.....	000602668
BRANIGAN'S R-D INC.....	000644252
CDI COMPUTER DEALERS (CANADA) INC.....	000488119
CENTURY PLAYGROUNDS INCORPORATED.....	001397413
CHATNOR MANAGEMENT CONSULTING INC.....	001367853
DI TRANI EMBROIDERY INC.....	001315270
I.T. PROFESSIONAL MAGAZINE INC.....	001299359

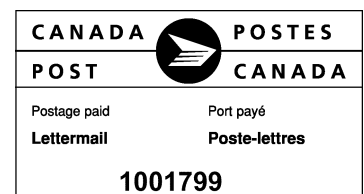
Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
INGLENWOK LIMITED.....	000435422
LAHORE CATERING AND RESTAURANT INC.....	002001010
LAKEHEAD DRAPERY SEWING SHOP INC.....	000539556
LEASOMED INC.....	001110044
LIBERTY HOLDING (CAMBRIDGE) INC.....	000678841
NETWORK AGENT INC.....	001337506
NETWORK PAGING & COMMUNICATIONS LTD.....	001228237
NICOLAOU MANAGEMENT CORP.....	000774292
PAVLOGIC SOLUTIONS INC.....	001296689
PINECREST CAPITAL CORPORATION LIMITED.....	000704332
PIZAY INVESTMENTS INC.....	000799520
REGENCY COURT SEAFOOD RESTAURANT INC.....	000915460
RTJ EXPORTS INC.....	001301637
RUBY FLORIST & GIFT SHOP INC.....	001386135
S.C.S. CLEANING SERVICES LIMITED.....	001341806
SPRINT AUTO SALES LTD.....	001347561
TOYNES TRUCKING INC.....	001122680
TRINOVA HOMES LTD.....	000700664
UBI RESOURCES INC.....	000050269
WIDECHEM INTERNATIONAL INC.....	001228526
1071931 ONTARIO INC.....	001071931
1105328 ONTARIO INC.....	001105328
1161520 ONTARIO INC.....	001161520
1166976 ONTARIO LIMITED.....	001166976
1180621 ONTARIO INC.....	001180621
1329309 ONTARIO LIMITED.....	001329309
1354530 ONTARIO LIMITED.....	001354530
1358878 ONTARIO LTD.....	001358878
1433427 ONTARIO INC.....	001433427
1456798 ONTARIO INC.....	001456798
509310 ONTARIO INC.....	000509310
584506 ONTARIO LIMITED.....	000584506
605280 ONTARIO LIMITED.....	000605280
722096 ONTARIO LIMITED.....	000722096
835044 ONTARIO INC.....	000835044
876504 ONTARIO LTD.....	000876504

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Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
891474 ONTARIO INC. ....	000891474
900924 ONTARIO LIMITED .....	000900924

B. G. HAWTON,  
Director, Companies and Personal Property  
Security Branch  
Directrice, Direction des compagnies et des  
sûretés mobilières

(138-G730)

## Certificates of Dissolution Certificats de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act*, has been endorsed. The effective date of dissolution precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les compagnies*, un certificat de dissolution a été inscrit pour les compagnies suivantes : la date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
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<b>2005-03-08</b>	
POSITIVE CONSULTING INC. ....	001212757
<b>2005-03-20</b>	
JINJA INVESTMENTS LTD. ....	000554122
<b>2005-03-24</b>	
ACCAROC CONSTRUCTION LTD. ....	001202305
ADVENTURES & INVESTMENTS LIMITED .....	000275761
BONDRILL INC. ....	001530829
BRENTSON TECHNICAL SERVICES INC. ....	001145310
CANADA EXPRESS INC. ....	000960889
CRESTVIEW TOWERS INVESTMENTS INC. ....	000845960
EXXISOFT CORPORATION .....	001225769
HOUSE FOR MEN INC. ....	000529377
JOHNSON COMPUTERS AND SERVICES INC. ....	000956360
LUCKYSTAR INTERNATIONAL INC. ....	001282500
MARCOTTE MECHANICAL (EASTERN) LTD. ....	000488433
MASTERS POULTRY FARM LIMITED .....	000293886
NORTHLAKE TRACE INVESTMENTS INC. ....	000911046
PARSYS INC. ....	000938888
PENFORD AND ASSOCIATES LTD. ....	000875097
PETER WILLIAMS ARCHITECT INC. ....	001168561
RAY WORROD ENTERPRISES LIMITED .....	000441315
ROSDALE PLACE INVESTMENTS INC. ....	000849204
SIZEABLE ENCOUNTERS LTD. ....	001195894
SNOWBIRD SOFTWARE INC. ....	000603157
SPECTRUM COMMUNICATIONS (WINDSOR) INC. ....	001187620
TWO GUYS TALKIN' INC. ....	001206692
VILLAS OF MESA INVESTMENTS INC. ....	001018534
VOREL BOOKKEEPING AND BUSINESS MANAGEMENT LIMITED .....	000240364
1091179 ONTARIO INC. ....	001091179
1101303 ONTARIO INC. ....	001101303
1108815 ONTARIO INC. ....	001108815
1127725 ONTARIO INC. ....	001127725
1192580 ONTARIO LIMITED .....	001192580
1316694 ONTARIO LTD. ....	001316694
1347841 ONTARIO INC. ....	001347841
706046 ONTARIO LIMITED .....	000706046
900277 ONTARIO LTD. ....	000900277
987278 ONTARIO LIMITED .....	000987278
996036 ONTARIO LIMITED .....	000996036

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
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<b>2005-03-29</b>	
ANTRA INC. ....	000273662
ATHENA PARFUMERIE INC. ....	001500756
BIB PREPARED FOODS INC. ....	001307524
CABLE ADVERTISING NETWORK INC. ....	001071946
CLEAN-POWER FUELS CORPORATION .....	001168887
CRABBIE'S GOLF ENTERPRISES LIMITED .....	000247727
DEVSOFT INC. ....	000891633
DOLLARD MINES LIMITED .....	000144741
ENTREPRENEURIAL TECHNOLOGY LIMITED .....	000335603
GALEFORCE CONSULTING INC. ....	001323524
GAMBLER'S EDGE SPORTS ADVISORY SERVICE INC. ....	001270721
GUMINNY INVESTMENTS LIMITED .....	000432167
INNOVATIVE CUSTOM SOLUTIONS INC. ....	001043150
JACKPER HOLDINGS LIMITED .....	000237723
LINDA JEAN PRODUCTIONS INC. ....	001036818
PUTTLINE GOLF INC. ....	001388903
ROSEN ESTATES LIMITED .....	000072276
ROSEN INDUSTRIES LTD. ....	001130962
ROYAL BIRKDALE DIVERSIFIED INC. ....	001052402
SOCHAITAN IMPORTS LTD. ....	001313760
TRACAN IMPORT & EXPORT INC. ....	001312111
VERTICAL MILES INC. ....	001120675
1072510 ONTARIO INC. ....	001072510
1137705 ONTARIO INC. ....	001137705
1386822 ONTARIO LIMITED .....	001386822
1461585 ONTARIO INC. ....	001461585
1473936 ONTARIO LTD. ....	001473936
1525571 ONTARIO LIMITED .....	001525571
2019949 ONTARIO LIMITED .....	002019949
341845 ONTARIO LIMITED .....	000341845
434950 ONTARIO LTD. ....	000434950
584717 ONTARIO LIMITED .....	000584717
674702 ONTARIO LIMITED .....	000674702
705601 ONTARIO INC. ....	000705601
724125 ONTARIO INC. ....	000724125
759645 ONTARIO LIMITED .....	000759645
809564 ONTARIO LTD. ....	000809564
920166 ONTARIO LTD. ....	000920166
934187 ONTARIO LIMITED .....	000934187
<b>2005-03-30</b>	
ABOOMAN DIVERSIFIED INVESTMENTS OF CANADA LTD. ....	000424316
AIR MARKETING LTD. ....	001300683
ANTHONY DIFONZO SERVICE CENTRE LIMITED .....	000661527
BAL-VAL CONTRACTORS LIMITED .....	000691354
BARNETT RADIATOR SERVICE LIMITED .....	000367381
BEECH PRODUCTIONS INC. ....	001195401
BLANCHETTE INVESTMENTS LIMITED .....	000419578
BLUE DOOR SERVICES INC. ....	001337803
CANDOR HOLDINGS LIMITED .....	000213100
DANAIR HOME PRODUCTS LTD. ....	000974945
DAVID AND JANE'S (CANADA) INC. ....	000921051
ELENI'S COUTURIERE & TAILORING INC. ....	001365975
FLEETBRIDGE INC. ....	000625375
GOLD PHONECARD.COM INC. ....	001375389
HUNG WANG SUPERMARKET LTD. ....	001588385
HUNT PARKER AND ASSOCIATES LIMITED .....	000227186
INTELEX MANUFACTURING LTD. ....	001190521
INVESTORS DELIVERY SERVICE LIMITED .....	000334005
LANAPOULE INVESTMENTS LIMITED .....	000253045
M I RADIO LTD. ....	000616530
MAIN STREAM SPRINKLERS INC. ....	001341168
MASCOT GRAPHICS LIMITED .....	000342213
MJN ASSOCIATES INC. ....	001490866
NORTH KING TRADING LIMITED .....	000155519
PRIMEAUX INDUSTRIES LIMITED .....	001465743

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
RESTAURANT CONSTRUCTION INC.	001176401
ROJAN SERVICES INC.	000658635
SIMBRONO LIMITED	000086073
SIX NATIONS ENTERPRISE DEVELOPMENT CORPORATION	001262157
T.K. HOLDINGS INC.	000721260
TAYLOR DISTRIBUTING CO. LIMITED	000055882
TEMPO CONSULTING ENGINEERS LIMITED	000400168
TOP FLIGHT RENOVATIONS LIMITED	000855794
TULLOCH ELECTRIC LIMITED	000865858
1291417 ONTARIO INC.	001291417
1376870 ONTARIO INC.	001376870
1416852 ONTARIO INC.	001416852
1542465 ONTARIO INC.	001542465
441138 ONTARIO LTD.	000441138
510932 ONTARIO INC.	000510932
544541 ONTARIO INC.	000544541
754319 ONTARIO INC.	000754319
814949 ONTARIO INC.	000814949
930268 ONTARIO LIMITED	000930268
<b>2005-03-31</b>	
AFFINITY PRODUCTS INC.	001523599
DPA ENTERPRISES OF LONDON LTD.	000959355
DRVO GB CORP.	001380484
I.C.E. INCORPORATED	000765510
LILAR NAILS INC.	000712175
NAVIGARE BIOMEDICAL CORPORATION	001139938
NDM TECHNOLOGIES INC.	002008802
O'ROURKE COMMUNICATIONS INC.	000991096
PALS DONUTS LTD.	000796443
PEN-AYR HOLDINGS INC.	001035952
PRESTIK INDUSTRIES INC.	000767241
QUALITY PRO SPORTSWEAR INC.	001049670
SAT GURU HOLDINGS INC.	001241267
SAWHBEC TEMP. SERVICES INC.	002003082
SEBASTIAN CARPET SERVICE INC.	000755599
SIMON SOFTWARE GROUP INC.	000875466
SMARTLOC INC.	001205221
THE ALGOMA DISTRICT MEDICAL GROUP INC.	001531113
WATER ONE LTD.	001302659
WINDSOR ROAD SERVICE LTD.	000971153
1017165 ONTARIO INC.	001017165
1137577 ONTARIO INC.	001137577
1157560 ONTARIO INC.	001157560
1183943 ONTARIO INC.	001183943
1334981 ONTARIO LIMITED	001334981
1425480 ONTARIO LTD.	001425480
1573187 ONTARIO INC.	001573187
629763 ONTARIO LIMITED	000629763
724740 ONTARIO INC.	000724740
84009 ONTARIO INC.	000084009
<b>2005-04-01</b>	
AI MENTOR CORP.	001174128
ATTERIDGE CONSTRUCTION LTD.	000661317
BELL-GOBB MASONRY LIMITED	000215589
CARUSO CONTRACTING INC.	001420415
CIRCLE THEATRE COMPANY LTD.	001353849
COLMIN GALLERY LIMITED	000853334
CYPRESS HILLS DEVELOPMENT CORP.	001100400
ESPANOLA CLEANERS LIMITED	000487466
EUROPOL INVESTMENT CORPORATION	000816584
HAMPTON HILLS DEVELOPMENTS INC.	000989728
LEORADOR DEVELOPMENTS INC.	001063329
SALLY SAUCES AND SPICES INC.	000924355
SAM ROUNCE ENTERPRISES INC.	000487647
SPICTAN HOLDINGS INC.	000777558
TAMARA HETMANSKA FAMILY INC.	001107012
TWELVE-JAN INVESTMENTS INC.	000801052

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
WIN-DUR (1898) LIMITED	000815103
1120806 ONTARIO INC.	001120806
1187091 ONTARIO LIMITED	001187091
1196533 ONTARIO LIMITED	001196533
1270600 ONTARIO LIMITED	001270600
1307720 ONTARIO INC.	001307720
1454613 ONTARIO LIMITED	001454613
1602464 ONTARIO INC.	001602464
<b>2005-04-04</b>	
ACAT MANAGEMENT LTD.	000397734
BNO HOLDINGS LIMITED	002023971
BREMNER & O'MALLEY INC.	000648837
BUD ZAKOOR'S PRODUCE LTD.	000393015
CHATHAM PAINT & WALLPAPER SUPPLY COMPANY LIMITED	000113533
COCCA INSTALLATIONS INC.	000783804
CREATORS INC.	001561587
DUAL-TEMP MECHANICAL LTD.	001143286
EMEREST INC.	001483141
EMEREST WIRELESS NETWORKS INC.	001483142
HETMAN MARKETING CORPORATION	001088651
I. S. MILLER FUR COMPANY LTD.	000440655
L.Y.H. RENOVATIONS LTD.	001150560
LACROIX CARTAGE LIMITED	000298244
LAND ART LANDSCAPING LTD.	001338533
LTF CONTRACTING LTD.	000437108
M.R. FLOOD TRUCKING LTD.	000718361
N & J INGLIS CONSULTING INC.	001202651
NATURAL INTERNATIONAL ENTERPRISE LTD.	001428337
NORTHEASTERN ENVIRONMENTAL MANAGEMENT INC.	000881714
NUSAB HOLDINGS INC.	001012064
PAUL BLAND INSURANCE AGENCY LIMITED	000317105
RKM INTERIOR DESIGN INC.	001342154
VJA TRUCKING LTD.	001467549
WILD AGAIN INC.	000880272
X-SYST TOOL & MOLD INC.	001417609
1079958 ONTARIO INC.	001079958
1142609 ONTARIO INC.	001142609
1183820 ONTARIO LTD.	001183820
1203084 ONTARIO INC.	001203084
1221916 ONTARIO LTD.	001221916
1379992 ONTARIO LIMITED	001379992
1403247 ONTARIO INC.	001403247
1427055 ONTARIO LTD.	001427055
1443801 ONTARIO INC.	001443801
1609850 ONTARIO INC.	001609850
439804 ONTARIO LIMITED	000439804
689694 ONTARIO LIMITED	000689694
781084 ONTARIO LIMITED	000781084
807719 ONTARIO LIMITED	000807719
958783 ONTARIO INC.	000958783
96870 ONTARIO LIMITED	000096870
<b>2005-04-05</b>	
A TISKET A TASKET DESIGNS BY CHERYL INC.	000864016
B.P. WALKER CONSULTANTS LTD.	000995017
BIGSTONE INVESTMENTS LTD.	001215232
BUSY B READY MIX LIMITED	000264820
CLAMPITT & BOYD LIMITED	000211110
EXECUTIVE STEAM CLEANING LTD.	001258724
K&K DISTRIBUTORS BRANTFORD LTD.	000623517
MAIN TECHNOLOGIES INC.	001368157
NEWGWL INVESTMENTS INC.	001245946
PILEX ENTERPRISES LIMITED	000365571
PRO-FIX AUTOMOTIVE LTD.	001205523
ROBERT WARDLAW ENGINEERING INC.	001239339
S. MCDONALD MASSAGE THERAPIST PROFESSIONAL CORPORATION	002013847

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
SALVI FORMING INCORPORATED .....	001308499
SHORE-MASTER COMPANY LTD. ....	001289744
SINTOR CONSTRUCTION LTD. ....	001351494
SLIDE MOUNTS INC. ....	001015243
SUMMERSET REALTY INC. ....	001088060
THE AMBER OTTOMAN INC. ....	001487113
THE RENDER GROUP INC. ....	000653871
TRIPLE CROWN CARS LIMITED .....	001202011
V ENTERTAINMENT CHINA INC. ....	001372307
WXY MEDIA INC. ....	001371869
1093918 ONTARIO INC. ....	001093918
1150382 ONTARIO LTD. ....	001150382
1254614 ONTARIO LIMITED .....	001254614
1455196 ONTARIO INC. ....	001455196
1522185 ONTARIO LTD. ....	001522185
1523951 ONTARIO INC. ....	001523951
717682 ONTARIO LTD. ....	000717682
903707 ONTARIO INC. ....	000903707
935405 ONTARIO INC. ....	000935405
962296 ONTARIO INC. ....	000962296
<b>2005-04-09</b>	
WILNOR FOODS LTD. ....	000960215
987950 ONTARIO LTD. ....	000987950
<b>2005-04-11</b>	
SOUTHERN ONTARIO UNDERGROUND CONTRACTORS LTD. ....	000928482
SUNDAIR CORP. ....	001031681
368931 ONTARIO LIMITED .....	000368931
<b>2005-04-12</b>	
NEOVAC LTD. ....	000353717
<b>2005-04-14</b>	
CHRISCAR SALES INC. ....	001500596
1292377 ONTARIO INC. ....	001292377
<b>2005-04-15</b>	
CUSTOM RENOVATIONS & CONSTRUCTION CORP. ....	001259593
MIROCA INSTRUMENTS CO., LTD. ....	000950584
<b>2005-04-17</b>	
BENNESS AND BEERS INSURANCE BROKERS LTD. ....	000378625
<b>2005-04-19</b>	
C. D. PROG. LTD. ....	000674204
1012603 ONTARIO INC. ....	001012603
861722 ONTARIO LIMITED .....	000861722
<b>2005-04-20</b>	
1360388 ONTARIO INC. ....	001360388
<b>2005-04-21</b>	
K.D. CONNECTION INC. ....	001187568
VOLARE BAKERY CO. LTD. ....	000555304
1394402 ONTARIO INC. ....	001394402
876760 ONTARIO LTD. ....	000876760
<b>2005-04-22</b>	
G & R HEATING & COOLING LTD. ....	000769476
GLOBAL NETMEDIA INC. ....	001303273
P.J. LAWRENCE ENTERPRISES LTD. ....	000754912
PENAGE COUNTRY CONVENIENCE CORPORATION ...	001141461
SOFTWIND TRANSPORTATION SYSTEMS INC. ....	001408705
1246335 ONTARIO INC. ....	001246335
558108 ONTARIO INC. ....	000558108
<b>2005-04-25</b>	
HUGHES EQUIPMENT SALES & SERVICE LTD. ....	001500436
RYLAND FISHING AND HUNTING CLUB LTD. ....	000493187
TOPCOAT AUTO REFINISHING INC. ....	001013820
1078809 ONTARIO LTD. ....	001078809
1290779 ONTARIO INC. ....	001290779
690262 ONTARIO LIMITED .....	000690262
796137 ONTARIO LIMITED .....	000796137
<b>2005-04-26</b>	
FIRE INVESTIGATION RESEARCH & ENGINEERING SERVICES INC. ....	000885651

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
JIGGER'S PLACE LTD. ....	000931672
WIZDOM INTERNATIONAL CO., LTD. ....	001321499
1467536 ONTARIO INC. ....	001467536
995914 ONTARIO INC. ....	000995914
<b>2005-04-27</b>	
ARTHUR KAMPF & SONS LIMITED .....	000204283
BEVERLY CONSTRUCTION INC. ....	001177076
COMIN MASONRY LIMITED .....	001263237
FLOWERS BY WELLERS LIMITED .....	000060026
HOOK - ROOF ANCHORS LTD. ....	001088589
MICRO NORTH COMPUTER SERVICES INC. ....	001067118
1034274 ONTARIO INC. ....	001034274
1067333 ONTARIO INC. ....	001067333
1408095 ONTARIO INC. ....	001408095
<b>2005-04-28</b>	
C.K. DANCE STUDIO LTD. ....	001298202
DON-JAMES PROPERTIES INC. ....	000544085
INVESTLAND CORPORATION LIMITED .....	000238531
MICKLE MOOS INC. ....	000762166
1123730 ONTARIO INC. ....	001123730
450319 ONTARIO LTD. ....	000450319
460529 ONTARIO LTD. ....	000460529
734077 ONTARIO LTD. ....	000734077
770846 ONTARIO CORPORATION .....	000770846
<b>2005-04-29</b>	
BURKE SECURITIES LIMITED .....	000854934
CALINDAS INC. ....	000765446
CAREWELL VOCATIONAL & REHABILITATION COUNSELING SERVICES INC. ....	001604671
CLOC - CANADIAN LAW OFFICE COMPUTERS INC. ....	000573340
FILMONT ASSOCIATES LIMITED .....	000251138
GARDEN-CITY PRODUCTS INCORPORATED .....	000718927
GLG FINANCIAL INC. ....	001368939
GUNNEX LIMITED .....	000099324
H. J. BARTLETT CONSULTING INC. ....	001031128
ICE TRAVEL INC. ....	001155689
JONDO INC. ....	001066877
PBJ ASSOCIATES LIMITED .....	000618459
1046648 ONTARIO INC. ....	001046648
1436918 ONTARIO INC. ....	001436918
1458909 ONTARIO INC. ....	001458909
1473233 ONTARIO INC. ....	001473233
1496363 ONTARIO LTD. ....	001496363
1519051 ONTARIO LTD. ....	001519051
1547930 ONTARIO LTD. ....	001547930
1568273 ONTARIO LIMITED .....	001568273
2010376 ONTARIO LIMITED .....	002010376
612039 ONTARIO LIMITED .....	000612039
652730 ONTARIO LIMITED .....	000652730
743001 ONTARIO LIMITED .....	000743001
<b>2005-04-30</b>	
FOXTAIL CHASE DEVELOPMENTS INC. ....	001045056
VVM HOLDINGS LIMITED .....	001220791
<b>2005-05-02</b>	
ADVENTURE GRAPHICS INC. ....	000994952
ALTROUSE INC. ....	001440940
ARCH TRAVEL SERVICE INC. ....	000554921
BOBLAIC PROPERTIES (22) CORP. ....	001152012
CARA DONNA INC. ....	001325527
CENTRAL CREDIT CONTROL (MIDLAND) LTD. ....	000894875
CHRIS WHALEN ENTERPRISES INC. ....	001441871
CLIRA INTERNATIONAL OF CANADA INC. ....	001051199
FIRENZA IMAGE CONSULTING INC. ....	001265222
HANNAH JI INTERNATIONAL LTD. ....	001553263
KILFAM LTD. ....	000396172
LI CHEN TRADING INC. ....	001563082
LORNOR HOLDINGS LTD. ....	000333937
MISSY'S ICE CREAM INC. ....	001025244

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
R.I. PERRY & ASSOCIATES INC.	000968707
SEETRADE INTERNATIONAL LTD.	001463285
WHITEBROOK INC.	001070426
WORLDWIDE HEALTH FOODS LIMITED	000231742
1034708 ONTARIO LIMITED	001034708
658315 ONTARIO INC.	000658315
925620 ONTARIO LIMITED	000925620
960181 ONTARIO INC.	000960181
983963 ONTARIO LIMITED	000983963
<b>2005-05-03</b>	
BANKWEALTH DATABASE CONSULTING INC.	001200773
BEIJING FURNISHINGS & CRAFTS INC.	000871227
DIXIE HAIR SALON INC.	001627941
ERICO INC.	001414298
GLEGG STANDARD SYSTEMS, INC.	000579251
HADDEN LEASING LIMITED	000142562
INMEDIA COMMUNICATION INC.	001598017
K. HUGH MUNRO LIMITED	000152785
MAGCO INTERNATIONAL LTD.	001460334
NIBRIDGE HOLDINGS INC.	000982977
PARDU INC.	001111763
RIVER GOLD MINES INC.	001061970
SAC CONSULTING INC.	001372000
SEENA IMPEX LIMITED	001615187
SWIFT TRADE SECURITIES ASIAN BRANCH TRAINING LTD.	001448287
1150713 ONTARIO INC.	001150713
1168302 ONTARIO INC.	001168302
1207211 ONTARIO LTD.	001207211
1264760 ONTARIO INC.	001264760
1314289 ONTARIO INC.	001314289
1348982 ONTARIO LIMITED	001348982
1383521 ONTARIO INC.	001383521
1416773 ONTARIO LIMITED	001416773
599850 ONTARIO LIMITED	000599850
703365 ONTARIO LIMITED	000703365
759058 ONTARIO INC.	000759058
858074 ONTARIO INC.	000858074
905653 ONTARIO LTD.	000905653
<b>2005-05-04</b>	
CHOICE CONSTRUCTION (SHARON) INC.	000790150
CREATIVE STRATEGIES CORPORATION	001574347
CREATIVE ZONE COMMUNICATIONS INC.	001021121
DATA CORE SOFTWARE CORP.	001431197
ELKARD IMPEX LTD.	000799078
ENOCH TRADING CO., LIMITED	001013642
GROMOFF SPIRITS INC.	001562261
LANGDON CASE MANAGEMENT LTD.	000956718
LES LYONS IMPORTS INC.	000319247
MACHRY, NICOL INSURANCE BROKERS LTD.	000110479
MAXIMA CONSOLIDATED RESOURCES CORPORATION	001197005
NATRAJ TRADING INC.	001602606
PMJ ASSOCIATES INC.	001341607
SANDHU EXPRESS INC.	001406258
WESTIM INTERNATIONAL CORPORATION	000829525
1044420 ONTARIO INC.	001044420
1222435 ONTARIO LIMITED	001222435
1293346 ONTARIO LIMITED	001293346
1303298 ONTARIO LTD.	001303298
1335685 ONTARIO INC.	001335685
1348860 ONTARIO LTD.	001348860
368596 ONTARIO LIMITED	000368596
568335 ONTARIO LIMITED	000568335
<b>2005-05-05</b>	
AFFAMM ENTERPRISES LIMITED	000386667
DAPH-DAN LTD.	000429988
FARMCAL HOLDINGS INC.	000493568

Name of Corporation: Dénomination sociale de la compagnie:	Ontario Corporation Number Numéro de la compagnie en Ontario
FIA DOCUMENT MANAGEMENT INC.	001228958
FIA INTERNATIONAL RESEARCH LTD.	001223150
HANA FEIX HOLDINGS INC.	000757188
JAMES & WING INTERNATIONAL TRADING INC.	001009872
JOY-PLUS FOODS INC.	000599061
MILLENIUM DAWN CONSULTING INC.	001464071
MUSE ENTERTAINMENT (ONE KILL) INC.	001379197
VITALI BROTHERS LIMITED	001283635
WESTON VALLEY INVESTMENTS LIMITED	000424448
1155043 ONTARIO INC.	001155043
1294068 ONTARIO INC.	001294068
1519653 ONTARIO CORP.	001519653
221029 ONTARIO LIMITED	000221029
405939 ONTARIO LTD.	000405939
566764 ONTARIO INC.	000566764
755854 ONTARIO LIMITED	000755854
791668 ONTARIO LIMITED	000791668

B. G. HAWTON,  
Director, Companies and Personal Property  
Security Branch  
Directrice, Direction des compagnies et des  
sûretés mobilières

(138-G731)

## Notice of Default in Complying with the Corporations Tax Act Avis d'inobservation de la Loi sur l'imposition des corporations

The Director has been notified by the Minister of Finance that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241 (1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Corporations Tax Branch, Ministry of Finance, 33 King Street West, Oshawa, Ontario L1H 8H6.

Le ministre des Finances a informé le directeur que les sociétés suivantes n'avaient pas respecté la *Loi sur l'imposition des corporations*.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (1) de la *Loi sur les sociétés par actions*, si les sociétés citées ci-dessous ne se conforment pas aux prescriptions énoncées par la *Loi sur l'imposition des corporations* dans un délai de 90 jours suivant la réception du présent avis, lesdites sociétés se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à la Direction de l'imposition des sociétés, ministère des Finances, 33, rue King ouest, Oshawa (Ontario) L1H 8H6.

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
<b>2005-05-21</b>	
AEROGEO TECH INC.	001325105
AOSIKA (CANADA) LIMITED	001223547
APPLEWOOD VIDEO PRODUCTION INC.	001087141
AQUATIC FITNESS PROFESSIONALS LTD.	001310450
BANWELL COMPUTER SERVICES, INC.	000999448
BARGAIN JOINT STORES LTD.	001327026
BRIDGEVILLE DEVELOPMENTS LIMITED	001326634
CAMC GROUP INC.	001327023

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
CANADIAN GRANT INFORMATION SERVICES INC. ....	001319650
CANAM AUTO ELECTRIC REBUILDERS LTD. ....	000859404
CANDIX CORP. ....	001326207
CERECON INCORPORATED .....	001332614
CERTIFIED LIFT SYSTEMS INC. ....	001353827
CLEAN AIR/CLEAR WATER PRODUCTS INC. ....	001326769
COAST INVESTMENTS INC. ....	000493572
DOMINON SNACK SUPPLY CORP. ....	001325153
EDELWEISS PARTY RENTALS INC. ....	001310451
F. R. J. HOLDINGS LIMITED .....	000371656
FANNEL PROPERTIES AMELIA LTD. ....	000770925
HAMMOND'S INC. ....	001067425
HEALTHCORP CAPITAL INC. ....	001325938
HUME CONTRACTORS LTD. ....	000890546
IDEAN SOLUTIONS INC. ....	001462042
J & M'S EXCAVATING AND SNOW REMOVAL INC. ....	001101217
KING COMMODITY SERVICES LIMITED .....	000521826
KOJAK LOGGING LTD. ....	000862263
KUCEY ENTERPRISES LTD. ....	000356035
KYLIC CORPORATION .....	001310461
LAMPY COLLISION SUPPLY INC. ....	000371180
LANGFORD EQUIPMENT LTD. ....	000736320
LEVER & WELLS INVESTMENTS LIMITED .....	000129364
LOGAN INC. ....	001310472
LONDON CAR RADIO INC. ....	000692690
MEZTEX DRY GOODS LIMITED .....	000222720
MILAO DA LTD. ....	001326650
NUTRIWELL GROUP INC. ....	001315005
P.M.C. TRAINING LIMITED .....	001326761
POWERBALL PROMOTIONS INC. ....	001326206
SAFE AT HOME TECHNOLOGIES CORPORATION .....	001327110
SAMY'S KOSHER GRILL INC. ....	001325594
SENDER REEL EXPLORATION CORP. ....	001325518
SIPS CAFE INC. ....	001055529
SPARR CONTRACTING LTD. ....	001325161
SUNNY VIEW TOWNHOUSES INC. ....	001261072
SUPERIOR LASER & FAX INC. ....	001151396
SYSTEM SCIENCE ASSOCIATES LTD. ....	001310434
T.S.M. OPERATIONS INC. ....	000906340
THE MARSH CORPORATION .....	000634423
THE MINTMARK PRESS LIMITED .....	000609564
TRANS-UNITED CARRIERS, INC. ....	001324101
TURNING LEAF BUSINESS SOLUTIONS INC. ....	001368718
UNIQUE TRUCK LINES INC. ....	001325429
USEA INC. ....	001314576
VAN DER REE HOME IMPROVEMENTS INC. ....	001310539
VASTRICH INTERNATIONAL INC. ....	001091597
YINGKOU PORT STORAGE AND TRANSPORTATION GENERAL CORPORATION .....	001326651
ZAMBEZI CONSTRUCTION LTD. ....	001310547
ZENITH ENTERPRISES CORP. ....	001310470
1027500 ONTARIO INC. ....	001027500
1059942 ONTARIO INC. ....	001059942
1071200 ONTARIO INC. ....	001071200
1100652 ONTARIO LTD. ....	001100652
1142804 ONTARIO LIMITED .....	001142804
1159761 ONTARIO LIMITED .....	001159761
1221872 ONTARIO LTD. ....	001221872
1238317 ONTARIO LTD. ....	001238317
1243187 ONTARIO LIMITED .....	001243187
1272163 ONTARIO LIMITED .....	001272163
1304189 ONTARIO INC. ....	001304189
1310415 ONTARIO INC. ....	001310415
1310471 ONTARIO INC. ....	001310471
1310487 ONTARIO LIMITED .....	001310487
1314220 ONTARIO INC. ....	001314220
1315688 ONTARIO INC. ....	001315688
1315747 ONTARIO LTD. ....	001315747

Name of Corporation: Dénomination sociale de la société:	Ontario Corporation Number Numéro de la société en Ontario
1317852 ONTARIO INC. ....	001317852
1317859 ONTARIO LTD. ....	001317859
1325001 ONTARIO INC. ....	001325001
1325007 ONTARIO INC. ....	001325007
1325191 ONTARIO INC. ....	001325191
1325535 ONTARIO INC. ....	001325535
1325861 ONTARIO INC. ....	001325861
1325871 ONTARIO INC. ....	001325871
1325925 ONTARIO INC. ....	001325925
1325934 ONTARIO INC. ....	001325934
1326209 ONTARIO LIMITED .....	001326209
1326360 ONTARIO LTD. ....	001326360
1326626 ONTARIO INC. ....	001326626
1326645 ONTARIO LTD. ....	001326645
1326666 ONTARIO INC. ....	001326666
1326682 ONTARIO LTD. ....	001326682
1326698 ONTARIO INC. ....	001326698
1326699 ONTARIO INC. ....	001326699
1326700 ONTARIO INC. ....	001326700
1326747 ONTARIO LIMITED .....	001326747
1327001 ONTARIO LIMITED .....	001327001
1327008 ONTARIO LIMITED .....	001327008
1327015 ONTARIO LIMITED .....	001327015
1327053 ONTARIO INC. ....	001327053
1327094 ONTARIO INC. ....	001327094
1327151 ONTARIO LTD. ....	001327151
1332972 ONTARIO INC. ....	001332972
1358751 ONTARIO INC. ....	001358751
1475603 ONTARIO INC. ....	001475603
1700 FEATHERSTON HOLDINGS LIMITED .....	001310017
352247 ONTARIO INC. ....	000352247
364803 ONTARIO LTD. ....	000364803
398783 ONTARIO INC. ....	000398783
509175 ONTARIO LTD. ....	000509175
515942 ONTARIO, INC. ....	000515942
679680 ONTARIO INC. ....	000679680
787498 ONTARIO INC. ....	000787498
818823 ONTARIO INC. ....	000818823
854828 ONTARIO LTD. ....	000854828
855856 ONTARIO LIMITED .....	000855856
954356 ONTARIO INC. ....	000954356

(138-G732) B. G. HAWTON,  
Director, Companies and Personal Property  
Security Branch  
Directrice, Direction des compagnies et des  
sûretés mobilières

## Marriage Act Loi sur le mariage

CERTIFICATE OF TEMPORARY REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT TEMPORAIRE autorisant à célébrer des mariages en Ontario ont été délivrés aux suivants:

Name	Location	Effective Date
MacLean, Alexander	Trenton, NS.	4-Apr-05
August 17, 2005 to August 21, 2005		

<b>Name</b>	<b>Location</b>	<b>Effective Date</b>	<b>Name</b>	<b>Location</b>	<b>Effective Date</b>
Plant, David April 7, 2005 to April 11, 2005	Drumheller, AB	4-Apr-05	Drolet, Jean-Yves July 14, 2005 to July 18, 2005	St. Raymond, QC	19-Apr-05
Fitzgerald, Michael Lindsay June 23, 2005 to June 27, 2005	Doyles, NF	4-Apr-05	Riesbeck, Christian June 16, 2005 to June 20, 2005	Houston, TX	19-Apr-05
Stonhouse, Colleen Eleanor August 11, 2005 to August 15, 2005	Saskatoon, SK.	6-Apr-05	Tuininga, Bill June 2, 2005 to June 6, 2005	Winnipeg, MB	19-Apr-05
Norman, Eleazer Kenneth June 30, 2005 to July 4, 2005	Tweed, ON.	6-Apr-05	Jarvis, Daren James May 19, 2005 to May 23, 2005	Victoria, BC	19-Apr-05
Hiebert, Jacob June 16, 2005 to June 20, 2005	Calgary, AB.	6-Apr-05	McCann, David June 2, 2005 to June 6, 2005	Brossard, QC	19-Apr-05
Lawton, Donald John June 16, 2005 to June 20, 2005	Halifax, NS.	6-Apr-05	Abbott, Wilbert July 14, 2005 to July 18, 2005	Winnipeg, MB	19-Apr-05
Bechtel, Ken June 23, 2005 to June 27, 2005	Saskatoon, SK.	6-Apr-05	Sheridan, Charles July 28, 2005 to August 1, 2005	Winnipeg, MB	19-Apr-05
Calvieri, Antonio April 21, 2005 to April 25, 2005	Caivani, Italy	7-Apr-05	Bellafiore, Iguazio Michael June 23, 2005 to June 27, 2005	Washington, DC	21-Apr-05
Heinrichs, Jacob June 29, 2005 to July 3, 2005	Winnipeg, MB	11-Apr-05	Wood, David October 7, 2005 to October 11, 2005	Coquitlam, BC.	21-Apr-05
Hammond, Brenda June 23, 2005 to June 27, 2005	Calgary, AB.	11-Apr-05	Hillian, Lorna September 8, 2005 to September 12, 2005	Kelowna, BC	21-Apr-05
Miles, Robert H April 28, 2005 to May 2, 2005	Etobicoke, ON.	11-Apr-05	Siverns, Lloyd E. May 12, 2005 to May 16, 2005	Langley, BC	21-Apr-05
Lee, Sang Chul May 12, 2005 to May 16, 2005	Newmarket, ON.	11-Apr-05	MacLeod, Gordon June 2, 2005 to June 6, 2005	Moncton, NB	26-Apr-05
Evans, Calvin D. June 2, 2005 to June 6, 2005	Botwood, NL.	11-Apr-05	Williams, Garth Vincent June 30, 2005 to July 4, 2005	St. Stephen, NB	26-Apr-05
Wilby, Timothy David October 7, 2005 to October 11, 2005	Preston, UK.	14-Apr-05	Williams, Stewart Buchan June 9, 2005 to June 13, 2005	Dartmouth, NS.	26-Apr-05
Woldai, Ghebriel July 28, 2005 to August 1, 2005	Bekkeley, CA	14-Apr-05	Bertrand, Gilbert J May 26, 2005 to May 30, 2005	Halifax, NS.	26-Apr-05
Seo, Dong Chun May 3, 2005 to May 7, 2005	Olds, AB	14-Apr-05	Jackson, Jared J. July 7, 2005 to July 11, 2005	West Newton, PA.	26-Apr-05
Watkins, Keith Murray May 10, 2005 to May 14, 2005	Gloucester, UK	14-Apr-05	Brglez, Brian June 8, 2005 to June 12, 2005	Winnipeg, MB	26-Apr-05
Flath, Arthur Martin June 16, 2005 to June 20, 2005	Victoria, BC	14-Apr-05	Smith, Jerry W. May 26, 2005 to May 30, 2005	Washville, TN.	26-Apr-05
Ross, Geoffrey Mercer May 12, 2005 to May 16, 2005	Charlottetown, PEI	14-Apr-05	Croteau, Gerald J. June 9, 2005 to June 13, 2005	Thurso, QC.	26-Apr-05
Hughes, Robert July 28, 2005 to August 1, 2005	Winchester, VA	14-Apr-05	Inglis, Glenn July 28, 2005 to August 1, 2005	Vancouver, BC	26-Apr-05
Thompson, David June 9, 2005 to June 13, 2005	Sacramento, CA	19-Apr-05	Thomas, Eustace July 13, 2005 to July 17, 2005	West Indies	26-Apr-05
D'Eall, Keith Richard April 27, 2005 to May 1, 2005	Calgary, AB.	19-Apr-05	Borland, David May 12, 2005 to May 16, 2005	Kilmarnoci, Scotland	26-Apr-05
Smith, Robert Bell August 4, 2005 to August 8, 2005	Toronto, ON.	19-Apr-05	Mercer, Robert July 21, 2005 to July 25, 2005	Clareville, NF	26-Apr-05
Smith, Robert Bell June 16, 2005 to June 20, 2005	Toronto, ON.	19-Apr-05	Fitzpatrick, David August 25, 2005 to August 29, 2005	Montreal, QC.	27-Apr-05
Ramsey, Garry July 14, 2005 to July 18, 2005	Canton, NC	19-Apr-05	Vanderhorst, Ken	Imlay City, MI	27-Apr-05

Name	Location	Effective Date
October 5, 2005 to October 9, 2005		
Maynard, David R.	Winnipeg, MB	29-Apr-05
September 1, 2005 to September 5, 2005		
Adackapara, Mathew	Freehold, NJ.	29-Apr-05
November 17, 2005 to November 21, 2005		
O'Brien, Brendan M.	St. John's, NL.	29-Apr-05
July 14, 2005 to July 18, 2005		
Sedore, Jason	Caroline, AB.	29-Apr-05
July 28, 2005 to August 1, 2005		
Little, Lawrence Bradley	New Maryland, NB,	29-Apr-05
August 11, 2005 to August 15, 2005		
Allard, Pierre M.	Gatineau, QC.	29-Apr-05
June 23, 2005 to June 27, 2005		

(138-G733)

**NOTICE 10A-05****STATUTORY NOTICE UNDER THE REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001**

NOTICE TO MUNICIPAL CORPORATIONS AND PUBLIC BODIES OF A CLASS PRESCRIBED IN SECTION 12 OF ONTARIO REGULATION 233/03 THAT SUFFERED PECUNIARY LOSSES BY REASON OF THE UNLAWFUL ACTIVITY RESULTING IN CIVIL FORFEITURE PROCEEDINGS IN THE MATTER OF THE ATTORNEY GENERAL OF ONTARIO AND \$16,520 IN CANADIAN CURRENCY (IN REM), AND FORBES LILFORD.

Pursuant to a court order made in the above proceeding, money has been forfeited to the Crown and deposited in a special purpose account. Any municipal corporation or public body of a prescribed class, which has suffered pecuniary losses as a result of the above unlawful activity is entitled to make a claim for compensation.

All claims must comply with the provisions of Regulation 233/03 and be on the prescribed form or they will be denied. Regulation 233/03 may be found at [www.e-laws.gov.on.ca/DBLaws/Regs/English/030233\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Regs/English/030233_e.htm).

To obtain a claim form or if you have any inquiries about potential claims please contact the Civil Remedies for Illicit Activities Office toll free at 1-888-246-5359 or write to:

Ministry of the Attorney General  
Civil Remedies for Illicit Activities Office  
77 Wellesley Street West, P.O. Box 333  
Toronto, ON M7A 1N3

All completed claims must refer to **Notice 10A-05**, be sent to the above address and be received no later than 5 pm on June 22, 2005 to be considered.

You may not be eligible for compensation if you participated in or contributed to your losses or the unlawful activity giving rise to the proceeding.

**AVIS 10A-05****AVIS PRÉVU PAR LA LOI DE 2001 SUR LES RECOURS POUR CRIME ORGANISÉ ET AUTRES ACTIVITÉS ILLÉGALES**

AVIS EST DONNÉ AUX MUNICIPALITÉS ET ORGANISMES PUBLICS D'UNE CATÉGORIE PRESCRITE À L'ARTICLE 12 DU RÈGLEMENT DE L'ONTARIO 233/03 QUI ONT SUBI DES PERTES PÉCUNIAIRES PAR SUITE DE L'ACTIVITÉ ILLÉGALE À L'ÉGARD DE LAQUELLE UNE INSTANCE CIVILE DE CONFISCATION A ÉTÉ INTRODUE, EN L'AFFAIRE DU PROCUREUR GÉNÉRAL DE L'ONTARIO ET 16 520 \$ EN DEVISE CANADIENNE (EN MATIÈRE RÉELLE) ET FORBES LILFORD.

En vertu d'une ordonnance de la cour rendue relativement à l'instance susmentionnée, une somme d'argent a été confisquée au profit de la Couronne et versée dans un compte spécial. Toute municipalité ou organisme public d'une catégorie prescrite qui a subi des pertes pécuniaires par suite de l'activité illégale susmentionnée a le droit de demander une indemnité.

Toute personne qui présente une demande doit utiliser la formule prescrite et la remplir selon les dispositions du Règlement 233/03. Une demande qui n'est pas conforme au Règlement sera rejetée. Le Règlement 233/03 se trouve à [www.e-laws.gov.on.ca/DBLaws/Regs/French/030233\\_f.htm](http://www.e-laws.gov.on.ca/DBLaws/Regs/French/030233_f.htm).

Si vous voulez obtenir une formule de demande ou si vous avez des questions concernant d'éventuelles demandes, veuillez communiquer avec le Bureau de recours civil à l'égard d'activités illicites composant le numéro sans frais 1 888 246-5359 ou en écrivant au :

Ministère du Procureur général  
Bureau de recours civil à l'égard d'activités illicites  
77, rue Wellesley Ouest, c. p. 333  
Toronto ON M7A 1N3

Pour être admissibles, les demandes produites doivent porter la mention **Avis 10A-05**, être envoyées à l'adresse ci-dessus et parvenir au bureau d'ici le 22 juin 2005 à 17 h.

L'admissibilité à une indemnité peut être refusée s'il est établi que l'auteur de la demande peut avoir participé ou contribué aux pertes qu'il a subies ou à l'activité illégale à l'égard de laquelle l'instance a été introduite.

(138-G734)

**NOTICE 11A-05****STATUTORY NOTICE UNDER THE REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001**

NOTICE TO MUNICIPAL CORPORATIONS AND PUBLIC BODIES OF A CLASS PRESCRIBED IN SECTION 12 OF ONTARIO REGULATION 233/03 THAT SUFFERED PECUNIARY LOSSES BY REASON OF THE UNLAWFUL ACTIVITY RESULTING IN CIVIL FORFEITURE PROCEEDINGS IN THE MATTER OF THE ATTORNEY GENERAL OF ONTARIO AND \$9,350.00 IN CANADIAN CURRENCY, \$50.00 IN U.S. CURRENCY (IN REM) AND JESSICA CLARIDGE.

Pursuant to a court order made in the above proceeding, money has been forfeited to the Crown and deposited in a special purpose account. Any municipal corporation or public body of a prescribed class, which has suffered pecuniary losses as a result of the above unlawful activity is entitled to make a claim for compensation.

All claims must comply with the provisions of Regulation 233/03 and be on the prescribed form or they will be denied. Regulation 233/03 may be found at [www.e-laws.gov.on.ca/DBLaws/Regs/English/030233\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Regs/English/030233_e.htm).



To obtain a claim form or if you have any inquiries about potential claims please contact the Civil Remedies for Illicit Activities Office toll free at 1-888-246-5359 or write to:

Ministry of the Attorney General  
Civil Remedies for Illicit Activities Office  
77 Wellesley Street West, P.O. Box 333  
Toronto, ON M7A 1N3

All completed claims must refer to **Notice 11A-05**, be sent to the above address and be received no later than 5 pm on June 22, 2005 to be considered.

You may not be eligible for compensation if you participated in or contributed to your losses or the unlawful activity giving rise to the proceeding.

#### AVIS 11A-05

##### **AVIS PRÉVU PAR LA LOI DE 2001 SUR LES RECOURS POUR CRIME ORGANISÉ ET AUTRES ACTIVITÉS ILLÉGALES**

AVIS EST DONNÉ AUX MUNICIPALITÉS ET ORGANISMES PUBLICS D'UNE CATÉGORIE PRESCRITE À L'ARTICLE 12 DU RÈGLEMENT DE L'ONTARIO 233/03 QUI ONT SUBI DES PERTES PÉCUNIAIRES PAR SUITE DE L'ACTIVITÉ ILLÉGALE À L'ÉGARD DE LAQUELLE UNE INSTANCE CIVILE DE CONFISCATION A ÉTÉ INTRODUITE, EN L'AFFAIRE DU PROCUREUR GÉNÉRAL DE L'ONTARIO ET 9 350 \$ EN DEVISE CANADIENNE, 50 \$ EN DEVISE AMÉRICAINE (EN MATIÈRE RÉELLE) ET JESSICA CLARIDGE.

En vertu d'une ordonnance de la cour rendue relativement à l'instance susmentionnée, une somme d'argent a été confisquée au profit de la Couronne et versée dans un compte spécial. Toute municipalité ou organisme public d'une catégorie prescrite qui a subi des pertes pécuniaires par suite de l'activité illégale susmentionnée a le droit de demander une indemnité.

Toute personne qui présente une demande doit utiliser la formule prescrite et la remplir selon les dispositions du Règlement 233/03. Une demande qui n'est pas conforme au Règlement sera rejetée. Le Règlement 233/03 se trouve à [www.e-laws.gov.on.ca/DBLaws/Regs/French/030233\\_f.htm](http://www.e-laws.gov.on.ca/DBLaws/Regs/French/030233_f.htm).

Si vous voulez obtenir une formule de demande ou si vous avez des questions concernant d'éventuelles demandes, veuillez communiquer avec le Bureau de recours civil à l'égard d'activités illicites en composant le numéro sans frais 1 888 246-5359 ou en écrivant au :

Ministère du Procureur général  
Bureau de recours civil à l'égard d'activités illicites  
77, rue Wellesley Ouest, c. p. 333  
Toronto ON M7A 1N3

Pour être admissibles, les demandes produites doivent porter la mention **Avis 11A-05**, être envoyées à l'adresse ci-dessus et parvenir au bureau d'ici le 22 juin 2005 à 17 h.

L'admissibilité à une indemnité peut être refusée s'il est établi que l'auteur de la demande peut avoir participé ou contribué aux pertes qu'il a subies ou à l'activité illégale à l'égard de laquelle l'instance a été introduite.

(138-G735)

#### NOTICE 12A-05

##### **STATUTORY NOTICE UNDER THE REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001**

NOTICE TO MUNICIPAL CORPORATIONS AND PUBLIC BODIES OF A CLASS PRESCRIBED IN SECTION 12 OF ONTARIO REGULATION 233/03 THAT SUFFERED PECUNIARY LOSSES BY REASON OF THE UNLAWFUL ACTIVITY RESULTING IN CIVIL FORFEITURE PROCEEDINGS IN THE MATTER OF THE ATTORNEY GENERAL OF ONTARIO AND \$15,010 IN CANADIAN CURRENCY (IN REM) and ANDREW WILLIAM PARSONS (ALSO KNOWN AS ANDREW PARSON).

Pursuant to a court order made in the above proceeding, money has been forfeited to the Crown and deposited in a special purpose account. Any municipal corporation or public body of a prescribed class, which has suffered pecuniary losses as a result of the above unlawful activity is entitled to make a claim for compensation.

All claims must comply with the provisions of Regulation 233/03 and be on the prescribed form or they will be denied. Regulation 233/03 may be found at [www.e-laws.gov.on.ca/DBLaws/Regs/English/030233\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Regs/English/030233_e.htm).

To obtain a claim form or if you have any inquiries about potential claims please contact the Civil Remedies for Illicit Activities Office toll free at 1-888-246-5359 or write to:

Ministry of the Attorney General  
Civil Remedies for Illicit Activities Office  
77 Wellesley Street West, P.O. Box 333  
Toronto, ON M7A 1N3

All completed claims must refer to **Notice 12A-05**, be sent to the above address and be received no later than 5 pm on June 22, 2005 to be considered.

You may not be eligible for compensation if you participated in or contributed to your losses or the unlawful activity giving rise to the proceeding.

#### AVIS 12A-05

##### **AVIS PRÉVU PAR LA LOI DE 2001 SUR LES RECOURS POUR CRIME ORGANISÉ ET AUTRES ACTIVITÉS ILLÉGALES**

AVIS EST DONNÉ AUX MUNICIPALITÉS ET ORGANISMES PUBLICS D'UNE CATÉGORIE PRESCRITE À L'ARTICLE 12 DU RÈGLEMENT DE L'ONTARIO 233/03 QUI ONT SUBI DES PERTES PÉCUNIAIRES PAR SUITE DE L'ACTIVITÉ ILLÉGALE À L'ÉGARD DE LAQUELLE UNE INSTANCE CIVILE DE CONFISCATION A ÉTÉ INTRODUITE, EN L'AFFAIRE DU PROCUREUR GÉNÉRAL DE L'ONTARIO ET 15 010 \$ EN DEVISE CANADIENNE (EN MATIÈRE RÉELLE) ET ANDREW WILLIAM PARSONS (ÉGALEMENT CONNU SOUS LE NOM DE ANDREW PARSON).

En vertu d'une ordonnance de la cour rendue relativement à l'instance susmentionnée, une somme d'argent a été confisquée au profit de la Couronne et versée dans un compte spécial. Toute municipalité ou organisme public d'une catégorie prescrite qui a subi des pertes pécuniaires par suite de l'activité illégale susmentionnée a le droit de demander une indemnité.

Toute personne qui présente une demande doit utiliser la formule prescrite et la remplir selon les dispositions du Règlement 233/03. Une demande qui n'est pas conforme au Règlement sera rejetée. Le Règlement 233/03 se trouve à [www.e-laws.gov.on.ca/DBLaws/Regs/French/030233\\_f.htm](http://www.e-laws.gov.on.ca/DBLaws/Regs/French/030233_f.htm).

Si vous voulez obtenir une formule de demande ou si vous avez des questions concernant d'éventuelles demandes, veuillez communiquer avec le Bureau de recours civil à l'égard d'activités illicites en composant le numéro sans frais 1 888 246-5359 ou en écrivant au :

Ministère du Procureur général  
Bureau de recours civil à l'égard d'activités illicites  
77, rue Wellesley Ouest, c. p. 333  
Toronto ON M7A 1N3

Pour être admissibles, les demandes produites doivent porter la mention **Avis 12A-05**, être envoyées à l'adresse ci-dessus et parvenir au bureau d'ici le 22 juin 2005 à 17 h.

L'admissibilité à une indemnité peut être refusée s'il est établi que l'auteur de la demande peut avoir participé ou contribué aux pertes qu'il a subies ou à l'activité illégale à l'égard de laquelle l'instance a été introduite.

(138-G736)

## Ministry of Education

TABLE A  
2005 Proportions of Enrolment for purposes of Education Act, subsections 238(2) and 257.8(3)

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
<b>TORONTO</b>	73.962	25.110	0.398	0.530
<b>CHATHAM-KENT</b>	66.402	28.923	0.576	4.099
<b>HALDIMAND COUNTY</b>	73.179	26.353	0.000	0.468
<b>HAMILTON</b>	65.150	33.594	0.227	1.029
<b>KAWARTHA LAKES</b>	84.896	14.812	0.000	0.292
<b>NORFOLK COUNTY</b>	73.179	26.353	0.000	0.468
<b>OTTAWA</b>	55.117	29.760	4.754	10.369
<b>PRINCE EDWARD COUNTY</b>	78.940	19.798	0.311	0.951
<b>GREATER SUDBURY</b>	47.473	25.170	6.110	21.247
<b>REGIONAL MUNICIPALITY OF DURHAM</b>				
Ajax	71.255	27.266	0.457	1.022
Brock	71.255	27.266	0.457	1.022
Clarington	76.069	23.585	0.000	0.346
Oshawa	71.255	27.266	0.457	1.022
Pickering	71.255	27.266	0.457	1.022
Scugog	71.255	27.266	0.457	1.022
Uxbridge	71.255	27.266	0.457	1.022
Whitby	71.255	27.266	0.457	1.022
<b>REGIONAL MUNICIPALITY OF HALTON</b>				
Burlington	63.360	35.174	0.214	1.252
Halton Hills	63.360	35.174	0.214	1.252
Milton	63.360	35.174	0.214	1.252
Oakville	63.360	35.174	0.214	1.252
<b>REGIONAL MUNICIPALITY OF NIAGARA</b>				
Fort Erie	62.199	33.861	1.344	2.596
Grimsby	62.199	33.861	1.344	2.596
Lincoln	62.199	33.861	1.344	2.596
Niagara Falls	62.199	33.861	1.344	2.596
Niagara-on-the-Lake	62.199	33.861	1.344	2.596
Pelham	62.199	33.861	1.344	2.596
Port Colborne	62.199	33.861	1.344	2.596
St. Catharines	62.199	33.861	1.344	2.596
Thorold	62.199	33.861	1.344	2.596
Wainfleet	62.199	33.861	1.344	2.596
Welland	62.199	33.861	1.344	2.596
West Lincoln	62.199	33.861	1.344	2.596
<b>REGIONAL MUNICIPALITY OF PEEL</b>				
Brampton	59.896	39.215	0.294	0.595
Caledon	59.896	39.215	0.294	0.595
Mississauga	59.896	39.215	0.294	0.595

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
<b>REGIONAL MUNICIPALITY OF WATERLOO</b>				
Cambridge	71.018	28.149	0.173	0.660
Kitchener	71.018	28.149	0.173	0.660
North Dumfries	71.018	28.149	0.173	0.660
Waterloo	71.018	28.149	0.173	0.660
Wellesley	71.018	28.149	0.173	0.660
Wilmot	71.018	28.149	0.173	0.660
Woolwich	71.018	28.149	0.173	0.660
<b>REGIONAL MUNICIPALITY OF YORK</b>				
Aurora	65.912	33.252	0.216	0.620
East Gwillimbury	65.912	33.252	0.216	0.620
Georgina	65.912	33.252	0.216	0.620
King	65.912	33.252	0.216	0.620
Markham	65.912	33.252	0.216	0.620
Newmarket	65.912	33.252	0.216	0.620
Richmond Hill	65.912	33.252	0.216	0.620
Vaughan	65.912	33.252	0.216	0.620
Whitchurch-Stouffville	65.912	33.252	0.216	0.620
<b>DISTRICT MUNICIPALITY OF MUSKOKA</b>				
Bracebridge	82.964	16.694	0.000	0.342
Georgian Bay - Freeman Ward	50.000	47.727	0.000	2.273
Georgian Bay - Gibson and Baxter Wards	82.964	16.694	0.000	0.342
Gravenhurst	82.964	16.694	0.000	0.342
Huntsville	82.964	16.694	0.000	0.342
Lake of Bays	82.964	16.694	0.000	0.342
Muskoka Lakes	82.964	16.694	0.000	0.342
<b>COUNTY OF BRANT</b>				
	73.179	26.353	0.000	0.468
<b>BRANTFORD</b>				
	73.179	26.353	0.000	0.468
<b>COUNTY OF BRUCE</b>				
Arran-Elderslie	85.176	14.527	0.000	0.297
Brockton	85.176	14.527	0.000	0.297
Huron-Kinloss	85.176	14.527	0.000	0.297
Kincardine	85.176	14.527	0.000	0.297
Northern Bruce Peninsula	85.176	14.527	0.000	0.297
Saugeen Shores	85.176	14.527	0.000	0.297
South Bruce	85.176	14.527	0.000	0.297
South Bruce Peninsula	85.176	14.527	0.000	0.297
<b>COUNTY OF DUFFERIN</b>				
Amaranth	83.485	15.973	0.143	0.399
East Garafraxa	83.485	15.973	0.143	0.399
East Luther Grand Valley	83.485	15.973	0.143	0.399
Melancthon	83.485	15.973	0.143	0.399
Mono	83.485	15.973	0.143	0.399
Mulmur	83.485	15.973	0.143	0.399
Orangeville	83.485	15.973	0.143	0.399
Shelburne	83.485	15.973	0.143	0.399
<b>COUNTY OF ELGIN</b>				
Aylmer	78.004	20.821	0.347	0.828
Bayham	78.004	20.821	0.347	0.828
Central Elgin	78.004	20.821	0.347	0.828
Dutton/Dunwich	78.004	20.821	0.347	0.828
Malahide	78.004	20.821	0.347	0.828
Southwold	78.004	20.821	0.347	0.828
St. Thomas	78.004	20.821	0.347	0.828
West Elgin	78.004	20.821	0.347	0.828
<b>COUNTY OF ESSEX</b>				
Amherstburg	55.024	38.952	0.432	5.592
Essex	55.024	38.952	0.432	5.592
Kingsville	55.024	38.952	0.432	5.592
Lakeshore	55.024	38.952	0.432	5.592
LaSalle	55.024	38.952	0.432	5.592
Leamington	55.024	38.952	0.432	5.592

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
Pelee	55.024	38.952	0.432	5.592
Tecumseh	55.024	38.952	0.432	5.592
Windsor	55.024	38.952	0.432	5.592
<b>COUNTY OF FRONTENAC</b>				
Central Frontenac	73.093	24.356	0.919	1.632
Frontenac Islands	73.093	24.356	0.919	1.632
Kingston	73.093	24.356	0.919	1.632
North Frontenac	73.093	24.356	0.919	1.632
South Frontenac	73.093	24.356	0.919	1.632
<b>COUNTY OF GREY</b>				
Chatsworth	85.176	14.527	0.000	0.297
Georgian Bluffs	85.176	14.527	0.000	0.297
Grey Highlands	85.176	14.527	0.000	0.297
Hanover	85.176	14.527	0.000	0.297
Meaford	85.176	14.527	0.000	0.297
Owen Sound	85.176	14.527	0.000	0.297
Southgate	85.176	14.527	0.000	0.297
The Blue Mountains	85.176	14.527	0.000	0.297
West Grey	85.176	14.527	0.000	0.297
<b>COUNTY OF HALIBURTON</b>				
Algonquin Highlands	100.000	N/A	0.000	N/A
Dysart Etc	100.000	N/A	0.000	N/A
Highlands East	87.071	12.929	0.000	0.000
Minden Hills	100.000	N/A	0.000	N/A
<b>COUNTY OF HASTINGS</b>				
Bancroft	78.940	19.798	0.311	0.951
Belleville	78.940	19.798	0.311	0.951
Carlow/Mayo	78.940	19.798	0.311	0.951
Centre Hastings	78.940	19.798	0.311	0.951
Desoronto	78.940	19.798	0.311	0.951
Faraday	78.940	19.798	0.311	0.951
Hastings Highlands	78.940	19.798	0.311	0.951
Limerick	78.940	19.798	0.311	0.951
Madoc	78.940	19.798	0.311	0.951
Maramora and Lake	78.940	19.798	0.311	0.951
Quinte West - Remainder	78.940	19.798	0.311	0.951
Stirling-Rawdon	78.940	19.798	0.311	0.951
Tudor and Cashel	78.940	19.798	0.311	0.951
Tweed	78.940	19.798	0.311	0.951
Tyendinaga	78.940	19.798	0.311	0.951
Wollaston	78.940	19.798	0.311	0.951
<b>COUNTY OF HURON</b>				
Ashfield-Colborne-Wawanosh	79.030	20.970	0.000	0.000
Bluewater	79.030	20.970	0.000	0.000
Central Huron	79.030	20.970	0.000	0.000
Goderich	79.030	20.970	0.000	0.000
Howick	79.030	20.970	0.000	0.000
Huron East	79.030	20.970	0.000	0.000
Morris-Turnberry	79.030	20.970	0.000	0.000
North Huron	79.030	20.970	0.000	0.000
South Huron	79.030	20.970	0.000	0.000
<b>COUNTY OF LAMBTON</b>				
Brooke-Alvinston	66.402	28.923	0.576	4.099
Dawn-Euphemia	66.402	28.923	0.576	4.099
Enniskillen	66.402	28.923	0.576	4.099
Lambton Shores	66.402	28.923	0.576	4.099
Oil Springs	66.402	28.923	0.576	4.099
Petrolia	66.402	28.923	0.576	4.099
Plympton-Wyoming	66.402	28.923	0.576	4.099
Point Edward	66.402	28.923	0.576	4.099
Sarnia	66.402	28.923	0.576	4.099
St. Clair	66.402	28.923	0.576	4.099
Warwick	66.402	28.923	0.576	4.099

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
<b>COUNTY OF LANARK</b>				
Beckwith	74.905	23.221	0.713	1.161
Carleton Place	74.905	23.221	0.713	1.161
Drummond/North Elmsley	74.905	23.221	0.713	1.161
Lanark Highlands	74.905	23.221	0.713	1.161
Mississippi Mills	74.905	23.221	0.713	1.161
Montague	74.905	23.221	0.713	1.161
Perth	74.905	23.221	0.713	1.161
Smiths Falls	74.905	23.221	0.713	1.161
Tay Valley	74.905	23.221	0.713	1.161
<b>COUNTY OF LENNOX AND ADDINGTON</b>				
Addington Highlands	73.093	24.356	0.919	1.632
Greater Napanee	73.093	24.356	0.919	1.632
Loyalist	73.093	24.356	0.919	1.632
Stone Mills	73.093	24.356	0.919	1.632
<b>COUNTY OF MIDDLESEX</b>				
Adelaide-Metcalf	78.004	20.821	0.347	0.828
London	78.004	20.821	0.347	0.828
Lucan Biddulph	78.004	20.821	0.347	0.828
Middlesex Centre	78.004	20.821	0.347	0.828
Newbury	78.004	20.821	0.347	0.828
North Middlesex	78.004	20.821	0.347	0.828
Southwest Middlesex	78.004	20.821	0.347	0.828
Strathroy-Caradoc	78.004	20.821	0.347	0.828
Thames Centre	78.004	20.821	0.347	0.828
<b>COUNTY OF NORTHUMBERLAND</b>				
Alnwick/Haldimand	76.069	23.585	0.000	0.346
Brighton	76.069	23.585	0.000	0.346
Cobourg	76.069	23.585	0.000	0.346
Cramahe	76.069	23.585	0.000	0.346
Hamilton	76.069	23.585	0.000	0.346
Port Hope	76.069	23.585	0.000	0.346
Quinte West - Murray portion	76.069	23.585	0.000	0.346
Trent Hills	76.069	23.585	0.000	0.346
<b>COUNTY OF OXFORD</b>				
Blandford-Blenheim	78.004	20.821	0.347	0.828
East Zorra-Tavistock	78.004	20.821	0.347	0.828
Ingersoll	78.004	20.821	0.347	0.828
Norwich	78.004	20.821	0.347	0.828
South-West Oxford	78.004	20.821	0.347	0.828
Tillsonburg	78.004	20.821	0.347	0.828
Woodstock	78.004	20.821	0.347	0.828
Zorra	78.004	20.821	0.347	0.828
<b>COUNTY OF PERTH</b>				
North Perth	79.030	20.970	0.000	0.000
Perth East	79.030	20.970	0.000	0.000
Perth South	79.030	20.970	0.000	0.000
Stratford	79.030	20.970	0.000	0.000
St. Marys	79.030	20.970	0.000	0.000
West Perth	79.030	20.970	0.000	0.000
<b>COUNTY OF PETERBOROUGH</b>				
Asphodel-Norwood	76.069	23.585	0.000	0.346
Cavan-Millbrook-North Monaghan	76.069	23.585	0.000	0.346
Douro-Drummer	76.069	23.585	0.000	0.346
Galway-Cavendish and Harvey	76.069	23.585	0.000	0.346
Havelock-Belmont-Methuen	76.069	23.585	0.000	0.346
North Kawartha	76.069	23.585	0.000	0.346
Otonabee-South Monaghan	76.069	23.585	0.000	0.346
Peterborough	76.069	23.585	0.000	0.346
Smith-Ennismore-Lakefield	76.069	23.585	0.000	0.346

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
<b>COUNTY OF RENFREW</b>				
Admaston/Bromley	66.467	29.147	0.934	3.452
Arnprior	66.467	29.147	0.934	3.452
Bonnechere Valley	66.467	29.147	0.934	3.452
Bruderell, Lyndoch and Raglan	66.467	29.147	0.934	3.452
Deep River	66.467	29.147	0.934	3.452
Greater Madawaska	66.467	29.147	0.934	3.452
Head, Clara and Maria	66.467	29.147	0.934	3.452
Horton	66.467	29.147	0.934	3.452
Killaloe, Hagarty and Richards	66.467	29.147	0.934	3.452
Laurentian Hills	66.467	29.147	0.934	3.452
Laurentian Valley	66.467	29.147	0.934	3.452
Madawaska Valley	66.467	29.147	0.934	3.452
McNab/Braeside	66.467	29.147	0.934	3.452
North Algona Wilberforce	66.467	29.147	0.934	3.452
Pembroke	66.467	29.147	0.934	3.452
Petawawa	66.467	29.147	0.934	3.452
Renfrew	66.467	29.147	0.934	3.452
Whitewater Region	66.467	29.147	0.934	3.452
<b>COUNTY OF SIMCOE</b>				
Adjala-Tosorontio	71.878	26.257	0.639	1.226
Barrie	71.878	26.257	0.639	1.226
Bradford West Gwillimbury	71.878	26.257	0.639	1.226
Clearview	71.878	26.257	0.639	1.226
Collingwood	71.878	26.257	0.639	1.226
Essa	71.878	26.257	0.639	1.226
Innisfil	71.878	26.257	0.639	1.226
Midland	71.878	26.257	0.639	1.226
New Tecumseth	71.878	26.257	0.639	1.226
Orillia	71.878	26.257	0.639	1.226
Oro-Medonte	71.878	26.257	0.639	1.226
Penetanguishene	35.688	31.901	11.435	4.953
Ramara	71.878	26.257	0.639	1.226
Severn	71.878	26.257	0.639	1.226
Springwater	71.878	26.257	0.639	1.226
Tay	71.878	26.257	0.639	1.226
Tiny	71.878	26.257	0.639	1.226
Wasaga Beach	71.878	26.257	0.639	1.226
<b>COUNTY OF WELLINGTON</b>				
Centre Wellington	75.201	23.706	0.193	0.900
Erin	75.201	23.706	0.193	0.900
Guelph	75.201	23.706	0.193	0.900
Guelph/Eramosa	75.201	23.706	0.193	0.900
Mapleton	75.201	23.706	0.193	0.900
Minto	75.201	23.706	0.193	0.900
Puslinch	75.201	23.706	0.193	0.900
Wellington North	75.201	23.706	0.193	0.900
<b>UNITED COUNTIES OF LEEDS AND GRENVILLE</b>				
Athens	74.905	23.221	0.713	1.161
Augusta	74.905	23.221	0.713	1.161
Brockville	74.905	23.221	0.713	1.161
Edwardsburgh/Cardinal	74.905	23.221	0.713	1.161
Elizabethtown-Kitley	74.905	23.221	0.713	1.161
Front of Yonge	74.905	23.221	0.713	1.161
Gananoque	74.905	23.221	0.713	1.161
Leeds and the Thousand Islands	74.905	23.221	0.713	1.161
Merrickville-Wolford	74.905	23.221	0.713	1.161
North Grenville	74.905	23.221	0.713	1.161
Prescott	74.905	23.221	0.713	1.161
Rideau Lakes	74.905	23.221	0.713	1.161
Westport	74.905	23.221	0.713	1.161

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
<b>UNITED COUNTIES OF PRESCOTT AND RUSSELL</b>				
Alfred and Plantagenet	38.299	20.689	6.144	34.868
Casselman	38.299	20.689	6.144	34.868
Champlain	38.299	20.689	6.144	34.868
Clarence-Rockland	38.299	20.689	6.144	34.868
East Hawkesbury	38.299	20.689	6.144	34.868
Hawkesbury	38.299	20.689	6.144	34.868
Russell	38.299	20.689	6.144	34.868
The Nation	38.299	20.689	6.144	34.868
<b>UNITED COUNTIES OF STORMONT, DUNDAS AND GLENGARRY</b>				
Cornwall	38.299	20.689	6.144	34.868
North Dundas	38.299	20.689	6.144	34.868
North Glengarry	38.299	20.689	6.144	34.868
North Stormont	38.299	20.689	6.144	34.868
South Dundas	38.299	20.689	6.144	34.868
South Glengarry	38.299	20.689	6.144	34.868
South Stormont	38.299	20.689	6.144	34.868
<b>DISTRICT OF ALGOMA</b>				
Blind River	60.107	30.495	2.124	7.274
Bruce Mines	100.000	N/A	0.000	N/A
Dubreuilville	18.333	81.667	0.000	N/A
Elliot Lake	60.107	30.495	2.124	7.274
Hilton	100.000	N/A	0.000	N/A
Hilton Beach	100.000	N/A	0.000	N/A
Hornepayne	73.427	26.573	0.000	N/A
Huron Shores	60.107	30.495	2.124	7.274
Jocelyn	100.000	N/A	0.000	N/A
Johnson	60.107	30.495	2.124	7.274
Laird	60.107	30.495	2.124	7.274
MacDonald, Meredith and Aberdeen Additional	60.107	30.495	2.124	7.274
Michipicoten	60.107	30.495	2.124	7.274
Plummer Additional	100.000	N/A	0.000	N/A
Prince	60.107	30.495	2.124	7.274
Sault Ste. Marie	60.107	30.495	2.124	7.274
Spanish	60.107	30.495	2.124	7.274
St. Joseph	100.000	N/A	0.000	N/A
Tarbutt and Tarbutt Additional	60.107	30.495	2.124	7.274
The North Shore	60.107	30.495	2.124	7.274
Thessalon	100.000	N/A	0.000	N/A
White River	60.107	30.495	2.124	7.274
<b>Unorganized Areas</b>				
Algoma Locality Education - Central Algoma	100.000	N/A	0.000	N/A
Algoma Locality Education - Remainder	60.107	30.495	2.124	7.274
<b>DISTRICT OF COCHRANE</b>				
Black River-Matheson	44.208	13.031	2.670	40.091
Cochrane	44.208	13.031	2.670	40.091
Fauquier-Strickland	44.208	13.031	2.670	40.091
Hearst	44.208	13.031	2.670	40.091
Iroquois Falls	44.208	13.031	2.670	40.091
Kapuskasing	44.208	13.031	2.670	40.091
Mattice-Val Côté	44.208	13.031	2.670	40.091
Moonbeam	44.208	13.031	2.670	40.091
Opasatika	44.208	13.031	2.670	40.091
Smooth Rock Falls	44.208	13.031	2.670	40.091
Timmins	44.208	13.031	2.670	40.091
Val Rita-Harty	44.208	13.031	2.670	40.091
<b>Unorganized Areas</b>				
Cochrane Iroquois Falls Black River Matheson Locality Education	44.208	13.031	2.670	40.091
Hearst Locality Education	44.208	13.031	2.670	40.091
Kapuskasing Smooth Rock Falls and District Locality Education	44.208	13.031	2.670	40.091

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
<b>DISTRICT OF KENORA</b>				
Dryden	77.138	22.562	0.000	0.300
Ear Falls	91.568	8.432	0.000	N/A
Ignace	93.987	6.013	0.000	N/A
Kenora	70.778	29.222	0.000	0.000
Machin	77.138	22.562	0.000	0.300
Red Lake	91.568	8.432	0.000	N/A
Sioux Lookout	77.138	22.562	0.000	0.300
Sioux Narrows-Nestor Falls - Keewatin-Patricia part	70.778	29.222	0.000	0.000
Sioux Narrows-Nestor Falls - Rainy River part	79.811	20.189	0.000	0.000
<b><u>Unorganized Areas</u></b>				
Dryden Locality Education	77.138	22.562	0.000	0.300
Dryden Locality Education - Isley TSA	77.138	22.562	0.000	0.300
Dryden Locality Education - Machin TSA	77.138	22.562	0.000	0.300
Dryden Locality Education - Van Horne and Wainwright	77.138	22.562	0.000	0.300
Kenora Locality Education	70.778	29.222	0.000	0.000
Red Lake Locality Education - Baird portion	91.568	8.432	0.000	N/A
Red Lake Locality Education - Remainder	100.000	N/A	0.000	N/A
Sturgeon Lake Locality Education	100.000	N/A	0.000	N/A
<b>DISTRICT OF MANITOULIN</b>				
Assiginack	100.000	N/A	0.000	N/A
Barrie Island	100.000	N/A	0.000	N/A
Billings	100.000	N/A	0.000	N/A
Burpee and Mills	100.000	N/A	0.000	N/A
Central Manitoulin	100.000	N/A	0.000	N/A
Cockburn Island	100.000	N/A	0.000	N/A
Gordon	100.000	N/A	0.000	N/A
Gore Bay	100.000	N/A	0.000	N/A
Killarney	47.473	25.170	6.110	21.247
Northeastern Manitoulin and the Islands (Little Current portion)	64.064	21.318	2.049	12.569
Northeastern Manitoulin and the Islands (Remainder)	100.000	N/A	0.000	N/A
Tehkummah	100.000	N/A	0.000	N/A
<b><u>Unorganized Areas</u></b>				
Manitoulin Locality Education	100.000	N/A	0.000	N/A
<b>DISTRICT OF NIPISSING</b>				
Bonfield	59.337	19.257	2.785	18.621
Calvin	59.337	19.257	2.785	18.621
Chisholm	59.337	19.257	2.785	18.621
East Ferris	59.337	19.257	2.785	18.621
Mattawa	59.337	19.257	2.785	18.621
Mattawan	59.337	19.257	2.785	18.621
North Bay	59.337	19.257	2.785	18.621
Papineau-Cameron	59.337	19.257	2.785	18.621
South Algonquin - Airy and Sabine part	41.221	58.779	N/A	0.000
South Algonquin - Murchison and Lyell part	41.221	58.779	N/A	0.000
Temagami	44.208	13.031	2.670	40.091
West Nipissing	59.337	19.257	2.785	18.621
<b><u>Unorganized Areas</u></b>				
Nipissing Combined School Boards	59.337	19.257	2.785	18.621
Timiskaming Board of Education	44.208	13.031	2.670	40.091
<b>DISTRICT OF PARRY SOUND</b>				
Armour	59.337	19.257	2.785	18.621
Burk's Falls	59.337	19.257	2.785	18.621
Callander	59.337	19.257	2.785	18.621
Carling	92.002	7.998	0.000	N/A
Joly	59.337	19.257	2.785	18.621
Kearney	59.337	19.257	2.785	18.621
Machar	59.337	19.257	2.785	18.621
Magnetawan	59.337	19.257	2.785	18.621
McDougall	92.002	7.998	0.000	N/A
McKellar	92.002	7.998	0.000	N/A
McMurrich-Monteith	59.337	19.257	2.785	18.621
Nipissing	59.337	19.257	2.785	18.621



	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
Parry Sound	92.002	7.998	0.000	N/A
Perry	59.337	19.257	2.785	18.621
Powassan	59.337	19.257	2.785	18.621
Ryerson	59.337	19.257	2.785	18.621
Seguin	93.609	5.827	0.000	0.564
South River	59.337	19.257	2.785	18.621
Strong	59.337	19.257	2.785	18.621
Sundridge	59.337	19.257	2.785	18.621
The Archipelago	100.000	N/A	0.000	N/A
Whitestone	100.000	N/A	0.000	N/A
<b><u>Unorganized Areas</u></b>				
East Parry Sound Board of Education	59.337	19.257	2.785	18.621
South River Township School Area	59.337	19.257	2.785	18.621
West Parry Sound Board of Education - Henvey and Walbridge Portion	76.345	23.655	0.000	0.000
West Parry Sound Board of Education - Other geographic townships	100.000	N/A	0.000	N/A
<b>DISTRICT OF RAINY RIVER</b>				
Alberton	79.811	20.189	0.000	0.000
Atikokan	69.803	30.197	0.000	N/A
Chapple	79.811	20.189	0.000	0.000
Dawson	79.811	20.189	0.000	0.000
Emo	79.811	20.189	0.000	0.000
Fort Frances	79.811	20.189	0.000	0.000
La Vallee	79.811	20.189	0.000	0.000
Lake Of The Woods	79.811	20.189	0.000	0.000
Morley	79.811	20.189	0.000	0.000
Rainy River	79.811	20.189	0.000	0.000
<b><u>Unorganized Areas</u></b>				
Atikokan Locality Education	100.000	N/A	0.000	N/A
Fort Frances Rainy River Locality Education	79.811	20.189	0.000	0.000
Fort Frances Rainy River Locality Education - Nestor Falls TSA	79.811	20.189	0.000	0.000
<b>DISTRICT OF SUDBURY</b>				
Baldwin	64.064	21.318	2.049	12.569
Chapleau	60.107	30.495	2.124	7.274
Espanola	64.064	21.318	2.049	12.569
French River	47.473	25.170	6.110	21.247
Markstay-Warren	47.473	25.170	6.110	21.247
Nairn & Hyman	64.064	21.318	2.049	12.569
Sables-Spanish Rivers	64.064	21.318	2.049	12.569
St.-Charles	47.473	25.170	6.110	21.247
<b><u>Unorganized Areas</u></b>				
Chapleau Locality Education	60.107	30.495	2.124	7.274
Espanola Locality Education	64.064	21.318	2.049	12.569
Foleyet DSA Locality Education	59.375	40.625	N/A	N/A
Gogama DSA Locality Education	13.953	86.047	N/A	N/A
Sudbury Locality Education	47.473	25.170	6.110	21.247
<b>DISTRICT OF THUNDER BAY</b>				
Conmee	62.272	36.630	0.000	1.098
Dorion	68.002	21.029	2.900	8.069
Gillies	62.272	36.630	0.000	1.098
Greenstone	68.002	21.029	2.900	8.069
Greenstone - Caramat	100.000	0.000	N/A	0.000
Greenstone - Nakina	79.347	20.653	N/A	0.000
Manitouwadge	68.002	21.029	2.900	8.069
Marathon	68.002	21.029	2.900	8.069
Neebing	62.272	36.630	0.000	1.098
Nipigon	68.002	21.029	2.900	8.069
O'Connor	62.272	36.630	0.000	1.098
Oliver Paipoonge	62.272	36.630	0.000	1.098
Red Rock	68.002	21.029	2.900	8.069
Schreiber	68.002	21.029	2.900	8.069
Shuniah	62.272	36.630	0.000	1.098
Terrace Bay	68.002	21.029	2.900	8.069
Thunder Bay	62.272	36.630	0.000	1.098

	English-language Public Board	English-language Roman Catholic Board	French-language Public District School Board	French-language Separate District School Board
<b><u>Unorganized Areas</u></b>				
Kashabowie DSA Locality Education	100.000	N/A	0.000	N/A
Kilkenny DSA Locality Education	100.000	N/A	0.000	N/A
Lake Superior Locality Education	68.002	21.029	2.900	8.069
Lakehead Locality Education	62.272	36.630	0.000	1.098
Nipigon Red Rock Locality Education	68.002	21.029	2.900	8.069
<b>DISTRICT OF TIMISKAMING</b>				
Armstrong	44.208	13.031	2.670	40.091
Brethour	44.208	13.031	2.670	40.091
Casey	44.208	13.031	2.670	40.091
Chamberlain	44.208	13.031	2.670	40.091
Charlton and Dack	44.208	13.031	2.670	40.091
Cobalt	44.208	13.031	2.670	40.091
Coleman	44.208	13.031	2.670	40.091
Englehart	44.208	13.031	2.670	40.091
Evanturel	44.208	13.031	2.670	40.091
Gauthier	44.208	13.031	2.670	40.091
Harley	44.208	13.031	2.670	40.091
Harris	44.208	13.031	2.670	40.091
Hilliard	44.208	13.031	2.670	40.091
Hudson	44.208	13.031	2.670	40.091
James	44.208	13.031	2.670	40.091
Kerns	44.208	13.031	2.670	40.091
Kirkland Lake	44.208	13.031	2.670	40.091
Larder Lake	44.208	13.031	2.670	40.091
Latchford	44.208	13.031	2.670	40.091
Matachewan	44.208	13.031	2.670	40.091
McGarry	44.208	13.031	2.670	40.091
Temiskaming Shores	44.208	13.031	2.670	40.091
Thornloe	44.208	13.031	2.670	40.091
<b><u>Unorganized Areas</u></b>				
Kirkland Lake Locality Education	44.208	13.031	2.670	40.091
Timiskaming Locality Education	44.208	13.031	2.670	40.091

Table 2

	<b><u>District School Area Board</u></b>	<b><u>English-language Roman Catholic Board</u></b>	<b><u>French-language Public District School Board</u></b>	<b><u>French-language Separate District School Board</u></b>	<b><u>James Bay Lowlands Secondary School Board</u></b>
<b>DISTRICT OF COCHRANE</b>					
Moosonee	55.495	14.321	N/A	N/A	30.184
<b><u>District School Area</u></b>					
Moose Factory Island	64.771	N/A	N/A	N/A	35.229

Table 3

	<b><u>Protestant Separate School Board</u></b>
<b>COUNTY OF SIMCOE</b>	
Penetanguishene	16.023

TABLEAU A  
Proportions des effectifs de 2005 pour l'application des paragraphes 238(2) et 257.8(3)  
de la *Loi sur l'éducation*

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
<b>TORONTO</b>	73.962	25.110	0.398	0.530
<b>CHATHAM-KENT</b>	66.402	28.923	0.576	4.099
<b>COMTÉ DE HALDIMAND</b>	73.179	26.353	0.000	0.468

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
<b>HAMILTON</b>	65.150	33.594	0.227	1.029
<b>KAWARTHA LAKES</b>	84.896	14.812	0.000	0.292
<b>COMTÉ DE NORFOLK</b>	73.179	26.353	0.000	0.468
<b>OTTAWA</b>	55.117	29.760	4.754	10.369
<b>COMTÉ DE PRINCE EDWARD</b>	78.940	19.798	0.311	0.951
<b>GRAND SUDBURY</b>	47.473	25.170	6.110	21.247
<b>MUNICIPALITÉ RÉGIONALE DE DURHAM</b>				
Ajax	71.255	27.266	0.457	1.022
Brock	71.255	27.266	0.457	1.022
Clarington	76.069	23.585	0.000	0.346
Oshawa	71.255	27.266	0.457	1.022
Pickering	71.255	27.266	0.457	1.022
Scugog	71.255	27.266	0.457	1.022
Uxbridge	71.255	27.266	0.457	1.022
Whitby	71.255	27.266	0.457	1.022
<b>MUNICIPALITÉ RÉGIONALE DE HALTON</b>				
Burlington	63.360	35.174	0.214	1.252
Halton Hills	63.360	35.174	0.214	1.252
Milton	63.360	35.174	0.214	1.252
Oakville	63.360	35.174	0.214	1.252
<b>MUNICIPALITÉ RÉGIONALE DE NIAGARA</b>				
Fort Erie	62.199	33.861	1.344	2.596
Grimsby	62.199	33.861	1.344	2.596
Lincoln	62.199	33.861	1.344	2.596
Niagara Falls	62.199	33.861	1.344	2.596
Niagara-on-the-Lake	62.199	33.861	1.344	2.596
Pelham	62.199	33.861	1.344	2.596
Port Colborne	62.199	33.861	1.344	2.596
St. Catharines	62.199	33.861	1.344	2.596
Thorold	62.199	33.861	1.344	2.596
Wainfleet	62.199	33.861	1.344	2.596
Welland	62.199	33.861	1.344	2.596
Lincoln Ouest	62.199	33.861	1.344	2.596
<b>MUNICIPALITÉ RÉGIONALE DE PEEL</b>				
Brampton	59.896	39.215	0.294	0.595
Caledon	59.896	39.215	0.294	0.595
Mississauga	59.896	39.215	0.294	0.595
<b>MUNICIPALITÉ RÉGIONALE DE WATERLOO</b>				
Cambridge	71.018	28.149	0.173	0.660
Kitchener	71.018	28.149	0.173	0.660
Dumfries Nord	71.018	28.149	0.173	0.660
Waterloo	71.018	28.149	0.173	0.660
Wellesley	71.018	28.149	0.173	0.660
Wilmot	71.018	28.149	0.173	0.660
Woolwich	71.018	28.149	0.173	0.660
<b>MUNICIPALITÉ RÉGIONALE DE YORK</b>				
Aurora	65.912	33.252	0.216	0.620
Gwillimbury Est	65.912	33.252	0.216	0.620
Georgina	65.912	33.252	0.216	0.620
King	65.912	33.252	0.216	0.620
Markham	65.912	33.252	0.216	0.620
Newmarket	65.912	33.252	0.216	0.620
Richmond Hill	65.912	33.252	0.216	0.620
Vaughan	65.912	33.252	0.216	0.620
Whitchurch-Stouffville	65.912	33.252	0.216	0.620
<b>MUNICIPALITÉ DU DISTRICT DE MUSKOKA</b>				
Bracebridge	82.964	16.694	0.000	0.342
Georgian Bay – Quartier Freeman	50.000	47.727	0.000	2.273
Georgian Bay – Quartiers Gibson et Baxter	82.964	16.694	0.000	0.342

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
Gravenhurst	82.964	16.694	0.000	0.342
Huntsville	82.964	16.694	0.000	0.342
Lake of Bays	82.964	16.694	0.000	0.342
Muskoka Lakes	82.964	16.694	0.000	0.342
<b>COMTÉ DE BRANT</b>	73.179	26.353	0.000	0.468
<b>BRANTFORD</b>	73.179	26.353	0.000	0.468
<b>COMTÉ DE BRUCE</b>				
Arran-Elderslie	85.176	14.527	0.000	0.297
Brockton	85.176	14.527	0.000	0.297
Huron-Kinloss	85.176	14.527	0.000	0.297
Kincardine	85.176	14.527	0.000	0.297
Péninsule de Bruce Nord	85.176	14.527	0.000	0.297
Saugeen Shores	85.176	14.527	0.000	0.297
Bruce Sud	85.176	14.527	0.000	0.297
Péninsule de Bruce Sud	85.176	14.527	0.000	0.297
<b>COMTÉ DE DUFFERIN</b>				
Amaranth	83.485	15.973	0.143	0.399
Garafraxa Est	83.485	15.973	0.143	0.399
Luther Est Grand Valley	83.485	15.973	0.143	0.399
Melancthon	83.485	15.973	0.143	0.399
Mono	83.485	15.973	0.143	0.399
Mulmur	83.485	15.973	0.143	0.399
Orangeville	83.485	15.973	0.143	0.399
Shelburne	83.485	15.973	0.143	0.399
<b>COMTÉ D'ELGIN</b>				
Aylmer	78.004	20.821	0.347	0.828
Bayham	78.004	20.821	0.347	0.828
Central Elgin	78.004	20.821	0.347	0.828
Dutton/Dunwich	78.004	20.821	0.347	0.828
Malahide	78.004	20.821	0.347	0.828
Southwold	78.004	20.821	0.347	0.828
St. Thomas	78.004	20.821	0.347	0.828
Elgin Ouest	78.004	20.821	0.347	0.828
<b>COMTÉ D'ESSEX</b>				
Amherstburg	55.024	38.952	0.432	5.592
Essex	55.024	38.952	0.432	5.592
Kingsville	55.024	38.952	0.432	5.592
Lakeshore	55.024	38.952	0.432	5.592
LaSalle	55.024	38.952	0.432	5.592
Leamington	55.024	38.952	0.432	5.592
Pelee	55.024	38.952	0.432	5.592
Tecumseh	55.024	38.952	0.432	5.592
Windsor	55.024	38.952	0.432	5.592
<b>COMTÉ DE FRONTENAC</b>				
Central Frontenac	73.093	24.356	0.919	1.632
Frontenac Islands	73.093	24.356	0.919	1.632
Kingston	73.093	24.356	0.919	1.632
Frontenac Nord	73.093	24.356	0.919	1.632
Frontenac Sud	73.093	24.356	0.919	1.632
<b>COMTÉ DE GREY</b>				
Chatsworth	85.176	14.527	0.000	0.297
Georgian Bluffs	85.176	14.527	0.000	0.297
Grey Highlands	85.176	14.527	0.000	0.297
Hanover	85.176	14.527	0.000	0.297
Meaford	85.176	14.527	0.000	0.297
Owen Sound	85.176	14.527	0.000	0.297
Southgate	85.176	14.527	0.000	0.297
The Blue Mountains	85.176	14.527	0.000	0.297
Grey Ouest	85.176	14.527	0.000	0.297
<b>COMTÉ DE HALIBURTON</b>				
Algonquin Highlands	100.000	N/A	0.000	N/A
Dysart Etc	100.000	N/A	0.000	N/A

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
Highlands Est	87.071	12.929	0.000	0.000
Minden Hills	100.000	N/A	0.000	N/A
<b>COMTÉ DE HASTINGS</b>				
Bancroft	78.940	19.798	0.311	0.951
Belleville	78.940	19.798	0.311	0.951
Carlow/Mayo	78.940	19.798	0.311	0.951
Centre Hastings	78.940	19.798	0.311	0.951
Desoronto	78.940	19.798	0.311	0.951
Faraday	78.940	19.798	0.311	0.951
Hastings Highlands	78.940	19.798	0.311	0.951
Limerick	78.940	19.798	0.311	0.951
Madoc	78.940	19.798	0.311	0.951
Marmora et Lake	78.940	19.798	0.311	0.951
Chapleau Locality Education	78.940	19.798	0.311	0.951
Espanola Locality Education	78.940	19.798	0.311	0.951
Foleyet DSA Locality Education	78.940	19.798	0.311	0.951
Gogama DSA Locality Education	78.940	19.798	0.311	0.951
Sudbury Locality Education	78.940	19.798	0.311	0.951
Wollaston	78.940	19.798	0.311	0.951
<b>COMTÉ DE HURON</b>				
Ashfield-Colborne-Wawanosh	79.030	20.970	0.000	0.000
Bluewater	79.030	20.970	0.000	0.000
Central Huron	79.030	20.970	0.000	0.000
Goderich	79.030	20.970	0.000	0.000
Howick	79.030	20.970	0.000	0.000
Huron Est	79.030	20.970	0.000	0.000
Morris-Turnberry	79.030	20.970	0.000	0.000
Huron Nord	79.030	20.970	0.000	0.000
Huron Sud	79.030	20.970	0.000	0.000
<b>COMTÉ DE LAMBTON</b>				
Brooke-Alvinston	66.402	28.923	0.576	4.099
Dawn-Euphemia	66.402	28.923	0.576	4.099
Enniskillen	66.402	28.923	0.576	4.099
Lambton Shores	66.402	28.923	0.576	4.099
Oil Springs	66.402	28.923	0.576	4.099
Petrolia	66.402	28.923	0.576	4.099
Plympton-Wyoming	66.402	28.923	0.576	4.099
Point Edward	66.402	28.923	0.576	4.099
Sarnia	66.402	28.923	0.576	4.099
St. Clair	66.402	28.923	0.576	4.099
Warwick	66.402	28.923	0.576	4.099
<b>COMTÉ DE LANARK</b>				
Beckwith	74.905	23.221	0.713	1.161
Carleton Place	74.905	23.221	0.713	1.161
Drummond/Elmsley Nord	74.905	23.221	0.713	1.161
Lanark Highlands	74.905	23.221	0.713	1.161
Mississippi Mills	74.905	23.221	0.713	1.161
Montague	74.905	23.221	0.713	1.161
Perth	74.905	23.221	0.713	1.161
Smiths Falls	74.905	23.221	0.713	1.161
Tay Valley	74.905	23.221	0.713	1.161
<b>COMTÉ DE LENNOX ET ADDINGTON</b>				
Addington Highlands	73.093	24.356	0.919	1.632
Greater Napanee	73.093	24.356	0.919	1.632
Loyalist	73.093	24.356	0.919	1.632
Stone Mills	73.093	24.356	0.919	1.632
<b>COMTÉ DE MIDDLESEX</b>				
Adelaide-Metcalf	78.004	20.821	0.347	0.828
London	78.004	20.821	0.347	0.828
Lucan Biddulph	78.004	20.821	0.347	0.828
Middlesex Centre	78.004	20.821	0.347	0.828
Newbury	78.004	20.821	0.347	0.828
Middlesex Nord	78.004	20.821	0.347	0.828
Middlesex Sud-Ouest	78.004	20.821	0.347	0.828

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
Strathroy-Caradoc	78.004	20.821	0.347	0.828
Thames Centre	78.004	20.821	0.347	0.828
<b>COMTÉ DE NORTHUMBERLAND</b>				
Alnwick/Haldimand	76.069	23.585	0.000	0.346
Brighton	76.069	23.585	0.000	0.346
Cobourg	76.069	23.585	0.000	0.346
Cramahe	76.069	23.585	0.000	0.346
Hamilton	76.069	23.585	0.000	0.346
Port Hope	76.069	23.585	0.000	0.346
Quinte Ouest – Partie de Murray	76.069	23.585	0.000	0.346
Trent Hills	76.069	23.585	0.000	0.346
<b>COMTÉ D'OXFORD</b>				
Blandford-Blenheim	78.004	20.821	0.347	0.828
Zorra-Tavistock Est	78.004	20.821	0.347	0.828
Ingersoll	78.004	20.821	0.347	0.828
Norwich	78.004	20.821	0.347	0.828
Oxford Sud-Ouest	78.004	20.821	0.347	0.828
Tillsonburg	78.004	20.821	0.347	0.828
Woodstock	78.004	20.821	0.347	0.828
Zorra	78.004	20.821	0.347	0.828
<b>COMTÉ DE PERTH</b>				
Perth Nord	79.030	20.970	0.000	0.000
Perth Est	79.030	20.970	0.000	0.000
Perth Sud	79.030	20.970	0.000	0.000
Stratford	79.030	20.970	0.000	0.000
St. Marys	79.030	20.970	0.000	0.000
Perth Ouest	79.030	20.970	0.000	0.000
<b>COMTÉ DE PETERBOROUGH</b>				
Asphodel-Norwood	76.069	23.585	0.000	0.346
Cavan-Millbrook-North Monaghan	76.069	23.585	0.000	0.346
Douro-Drummer	76.069	23.585	0.000	0.346
Galway-Cavendish et Harvey	76.069	23.585	0.000	0.346
Havelock-Belmont-Methuen	76.069	23.585	0.000	0.346
Kawartha Nord	76.069	23.585	0.000	0.346
Otonabee-Monaghan Sud	76.069	23.585	0.000	0.346
Peterborough	76.069	23.585	0.000	0.346
Smith-Ennismore-Lakefield	76.069	23.585	0.000	0.346
<b>COMTÉ DE RENFREW</b>				
Admaston/Bromley	66.467	29.147	0.934	3.452
Arnprior	66.467	29.147	0.934	3.452
Bonnechère Valley	66.467	29.147	0.934	3.452
Brudenell, Lyndoch et Raglan	66.467	29.147	0.934	3.452
Deep River	66.467	29.147	0.934	3.452
Greater Madawaska	66.467	29.147	0.934	3.452
Head, Clara et Maria	66.467	29.147	0.934	3.452
Horton	66.467	29.147	0.934	3.452
Killaloe, Hagarty et Richards	66.467	29.147	0.934	3.452
Laurentian Hills	66.467	29.147	0.934	3.452
Laurentian Valley	66.467	29.147	0.934	3.452
Madawaska Valley	66.467	29.147	0.934	3.452
McNab/Braeside	66.467	29.147	0.934	3.452
Algona Nord Wilberforce	66.467	29.147	0.934	3.452
Pembroke	66.467	29.147	0.934	3.452
Petawawa	66.467	29.147	0.934	3.452
Renfrew	66.467	29.147	0.934	3.452
Whitewater Region	66.467	29.147	0.934	3.452
<b>COMTÉ DE SIMCOE</b>				
Adjala-Tosorontio	71.878	26.257	0.639	1.226
Barrie	71.878	26.257	0.639	1.226
Bradford West Gwillimbury	71.878	26.257	0.639	1.226
Clearview	71.878	26.257	0.639	1.226
Collingwood	71.878	26.257	0.639	1.226
Essa	71.878	26.257	0.639	1.226
Innisfil	71.878	26.257	0.639	1.226

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
Midland	71.878	26.257	0.639	1.226
New Tecumseth	71.878	26.257	0.639	1.226
Orillia	71.878	26.257	0.639	1.226
Oro-Medonte	71.878	26.257	0.639	1.226
Penetanguishene	35.688	31.901	11.435	4.953
Ramara	71.878	26.257	0.639	1.226
Severn	71.878	26.257	0.639	1.226
Springwater	71.878	26.257	0.639	1.226
Tay	71.878	26.257	0.639	1.226
Tiny	71.878	26.257	0.639	1.226
Wasaga Beach	71.878	26.257	0.639	1.226
<b>COMTÉ DE WELLINGTON</b>				
Centre Wellington	75.201	23.706	0.193	0.900
Erin	75.201	23.706	0.193	0.900
Guelph	75.201	23.706	0.193	0.900
Guelph/Eramosa	75.201	23.706	0.193	0.900
Mapleton	75.201	23.706	0.193	0.900
Minto	75.201	23.706	0.193	0.900
Puslinch	75.201	23.706	0.193	0.900
Wellington Nord	75.201	23.706	0.193	0.900
<b>COMTÉS UNIS DE LEEDS ET GRENVILLE</b>				
Athens	74.905	23.221	0.713	1.161
Augusta	74.905	23.221	0.713	1.161
Brockville	74.905	23.221	0.713	1.161
Edwardsburgh/Cardinal	74.905	23.221	0.713	1.161
Elizabethtown-Kitley	74.905	23.221	0.713	1.161
Front of Yonge	74.905	23.221	0.713	1.161
Gananoque	74.905	23.221	0.713	1.161
Leeds et les Mille Îles	74.905	23.221	0.713	1.161
Merrickville-Wolford	74.905	23.221	0.713	1.161
Grenville Nord	74.905	23.221	0.713	1.161
Prescott	74.905	23.221	0.713	1.161
Rideau Lakes	74.905	23.221	0.713	1.161
Westport	74.905	23.221	0.713	1.161
<b>COMTÉS UNIS DE PRESCOTT ET RUSSELL</b>				
Alfred et Plantagenet	38.299	20.689	6.144	34.868
Casselman	38.299	20.689	6.144	34.868
Champlain	38.299	20.689	6.144	34.868
Clarence-Rockland	38.299	20.689	6.144	34.868
Hawkesbury Est	38.299	20.689	6.144	34.868
Hawkesbury	38.299	20.689	6.144	34.868
Russell	38.299	20.689	6.144	34.868
La Nation	38.299	20.689	6.144	34.868
<b>COMTÉS UNIS DE STORMONT, DUNDAS ET GLENGARRY</b>				
Cornwall	38.299	20.689	6.144	34.868
Dundas Nord	38.299	20.689	6.144	34.868
Glengarry Nord	38.299	20.689	6.144	34.868
Stormont Nord	38.299	20.689	6.144	34.868
Dundas Sud	38.299	20.689	6.144	34.868
Glengarry Sud	38.299	20.689	6.144	34.868
Stormont Sud	38.299	20.689	6.144	34.868
<b>DISTRICT D'ALGOMA</b>				
Blind River	60.107	30.495	2.124	7.274
Bruce Mines	100.000	N/A	0.000	N/A
Dubreuilville	18.333	81.667	0.000	N/A
Elliot Lake	60.107	30.495	2.124	7.274
Hilton	100.000	N/A	0.000	N/A
Hilton Beach	100.000	N/A	0.000	N/A
Hornepayne	73.427	26.573	0.000	N/A
Huron Shores	60.107	30.495	2.124	7.274
Jocelyn	100.000	N/A	0.000	N/A
Johnson	60.107	30.495	2.124	7.274
Laird	60.107	30.495	2.124	7.274

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
MacDonald, Meredith et Aberdeen Additional	60.107	30.495	2.124	7.274
Michipicoten	60.107	30.495	2.124	7.274
Plummer Additional	100.000	N/A	0.000	N/A
Prince	60.107	30.495	2.124	7.274
Sault Ste. Marie	60.107	30.495	2.124	7.274
Spanish	60.107	30.495	2.124	7.274
St. Joseph	100.000	N/A	0.000	N/A
Tarbutt et Tarbutt Additional	60.107	30.495	2.124	7.274
The North Shore	60.107	30.495	2.124	7.274
Thessalon	100.000	N/A	0.000	N/A
White River	60.107	30.495	2.124	7.274
<b><u>Territoires non érigés en municipalité</u></b>				
Algoma Locality Education – Centre	100.000	N/A	0.000	N/A
Algoma Locality Education – Autre	60.107	30.495	2.124	7.274
<b>DISTRICT DE COCHRANE</b>				
Black River-Matheson	44.208	13.031	2.670	40.091
Cochrane	44.208	13.031	2.670	40.091
Fauquier-Strickland	44.208	13.031	2.670	40.091
Hearst	44.208	13.031	2.670	40.091
Iroquois Falls	44.208	13.031	2.670	40.091
Kapuskasing	44.208	13.031	2.670	40.091
Mattice-Val Côté	44.208	13.031	2.670	40.091
Moonbeam	44.208	13.031	2.670	40.091
Opatatika	44.208	13.031	2.670	40.091
Smooth Rock Falls	44.208	13.031	2.670	40.091
Timmins	44.208	13.031	2.670	40.091
Val Rita-Harty	44.208	13.031	2.670	40.091
<b><u>Territoires non érigés en municipalité</u></b>				
Cochrane Iroquois Falls Black River Matheson Locality Education	44.208	13.031	2.670	40.091
Hearst Locality Education	44.208	13.031	2.670	40.091
Kapuskasing Smooth Rock Falls et District Locality Education	44.208	13.031	2.670	40.091
<b>DISTRICT DE KENORA</b>				
Dryden	77.138	22.562	0.000	0.300
Ear Falls	91.568	8.432	0.000	N/A
Ignace	93.987	6.013	0.000	N/A
Kenora	70.778	29.222	0.000	0.000
Machin	77.138	22.562	0.000	0.300
Red Lake	91.568	8.432	0.000	N/A
Sioux Lookout	77.138	22.562	0.000	0.300
Sioux Narrows-Nestor Falls – Partie de Keewatin- Patricia	70.778	29.222	0.000	0.000
Sioux Narrows-Nestor Falls –Partie de Rainy River	79.811	20.189	0.000	0.000
<b><u>Territoires non érigés en municipalité</u></b>				
Dryden Locality Education	77.138	22.562	0.000	0.300
Kenora Locality Education	77.138	22.562	0.000	0.300
Kenora Locality Education - Isley TSA	77.138	22.562	0.000	0.300
Kenora Locality Education - Machin TSA	77.138	22.562	0.000	0.300
Kenora Locality Education - Van Horne et Wainwright	70.778	29.222	0.000	0.000
Red Lake Locality Education - Partie de Baird	91.568	8.432	0.000	N/A
Red Lake Locality Education - Autre	100.000	N/A	0.000	N/A
Sturgeon Lake Locality Education	100.000	N/A	0.000	N/A
<b>DISTRICT DE MANITOULIN</b>				
Assiginack	100.000	N/A	0.000	N/A
Île Barrie	100.000	N/A	0.000	N/A
Billings	100.000	N/A	0.000	N/A
Burpee et Mills	100.000	N/A	0.000	N/A
Central Manitoulin	100.000	N/A	0.000	N/A
Cockburn Island	100.000	N/A	0.000	N/A
Gordon	100.000	N/A	0.000	N/A
Gore Bay	100.000	N/A	0.000	N/A
Killarney	47.473	25.170	6.110	21.247
Manitoulin du Nord-Est et les Îles (Partie de Little Current)	64.064	21.318	2.049	12.569
Manitoulin du Nord-Est et les Îles (Autre)	100.000	N/A	0.000	N/A



	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
Tehkummah	100.000	N/A	0.000	N/A
<b><u>Territoire non érigé en municipalité</u></b>				
Manitoulin Locality Education	100.000	N/A	0.000	N/A
<b>DISTRICT DE NIPISSING</b>				
Bonfield	59.337	19.257	2.785	18.621
Calvin	59.337	19.257	2.785	18.621
Chisholm	59.337	19.257	2.785	18.621
Ferris Est	59.337	19.257	2.785	18.621
Mattawa	59.337	19.257	2.785	18.621
Mattawan	59.337	19.257	2.785	18.621
North Bay	59.337	19.257	2.785	18.621
Papineau-Cameron	59.337	19.257	2.785	18.621
Algonquin Sud – Partie de Airy et Sabinet	41.221	58.779	N/A	0.000
Algonquin Sud – Partie de Murchison et Lyell	41.221	58.779	N/A	0.000
Temagami	44.208	13.031	2.670	40.091
Nipissing Ouest	59.337	19.257	2.785	18.621
<b><u>Territoires non érigés en municipalité</u></b>				
Conseils scolaires combinés de Nipissing	59.337	19.257	2.785	18.621
Conseil scolaire de Timiskaming	44.208	13.031	2.670	40.091
<b>DISTRICT DE PARRY SOUND</b>				
Armour	59.337	19.257	2.785	18.621
Burk's Falls	59.337	19.257	2.785	18.621
Callander	59.337	19.257	2.785	18.621
Carling	92.002	7.998	0.000	N/A
Joly	59.337	19.257	2.785	18.621
Kearney	59.337	19.257	2.785	18.621
Machar	59.337	19.257	2.785	18.621
Magnetawan	59.337	19.257	2.785	18.621
McDougall	92.002	7.998	0.000	N/A
McKellar	92.002	7.998	0.000	N/A
McMurrich-Monteith	59.337	19.257	2.785	18.621
Nipissing	59.337	19.257	2.785	18.621
Parry Sound	92.002	7.998	0.000	N/A
Perry	59.337	19.257	2.785	18.621
Powassan	59.337	19.257	2.785	18.621
Ryerson	59.337	19.257	2.785	18.621
Seguin	93.609	5.827	0.000	0.564
South River	59.337	19.257	2.785	18.621
Strong	59.337	19.257	2.785	18.621
Sundridge	59.337	19.257	2.785	18.621
The Archipelago	100.000	N/A	0.000	N/A
Whitestone	100.000	N/A	0.000	N/A
<b><u>Territoires non érigés en municipalité</u></b>				
Conseil scolaire de Parry Sound Est	59.337	19.257	2.785	18.621
Conseil de secteur scolaire du canton de South River	59.337	19.257	2.785	18.621
Conseil scolaire de Parry Sound Ouest – Partie de Henvey et Walbridge	76.345	23.655	0.000	0.000
Conseil scolaire de Parry Sound Ouest – Autres cantons géographiques	100.000	N/A	0.000	N/A
<b>DISTRICT DE RAINY RIVER</b>				
Alberton	79.811	20.189	0.000	0.000
Atikokan	69.803	30.197	0.000	N/A
Chapple	79.811	20.189	0.000	0.000
Dawson	79.811	20.189	0.000	0.000
Emo	79.811	20.189	0.000	0.000
Fort Frances	79.811	20.189	0.000	0.000
La Vallée	79.811	20.189	0.000	0.000
Lac des Bois	79.811	20.189	0.000	0.000
Morley	79.811	20.189	0.000	0.000
Rainy River	79.811	20.189	0.000	0.000
<b><u>Territoires non organisés</u></b>				
Atikokan Locality Education	100.000	N/A	0.000	N/A
Fort Frances Rainy River Locality Education	79.811	20.189	0.000	0.000
Fort Frances Rainy River Locality Education - Nestor Falls TSA	79.811	20.189	0.000	0.000

	Conseil public de langue anglaise	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française
<b>DISTRICT DE SUDBURY</b>				
Baldwin	64.064	21.318	2.049	12.569
Chapleau	60.107	30.495	2.124	7.274
Espanola	64.064	21.318	2.049	12.569
French River	47.473	25.170	6.110	21.247
Markstay-Warren	47.473	25.170	6.110	21.247
Nairn et Hyman	64.064	21.318	2.049	12.569
Sables-Spanish Rivers	64.064	21.318	2.049	12.569
St.-Charles	47.473	25.170	6.110	21.247
<b><u>Territoires non érigés en municipalité</u></b>				
Chapleau Locality Education	60.107	30.495	2.124	7.274
Espanola Locality Education	64.064	21.318	2.049	12.569
Foleyet DSA Locality Education	59.375	40.625	N/A	N/A
Gogama DSA Locality Education	13.953	86.047	N/A	N/A
Sudbury Locality Education	47.473	25.170	6.110	21.247
<b>DISTRICT DE THUNDER BAY</b>				
Conmee	62.272	36.630	0.000	1.098
Dorion	68.002	21.029	2.900	8.069
Gillies	62.272	36.630	0.000	1.098
Greenstone	68.002	21.029	2.900	8.069
Greenstone – Caramat	100.000	0.000	N/A	0.000
Greenstone – Nakina	79.347	20.653	N/A	0.000
Manitouwadge	68.002	21.029	2.900	8.069
Marathon	68.002	21.029	2.900	8.069
Neebing	62.272	36.630	0.000	1.098
Nipigon	68.002	21.029	2.900	8.069
O'Connor	62.272	36.630	0.000	1.098
Oliver Paipoonge	62.272	36.630	0.000	1.098
Red Rock	68.002	21.029	2.900	8.069
Schreiber	68.002	21.029	2.900	8.069
Shuniah	62.272	36.630	0.000	1.098
Terrace Bay	68.002	21.029	2.900	8.069
Thunder Bay	62.272	36.630	0.000	1.098
<b><u>Territoires non érigés en municipalité</u></b>				
Kashabowie DSA Locality Education	100.000	N/A	0.000	N/A
Kilkenny DSA Locality Education	100.000	N/A	0.000	N/A
Lake Superior Locality Education	68.002	21.029	2.900	8.069
Lakehead Locality Education	62.272	36.630	0.000	1.098
Nipigon Red Rock Locality Education	68.002	21.029	2.900	8.069
<b>DISTRICT DE TIMISKAMING</b>				
Armstrong	44.208	13.031	2.670	40.091
Brethour	44.208	13.031	2.670	40.091
Casey	44.208	13.031	2.670	40.091
Chamberlain	44.208	13.031	2.670	40.091
Charlton et Dack	44.208	13.031	2.670	40.091
Cobalt	44.208	13.031	2.670	40.091
Coleman	44.208	13.031	2.670	40.091
Englehart	44.208	13.031	2.670	40.091
Evanturel	44.208	13.031	2.670	40.091
Gauthier	44.208	13.031	2.670	40.091
Harley	44.208	13.031	2.670	40.091
Harris	44.208	13.031	2.670	40.091
Hilliard	44.208	13.031	2.670	40.091
Hudson	44.208	13.031	2.670	40.091
James	44.208	13.031	2.670	40.091
Kerns	44.208	13.031	2.670	40.091
Kirkland Lake	44.208	13.031	2.670	40.091
Larder Lake	44.208	13.031	2.670	40.091
Latchford	44.208	13.031	2.670	40.091
Matachewan	44.208	13.031	2.670	40.091
McGarry	44.208	13.031	2.670	40.091
Temiskaming Shores	44.208	13.031	2.670	40.091
Thornloe	44.208	13.031	2.670	40.091
<b><u>Territoires non érigés en municipalité</u></b>				
Kirkland Lake Locality Education	44.208	13.031	2.670	40.091
Timiskaming Locality Education	44.208	13.031	2.670	40.091

Tableau 2

	Conseil du secteur scolaire de district	Conseil catholique de langue anglaise	Conseil scolaire de district public de langue française	Conseil scolaire de district catholique de langue française	James Bay Lowlands Secondary School Board
<b>DISTRICT DE COCHRANE</b>					
Moosonee	55.495	14.321	N/A	N/A	30.184
<b>Conseil du secteur scolaire de district</b>					
Île Moose Factory	64.771	N/A	N/A	N/A	35.229

Tableau 3

	Conseil scolaire protestant
<b>COMTÉ DE SIMCOE</b>	
Penetanguishene	16.023
(138-G737)	

## Applications to Provincial Parliament — Private Bills Demandes au Parlement provincial — Projets de loi d'intérêt privé

### PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at <http://www.ontla.on.ca> or from:

Committees Branch  
Room 1405, Whitney Block, Queen's Park  
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

(8699) T.F.N.

CLAUDE L. DESROSIERS,  
Clerk of the Legislative Assembly.

## Applications to Provincial Parliament

### CITY OF OTTAWA

#### NOTICE APPLICATION FOR SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN that, on behalf of the City of Ottawa ("City"), application will be made to the Legislative Assembly of the Province of Ontario for an Act in respect of the matter set out below.

To enable the City to enact a by-law to establish a tax on persons who purchase hotel or motel accommodation ("hotel tax") in the City.

The legislation would provide that a by-law may set out the rate or amount of tax to be imposed, prescribe the manner of collecting the tax imposed, require the operator of the accommodation to collect the tax on behalf of the City and remit same to the City, provide penalties for contravention of any requirements of a by-law, establish reporting requirements, establish the forms or records to be kept by the operator, prescribe the method of collection and remittance, prescribe the types of accommodation to which the tax would apply and any exemptions to the by-law and permit the city to perform audits. The legislation will also provide that monies collected by the City will be use only for destination marketing, visitor support services and tourism development initiatives.

A copy of the draft bill is available in the office of the City Clerk, Ottawa City Hall, 110 Laurier Avenue West, Ottawa.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2.

DATED at Ottawa, this 29 day of April, 2005.

J. JERALD BELLOMO, City Solicitor  
City of Ottawa  
City Hall, Legal Services  
110 Laurier Avenue West, Third Floor  
Ottawa, Ontario K1P 1J1  
Solicitor for the Applicant

(138-P513) 18, 19, 20, 21

NOTICE IS HEREBY GIVEN that on behalf of Joerg Klein application will be made to the Legislative Assembly of the Province of Ontario for an Act for revival of a corporation namely; 1376037 Ontario Inc which was inadvertently dissolved by Articles of Dissolution on September 13, 2004.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make the submissions for or against the application to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2

DATED at Brampton this 24 day of February, 2005.

(138-P447) 20, 21, 22

STEPHEN A. HOLMES  
As Solicitor for Joerg Klein

## Sheriff's Sales of Lands Ventes de terrains par le shérif

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the Superior Court of Justice at Brampton, Ontario dated July 20, 2004, Number CV04005709SR / 226/04, to me directed, against the real and personal property of David James Newman, aka David J. Newman, Defendant, at the suit of Canadian Imperial Bank of Commerce, Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of David James Newman / David J. Newman, Defendant in and to:

112 Ellice Street, Fenelon Falls, ON K0M 1N0; Part of Lot H, Plan 22 Being part 2 on Plan 57R-1346 formerly Village of Fenelon Falls, City of Kawartha Lakes.

All of which said right, title, interest and equity of redemption of David James Newman / David J. Newman, Defendant, in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at, The Courthouse, 440 Kent Street West, Lindsay, Ontario K9V 6G8, on Wednesday, June 22, 2005 at 2:00 p.m.

### CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

**TERMS:** Deposit 10% of bid price or \$1,000.00, whichever is greater

- Payable at time of sale by successful bidder
- To be applied to purchase price
- Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at Court Enforcement Office, 440 Kent Street West, Lindsay, Ontario K9V 6G8.

All payments in cash or by certified cheque made payable to the Minister of Finance.

Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price.

Other conditions as announced.

**THIS SALE IS SUBJECT TO CANCELLATION BY THE SHERIFF WITHOUT FURTHER NOTICE UP TO THE TIME OF SALE.**

Note: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

DATE: May 11, 2005 (at Lindsay, ON)

G. WAYNE MCNICKLE,  
Sheriff  
Court Enforcement Office,  
440 Kent Street West, Lindsay, Ontario  
K9V 6G8

(138-P545)

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the Superior Court of Justice at Lindsay, Ontario dated February 19, 2004, Number 002206 / 04-50, to me directed, against the real and personal property of Keith Studholme, Defendant, at the suit of Frances Studholme, Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of Keith Studholme, Defendant in and to:

2934 County Road 6, Eagle Lake, ON; Part Lot 23, Concession 3, being Parts 1 & 2 of Registered Plan 19R5468, Township of Guilford, County of Haliburton,

All of which said right, title, interest and equity of redemption of Keith Studholme, defendant in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at, The Courthouse, 440 Kent Street West, Lindsay, Ontario K9V 6G8, on Wednesday, June 22, 2005 at 2:00 p.m.

### CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

**TERMS:** Deposit 10% of bid price or \$1,000.00, whichever is greater

- Payable at time of sale by successful bidder
- To be applied to purchase price
- Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at Court Enforcement Office, 440 Kent Street West, Lindsay, Ontario K9V 6G8.

All payments in cash or by certified cheque made payable to the Minister of Finance.

Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price.

Other conditions as announced.

**THIS SALE IS SUBJECT TO CANCELLATION BY THE SHERIFF WITHOUT FURTHER NOTICE UP TO THE TIME OF SALE.**

Note: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

DATE: May 11, 2005 (at Lindsay, ON)

G. WAYNE MCNICKLE,  
Sheriff  
Court Enforcement Office,  
440 Kent Street West, Lindsay, Ontario  
K9V 6G8

(138-P546)

## Sale of Lands for Tax Arrears By Public Tender

*Municipal Act, 2001*

SALE OF LAND BY PUBLIC TENDER

### THE CORPORATION OF THE CITY OF WELLAND

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on Wednesday, June 15, 2005 at the Treasurer's Office, City of Welland, 60 East Main Street, Welland, Ontario.

The tenders will then be opened in public on the same day at 3:15 p.m. at City of Welland, 60 East Main Street, Welland, Ontario.

### Description of Land(s):

Roll No. 2719 020-004-02500-0000  
PIN 64105-0058 (LT)  
130 Niagara Street  
Part Lot FMH, Plan 564 as in RO525392;  
Lts Mrs. Beatty & M. Beatty & Sons PL564;  
Land lying S. of Lt Mrs. Beatty & Sons &  
N. of Mill Race PL 564

in the City of Welland  
in the Regional Municipality of Niagara  
336.3 ft. x 199.09 ft. more or less  
2005 Current Value Assessment - \$70,000  
Class: Multi-Residential

**Minimum Tender Amount: \$114,744.75**

(set out the cancellation price as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the Municipal Act, 2001 and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

BRUNO SILVESTRI, City Treasurer  
The Corporation of the City of Welland  
60 East Main Street  
Welland, ON L3B 3X4  
905-735-1700

(138-P547)



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2005—05—21

## ONTARIO REGULATION 190/05

made under the

### DRUG INTERCHANGEABILITY AND DISPENSING FEE ACT

Made: April 20, 2005

Filed: May 2, 2005

Amending Reg. 935 of R.R.O. 1990

(General)

Note: Regulation 935 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. The definition of “Formulary” in subsection 1 (1) of Regulation 935 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:**

15. Amendments dated May 25, 2005;

**2. This Regulation comes into force on May 25, 2005.**

21/05

## ONTARIO REGULATION 191/05

made under the

### ONTARIO DRUG BENEFIT ACT

Made: April 20, 2005

Filed: May 2, 2005

Amending O. Reg. 201/96

(General)

Note: Ontario Regulation 201/96 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. The definition of “Formulary” in subsection 1 (1) of Ontario Regulation 201/96 is amended by adding the following paragraph:**

7. Amendments dated May 25, 2005;

**2. This Regulation comes into force on May 25, 2005.**

21/05

**ONTARIO REGULATION 192/05**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: May 4, 2005  
Filed: May 5, 2005

Amending O. Reg. 153/99  
(Ontario Power Generation Inc.)

Note: Ontario Regulation 153/99 has not previously been amended.

**1. Ontario Regulation 153/99 is amended by adding the following section:**

**0.1** (1) In this Regulation,

“nitrogen oxides” means the sum, calculated in accordance with subsection (2), of nitric oxide and nitrogen dioxide.

(2) The amount of nitrogen oxides are calculated for the purpose of this Regulation according to the following formula:

$$A = (B \times 1.53) + C$$

where,

A = the total amount of nitrogen oxides,

B = the relevant amount of nitric oxide,

C = the relevant amount of nitrogen dioxide.

**2. (1) Subsection 1 (1) of the Regulation is amended by striking the portion before clause (a) and substituting the following:**

(1) Ontario Power Generation Inc. shall ensure that, until December 31, 2005, in the aggregate,

. . . . .

**(2) Section 1 of the Regulation is amended by adding the following subsection:**

(1.1) Ontario Power Generation Inc. shall ensure that, after December 31 2005, in the aggregate,

(a) emissions of sulphur dioxide from the fossil-fuelled electric generating stations of Ontario Power Generation Inc. and its subsidiaries do not exceed 175 kilotonnes in any year; and

(b) emissions of sulphur dioxide and of nitrogen oxides from the fossil-fuelled electric generating stations of Ontario Power Generation Inc. and its subsidiaries do not exceed 236 kilotonnes in any year.

**(3) Subsection 1 (2) of the Regulation is amended by striking out the portion before the definition and substituting the following:**

(2) In this section,

. . . . .

**3. Section 2 of the Regulation is amended by striking out “Minister of Energy, Science and Technology” and substituting “Minister of Energy”.**

**4. Section 3 of the Regulation is amended,**

(a) by striking out “Minister of Energy, Science and Technology” and substituting “Minister of Energy”; and

(b) by striking out “nitric oxide” and substituting “nitric oxide or nitrogen oxides, as the case may be”.

21/05



**ONTARIO REGULATION 193/05**

made under the

**ENVIRONMENTAL PROTECTION ACT**

Made: May 4, 2005

Filed: May 5, 2005

Amending O. Reg. 397/01

(Emissions Trading)

Note: Ontario Regulation 397/01 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. (1) The definitions of “combined nitric oxide facility”, “emission allowances”, “emission reduction credits” and “independent nitric oxide facility” in section 1 of Ontario Regulation 397/01 are revoked and the following substituted:**

“combined nitric oxide facility” means a generation facility located in Atikokan, Bath, Courtright, Nanticoke or Thunder Bay that, immediately before April 1, 1999, was owned by Ontario Hydro or a subsidiary of Ontario Hydro, and, until April 30, 2005, includes the Lakeview Generation Facility and “combined nitrogen oxides facility” has the same meaning;

“emission allowances” means nitric oxide emission allowances, nitrogen oxides emission allowances or sulphur dioxide emission allowances;

“emission reduction credits” means nitric oxide emission reduction credits, nitrogen oxides emission reduction credits or sulphur dioxide emission reduction credits;

“independent nitric oxide facility” means a generation facility other than a combined nitric oxide facility and “independent nitrogen oxides facility” has the same meaning;

**(2) The definitions of “IMO” and “IMO-controlled grid” in section 1 of the Regulation are revoked.**

**(3) Section 1 of the Regulation is amended by adding the following definitions:**

“IESO” has the same meaning as in the *Electricity Act, 1998*;

“IESO-controlled grid” means the transmission systems with respect to which, pursuant to agreements, the IESO has authority to direct operations;

“nitrogen oxides emission reduction credits” means nitrogen oxides smog season emission reduction credits or nitrogen oxides non-smog season emission reduction credits;

**(4) Section 1 of the Regulation is amended by adding the following subsection:**

(2) The amount of nitrogen oxides are calculated for the purpose of this Regulation according to the following formula:

$$A = (B \times 1.53) + C$$

where,

A = the total amount of nitrogen oxides expressed as nitrogen dioxide,

B = the relevant amount of nitric oxide,

C = the relevant amount of nitrogen dioxide.

**2. (1) Clauses 2 (15) (b) and (c) of the Regulation are revoked and the following substituted:**

(b) the facility will not generate more than 20,000 megawatt hours of electricity in the following year; or

(c) the quotient determined by dividing the amount of nitrogen oxides that will be emitted from the facility in the following year by the amount of electricity that will be generated by the facility in the following year will not be more than .015 kilograms per megawatt hour.

**(2) Clause 2 (16) (b) of the Regulation is amended by striking out “that will be conveyed into the IMO-controlled grid or sold”.**

**3. Section 7 of the Regulation is revoked and the following substituted:**

## DISTRIBUTION OF NITRIC OXIDE AND NITROGEN OXIDES EMISSION ALLOWANCES

**Combined nitric oxide and nitrogen oxide facilities: 2002 to 2006**

7. (1) On January 1 of each year from 2002 to 2005, Ontario Power Generation Inc. shall be deemed to have acquired nitric oxide emission allowances in respect of the combined nitric oxide facilities in the amount set out in the following Table for that year:

Year	Amount of Nitric Oxide Emission Allowances (kilotonnes)
2002	35.0
2003	35.0
2004	25.0
2005	22.4

(2) On January 1 of 2006, Ontario Power Generation Inc. shall be deemed to have acquired 32.3 kilotonnes of nitrogen oxides emission allowances in respect of the combined nitrogen oxides facilities.

4. (1) **Subsection 8 (1) of the Regulation is amended by striking out “2004, 2005 or 2006” and substituting “2004 or 2005”.**

(2) **Section 8 of the Regulation is amended by adding the following subsection:**

(1.1) The owner of an independent nitrogen oxides facility may apply to the Director for nitrogen oxides emission allowances for 2006 in respect of the facility.

(3) **Subsections 8 (5) and (6) of the Regulation are revoked and the following substituted:**

(5) The Director shall determine the following amount for each facility for which an application for nitric oxide emission allowances or for nitrogen oxides emission allowances is made in accordance with this section:

$$(A \div B) \times C$$

where,

A = the deemed electricity production of the facility, determined in accordance with section 2,

B = the total deemed electricity production of all the facilities for which applications were made in accordance with this section, determined in accordance with section 2,

C = the amount set out in the following Table for the year for which the emission allowances are applied for:

Year	Total Nitric Oxide and Nitrogen Oxides Emission Allowances (kilotonnes)
2004	10.0 nitric oxide
2005	12.6 nitric oxide
2006	21.3 nitrogen oxides

(6) If an application for nitric oxide emission allowances or nitrogen oxides emission allowances is made in accordance with this section in respect of a facility,

(a) the Director shall send written notice of the amount determined for the facility under subsection (5) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which the emission allowances are applied for; and

(b) on January 1 of the year for which the emission allowances are applied for, the owner of the facility shall be deemed to have acquired nitric oxide emission allowances or nitrogen oxides emission allowances, as the case may be, in respect of the facility in the amount determined for the facility under subsection (5).

5. **Section 9 of the Regulation is revoked and the following substituted:**

**Combined nitrogen oxides facilities: 2007**

9. (1) On January 1, 2007, Ontario Power Generation Inc. shall be deemed to have acquired 23.7 kilotonnes of nitrogen oxides emission allowances in respect of the combined nitrogen oxides facilities that are located in the Pollution Emission Management Area.

(2) On January 1, 2007, Ontario Power Generation Inc. shall be deemed to have acquired 2.3 kilotonnes of nitrogen oxides emission allowances in respect of the combined nitrogen oxides facilities that are not located in the Pollution Emission Management Area.

**6. (1) Subsection 10 (1) of the Regulation is revoked and the following substituted:****Independent nitrogen oxides facilities: 2007**

(1) The owner of an independent nitrogen oxides facility may apply to the Director for nitrogen oxides emission allowances for 2007 in respect of the facility.

**(2) Subsection 10 (4) of the Regulation is amended,**

- (a) by striking out “nitric oxide” in the portion before the equation and substituting “nitrogen oxides”; and**
- (b) by striking out “10.0” in the equation and substituting “15.3”.**

**(3) Subsection 10 (5) of the Regulation is amended,**

- (a) by striking out “9.1” in the portion before clause (a) and substituting “13.9”; and**
- (b) by striking out “nitric oxide” in clause (b) and substituting “nitrogen oxides”.**

**(4) Subsection 10 (6) of the Regulation is amended,**

- (a) by striking out “9.1” in the portion before clause (a) and substituting “13.9”; and**
- (b) by striking out “nitric oxide” in clause (c) and substituting “nitrogen oxides”.**

**(5) Subsection 10 (7) of the Regulation is amended by striking out “9.1” in the equation and substituting “13.9”.****(6) Subsection 10 (8) of the Regulation is amended by striking out “0.9” in the equation and substituting “1.4”.****7. (1) Subsection 11 (1) of the Regulation is revoked and the following substituted:****Nitrogen oxides allowances for 2008 and later years**

(1) The owner of a generation facility may apply to the Director for nitrogen oxides emission allowances for 2008 or a later year in respect of the facility.

**(2) Subsection 11 (4) of the Regulation is amended,**

- (a) by striking out “nitric oxide” in the portion before the equation and substituting “nitrogen oxides”; and**
- (b) by striking out “27.0” in the equation and substituting “41.3”.**

**(3) Subsection 11 (5) of the Regulation is amended,**

- (a) by striking out “24.6” in the portion before clause (a) and substituting “37.6”; and**
- (b) by striking out “nitric oxide” in clause (b) and substituting “nitrogen oxides”.**

**(4) Subsection 11 (6) of the Regulation is amended,**

- (a) by striking out “24.6” in the portion before clause (a) and substituting “37.6”; and**
- (b) by striking out “nitric oxide” in clause (c) and substituting “nitrogen oxides”.**

**(5) Subsection 11 (7) of the Regulation is amended by striking out “24.6” in the equation and substituting “37.6”.****(6) Subsection 11 (8) of the Regulation is amended by striking out “2.4” in the equation and substituting “3.7”.****8. (1) Subsection 12 (1) of the Regulation is revoked and the following substituted:****Nitrogen oxides allowances for renewable energy and conservation projects**

(1) A person may apply to the Director for nitrogen oxides emission allowances in connection with a renewable energy project or conservation project.

**(2) Subsection 12 (4) of the Regulation is amended by striking out “nitric oxide” and substituting “nitrogen oxides”.****(3) Subsection 12 (5) of the Regulation is revoked and the following substituted:**

(5) The total amount of nitrogen oxides emission allowances that may be awarded by the Director under subsection (4) in a year must not exceed 1.5 kilotonnes.

**(4) Subsection 12 (6) of the Regulation is revoked and the following substituted:**

(6) If the total amount of nitrogen oxides emission allowances that would be awarded by the Director under subsection (4) in a year, determined in accordance with the Ontario Emissions Trading Code, would exceed 1.5 kilotonnes, the Director shall instead award each successful applicant with an amount of nitrogen oxides emission allowances determined in accordance with the following formula:

$$(A \div B) \times 1.5 \text{ kilotonnes}$$

where,

A = the amount of nitrogen oxides emission allowances that would have been awarded to the successful applicant if that amount had been determined in accordance with the Ontario Emissions Trading Code,

B = the total amount of nitrogen oxides emission allowances that would have been awarded to all successful applicants if that amount had been determined in accordance with the Ontario Emissions Trading Code.

**(5) Subsection 12 (7) of the Regulation is amended,**

**(a) by striking out “nitric oxide” in the portion before clause (a) and substituting “nitrogen oxides”; and**

**(b) by striking out “nitric oxide” in clause (b) and substituting “nitrogen oxides”.**

**(6) Subsection 12 (8) of the Regulation is amended by striking out “from 2002 to 2006” and substituting “from 2002 to 2005”.**

**(7) Section 12 of the Regulation is amended by adding the following subsection:**

(8.1) If in 2006 no nitrogen oxides emission allowances are awarded by the Director under subsection (6) and the total amount of nitrogen oxides emission allowances awarded by the Director under subsection (4) is less than 1.5 kilotonnes, Ontario Power Generation Inc. shall be deemed, on December 1, 2006, to have acquired nitrogen oxides emission allowances in respect of the combined nitrogen oxides facilities in an amount equal to 1.5 kilotonnes less the total amount of nitrogen oxides emission allowances awarded by the Director under subsection (4).

**(8) Subsection 12 (9) of the Regulation is revoked and the following substituted:**

(9) If, in 2007, no nitrogen oxides emission allowances are awarded by the Director under subsection (6) and the total amount of nitrogen oxides emission allowances awarded by the Director under subsection (4) is less than 1.5 kilotonnes,

(a) Ontario Power Generation Inc. shall be deemed, on December 1, 2007, to have acquired nitrogen oxides emission allowances in respect of the combined nitrogen oxides facilities located in the Pollution Emission Management Area in an amount equal to 1.5 kilotonnes less the total amount of nitrogen oxides emission allowances awarded by the Director under subsection (4), multiplied by 0.91; and

(b) Ontario Power Generation Inc. shall be deemed, on December 1, 2007, to have acquired nitrogen oxides emission allowances in respect of the combined nitrogen oxides facilities that are not located in the Pollution Emission Management Area in an amount equal to 1.5 kilotonnes less the total amount of nitrogen oxides emission allowances awarded by the Director under subsection (4), multiplied by 0.09.

**(9) Subsection 12 (10) of the Regulation is revoked and the following substituted:**

(10) If, in 2008 or a later year, no nitrogen oxides emission allowances are awarded by the Director under subsection (6) and the total amount of nitrogen oxides emission allowances awarded by the Director under subsection (4) is less than 1.5 kilotonnes, each person who acquired nitrogen oxides emission allowances in respect of a generation facility on January 1 of the year under section 11 shall be deemed, on December 1 of the year, to have acquired nitrogen oxides emission allowances in respect of the facility in an amount determined in accordance with the following formula:

$$(A \div 41.3 \text{ kilotonnes}) \times (1.5 \text{ kilotonnes} - B)$$

where,

A = the amount of nitrogen oxides emission allowances acquired in respect of the facility on January 1 of the year under section 11,

B = the total amount of nitrogen oxides emission allowances awarded by the Director under subsection (4).

**9. Subsection 18 (3) of the Regulation is revoked and the following substituted:**

(3) Despite subsection (2), emission reduction credits may be created as a result of an emission reduction project undertaken outside the areas referred to in subsection (2) if the Director is satisfied that reductions of nitrogen oxides emissions or sulphur dioxide emissions, as the case may be, achieved by the project have a measurable effect in Ontario.

**10. Section 20 of the Regulation is revoked and the following substituted:**

OBLIGATION TO BALANCE EMISSIONS WITH ALLOWANCES AND CREDITS

**Nitric oxide and nitrogen oxides**

**20.** (1) This section applies to a generation facility for a year if,

(a) nitric oxide emission allowances or nitrogen oxides emission allowances were acquired by any person in respect of the facility on January 1 of the previous year under section 7, 8, 9, 10 or 11; or

- (b) in respect of 2005 and later years,
- (i) the facility had a name plate capacity of more than 25 megawatts at any time in the previous year,
  - (ii) the facility generated more than 20,000 megawatt hours of electricity in the previous year that was conveyed into the IESO-controlled grid or sold, if the previous year is 2004 or 2005,
  - (iii) the facility generated more than 20,000 megawatt hours of electricity in the previous year, if the previous year is 2006 or a subsequent year,
  - (iv) the quotient determined by dividing the amount of nitric oxide emitted from the facility in the previous year by the amount of electricity generated by the facility in the previous year is greater than 0.01 kilograms per megawatt hour, if the previous year is 2004 or 2005, and
  - (v) the quotient determined by dividing the amount of nitrogen oxides emitted from the facility in the previous year by the amount of electricity generated by the facility in the previous year is greater than 0.015 kilograms per megawatt hour, if the previous year is 2006 or a subsequent year.

(2) Not later than March 31 in each year after 2002, the owner of a facility to which this section applies for the year shall apply to the Director for approval to retire nitric oxide emission allowances or nitrogen oxides emission allowances for the purpose of subsection (4).

(3) An application under subsection (2) may also include an application for approval to retire nitric oxide emission reduction credits or nitrogen oxides reduction credits for the purpose of subsection (4).

(4) For each year after 2002, the owner of a facility to which this section applies shall, not later than June 1 of the year, ensure that the following statement is true:

$$A + (B \times 0.9) \geq C$$

where,

A = the total amount of nitric oxide emission allowances and nitrogen oxides emission allowances that are retired for the purpose of this subsection with the approval of the Director,

B = the total amount of nitric oxide emission reduction credits and nitrogen oxides emission reduction credits that are retired for the purpose of this subsection with the approval of the Director,

C = (i) if the previous year is 2002, 2003, 2004 or 2005, the amount of nitric oxide emitted from the facility in the previous year, or

(ii) if the previous year is 2006 or a subsequent year, the amount of nitrogen oxides emitted from the facility in the previous year.

(5) For the purpose of subsection (4),

(a) a nitric oxide emission allowance is equivalent to 1.53 of a nitrogen oxides emission allowance; and

(b) a nitric oxide emission reduction credit is equivalent to 1.53 of a nitrogen oxide emission reduction credit.

**11. Subclause 21 (1) (b) (ii) of the Regulation is revoked and the following substituted:**

(ii) the facility generated more than 20,000 megawatt hours of electricity in the previous year that was conveyed into the IESO-controlled grid or sold, if the previous year is 2004 or 2005,

(ii.1) the facility generated more than 20,000 megawatt hours of electricity in the previous year, if the previous year is 2006 or a subsequent year, and

**12. (1) Subsection 26 (1) of the Regulation is revoked and the following substituted:**

**Ratio of credits to allowances limits**

(1) The owner of a facility may not retire an amount of nitric oxide emission reduction credits and nitrogen oxides emission reduction credits in a year for the purpose of subsection 20 (4) unless the following statement is true:

$$(A - B) \times 0.9 \leq C \times 0.33$$

where,

A = the total amount of nitric oxide emission reduction credits and nitrogen oxides emission reduction credits that are retired in the year for the purpose of subsection 20 (4),

B = (i) if the previous year is 2002, 2003, 2004 or 2005, the amount of nitric oxide emitted from the facility in the previous year because of reliability must run contracts as defined in the market rules or directions given by the IESO under the authority of the market rules, or

- (ii) if the previous year is 2006 or later, the amount of nitrogen oxides emitted from the facility in the previous year because of reliability must run contracts as defined in the market rules or directions given by the IESO under the authority of the market rules,

C = the total amount of nitric oxide emission allowances and nitrogen oxides emission allowances that are retired in the year for the purpose of subsection 20 (4).

**(2) The definition of “B” in subsection 26 (2) of the Regulation is amended by striking out “given by the IMO” and substituting “given by the IESO”.**

**13. Section 27 of the Regulation is revoked and the following substituted:**

**Limit on nitric oxide and nitrogen oxides non-smog season credits**

**27.** The owner of a facility may retire nitric oxide non-smog season emission reduction credits and nitrogen oxides non-smog season emission reduction credits for a year for the purpose of subsection 20 (4) only if the following statement is true:

$$(A \div B) \leq (C \div D)$$

where,

- A = the amount of nitric oxide or nitrogen oxides, as the case may be, emitted from the facility in the smog season in the year,
- B = the amount of nitric oxide or nitrogen oxides, as the case may be, emitted from the facility in the year, other than nitric oxide emitted in the smog season,
- C = the total amount of nitric oxide smog season emission reduction credits or nitrogen oxides smog season emission reduction credits, as the case may be, retired by the owner for the year for the purpose of subsection 20 (4),
- D = the total amount of nitric oxide non-smog season emission reduction credits or nitrogen oxides non-smog season emission reduction credits, as the case may be, retired by the owner for the year for the purpose of subsection 20 (4).

**14. (1) Clause 28 (1) (a) of the Regulation is revoked and the following substituted:**

- (a) nitric oxide emission allowances or nitrogen oxides emission allowances will be acquired by any person in respect of the facility on January 1 of the year under section 7, 8, 9, 10 or 11; or

**(2) Subsection 28 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(2) The owner of a facility to which this section applies for a year during the period 2002 to 2005 shall ensure that emissions of nitric oxide from the facility are monitored during the year in accordance with,

. . . . .

**(3) Section 28 of the Regulation is amended by adding the following subsections:**

(2.1) The owner of a facility to which this section applies for a year after 2005 shall ensure that emissions of nitrogen oxides from the facility are monitored during the year in accordance with,

- (a) a continuous emissions monitoring system installed and operated in accordance with the Ministry of the Environment publication entitled “Guideline for the Installation and Operation of Continuous Emission Monitoring Systems (CEMs) and their Use for Reporting under the Provisions of O. Reg. 127/01”, dated April 2001, as amended from time to time; or
- (b) a method that, in the opinion of the Director, will provide estimates of nitrogen oxides emissions at least as accurate as the estimates that would be provided by a continuous emission monitoring system referred to in clause (a).

(2.2) Subsection (2.1) does not apply to a facility until January 1, 2007 if section 20 can reasonably be expected to first apply to the facility in 2007.

**(4) Subsection 28 (5) of the Regulation is revoked and the following substituted:**

(5) The owner of a facility to which this section applies for a year shall, not later than March 31 in the following year, submit a report to the Director stating,

- (a) the amount of nitric oxide or nitrogen oxides, as the case may be, emitted from the facility in the smog season in the year;
- (b) the amount of nitric oxide or nitrogen oxides, as the case may be, emitted from the facility in the year, other than nitric oxide or nitrogen oxides emitted during the smog season; and
- (c) the amount of nitric oxide or nitrogen oxides, as the case may be, emitted from the facility in the year because of reliability must run contracts as defined in the market rules or directions given by the IESO under the authority of the market rules.

**15. (1) Section 29 of the Regulation is amended by adding the following subsection:**

(3.1) Subsection 28 (2.1) does not apply to a facility until January 1, 2007 if section 20 can reasonably be expected to first apply to the facility in 2007.

(2) Clause 29 (5) (b) of the Regulation is amended by striking out “given by the IMO” and substituting “given by the IESO”.

16. Clause 30 (b) of the Regulation is amended by striking out “that was conveyed into the IMO-controlled grid or sold”.

17. Section 33 of the Regulation is amended,

(a) by striking out “nitric oxide or sulphur dioxide” in the portion before the equation and substituting “nitric oxide, nitrogen oxides or sulphur dioxide”; and

(b) by striking out “nitric oxide or sulphur dioxide” in the definition of “C” and substituting “nitric oxide, nitrogen oxides or sulphur dioxide”.

18. Subsection 34 (2) of the Regulation is amended by striking out “nitric oxide or sulphur dioxide” and substituting “nitric oxide, nitrogen oxides or sulphur dioxide”.

21/05

## ONTARIO REGULATION 194/05

made under the

### ENVIRONMENTAL PROTECTION ACT

Made: May 4, 2005

Filed: May 5, 2005

#### INDUSTRY EMISSIONS — NITROGEN OXIDES AND SULPHUR DIOXIDE

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## INTERPRETATION AND APPLICATION

### Definitions and application

- (1) In this Regulation,
  - “air dried tonne of pulp” means an air dried tonne of pulp where the weight of the pulp is corrected to reflect the weight that the pulp would be if the pulp were composed of 10 per cent water and 90 per cent fibre;
  - “average annual production” means the amount of regulated product produced by a facility in a typical production year;
  - “barrel” means 42 standard U.S. gallons;
  - “carbon black” means carbon pellets or fine powder produced by pyrolysis of hydrocarbon feedstock;
  - “clinker” means the product of a Portland cement kiln from which finished cement is manufactured by milling and grinding;
  - “copper products” means copper products that are produced by refining smelted copper;
  - “emission reduction credits” means nitric oxide emission reduction credits, nitrogen oxides emission reduction credits or sulphur dioxide emission reduction credits;
  - “facility” includes all buildings, equipment, structure and stationary items, such as surfaces and storage piles that are located on a single site;
  - “flat glass” means commercial glass that is produced from silica, soda and lime and that is formed using a float process;
  - “matte” means an impure metallic sulphide mixture produced by smelting copper or nickel concentrate;



“name plate capacity” means, with respect to a facility, the total of the design electricity generating capacities of all the generation units in the facility;

“nickel products” means nickel products that are produced by refining smelted nickel;

“nitric oxide emission allowances” means nitric oxide emission allowances acquired under Ontario Regulation 397/01 (Emissions Trading) made under the Act;

“nitric oxide emission reduction credits” means nitric oxide emission reduction credits created in accordance with the Ontario Emission Trading Code;

“nitrogen oxides” means the sum, calculated in accordance with subsection (2), of nitric oxide and nitrogen dioxide;

“nitrogen oxides budget” means, for a regulated sector and year, the amount recorded in the Registry for that sector and that year in accordance with section 10;

“nitrogen oxides emission reduction credits” means nitrogen oxides emission reduction credits created in accordance with the Ontario Emission Trading Code;

“nitrogen oxides new source set aside” means, for a year, the amount recorded in the Registry for that year in accordance with section 11;

“non-smog season” means the period from October 1 to April 30 in each year;

“Ontario Emissions Trading Code” means the Ministry of the Environment publication of that name, dated May 2005;

“operator of the Registry” has the same meaning as in Ontario Regulation 397/01 (Emissions Trading) made under the Act;

“petroleum feedstock” means feedstock processed in catalytic crackers or hydrotreater units to produce lubricating oils and greases;

“produced” in connection with a regulated product means,

- (a) with respect to carbon black, the producing of carbon pellets or fine powder by pyrolysis of hydrocarbon feedstock,
- (b) with respect to clinker, the producing of clinker in Portland cement kilns,
- (c) with respect to copper products, the producing of copper products by refining smelted copper,
- (d) with respect to ethylene, the producing of ethylene by the processing of natural gas liquid or feedstock from the refining of crude oil and its derivatives,
- (e) with respect to flat glass, the producing of commercial glass from silica, soda and lime and that is formed using a float process,
- (f) with respect to copper or nickel matte, the producing of matte by smelting copper or nickel concentrates,
- (g) with respect to nickel products, the producing of nickel products by refining smelted nickel,
- (h) with respect to oil, the refining of crude oil,
- (i) with respect to petroleum feedstock, the processing of petroleum feedstock in catalytic crackers or hydrotreater units to produce lubricating oils and greases,
- (j) with respect to pulp, the producing of pulp by the kraft process, and
- (k) with respect to shipped steel, the shipping of steel manufactured or processed at the facility;

“Registry” has the same meaning as in Ontario Regulation 397/01 (Emissions Trading) made under the Act;

“regulated sector” means,

- (a) the base metal smelting sector,
- (b) the carbon black sector,
- (c) the cement sector,
- (d) the flat glass sector,
- (e) the iron and steel sector,
- (f) the petroleum sector, or
- (g) the pulp and paper sector;

“Report EPS 1/PG/7” means the Environment Canada publication entitled “Protocols and Performance Specifications for Continuous Monitoring of Gaseous Emissions from Thermal Power Generation – Report EPS1/PG/7”, dated September 1993;

“site” means a property and includes nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not travelling along, a public highway;

“smog season” means the period from May 1 to September 30 in each year;

“steel” means steel that is produced by smelting iron ore into pig iron and converting the pig iron to steel by removing carbon through combustion in furnaces;

“sulphur dioxide budget” means, for a facility and year or for a regulated sector and year, the amount recorded in the Registry for that facility or sector, as the case may be, and that year in accordance with section 22, 23, 24 or 25, as the case may be;

“sulphur dioxide new source set aside” means, for a year, the amount recorded in the Registry for that year in accordance with section 26.

(2) The amount of nitrogen oxides are calculated for the purpose of this Regulation according to the following formula:

$$A = (B \times 1.53) + C$$

where,

A = the total amount of nitrogen oxides expressed as nitrogen dioxide,

B = the relevant amount of nitric oxide,

C = the relevant amount of nitrogen dioxide.

(3) For the purpose of this Regulation,

(a) the base metal smelting sector is composed of facilities at which matte is produced by smelting copper or nickel concentrates;

(b) the carbon black sector is composed of facilities at which carbon black is produced;

(c) the cement sector is composed of facilities at which clinker is produced in Portland cement kilns;

(d) the flat glass sector is composed of facilities at which flat glass is produced;

(e) the iron and steel sector is composed of facilities from which steel manufactured or processed at the facility is shipped;

(f) the petroleum sector is composed of facilities at which crude oil is refined or petroleum feedstock is processed in catalytic crackers or hydrotreater units to produce lubricating oils and greases; and

(g) the pulp and paper sector is composed of facilities at which pulp is produced by the kraft process.

(4) For the purpose of this Regulation,

(a) except as provided in clause (b), the regulated product of a facility in the base metal smelting sector is copper and nickel contained in matte produced at the facility;

(b) the regulated products of the base metal smelting facility listed as Inco, Sudbury in the tables to this Regulation are copper products and nickel products;

(c) the regulated product of a facility in the carbon black sector is carbon black;

(d) the regulated product of a facility in the cement sector is clinker;

(e) the regulated product of a facility in the flat glass sector is flat glass;

(f) the regulated product of a facility in the iron and steel sector is shipped steel;

(g) except as provided in clause (h), the regulated product of a facility in the petroleum sector that refines crude oil is oil;

(h) the regulated product of a facility in the petroleum sector listed in Table 9 or a replacement facility located at the site of a facility in the petroleum sector listed in Table 9 is ethylene;

(i) the regulated product of a facility in the petroleum sector that processes petroleum feedstock in catalytic crackers or hydrotreaters units to produce lubricating oils and greases, but that does not refine crude oil, is petroleum feedstock; and

(j) the regulated product of a facility in the pulp and paper sector is pulp produced by the kraft process.

(5) For the purpose of this Regulation, a facility is a replacement facility if,

(a) the facility is located at a site where another facility that produced a regulated product was previously located;

(b) the facility commences production of a regulated product within five years after the facility that was located at the site ceased production;

(c) the facility produces the same type of regulated product that was produced by the facility that was previously located at the site; and

- (d) the owner of the facility that was previously located at the site had acquired emission allowances in respect of the facility under this Regulation.

#### GENERAL

##### **Rounding of amounts**

**2.** (1) For the purpose of this Regulation, the final result of any calculation made under this Regulation that is measured in tonnes and that is not a whole number when expressed in tonnes shall be rounded down to the nearest tonne.

(2) For the purpose of this Regulation, any amount of nitrogen oxides or sulphur dioxide used in a calculation under this Regulation that is not a whole number when expressed in tonnes shall be rounded up to the nearest tonne.

##### **Forms**

**3.** An application or report to the Director under this Regulation must be in a form provided by or approved by the Director.

##### **Deemed production**

**4.** (1) Except as provided in this section, a facility's deemed production shall be the lesser of the amounts determined by the Director under subsections (2) and (3).

(2) For the purpose of determining a facility's deemed production, the Director shall determine the results of the following formula:

$$(A + B) \div 2$$

where,

A = the largest amount of the regulated product that was produced by the facility or the facility that was located at the replacement facility's site, as the case may be, in any one year of the three years immediately preceding the year in which the application is made,

B = the second largest amount of the regulated product that was produced by the facility or the facility that was located at the replacement facility's site, as the case may be, in any one year of the three years immediately preceding the year in which the application is made.

(3) For the purpose of determining a facility's deemed production, the Director shall determine the results of the following formula:

$$C \times 1.2$$

where,

C = the historical facility production of the facility.

(4) Despite subsection (1) and subject to subsection (5), the deemed production of a facility in the petroleum sector listed in Table 9 or a replacement facility located at the site of a facility in the petroleum sector listed in Table 9, in the base metal smelting sector or in the carbon black sector is the amount determined by the Director in accordance with subsection (2).

(5) Despite subsection (1) and subject to subsection 14 (5) and 29 (5), a facility's deemed production shall be the amount of regulated product that the owner of the facility estimates will be produced by the facility during the following year,

- (a) if an application in respect of the facility has been made under section 15 or 30 and the determination of the facility's deemed production is being made in respect of the first, second, third or fourth application made in respect of the facility for emission allowances and the facility,
    - (i) is not a replacement facility, and
    - (ii) is not listed in a table to this Regulation;
  - (b) if an increase in production or a modification of a process or equipment has or will occur and an application in respect of an increase in the amount of a regulated product produced by the replacement facility has been made under section 16 or 31 and the determination of the facility's deemed production is being made in respect of the first, second, third or fourth application made in which emission allowances are sought in respect of the increased production or modification of the facility; or
  - (c) if the facility is a replacement facility and an application in respect of an increase in the amount of a regulated product produced by the replacement facility has been made under section 16 or 31 and the determination of the facility's deemed production is being made in respect of the first, second, third or fourth application made in which emission allowances are sought in respect of the increased amount of regulated product produced by the replacement facility.
- (6) Subsections (7), (8) and (9) apply to the determination of a facility's deemed production if,
- (a) there was a previous determination of the facility's deemed production under subsection (5); and

(b) the determination is being made in the second year after the previous determination.

(7) If subsection (6) applies, the Director shall calculate the following as part of his or her determination of the facility's deemed production under subsection (2), (3) or (5):

$$X - Y$$

where,

X = the amount of regulated product produced by the facility during the completed production year,

Y = the amount of regulated product that the owner of the facility estimated, or was deemed to have estimated, would be produced by the facility for the purpose of subsection (5) when the previous determination was made.

(8) If the amount calculated under subsection (7) is greater than zero, the facility's deemed production under subsection (2), (3) or (5) is increased by that amount.

(9) If the amount calculated under subsection (7) is zero or less than zero, the facility's deemed production under subsection (2), (3) or (5) is reduced by the following amount:

$$-1.1 \times A$$

where,

A = the amount determined under subsection (7).

(10) For the purpose of this section, if no application has been determined under section 16 or 31 in respect of a replacement facility, the historical facility production of the replacement facility is equal to the historical facility production of the facility that was located on the replacement facility's site, as determined in accordance with this section.

(11) For the purpose of this section, and subject to subsection (13), the historical facility production of a facility that is listed in a table to this Regulation is the largest amount of regulated product that was produced in 2002, 2003 or 2004 by the facility as reported by the owner of the facility under paragraph 3 of subsection 6 (4).

(12) For the purpose of this section and subject to subsection (13), the historical facility production of a facility that is not listed in a table to this Regulation is equal to the value assigned to "B" in subsection 15 (6) or 30 (6) in an application made in respect of the facility in accordance with section 15 or 30.

(13) For the purpose of this section, if an application in respect of a facility has been determined under section 16 or 31, the historical facility production of the facility is equal to the value assigned to "B" in subsection 16 (4) or 31 (4) in the most recently determined application made in respect of the facility under section 16 or 31.

(14) In this section,

"completed production year" means the year following the year in which the previous determination referred to in subsection (6) was made;

"following year" means, with respect to a determination of a facility's deemed production, the year following the year in which the determination is made.

#### **Director may substitute own estimate**

5. If the Director is of the opinion that an estimate made by the owner of a facility for the purpose of this Regulation is too high, the Director may substitute a lower estimate and that estimate shall be deemed to be the estimate made by the owner for the purpose of this Regulation.

#### **Submission of production data**

6. (1) The owner of a facility that is filing an application under section 12, 14, 27 or 29 shall provide to the Director the data on the total amount of regulated product that was produced by the facility or by the facility that was located at the replacement facility's site, in each of the three years preceding the year in which the application is made.

(2) The owner of a facility that is filing an application under section 15, 16, 17, 30, 31 or 32 shall provide to the Director the data on the average annual production that the owner estimates will be produced by the new, expanded or replacement facility, as the case may be.

(3) If required by the Director, an owner of a facility that has filed an application under this Regulation shall provide to the Director the method used to monitor or calculate the amount of nitrogen oxides and sulphur dioxide emitted from the facility in one or more years specified by the Director and the information used in the application of those methods to determine the amount of nitrogen oxides and sulphur dioxide emitted from the facility in those years, as reported to the Director in accordance with Ontario Regulation 127/01 (Airborne Contaminant Discharge Monitoring and Reporting) made under the Act.

(4) The owner of a facility listed in a table to this Regulation shall file the following data with the first application made under this Regulation in respect of the facility:

1. The amount of any nitrogen oxides emitted from all electricity generation units located at the facility in each of the years 2002, 2003 and 2004, if the facility's electricity generation name plate capacity was greater than 25 megawatts and the facility generated more than 20,000 megawatt hours of electricity in each of those years.
2. The amount of any sulphur dioxide emitted from all electricity generation units located at the facility in each of the years 2002, 2003 and 2004, if the facility's electricity generation name plate capacity was greater than 25 megawatts and the facility generated more than 20,000 megawatt hours of electricity in each of those years.
3. The amount of regulated product produced by the facility in each of the years 2002, 2003 and 2004.
4. The method used to monitor or calculate the amount of nitrogen oxides and sulphur dioxide emitted from the facility in 2001 and the information used in the application of those methods to determine the amount of nitrogen oxides and sulphur dioxide emitted from the facility in 2001, as reported to the Director in accordance with Ontario Regulation 127/01 (Airborne Contaminant Discharge Monitoring and Reporting) made under the Act.

(5) For the purpose of subsection (4) if an electricity generation unit produces a useful product other than electricity, the amounts reported under paragraphs 1 and 2 of subsection (4) shall include the amount determined in accordance with the following formula:

$$A \div B \times C$$

where,

A = the amount of energy used by the generation unit to produce electricity during the period of time,

B = the total amount of energy used by the generation unit to produce electricity and other useful products during the period of time,

C = the total amount of nitrogen oxides or sulphur dioxide, as the case may be, emitted from the generation unit during the period of time.

(6) The owner of a facility that is providing data under this section shall provide the data in the following manner:

1. With respect to carbon black, tonnes of carbon black produced at the facility during a calendar year.
2. With respect to clinker, tonnes of clinker produced at the facility during a calendar year.
3. With respect to copper products and nickel products, tonnes of copper products and nickel products produced at the facility during a calendar year.
4. With respect to ethylene, tonnes of ethylene produced at the facility during a calendar year.
5. With respect to flat glass, tonnes of flat glass produced at the facility during a calendar year.
6. With respect to copper and nickel contained in matte, the tonnes of copper and nickel contained in the matte produced at the facility during a calendar year.
7. With respect to oil, barrels of crude oil refined at the facility during a calendar year.
8. With respect to petroleum feedstock, barrels of feedstock processed in catalytic crackers and hydrotreater units to produce lubricating oils and greases at the facility during a calendar year.
9. With respect to pulp, air dried tonnes of pulp produced at the facility during a calendar year.
10. With respect to shipped steel, tonnes of steel manufactured or processed at the facility that were shipped from the facility during a calendar year.

#### EMISSION ALLOWANCES

##### Contents of the Registry

7. (1) The Registry shall contain the following information for all emission allowances recorded in the Registry under this Regulation:

1. The name of the person who acquired the allowances.
2. The date the allowances were acquired.
3. The name of the person who currently holds the allowances and the amount of the allowances held by that person.

(2) Despite section 17 of Ontario Regulation 397/01 (Emissions Trading) made under the Act, the operator of the Registry shall ensure that the acquisition of emission allowances by a person under this Regulation is recorded in the Registry as soon as possible after the acquisition.

##### Trading of allowances and credits

8. (1) Emission allowances acquired under this Regulation may be transferred from one person to another in accordance with the Ontario Emissions Trading Code.

(2) A person who has applied to the Director for approval to retire emission allowances or emission reduction credits for the purpose of subsection 37 (3) or 38 (3) may not transfer those allowances or credits to another person unless the Director refuses to approve their retirement.

**Voluntary retirement of allowances**

9. The holder of emission allowances may retire the allowances by giving written notice to the operator of the Registry and, on receipt of the notice, the operator shall amend the Registry to indicate that the retired allowances no longer exist.

**NITROGEN OXIDES EMISSION ALLOWANCES**

**Sector budgets, cement, flat glass, iron and steel and pulp and paper sectors**

10. (1) For each regulated sector listed in Table 1, the operator of the Registry shall record in the Registry in accordance with this section the amount of the sector's nitrogen oxides budget for each year.

(2) Subject to subsections (3) and (4), the nitrogen oxides budget for a regulated sector for a year is the amount set out for that sector for that year in Table 1.

(3) On January 1 of each year after 2005, the nitrogen oxides budget for a regulated sector for every subsequent year shall be increased by the total amount of nitrogen oxides emission allowances for which the Director gives notice to the operator of the Registry in respect of the facilities in that sector under subsection 20 (1) or (2) on or before October 1 of the preceding year.

(4) On January 1 of each year after 2005, the nitrogen oxides budget for a regulated sector for that year and every subsequent year shall be decreased by the total amount of nitrogen oxides emission allowances for which the Director gives notice to the operator of the Registry in respect of the facilities in that sector under section 21 on or before October 1 of the previous year.

**Annual amount of new source set asides, nitrogen oxides**

11. (1) The operator of the Registry shall record in the Registry in accordance with this section the amount of the nitrogen oxides new source set aside for each year.

(2) Subject to subsections (3) and (5), the nitrogen oxides new source set aside for a year shall be the amount set out in Table 2.

(3) Subject to subsection (4), on January 1 of each year after 2005 the nitrogen oxides new source set aside for every subsequent year shall be reduced by the total amount of nitrogen oxides emission allowances for which the Director gives notice to the operator of the Registry under subsection 20 (1) or (2) on or before October 1 of the preceding year.

(4) The nitrogen oxides new source set aside shall not be reduced to an amount that is less than zero.

(5) On January 1 of each year after 2005, the nitrogen oxides new source set aside for that year and every subsequent year shall be increased by the total amount of nitrogen oxides emission allowances determined by the Director under sections 13 and 21 to be added to the nitrogen oxides new source set aside as of that day.

**Application for nitrogen oxides emission allowances, petroleum sector**

12. (1) The owner of a facility listed in Table 3 may apply to the Director for nitrogen oxides emission allowances in respect of the facility for any year after 2005.

(2) The owner of a replacement facility located on a site where a facility listed in Table 3 was located may apply to the Director for nitrogen oxides emission allowances in respect of the facility for any year after 2006.

(3) The owner of a facility in the petroleum sector that is not listed in Table 3 may apply to the Director for nitrogen oxides emission allowances in respect of the facility for any year after 2006, if nitrogen oxides emission allowances have previously been acquired as a result of an application made under section 15 or 19 in respect of the facility or the facility that was located at the replacement facility's site.

(4) An application under this section must be made not later than June 1 in the year preceding the year for which the allowances are applied for.

(5) For each facility for which an application for nitrogen oxides emission allowances for 2006 is made in accordance with this section, the Director shall determine the following amount:

A – C

where,

A = the amount of nitrogen oxides emission allowances set out in respect of the facility for 2006 in Table 3,

C = one-third of the total of the amount of any nitrogen oxides reported under paragraph 1 of subsection 6 (4) in respect of the facility.

(6) For each facility for which an application for nitrogen oxides emission allowances for 2007 or 2008 is made in accordance with this section, the Director shall determine the following amount:

$$A + B - C$$

where,

A = the amount of nitrogen oxides emission allowances set out in Table 3 in respect of the facility or the facility that was located at the replacement facility's site, as the case may be, for the year for which the emission allowances are applied for,

B = the total amount of any nitrogen oxides emission allowances that the owner of the facility or the facility that was located at the replacement facility's site acquired in respect of the facility or the facility that was located at the replacement facility's site under section 20 in any previous year,

C = one-third of the total sum of the amounts of any nitrogen oxides reported under paragraph 1 of subsection 6 (4) in respect of the facility or the facility that was located at the replacement facility's site, as the case may be.

(7) For each facility for which an application for nitrogen oxides emission allowances for any year after 2008 is made in accordance with this section, the Director shall determine the following amount:

$$A + B - C - D - E$$

where,

A = the amount of nitrogen oxides emission allowances set out in Table 3 in respect of the facility or the facility that was located at the replacement facility's site, as the case may be, for the year for which the emission allowances are applied for,

B = the total amount of any nitrogen oxides emission allowances that the owner of the facility or the facility that was located at the replacement facility's site acquired in respect of the facility or the facility that was located at the replacement facility's site under section 20 in any previous year,

C = one-third of the total sum of the amounts of any nitrogen oxides reported under paragraph 1 of subsection 6 (4) in respect of the facility or the facility that was located at the replacement facility's site, as the case may be,

D = the amount determined under section 13 with respect to reduction in production,

E = the amount of any nitrogen oxides emission allowances that the Director has determined under subsection 21 (3) or (5), as the case may be, in respect of the facility or the facility that was located at a replacement facility's site in the year in which an application is made under this section or in any previous year.

(8) If the amount of nitrogen oxides emission allowances determined under subsection (6) or (7), as the case may be, is less than zero, the amount shall be adjusted to zero.

(9) The Director shall send written notice of the amount determined, subject to subsection (8), in respect of each facility under subsection (5), (6) or (7), as the case may be, to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for.

(10) On January 1 of the year for which emission allowances are applied for, the owner of the facility shall be deemed to have acquired nitrogen oxides emission allowances in respect of the facility in the amount determined, subject to subsection (8), in respect of the facility under subsection (5), (6) or (7), as the case may be.

**Phased out facilities — nitrogen oxides**

**13.** (1) For the purpose of determining the value of "D" under subsection 12 (7), the Director shall make a determination using the following rules:

1. If the deemed production of the facility determined in accordance with section 4 is greater than 50 per cent of the facility's historical facility production, in at least one of the two years preceding the year in which the application is made, the value of "D" is zero.
2. If the deemed production of the facility determined in accordance with section 4 is less than or equal to 50 per cent of the facility's historical facility production in each of the two years preceding the year in which the application is made, but is greater than zero in at least one of those years, the value of "D" is,

$$(A + B) \times .5$$

where,

A = the amount of nitrogen oxides emission allowances set out in Table 3 in respect of the facility or the facility that was located at the replacement facility's site, as the case may be, for the year for which the emission allowances are applied for,

B = the total amount of any nitrogen oxides emission allowances that the owner of the facility or the facility that was located at the replacement facility's site acquired in respect of the facility or the facility that was located at the replacement facility's site under section 20 in any previous year.

3. If the deemed production of the facility determined in accordance with section 4 is zero in each of the two years preceding the year in which the application is made, the value of "D" is,

$$A + B$$

where,

A = the amount of nitrogen oxides emission allowances set out in Table 3 in respect of the facility or the facility that was located at the replacement facility's site, as the case may be, for the year for which the emissions allowances are applied for,

B = the amount of any nitrogen oxides emission allowances that the owner of the facility or the facility that was located at the replacement facility's site acquired in respect of the facility or the facility that was located at the replacement facility's site under section 20 in any previous year.

- (2) If the facility does not produce any regulated product in any period of five consecutive years,
- the facility shall be deemed not to be listed for the purposes of any subsequent application made under this Regulation, including an application made under section 15 or 16;
  - no further applications shall be made under subsection 12 (1) with respect to the facility;
  - the owner of the facility may in subsequent years make an application under section 15 in respect of the facility, if the facility meets the criteria set out in that section;
  - the owner of the facility may in subsequent years make an application under subsection 12 (3) or section 16 in respect of the facility, if nitrogen oxides emission allowances have been acquired by the owner of the facility as the result of an application under section 15; and
  - the amount of the nitrogen oxides emission allowances set out in respect of the facility or the facility that was located at the replacement facility's site in Table 3 for the fifth year of the five-year period, if any, and the amount of nitrogen oxide emission allowances that the owner of the facility or the facility that was located at the replacement facility's site acquired in respect of the facility or the facility that was located at the replacement facility's site under section 20 in any previous year shall be added to the nitrogen oxides new source set aside in accordance with subsection 11 (5).
- (3) If clause (2) (a) applies with respect to a facility, the Director shall send written notice,
- to the owner of the facility advising that the facility is deemed not to be listed; and
  - to the operator of the Registry advising that the facility is deemed not to be listed and setting out the amount of nitrogen oxides emission allowances to be added to the nitrogen oxides new source set aside as of January 1 of the year following the year in which notice is given.
- (4) For the purposes of subsections (1) and (2) if no application is made under section 12 in respect of a facility listed in Table 3 or a facility described in subsection 12 (2) or (3) in a year, the deemed production of the facility shall be zero.
- (5) For the purpose of this section, if no application has been determined under section 16 in respect of a replacement facility, the historical facility production of the replacement facility is equal to the historical facility production of the facility that was located on the replacement facility's site, as determined in accordance with this section.
- (6) For the purpose of this section and subject to subsection (8), the historical facility production of a facility that is listed in Table 3 is the largest amount of regulated product that was produced in 2002, 2003 or 2004 by the facility as reported by the owner of the facility under paragraph 3 of subsection 6 (4).
- (7) For the purpose of this section and subject to subsection (8), the historical facility production of a facility that is not listed in Table 3 is equal to the value assigned to "B" in subsection 15 (6) in the application made respect of the facility in accordance with section 15.
- (8) If a previous application made in respect of a facility under section 16 has been determined, for the purpose of this section the historical facility production of the facility is equal to the value assigned to "B" in subsection 16 (4) in the most recently determined application made under section 16 in respect of the facility.

**Applications for nitrogen oxides emission allowances**

14. (1) The owner of a facility listed in Table 4 may apply to the Director for nitrogen oxides emission allowances in respect of the facility for any year after 2005.

(2) If the owner of the facility has previously acquired nitrogen oxides emission allowances as the result of an application under section 15 or 19 in respect of the facility, the owner may apply to the Director for nitrogen oxides emission allowances in respect of the facility in the cement sector, the flat glass sector, the iron and steel sector or the pulp and paper sector that is not listed in Table 4 for any year after 2006.



(3) The owner of a replacement facility may apply to the Director for nitrogen oxides emission allowances in respect of the facility for any year after 2006 if,

- (a) the facility that was located at the replacement facility's site was a facility in the cement sector, the flat glass sector or the pulp and paper sector; and
- (b) an owner of the facility that was located at the site had acquired nitrogen oxides emission allowances in respect of that facility under this section.

(4) An application made under subsection (1), (2) or (3) shall not include an application for nitrogen oxides emission allowances in respect of a modification or increased production of a facility, if the owner of the facility has also made an application under section 16 to the Director for nitrogen oxides emission allowances for the same year with respect to the modification or increased production.

(5) If subsection (4) applies, the deemed production of the facility for the purposes of subsection (7) shall be the lesser of the amounts determined by the Director under subsections 4 (2) and (3).

(6) An application under this section must be made not later than June 1 in the year preceding the year for which emission allowances are applied for.

(7) For each facility for which an application for nitrogen oxides emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times B - C$$

where,

A = the intensity rate for the facility determined in accordance with subsection (8),

B = the deemed production of the facility determined in accordance with section 4,

C = one-third of the total of the amounts of any nitrogen oxides reported under paragraph 1 of subsection 6 (4) in respect of the facility or the facility that was located at the replacement facility's site, as the case may be.

(8) For the purpose of subsection (7), the intensity rate for the facility shall be determined in accordance with the following rules:

1. If the facility is listed in Table 4 and the Director has not determined an intensity rate for the facility pursuant to section 17 or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility for the year for which emission allowances are applied for, as determined in accordance with Table 4.
2. Subject to paragraph 5, if the Director has determined an intensity rate for the facility pursuant to section 17, the intensity rate is the most recently determined intensity rate for the facility determined under section 17 that has been applied in a previous application for nitrogen oxides emission allowances made in respect of the facility.
3. If the facility is a replacement facility and paragraph 2 does not apply and the Director has not determined an intensity rate for the facility that was previously located at the replacement facility's site pursuant to section 17 or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, as determined in accordance with Table 4.
4. Subject to paragraph 5, if the facility is a replacement facility and paragraph 2 does not apply and the Director has determined an intensity rate for the facility that was located at the replacement facility's site pursuant to section 17, the intensity rate is the most recently determined intensity rate for the facility that was located at the replacement facility's site determined under section 17 that has been applied in a previous application for nitrogen oxides emission allowances made in respect of the facility.
5. If the most recently determined intensity rate for the facility or the facility that was located at the replacement facility's site is greater than the intensity rate set out in Table 4 for the facility or the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, the intensity rate is the intensity rate for the facility or the facility that was located at the replacement facility's site, as determined in accordance with Table 4.

(9) If the total of all the amounts determined under subsection (7) in respect of applications for nitrogen oxides emission allowances for a year in respect of facilities in a regulated sector is less than or equal to the amount of the sector's nitrogen oxides budget, calculated in accordance with section 10, for the regulated sector for the year for which emission allowances are applied for,

- (a) the Director shall send written notice of the amount determined in respect of each facility in the regulated sector under subsection (7) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for; and
- (b) on January 1 of the year for which emission allowances are applied for, the owner of a facility in the regulated sector shall be deemed to have acquired nitrogen oxides emission allowances in respect of the facility in the amount determined in respect of the facility under subsection (7).

(10) If the total of all the amounts determined under subsection (7) in respect of applications for nitrogen oxides emission allowances for a year in respect of facilities in a regulated sector is more than the amount of the sector's nitrogen oxides budget, calculated in accordance with section 10, for the regulated sector for the year for which emission allowances are applied for,

- (a) the Director shall determine adjusted amounts under subsection (11) in respect of each facility in the regulated sector in respect of which an amount was determined under subsection (7);
- (b) the Director shall send written notice of the adjusted amount determined in respect of a facility under subsection (11) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which the emission allowances are applied for; and
- (c) on January 1 of the year for which emission allowances are applied for, the owner of a facility shall be deemed to have acquired nitrogen oxides emission allowances in respect of the facility in the adjusted amount determined for the facility under subsection (11).

(11) For the purpose of subsection (10), the adjusted amount in respect of a facility in a regulated sector in respect of applications for nitrogen oxides emission allowances for a year shall be determined in accordance with the following formula:

$$A \times B \div C$$

where,

A = the amount determined in respect of the facility under subsection (7),

B = the nitrogen oxides budget, calculated in accordance with section 10, for the regulated sector for the year for which emission allowances are applied for,

C = the total of all the amounts determined under subsection (7) in respect of all the facilities in the regulated sector.

**New facilities, initial applications — nitrogen oxides**

**15.** (1) The owner of a facility that is described in subsection (2) and that is not listed in Table 3 or 4 or is deemed not to be listed in Table 3 may apply to the Director for nitrogen oxides emission allowances in respect of the facility for any year after 2005 if,

- (a) the owner of a facility has applied under section 17 for a determination of the intensity rate that is to be applied to the facility;
- (b) the application under section 17 was made not more than three years before the application made under this section; and
- (c) nitrogen oxides emission allowances have not previously been acquired as a result of an application made under this section in respect of the facility.

(2) This section applies in the following regulated sectors to facilities that first produced regulated product after January 1, 2005 and that meet the criteria described for each sector:

- 1. In the cement sector, a facility that has the capacity to produce more than 100,000 tonnes of clinker per year and that will emit more than 100 tonnes of nitrogen oxides in the year for which emission allowances are applied for.
- 2. In the flat glass sector, a facility that has the capacity to produce more than 50,000 tonnes of flat glass per year and that will emit more than 100 tonnes of nitrogen oxides in the year for which emission allowances are applied for.
- 3. In the iron and steel sector, a facility that has the capacity to ship more than 100,000 tonnes of steel per year and that will emit more than 100 tonnes of nitrogen oxides in the year for which emission allowances are applied for.
- 4. In the petroleum sector, a facility that has the capacity to refine more than 50,000 barrels of crude oil per day or process more than 20,000 barrels per day of petroleum feedstock to produce lubricating oils and greases and that will emit more than 100 tonnes of nitrogen oxides in the year for which emission allowances are applied for.
- 5. In the pulp and paper sector, a facility that has the capacity to produce more than 100,000 air dried tonnes of pulp per year and that will emit more than 100 tonnes of nitrogen oxides in the year for which emission allowances are applied for.

(3) This section does not apply to a replacement facility.

(4) An application under this section must be made not later than June 1 in the year preceding the year for which emission allowances are applied for.

(5) An application may be made under this section by the owner of a facility that has not yet begun to produce a regulated product.

(6) For each facility for which an application for nitrogen oxides emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times B$$

where,

A = the intensity rate determined by the Director in accordance with section 17 for the facility,

B = the average annual production that the owner of the facility estimates, or is deemed to estimate, in accordance with subsection 6 (2) will be produced by the facility.

(7) For each facility in the cement sector, the flat glass sector, the iron and steel sector or the pulp and paper sector for which an application for nitrogen oxides emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times C$$

where,

A = the intensity rate determined by the Director in accordance with section 17 for the facility,

C = the deemed production determined under section 4 with respect to the facility.

(8) A facility to which clause 13 (2) (a) applies shall be deemed not to have produced regulated product on or before January 1, 2005.

**Applications for facilities that expand or increase production — nitrogen oxides**

**16.** (1) The owner of a facility that is listed in Table 3 or 4, that is a replacement facility or that is a facility in respect of which nitrogen oxides emission allowances have been acquired under section 15 may apply to the Director for nitrogen oxides emission allowances in respect of the facility for any year after 2005 if,

(a) the owner of the facility estimates,

(i) that the deemed production of the facility in the year for which the allowances are applied for will be at least 20 per cent greater than the historical facility production of the facility or the facility that was located at the replacement facility's site, or

(ii) that the average annual production of the facility will be at least 20 per cent greater than the historical production of the facility as a result of a modification to a process or equipment at the facility;

(b) the owner of the facility has applied under section 17 for a determination of the intensity rate that is to be applied to the facility;

(c) the application under section 17 was made not more than three years before the date of the application under this section; and

(d) nitrogen oxides emission allowances have not previously been acquired as a result of an application made under this section in respect of the modification or increased production of the facility.

(2) An application under this section must be made not later than June 1 in the year preceding the year for which emission allowances are applied for.

(3) An application may be made under this section by the owner of a facility that has not begun to produce a regulated product with the expanded portion of the facility.

(4) For each facility for which an application for nitrogen oxides emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times (B - C)$$

where,

A = the lesser of the intensity rate determined by the Director in accordance with section 17 for the facility and the intensity rate, if any, for the facility or the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, as determined in accordance with Table 4,

B = the average annual production that the owner of the facility estimates, or is deemed to estimate, in accordance with subsection 6 (2) will be produced by the facility,

C = the facility's historical facility production.

(5) For each facility in the cement sector, the flat glass sector, the iron and steel sector or the pulp and paper sector for which an application for nitrogen oxides emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times (D - E)$$

where,

A = the intensity rate determined by the Director in accordance with section 17 for the facility,

D = the deemed production determined in respect of the facility under subsection 4 (5),

E = the lesser of the amounts of deemed production determined in respect of the facility under subsections 4 (2) and (3).

(6) If there has been no previous application determined under this section in respect of a replacement facility, for the purpose of this section the historical facility production of the replacement facility is equal to the historical facility production of the facility that was located on the replacement facility's site, as determined in accordance with this section.

(7) For the purpose of this section and subject to subsection (9), the historical facility production of a facility that is listed in Table 3 or 4 is the largest amount of regulated product that was produced in 2002, 2003 or 2004 by the facility as reported by the owner under paragraph 3 of subsection 6 (4).

(8) For the purpose of this section and subject to subsection (9), the historical facility production of a facility that is not listed in Table 3 or 4 is equal to the value assigned to "B" in subsection 15 (6) in the application previously made under section 15 in respect of the facility.

(9) For the purpose of this section, if an application in respect of a facility has been previously determined under this section, the historical facility production of the facility is equal to the value assigned to "B" in subsection (4) in the most recently determined application made under this section in respect of the facility.

**Determination of intensity rate — new, replacement or expanded facilities**

17. (1) The owner of a facility to which section 15 or 16 applies shall apply to the Director for an approval of a proposed intensity rate that is to be applied to the expanded, new or replacement facility, as the case may be.

(2) The intensity rate proposed by the owner of the facility shall be based upon the following formula:

$$A \div B$$

where,

A = the amount of emissions reported in accordance with paragraph 7 of subsection (5) and subsection (7),

B = the average annual production that the owner of the facility estimates, is deemed to have estimated, in accordance with subsection 6 (2).

(3) An application under this section must be made not later than January 1 in the year preceding the year for which nitrogen oxides emission allowances are applied for in respect of the facility.

(4) The application shall include an evaluation of each new or modified process in the facility that includes any new or modified piece of equipment that has a heat input of 1,000,000 BTUs per hour or greater,

(a) that has or will result in an increase in the average annual production of the facility;

(b) that has been made since the later of the day this Regulation comes into force and the day of the last application made under this section in respect of the facility; and

(c) that produces nitrogen oxides emissions.

(5) The evaluation shall include the following steps for each new or modified process and piece of equipment:

1. Identification of nitrogen oxides control technologies available when the modification was made.

2. Elimination of technologies not used at comparable facilities.

3. Elimination of technically infeasible control technologies.

4. Ranking of technically feasible control technologies by nitrogen oxides emission reduction effectiveness.

5. Evaluating control costs.

6. Selection of best available control technology economically achievable.

7. Estimate the amount of nitrogen oxides emissions that will be emitted annually from the equipment and process if the selected control technology is installed.

(6) For the purpose of paragraph 6 of subsection (5), a control technology may be selected as a best available control technology economically achievable if the percentage reduction of nitrogen oxides emissions achieved by the control technology is within 15 per cent of the reduction of nitrogen oxides emissions achieved by the control technology with the greatest percentage of nitrogen oxides emission reduction identified in the evaluation as required by paragraph 4 of subsection (5).

(7) The owner of the facility shall identify in the application any source of nitrogen oxides emissions at the facility, not included in the evaluation prepared under subsection (5), and shall estimate the amount of emissions that will be emitted from the source in a calendar year.

(8) The evaluation shall be certified as being complete, accurate and completed in accordance with this Regulation by a person who,

- (a) holds a licence or temporary licence issued under the *Professional Engineers Act* to engage in the practice of professional engineering, other than a limited licence issued under that Act; and
- (b) is not an employee of the facility or of the owner of the facility.

(9) Not later than 90 days after the day on which the application under this section is made and subject to subsection (12), the Director shall notify the owner of the facility in writing that he or she accepts the proposed intensity rate for the facility or does not accept the proposed intensity rate for the facility.

(10) A decision of the Director in respect of an application made under this section is not invalid solely because the decision is not made within the time prescribed by subsection (9).

(11) If the Director does not accept the proposed intensity rate for the facility, the written notice of his or her determination shall specify the reasons the proposed intensity rate was not accepted and shall set out the intensity rate for the facility as determined by the Director.

(12) If an intensity rate for the facility or the facility that was located at the replacement facility's site is set out in Table 4 or the facility is in the cement sector, the flat glass sector, the iron and steel sector or the pulp and paper sector and an intensity rate has previously been determined for the facility or the facility that was located at the replacement facility's site under this section, the Director shall determine the intensity rate for the facility in accordance with the following:

$$A \times (B \div C) + D \times ((C - B) \div C)$$

where,

A = is the intensity rate for the facility determined in accordance with subsection (13),

B = the facility's historical facility production,

C = the average annual production that the owner of the replacement facility estimates, or is deemed to estimate, in accordance with subsection 6 (2) will be produced by the facility,

D = the intensity rate determined for the facility in the current application under subsection (9).

(13) For the purpose of subsection (12), the intensity rate for the facility shall be determined in accordance with the following rules:

1. If the facility is listed in Table 4 and the Director has not determined an intensity rate for the facility pursuant this section or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility for the year for which emission allowances are applied for, as determined in accordance with Table 4.
2. Subject to paragraph 5, if the Director has determined an intensity rate for the facility pursuant to this section, the intensity rate is the most recently determined intensity rate for the facility determined under this section that has been applied in a previous application for nitrogen oxides emission allowances made in respect of the facility.
3. If the facility is a replacement facility and paragraph 2 does not apply and the Director has not determined an intensity rate for the facility that was previously located at the replacement facility's site pursuant to this section or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, as determined in accordance with Table 4.
4. Subject to paragraph 5, if the facility is a replacement facility and paragraph 2 does not apply and the Director has determined an intensity rate for the facility that was located at the replacement facility's site pursuant to this section, the intensity rate is the most recently determined intensity rate for the facility that was located at the replacement facility's site determined under this section that has been applied in a previous application for nitrogen oxides emission allowances made in respect of the facility.
5. If the most recently determined intensity rate for the facility or the facility that was located at the replacement facility's site is greater than the intensity rate set out in Table 4 for the facility or the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, the intensity rate is the intensity rate for the facility or the facility that was located at the replacement facility's site, as determined in accordance with Table 4.

(14) For the purpose of subsection (12), if there has been no previous application determined under this section in respect of the replacement facility, the historical facility production of a replacement facility is equal to the historical facility production of the facility that was located on the replacement facility's site, as determined in accordance with this section.

(15) For the purpose of subsection (12), if the facility or the facility that was located at the replacement facility's site is listed in Table 4 and no previous application has been determined under this section in respect of that facility, the facility's historical facility production is the largest amount of regulated product that was produced in 2002, 2003 or 2004 by the facility or the facility that was located at the replacement facility's site, as the case may be, as reported by the owner under paragraph 3 of subsection 6 (4).

(16) For the purpose of subsection (12), if a previous application has been determined under this section in respect of the facility that was located at the replacement facility's site, the historical facility production of the facility that was located at the replacement facility's site is equal to the value assigned to "C" in subsection (12) in the most recently determined application made under this section in respect of the facility that was located at the replacement facility's site.

(17) For the purpose of subsection (12), if a previous application has been determined under this section in respect of the facility, the facility's historical facility production is equal to the value assigned to "C" in subsection (12) in the most recently determined application made under this section in respect of the facility.

(18) For the purpose of subsection (4), each process and piece of equipment in a replacement facility to which subclause 16 (1) (a) (i) applies shall be deemed to be new.

(19) For the purpose of paragraph 2 of subsection (5), a facility is comparable to another facility if the facilities produce the same type of regulated product and sell in the same market, despite differences in the sizes of the facilities or in their ages.

**Reconsideration of determination of intensity rate**

**18.** (1) The owner of a facility may, within 15 days after he or she receives notice of the Director's determination under subsection 17 (9), apply to the Director for reconsideration of the determination.

(2) If an application is made for reconsideration of a determination, the Director shall, within 15 days after he or she receives the application,

(a) make a decision on the application; and

(b) send written notice of his or her determination to the owner of the facility and to the operator of the Registry.

**Application for an adjustment — nitrogen oxides**

**19.** (1) The owner of a facility may apply under this section for nitrogen oxides emission allowances in respect of the facility for any year after 2007 if,

(a) the owner of the facility previously applied for nitrogen oxides emission allowances in respect of the facility under section 15 or 16; and

(b) the amount of nitrogen oxides emission allowances added to the budget of the facility's sector or acquired by the facility if the facility is in the petroleum sector as a result of the previous application under section 15 or 16 was less than the amount calculated with respect to the facility under subsection 15 (6) or 16 (4), as the case may be, because of an adjustment determined by the Director under subsection 20 (2).

(2) An application under this section must be made not later than June 1 in the year preceding the year for which the nitrogen oxides emission allowances are applied for.

(3) For each facility for which an application is made under this section, the Director shall determine the following amount:

$$A - (B + C)$$

where,

A = the amount determined under subsection 15 (6) or 16 (4), as the case may be, in respect of the facility,

B = the adjusted amount determined on the previous application under section 15 or 16 in accordance with subsection 20 (2) in respect of the facility,

C = the total of all amounts previously acquired in respect of the facility as the result of an application made under this section.

**First application for new or expanded facilities — nitrogen oxides**

**20.** (1) If the total of all the amounts determined under subsections 15 (6), 16 (4) and 19 (3) in respect of applications for nitrogen oxides emission allowances for a year is less than or equal to the amount of the nitrogen oxides new source set aside for that year, the Director shall send written notice of the amount determined for each facility under subsection 15 (6), 16 (4) or 19 (3) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which the emission allowances are applied for.

(2) If the total of all the amounts determined under subsections 15 (6), 16 (4) and 19 (3) in respect of applications for nitrogen oxides emission allowances for a year is more than the amount of the nitrogen oxides new source set aside for that year,

- (a) the Director shall determine adjusted amounts under subsections (3) and (4) in respect of each facility for which an amount was determined under subsection 15 (6), 16 (4) or 19 (3); and
- (b) the Director shall send written notice of the adjusted amount determined in respect of a facility under clause (a) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for.

(3) For the purpose of subsection (2), the adjusted amount in respect of a facility in respect of applications made under section 19 for nitrogen oxides emission allowances for a year shall be the lesser of the amount determined under subsection 19 (3) in respect of the facility and the amount determined in accordance with the following formula:

$$A \times B \div C$$

where,

A = the amount determined in respect of the facility under subsection 19 (3),

B = the nitrogen oxides new source set aside for the year for which nitrogen oxides emission allowances are applied for,

C = the total of all the amounts determined under subsection 19 (3) in respect of all facilities.

(4) For the purpose of subsection (2), the adjusted amount for a facility in respect of applications made in accordance with section 15 or 16 for nitrogen oxides emission allowances for a year shall be determined in accordance with the following formula:

$$A \times ((B - C) \div D)$$

where,

A = the amount determined for the facility under subsection 15 (6) or 16 (4), as the case may be,

B = the nitrogen oxides new source set aside for the year for which nitrogen oxides emission allowances are applied for,

C = the total adjusted amounts determined under subsection (3),

D = the total of all the amounts determined under subsections 15 (6) and 16 (4) for all facilities.

(5) If the total of the amounts determined in respect of facilities in the petroleum sector under subsections 15 (6) and 16 (4) and the amounts determined under subsections 15 (7), 16 (5) and 19 (3) with respect to applications for nitrogen oxides emission allowances for a year is less than or equal to the amount of the nitrogen oxides new source set aside for that year,

- (a) the Director shall send written notice of the amount determined for each facility under subsections 15 (6) and 16 (4), in respect of facilities in the petroleum sector, and subsections 15 (7), 16 (5) and 19 (3) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which the nitrogen oxides emission allowances are applied for; and
- (b) on January 1 of the year for which the nitrogen oxides emission allowances are applied for, the owner of a facility shall be deemed to have acquired nitrogen oxides emission allowances in respect of the facility in the amount determined for the facility under subsection 15 (6) or 16 (4), in respect of facilities in the petroleum sector, or subsection 15 (7), 16 (5) or 19 (3), as the case may be.

(6) If the total of the amounts determined under subsections 15 (6) and 16 (4), in respect of facilities in the petroleum sector and subsections 15 (7), 16 (5) and 19 (3) with respect to applications for nitrogen oxides emission allowances for a year is more than the amount of the nitrogen oxides new source set aside for that year,

- (a) the Director shall determine adjusted amounts under subsections (7) and (8) in respect of each facility for which an amount was determined under subsection 15 (6) or 16 (4), in respect of facilities in the petroleum sector, or under subsection 15 (7), 16 (5) or 19 (3);
- (b) the Director shall send written notice of the adjusted amount determined in respect of a facility under clause (a) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for; and
- (c) on January 1 of the year for which the emission allowances are applied for, the owner of a facility shall be deemed to have acquired nitrogen oxides emission allowances in respect of the facility in the adjusted amount determined for the facility under clause (a) in respect of the facility.

(7) For the purpose of subsection (6), the adjusted amount in respect of a facility in respect of applications made under section 19 for nitrogen oxides emission allowances for a year shall be the lesser of the amount determined under subsection 19 (3) in respect of the facility and the amount determined in accordance with the following formula:

$$A \times B \div C$$

where,

A = the amount determined in respect of the facility under subsection 19 (3),

B = the nitrogen oxides new source set aside for the year for which nitrogen oxides emission allowances are applied for,

C = the total of all the amounts determined under subsection 19 (3) in respect of all facilities.

(8) For the purpose of subsection (6), the adjusted amount for a facility in respect of applications made in accordance with section 15 or 16 for nitrogen oxides allowances for a year shall be determined in accordance with the following formula:

$$A \times ((B - C) \div D)$$

where,

A = the amount determined for the facility under subsection 15 (6) or 16 (4), in respect of facilities in the petroleum sector, or subsection 15 (7) or 16 (5), as the case may be,

B = the nitrogen oxides new source set aside for the year for which nitrogen oxides emission allowances are applied for,

C = the total adjusted amounts determined under subsection (7),

D = the total of all the amounts for all facilities as determined under subsections 15 (6) and 16 (4), in respect of facilities in the petroleum sector, and subsections 15 (7) and 16 (5).

#### Adjustments to nitrogen oxides emission allowances

**21.** (1) On or before October 1 of the fifth year after the year in which the Director gives notice to the operator of the Registry in respect of a facility under subsection 20 (1) or (2), the Director shall determine in accordance with this section whether an adjustment to the amount of nitrogen oxides emission allowances set out in the notice is required.

(2) If the notice given under subsection 20 (1) or (2) was given as a result of an application made under section 15, an adjustment shall be made if the Director determines that the quotient of the following calculation is less than .75:

$$A \div B$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 20 (1) or (2), as the case may be,

B = the value assigned to "B" in subsection 15 (6) in the application made under section 15 in respect of the facility.

(3) If the number determined in accordance with subsection (2) is less than .75, the Director shall determine the following:

$$(1 - A \div B) \times D$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 20 (1) or (2), as the case may be,

B = the value assigned to "B" in subsection 15 (6) in the application made under section 15 in respect of the facility,

D = the amount of nitrogen oxides emission allowances set out in the notice given by the Director to the operator of the Registry in respect of the facility under subsection 20 (1) or (2), as the case may be.

(4) If the notice given under subsection 20 (1) or (2) was given as a result of an application made under section 16, an adjustment shall be made if the Director determines that the quotient of the following calculation is less than .75:

$$(A - C) \div (B - C)$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 20 (1) or (2), as the case may be,

B = the value assigned to "B" in subsection 16 (4) in the application made under section 16 in respect of the facility,

C = the value assigned to "C" in subsection 16 (4) in the application made under section 16 in respect of the facility.

(5) If the number determined in accordance with subsection (4) is less than .75, the Director shall determine the following:



$$(1 - (A - C) \div (B - C)) \times D$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 20 (1) or (2), as the case may be,

B = the value assigned to "B" in subsection 16 (4) in the application made under section 16 in respect of the facility,

C = the value assigned to "C" in subsection 16 (4) in the application made under section 16 in respect of the facility,

D = the amount of nitrogen oxides emission allowances set out in the notice given by the Director to the operator of the Registry in respect of the facility under subsection 20 (1) or (2), as the case may be.

(6) If an amount is determined under subsection (3) or (5), on or before October 1 of the year in which the determination is made the Director shall send written notice to,

(a) the owner of the facility of the amount that was determined under subsection (3) or (5); and

(b) to the operator of the Registry of the amount that was determined under subsection (3) or (5) and directing that nitrogen oxides emission allowances in an amount equal to the amount of the determination,

(i) be added to the nitrogen oxides new source set aside as of January 1 of the year after the year in which the notice is given, and

(ii) be removed from the facility's sector budget if the facility is in the cement sector, flat glass sector, iron and steel sector or pulp and paper sector.

(7) For the purpose of this section, if an owner of the facility does not provide the data on the total amount of regulated product that was produced by the facility in any one of the four years preceding the year in which the Director makes a determination under this section, either in accordance with subsection 6 (1) or in response to a request by the Director under this section for the data, the amount of regulated product produced by the facility for that year shall be deemed to be zero.

#### SULPHUR DIOXIDE EMISSION ALLOWANCES

##### Facility budgets — base metal smelting and carbon black sectors

**22.** (1) For each facility listed in Table 5, the operator of the Registry shall record in the Registry in accordance with this section the amount of the facility's sulphur dioxide budget for each year.

(2) Subject to subsection (3), the sulphur dioxide budget for a facility listed in Table 5 for a year is the amount set out in respect of that facility for that year in Table 5.

(3) On January 1 in each year after 2005, the sulphur dioxide budget for a facility listed in Table 5 for every subsequent year shall be increased by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry in respect of the facility under subsection 35 (1) or (2) on or before October 1 of the preceding year.

(4) On January 1 of each year after 2005, the sulphur dioxide budget for a facility listed in Table 5 for that year and every subsequent year shall be decreased by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry in respect of the facility under section 36 on or before October 1 of the preceding year.

##### Sector budgets — cement, iron and steel and pulp and paper sectors

**23.** (1) For each regulated sector listed in Table 6, the operator of the Registry shall record in the Registry in accordance with this section the amount of the sector's sulphur dioxide budget for each year.

(2) Subject to subsection (3), the sulphur dioxide budget for a regulated sector for a year is the amount set out for that sector for that year in Table 6.

(3) On January 1 in each year after 2005, the sulphur dioxide budget for a regulated sector listed in Table 6 for every subsequent year shall be increased by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the Operator of the Registry in respect of the facilities in that sector under subsection 35 (1) or (2) on or before October 1 of the preceding year.

(4) On January 1 of each year after 2005, the sulphur dioxide budget for a regulated sector listed in Table 6 for that year and every subsequent year shall be decreased by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry in respect of the facilities in that sector under section 36 on or before October 1 of the preceding year.

##### Facility budgets — base metal smelting and carbon black sector

**24.** (1) For each facility in the base metal smelting sector and the carbon black sector that is not listed in Table 5 and in respect of which the Director gives notice to the operator of the Registry under subsection 35 (1) or (2), the operator of the Registry shall record in the Registry, in accordance with this section, the amount of the facility's sulphur dioxide budget for the year.

(2) Subject to subsection (3), the sulphur dioxide budget for a facility referred to in subsection (1) for a year is the amount set out in the Director's first notice given to the operator of the Registry in respect of the facility under subsection 35 (1) or (2).

(3) On January 1 of each year after the year in which the operator of the Registry first records the sulphur dioxide budget of a facility referred to in subsection (1), the sulphur dioxide budget of the facility for every subsequent year shall be increased by the total amount sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry in respect of the facility under subsection 35 (1) or (2) on or before October 1 of the preceding year.

(4) On January 1 of each year after the year in which the operator of the Registry first records the sulphur dioxide budget of a facility referred to in subsection (1), the sulphur dioxide budget of the facility for that year and every subsequent year shall be decreased by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry in respect of the facility under section 36 on or before October 1 of the preceding year.

(5) This section does not apply to the sulphur dioxide budget of a replacement facility to which section 25 applies.

**Facility budgets, replacement facility**

**25.** (1) This section applies to a replacement facility in the base metal smelting sector, the carbon black sector or the petroleum sector, if the operator of the Registry previously recorded in the Registry the amount of a sulphur dioxide budget in respect of the facility that was located at a replacement facility's site in accordance with section 22 or 24.

(2) The operator of the Registry shall record in the Registry, in accordance with this section, in respect of a replacement facility to which this section applies, the amount of the replacement facility's sulphur dioxide budget for each year.

(3) Subject to subsection (4), the sulphur dioxide budget for a replacement facility is,

(a) the total amount of sulphur dioxide emission allowances for which the Director gave notice to the operator of the Registry in respect of the facility that was previously located at the site under subsection 35 (1) or (2) on or before October 1 of the year preceding the year in which that facility ceased production; or

(b) the sulphur dioxide budget of the facility that was located at the replacement facility's site as of October 1 of the year preceding the year in which that facility ceased production, if the facility that was located at the replacement facility's site is listed in Table 5.

(4) On January 1 of each year after the year in which the operator of the Registry first records the sulphur dioxide budget of a replacement facility, the sulphur dioxide budget of the replacement facility for every subsequent year shall be increased by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry in respect of the replacement facility under subsection 35 (1) or (2) on or before October 1 of the preceding year.

(5) On January 1 of each year after the year in which the operator of the Registry first records the sulphur dioxide budget of a replacement facility, the sulphur dioxide budget of the replacement facility for that year and every subsequent year shall be decreased by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry in respect of the replacement facility under section 36 on or before October 1 of the preceding year.

**Annual amount of new source set asides, sulphur dioxide**

**26.** (1) The operator of the Registry shall record in the Registry in accordance with this section the amount of the sulphur dioxide new source set aside for each year.

(2) Subject to subsections (3) and (5), the sulphur dioxide new source set aside for a year shall be the amount set out in Table 7.

(3) Subject to subsection (4), on January 1 of each year after 2005, the sulphur dioxide new source set aside for every subsequent year shall be reduced by the total amount of sulphur dioxide emission allowances for which the Director gives notice to the operator of the Registry under subsection 35 (1) or (2) on or before October 1 of the preceding year.

(4) The sulphur dioxide new source set aside shall not be reduced to an amount that is less than zero.

(5) On January 1 of each year after 2005, the sulphur dioxide new source set aside for that year and every subsequent year shall be increased by the total amount of sulphur dioxide emission allowances determined by the Director under section 28 or 36 to be moved to the sulphur dioxide new source set aside as of that day.

**Application for sulphur dioxide emission allowances, petroleum sector**

**27.** (1) The owner of a facility listed in Table 8 may apply to the Director for sulphur dioxide emission allowances in respect of the facility for any year after 2005.

(2) The owner of a replacement facility located on a site where a facility listed in Table 8 was located may apply to the Director for sulphur dioxide emission allowances in respect of the facility for any year after 2006.

(3) Subject to subsection (4), the owner of facility that is in the petroleum sector that is not listed in Table 8 may apply to the Director for sulphur dioxide emission allowances in respect of the facility for any year after 2006, if sulphur dioxide

emission allowances have previously been acquired as a result of an application made under section 30 or 34 in respect of the facility or the facility that was located at the replacement facility's site.

(4) Subsection (3) does not apply to a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located.

(5) An application under this section must be made not later than June 1 in the year preceding the year for which the allowances are applied for.

(6) For each facility for which an application for sulphur dioxide emission allowances for 2006 is made in accordance with this section, the Director shall determine the following amount:

$$A - C$$

where,

A = the amount of the sulphur dioxide emission allowances set out in respect of the facility for 2006 in Table 8,

C = one-third of the total of the amounts of any sulphur dioxide reported under paragraph 2 of subsection 6 (4) in respect of the facility.

(7) For each facility for which an application for sulphur dioxide emission allowances for 2007 or 2008 is made in accordance with this section, the Director shall determine the following amount:

$$A + B - C$$

where,

A = the amount of the sulphur dioxide emission allowances set out in Table 8 in respect of the facility or the facility that was located at the replacement facility's site, as the case may be, for the year for which the emission allowances are applied for,

B = the total amount of any sulphur dioxide emission allowances that the owner of the facility or the facility that was located at the replacement facility's site acquired in respect of the facility or the facility that was located at the replacement facility's site under section 35 in any previous year,

C = one-third of the total sum of the amounts of any sulphur dioxide reported under paragraph 2 of subsection 6 (4) in respect of the facility or the facility that was located at the replacement facility's site, as the case may be.

(8) For each facility for which an application for sulphur dioxide emission allowances for any year after 2008 is made in accordance with this section, the Director shall determine the following amount:

$$A + B - C - D - E$$

where,

A = the amount of the sulphur dioxide emission allowances set out in Table 8 in respect of the facility or the facility that was located at the replacement facility's site, as the case may be, for the year for which the emission allowances are applied for,

B = the total amount of any sulphur dioxide emission allowances that the owner of the facility or the facility that was located at the replacement facility's site acquired in respect of the facility or the facility that was located at the replacement facility's site under section 35 in any previous year,

C = one-third of the total sum of the amounts of any sulphur dioxide reported under paragraph 2 of subsection 6 (4) in respect of the facility or the facility that was located at the replacement facility's site, as the case may be,

D = the amount determined under section 28 with respect to reduction in production,

E = the amount of any sulphur dioxide emission allowances that the Director has determined under subsection 36 (3) or (5), as the case may be, in respect of the facility or the facility that was located at a replacement facility's site in the year in which an application is made under this section or in any previous year.

(9) If the amount of sulphur dioxide emission allowances determined under subsection (7) or (8), as the case may be, is less than zero, the amount shall be adjusted to zero.

(10) The Director shall send written notice of the amount determined, subject to subsection (9), in respect of each facility under subsection (6), (7) or (8), as the case may be, to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which the emission allowances are applied for.

(11) On January 1 of the year for which the emission allowances are applied for, the owner of the facility shall be deemed to have acquired the sulphur dioxide emission allowances in respect of the facility in the amount determined, subject to subsection (9), for the facility under subsection (6), (7) or (8), as the case may be.

**Phased out facilities — sulphur dioxide**

**28.** (1) For the purpose of determining the value of “D” under subsection 27 (8), the Director shall make a determination using the following rules:

1. If the deemed production of the facility determined in accordance with section 4 is greater than 50 per cent of the facility’s historical facility production, in at least one of the two years preceding the year in which the application is made, the value of “D” is zero.
2. If the deemed production of the facility determined in accordance with section 4 is less than or equal to 50 per cent of the facility’s historical facility production in each of the two years preceding the year in which the application is made, but is greater than zero in at least one in one of those years, the value of “D” is,

$$(A + B) \times .5$$

where,

A = the amount of sulphur dioxide emission allowances set out in Table 8 in respect of the facility or the facility that was located at the replacement facility’s site, as the case may be, for the year for which emission allowances are applied for,

B = the total amount of any sulphur dioxide emission allowances that the owner of the facility or the facility that was located at the replacement facility’s site acquired in respect of the facility or the facility that was located at the replacement facility’s site under section 35.

3. If the deemed production of the facility determined in accordance with section 4 is zero in each of the two years preceding the year in which the application is made, the value of “D” is,

$$A + B$$

where,

A = the amount of sulphur dioxide emission allowances set out in Table 8 in respect of the facility or the facility that was located at the replacement facility’s site, as the case may be, for the year for which the emission allowances are applied for,

B = the total amount of any sulphur dioxide emission allowances that the owner of the facility or the facility that was located at the replacement facility’s site acquired in respect of the facility or the facility that was located at the replacement facility’s site under section 35.

- (2) If the facility does not produce any regulated product in any period of five consecutive years,
  - (a) the facility, shall be deemed not to be listed for the purposes of any subsequent application made under this Regulation, including an application made under section 30 or 31;
  - (b) no further applications shall be made under subsection 27 (1) in respect of the facility;
  - (c) the owner of the facility may in subsequent years make an application under section 30 in respect of the facility, if the facility meets the criteria set out in section 30;
  - (d) the owner of the facility may in subsequent years make an application under subsection 27 (3) or section 31 in respect of the facility, if sulphur dioxide emission allowances have been acquired by the owner of the facility as the result of an application under section 30; and
  - (e) the amount of the sulphur dioxide emission allowances set out in respect of the facility or the facility that was located at the replacement facility’s site in Table 8 for the fifth year of the five-year period, if any, and the amount of sulphur dioxide emission allowances that the owner of the facility or the facility that was located at the replacement facility’s site acquired in respect of the facility or the facility that was located at the replacement facility’s site under section 35 in any previous year shall be added to the nitrogen oxides new source set aside in accordance with subsection 26 (4).
- (3) If clause (2) (a) applies with respect to a facility, the Director shall send written notice,
  - (a) to the owner of the facility advising that the facility is deemed not to be listed; and
  - (b) to the operator of the Registry advising that the facility is deemed not to be listed and setting out the amount of sulphur dioxide allowances to be added to the sulphur dioxide allowances new source set aside as of January 1 of the year following the year in which notice is given.
- (4) For the purposes of subsections (1) and (2) if no application is made under section 26 in respect of a facility listed in Table 8 or a facility described in subsection 27 (2) or (3) in a year, the deemed production of the facility shall be zero.
- (5) For the purpose of this section, if no application has been determined under section 31 in respect of a replacement facility, the historical facility production of the replacement facility is equal to the historical facility production of the facility that was located on the replacement facility’s site, as determined in accordance with this section.

(6) For the purpose of this section and subject to subsection (8), the historical facility production of a facility that is listed in Table 8 is the largest amount of regulated product that was produced in 2002, 2003 or 2004 by the facility as reported by the owner of the facility under paragraph 3 of subsection 6 (4).

(7) For the purpose of this section and subject to subsection (8), the historical facility production of a facility that is not listed in Table 8 is equal to the value assigned to "B" in subsection 30 (6) in the application made respect of the facility in accordance with section 30.

(8) If a previous application made in respect of the facility under section 31 has been determined, for the purpose of this section the historical facility production of the facility is the value assigned to "B" in subsection 31 (4) in the most recently determined application made under section 31 in respect of the facility.

**Applications for sulphur dioxide emission allowances**

**29.** (1) The owner of a facility listed in Table 9 may apply to the Director for sulphur dioxide emission allowances in respect of the facility for any year after 2005.

(2) If the owner of a facility has previously acquired sulphur dioxide emission allowances under section 30 or 34 in respect of the facility in the base metal smelting sector, the cement sector, the carbon black sector, the iron and steel sector or the pulp and paper sector, the owner may apply to the Director for sulphur dioxide emission allowances in respect of the facility in any year after 2006.

(3) The owner of a replacement facility may apply to the Director for sulphur dioxide emission allowances in respect of the facility for any year after 2006 if,

- (a) the facility that was located at the replacement facility's site was in the petroleum sector and is listed in Table 9 or the base metal smelting sector, the cement sector, the carbon black sector, the iron and steel sector or the pulp and paper sector; and
- (b) an owner of the facility that was located at the replacement facility's site had acquired sulphur dioxide emission allowances in respect of that facility under this section.

(4) An application made under subsection (1), (2) or (3) shall not include an application for sulphur dioxide emission allowances in respect of a modification or increased production of a facility, if the owner of the facility has also made an application under section 31 with respect to the modification or increased production of the facility for sulphur dioxide emission allowances for the same year.

(5) If subsection (4) applies, the deemed production of the facility for the purposes of subsection (7) shall be,

- (a) the lesser of the amounts determined by the Director under subsections 4 (2) and (3), if the facility is in the cement sector, the iron and steel sector or the pulp and paper sector; or
- (b) the amount determined by the Director under subsection 4 (2), if the facility is in the petroleum sector and is listed in Table 9 or is a replacement facility located where a petroleum sector facility listed in Table 9 was located, the base metal smelting sector or the carbon black sector.

(6) An application under this section must be made not later than June 1 in the year preceding the year for which the emission allowances are applied for.

(7) For each facility for which an application for a sulphur dioxide emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times B - C$$

where,

A = the intensity rate for the facility determined in accordance with subsection (8),

B = the deemed production of the facility determined in accordance with section 4,

C = one-third of the total of the amounts of any sulphur dioxide reported under paragraph 2 of subsection 6 (4) in respect of the facility or the facility that was located at the replacement site, as the case may be.

(8) For the purpose of subsection (7), the intensity rate for the facility shall be determined in accordance with the following rules:

1. If the facility is listed in Table 9 and the Director has not determined an intensity rate for the facility pursuant to section 32 or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility for the year for which the emission allowances are applied for, as determined in accordance with Table 9.
2. Subject to paragraph 5, if the Director has determined an intensity rate for the facility pursuant to section 32, the intensity rate is the most recently determined intensity rate for the facility determined under section 32 that has been applied in a previous application for sulphur dioxide emission allowances made in respect of the facility.

3. If the facility is a replacement facility and paragraph 2 does not apply and the Director has not determined an intensity rate for the facility that was previously located at the replacement facility's site pursuant to section 32 or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, as determined in accordance with Table 9.
  4. Subject to paragraph 5, if the facility is a replacement facility and paragraph 2 does not apply and the Director has determined an intensity rate for the facility that was located at the replacement facility's site pursuant to section 32, the intensity rate is the most recently determined intensity rate for the facility that was located at the replacement facility's site determined under section 32 that has been applied in a previous application for sulphur dioxide emission allowances made in respect of the facility.
  5. If the most recently determined intensity rate for the facility or the facility that was located at the replacement facility's site is greater than the intensity rate set out in Table 9 for the facility or the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, the intensity rate is the intensity rate for the facility or the facility that was located at the replacement facility's site as determined in accordance with Table 9.
- (9) If the total of all the amounts determined under subsection (7) in respect of applications for sulphur dioxide emission allowances for a year for facilities in a regulated sector is less than or equal to the sulphur dioxide budget, calculated in accordance with section 23, for the regulated sector for the year for which emission are applied for,
- (a) the Director shall send written notice of the amount determined in respect of each facility in the regulated sector under subsection (7) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for; and
  - (b) on January 1 of the year for which the emission allowances are applied for, the owner of a facility in the regulated sector shall be deemed to have acquired a sulphur dioxide emission allowances in respect of the facility in the amount determined for the facility under subsection (7).
- (10) If the total of all the amounts determined under subsection (7) in respect of applications for sulphur dioxide emission allowances for a year in respect of facilities in a regulated sector is more than the sulphur dioxide budget for that sector for that year,
- (a) the Director shall determine adjusted amounts under subsection (11) in respect of each facility in the regulated sector for which an amount was determined under subsection (7);
  - (b) the Director shall send written notice of the adjusted amount determined in respect of a facility under subsection (11) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for; and
  - (c) on January 1 of the year for which emission allowances are applied for, the owner of a facility shall be deemed to have acquired sulphur dioxide emission allowances in respect of the facility in the adjusted amount determined for the facility under subsection (11).
- (11) For the purpose of subsection (10), the adjusted amount in respect of a facility in a regulated sector in respect of an application for sulphur dioxide emission allowances for a year shall be determined in accordance with the following formula:

$$A \times B \div C$$

where,

A = the amount determined in respect of the facility under subsection (7),

B = the sulphur dioxide budget, calculated in accordance with section 23, for the regulated sector for the year for which emission allowances are applied for,

C = the total of all the amounts determined under subsection (7) in respect of all the facilities in the regulated sector.

(12) If the amount determined under subsection (7) in respect of an application for sulphur dioxide emission allowances for a year in respect of a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, the base metal smelting sector or the carbon black sector is less than or equal to the amount of the facility's sulphur dioxide budget for that year,

- (a) the Director shall send written notice of the amount determined in respect of the facility under subsection (7) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for; and
- (b) on January 1 of the year for which emission allowances are applied for, the owner of the facility shall be deemed to have acquired sulphur dioxide emission allowances in respect of the facility in the amount determined in respect of the facility under subsection (7).

(13) If the amount determined under subsection (7) in respect of an application for sulphur dioxide emission allowances for a year in respect of a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a

facility in the petroleum sector listed in Table 9 was located, the base metal smelting sector or the carbon black sector is more than the amount of the facility's sulphur dioxide budget for that year,

- (a) the amount determined under subsection (7) in respect of the facility shall be reduced to an amount equal to the facility's sulphur dioxide budget calculated in accordance with section 22, 24 or 25, as the case may be, for that year;
- (b) the Director shall send written notice of the adjusted amount determined in respect of the facility under clause (a) to the owner of the facility and the operator of the Registry not later than October 1 in the year preceding the year for which the emission allowances are applied for; and
- (c) on January 1 of the year for which emission allowances are applied for, the owner of a facility shall be deemed to have acquired sulphur dioxide emission allowances in respect of the facility in the adjusted amount determined for the facility under clause (a).

**New facilities, initial applications — sulphur dioxide**

**30.** (1) The owner of a facility that is described in subsection (2) and that is not listed in Table 8 or 9 or is deemed not be listed in Table 8 may apply to the Director for sulphur dioxide emission allowances in respect of the facility for any year after 2005 if,

- (a) the owner of the facility has applied under section 32 for a determination of the intensity rate that is to be applied to the facility;
- (b) the application under section 32 was made not more than three years before the date of the application made under this section; and
- (c) sulphur dioxide emission allowances have not previously been acquired under this section in respect of the facility.

(2) This section applies in the following regulated sectors to facilities that first produced a regulated product after January 1, 2005 and that meet the criteria described for each sector:

1. In the cement sector, a facility that has the capacity to produce more than 100,000 tonnes of clinker per year and that will emit more than 100 tonnes of sulphur dioxide in the year for which emission allowances are applied for.
2. In the iron and steel sector, a facility that has the capacity to ship more than 100,000 tonnes of steel per year and that will emit more than 100 tonnes of sulphur dioxide in the year for which emission allowances are applied for.
3. In the petroleum sector, a facility that has the capacity to refine more than 50,000 barrels of oil per day or process more than 20,000 barrels of petroleum feedstock per day to produce lubricating oils and greases and that will emit more than 100 tonnes of sulphur dioxide in the year for which emission allowances are applied for.
4. In the pulp and paper sector, a facility that has the capacity to produce more than 100,000 air dried tonnes of pulp per year and that will emit more than 100 tonnes of sulphur dioxide in the year for which emission allowances are applied for.
5. In the base metal smelting sector, a facility that has the capacity to produce more than 1,000 tonnes of copper and nickel contained in matte per year and that will emit more than 5,000 tonnes of sulphur dioxide in the year for which emission allowances are applied for.
6. In the carbon black sector, a facility that has the capacity to produce more than 25,000 tonnes of carbon black per year and will emit more than 100 tonnes of sulphur dioxide in the year for which emission allowances are applied for.

(3) This section does not apply to a replacement facility.

(4) An application under this section must be made not later than June 1 in the year preceding the year for which emission allowances are applied for.

(5) An application may be made under this section by the owner of a facility that has not yet begun to produce a regulated product.

(6) For each facility for which an application for sulphur dioxide emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times B$$

where,

A = the intensity rate determined by the Director in accordance with section 32 for the facility,

B = the average annual production that the owner of the facility estimates, or is deemed to estimate, in accordance with subsection 6 (2) will be produced by the facility.

(7) For each facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, the base metal smelting sector, the carbon black sector, the iron and steel sector or the pulp and paper sector for which an application for sulphur dioxide emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times C$$

where,

A = the intensity rate determined by the Director in accordance with section 32 for the facility,

C = the deemed production determined under section 4 with respect to the facility.

(8) A facility to which clause 28 (2) (a) applies shall be deemed not to have produced a regulated product on or before January 1, 2005.

**Applications for facilities that expand or increase production — sulphur dioxide**

**31.** (1) The owner of a facility that is listed in Table 8 or 9, that is a replacement facility or that is a facility in respect of which allowances have been acquired under section 30 may apply to the Director for sulphur dioxide emission allowances in respect of the facility for any year after 2005 if,

(a) the owner of the facility estimates,

(i) that the deemed production of the facility in the year for which the allowances are applied for will be at least 20 per cent greater than the historical facility production of the facility or the facility that was located at the replacement facility's site, or

(ii) that the average annual production of the facility will be at least 20 per cent greater than the historical production of the facility as a result of a modification to a process or equipment at the facility;

(b) the owner of the facility has applied under section 32 for a determination of the intensity rate that is to be applied to the facility;

(c) the application under section 32 was made not more than three years before the date of the application made under this section; and

(d) sulphur dioxide emission allowances have not previously been acquired under this section for the facility in respect of the modification or increased production of the facility.

(2) An application under this section must be made not later than June 1 in the year preceding the year for which emission allowances are applied for.

(3) An application may be made under this section by the owner of a facility that has not begun to produce a regulated product with the expanded portion of the facility.

(4) For each facility for which an application for sulphur dioxide emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times (B - C)$$

where,

A = the lesser of the intensity rate determined by the Director in accordance with section 32 for the facility and the intensity rate, if any, for the facility or the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, as determined in accordance with Table 9,

B = the average annual production that the owner of the facility estimates, or is deemed to estimate, in accordance with subsection 6 (2) will be produced by the facility,

C = the facility's historical facility production.

(5) For each facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, the base metal smelting sector, the cement sector, the carbon black sector, the iron and steel sector or the pulp and paper sector for which an application for sulphur dioxide emission allowances is made in accordance with this section, the Director shall determine the following amount:

$$A \times (D - E)$$

where,

A = the intensity rate determined by the Director in accordance with section 32 for the facility,

D = the deemed production determined in respect of the facility under subsection 4 (5),

E = the lesser of the amounts of deemed production determined in respect of the facility under subsections 4 (2) and (3).

(6) If there has been no previous application determined under this section in respect of a replacement facility, for the purpose of this section the historical facility production of the replacement facility is equal to the historical facility production of the facility that was located on the replacement facility's site, as determined in accordance with this section.



(7) For the purpose of this section and subject to subsection (9), the historical facility production of a facility that is listed in Table 8 or 9 is the largest amount of regulated product that was produced in 2002, 2003 or 2004 by the facility as reported by the owner under paragraph 3 of subsection 6 (4).

(8) For the purpose of this section and subject to subsection (9), the historical facility production of a facility that is not listed in Table 8 or 9 is equal to the value assigned to "B" in subsection 30 (6) in the application previously made under section 30 in respect of the facility.

(9) For the purpose of this section, if an application with respect to a facility has been previously determined under this section, the historical facility production of the facility is equal to the value assigned to "B" in subsection (4) in the most recently determined application made under this section in respect of the facility.

**Determination of intensity rate: new and expanded facilities**

**32.** (1) The owner of a facility to which section 30 or 31 applies shall apply to the Director for an approval of a proposed intensity rate that is to be applied to the expanded, new or replacement facility, as the case may be.

(2) The intensity rate proposed by the owner of the facility shall be based upon the following formula:

$$A \div B$$

where,

A = amount of emissions reported in accordance with paragraph 7 of subsection (5) and subsection (7),

B = the average annual production that the owner of the facility estimates, or is deemed to have estimated, in accordance with subsection 6 (2).

(3) An application under this section must be made not later than January 1 in the year preceding the year for which sulphur dioxide emission allowances are applied for in respect of the facility.

(4) The application shall include an evaluation of each new or modified process in the facility that includes any new or modified piece of equipment that has a heat input of 1,000,000 BTUs per hour or greater,

- (a) that has or will result in an increase in the average annual production of the facility;
- (b) that has been made since the later of the day this Regulation comes into force and the day of the last application made under this section in respect of the facility; and
- (c) that produces sulphur dioxide emissions.

(5) The evaluation shall include the following steps for each new or modified process and piece of equipment:

1. Identification of sulphur dioxide control technologies available when the modification was made.
2. Elimination of technologies not used at comparable facilities.
3. Elimination of technically infeasible control technologies.
4. Ranking of technically feasible control technologies by sulphur dioxide emission reduction effectiveness.
5. Evaluating control costs.
6. Selection of best available control technology economically achievable.
7. Estimate the amount of sulphur dioxide emissions that will be emitted annually from the equipment and process if the selected control technology is installed.

(6) For the purpose of paragraph 6 of subsection (5), a control technology may be selected as a best available control technology economically achievable if the percentage reduction of sulphur dioxide emissions achieved by the control technology is within 15 per cent of the reduction of sulphur dioxide emissions achieved by the control technology with the greatest percent sulphur dioxide emission reduction identified in the evaluation.

(7) The owner of the facility shall identify in the application any source of sulphur dioxide emissions at the facility not included in the evaluation prepared under subsection (5) and shall estimate the amount of emissions that will be emitted from the source in a calendar year.

(8) The evaluation shall be certified as being complete, accurate and completed in accordance with this Regulation by a person who,

- (a) holds a licence or temporary licence issued under the *Professional Engineers Act* to engage in the practice of professional engineering, other than a limited licence issued under that Act; and
- (b) is not an employee of the facility or of the owner of the facility.

(9) The Director shall, not later than 90 days after the day on which the application under this section is made and subject to subsection (12), notify the owner of the facility in writing that he or she accepts the proposed intensity rate for the facility or does not accept the proposed intensity rate for the facility.

(10) A decision of the Director in respect of an application made under this section is not invalid solely because the decision is not made within the time prescribed by subsection (9).

(11) If the Director does not accept the proposed intensity rate for the facility, the written notice of his or her determination shall specify the reasons the proposed intensity rate was not accepted and shall set out the intensity rate for the facility as determined by the Director.

(12) If an intensity rate for the facility or the facility that was located at the replacement facility's site is set out in Table 9 or the facility is in the base metal smelting sector, the cement sector, the carbon black sector, the iron and steel sector or the pulp and paper sector and an intensity rate has previously been determined for the facility or the facility that was located at the replacement facility's site under this section, subject to subsection (13), the Director shall determine the intensity rate for the facility in accordance with the following formula in an application to which section 30 or subsection 31 (1) applies:

$$A \times (B \div C) + D \times ((C - B) \div C)$$

where,

A = the intensity rate for the facility determined in accordance with subsection (13),

B = the facility's historical facility production,

C = the average annual production that the owner of the facility estimates, or is deemed to estimate, in accordance with subsection 6 (2) will be produced by the facility,

D = the intensity rate determined for the facility in the current application under subsection (9).

(13) For the purpose of subsection (12), the intensity rate for the facility shall be determined in accordance with the following rules:

1. If the facility is listed in Table 9 and the Director has not determined an intensity rate for the facility pursuant to this section or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility for the year for which the emission allowances is applied for, as determined in accordance with Table 9.
2. Subject to paragraph 5, if the Director has determined an intensity rate for the facility pursuant to section 32, the intensity rate is the most recently determined intensity rate for the facility determined under this section that has been applied in a previous application for sulphur dioxide emission allowances made in respect of the facility.
3. If the facility is a replacement facility and paragraph 2 does not apply and the Director has not determined an intensity rate for the facility that was previously located at the replacement facility's site pursuant to this section or the intensity rate has not been applied, the intensity rate is the intensity rate for the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, as determined in accordance with Table 9.
4. Subject to paragraph 5, if the facility is a replacement facility and paragraph 2 does not apply and the Director has determined an intensity rate for the facility that was located at the replacement facility's site pursuant to this section, the intensity rate is the most recently determined intensity rate for the facility that was located at the replacement facility's site determined under this section that has been applied in a previous application for sulphur dioxide emission allowances made in respect of the facility.
5. If the most recently determined intensity rate for the facility or the facility that was located at the replacement facility's site is greater than the intensity rate set out in Table 9 for the facility or the facility that was located at the replacement facility's site for the year for which emission allowances are applied for, the intensity rate is the intensity rate for the facility or the facility that was located at the replacement facility's site as determined in accordance with Table 9.

(14) For the purpose of subsection (12), if there has been no previous application determined under this section in respect of the replacement facility, the historical facility production of a replacement facility is equal to the historical facility production of the facility that was located on the replacement facility's site, as determined in accordance with this section.

(15) For the purpose of subsection (12), if the facility or the facility that was located on the replacement facility's site is listed in Table 9 and no previous application has been determined under this section in respect of that facility, the facility's historical facility production is the largest amount of regulated product that was produced in 2002, 2003 or 2004 by the facility or the facility that was located at the replacement facility's site, as the case may be, as reported by the owner under paragraph 3 of subsection 6 (4).

(16) For the purpose of subsection (12), if a previous application has been determined under this section in respect of the facility that was located at the replacement facility's site, the historical facility production of the facility that was located at the replacement facility's site is the average annual production that the owner of the facility that was located at the replacement facility's site is equal to the value assigned to "C" in subsection (12) in the most recently determined application made under this section in respect of the facility.

(17) For the purpose of subsection (12), if a previous application has been determined under this section in respect of the facility, the facility's historical facility production is equal to the value assigned to "C" in subsection (12) in the most recently determined application made under this section in respect of the facility.

(18) For the purpose of subsection (4), each process and piece of equipment in a replacement facility to which subclause 31 (1) (a) (i) applies shall be deemed to be new.

(19) For the purpose of paragraph 2 of subsection (5), a facility is comparable to another facility if the facilities produce the same type of regulated product and sell in the same market, despite differences in the sizes of the facilities or in their ages.

**Reconsideration of determination of intensity rate**

**33.** (1) The owner of a facility may, within 15 days after he or she receives notice of the Director's determination under subsection 32 (9), apply to the Director for reconsideration of the determination.

(2) If an application is made for reconsideration of a determination, the Director shall, within 15 days after he or she receives the application,

- (a) make a decision on the application; and
- (b) send written notice of his or her determination to the owner of the facility and to the operator of the Registry.

**Application for an adjustment — sulphur dioxide**

**34.** (1) The owner of a facility may apply under this section for sulphur dioxide emission allowances in respect of the facility for any year after 2007 if,

- (a) the owner of the facility previously applied for sulphur dioxide emission allowances in respect of the facility under section 30 or 31; and
- (b) the amount of sulphur dioxide emission allowances added to the budget of the facility or the budget of the facility's sector or acquired by the owner of the facility if the facility is in the petroleum sector but is not listed in Table 9 and is not a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located as a result of the previous application under section 30 or 32 was less than the amount calculated with respect to the facility under subsection 30 (6) or 31 (4), as the case may be, because of an adjustment determined by the Director under subsection 35 (2).

(2) An application under this section must be made not later than June 1 in the year preceding the year for which the sulphur dioxide emission allowances are applied for.

(3) For each facility for which an application is made under this section, the Director shall determine the following amount:

$$A - B + C$$

where,

A = the amount determined under subsection 30 (6) or 31 (4), as the case may be, in respect of the facility,

B = the adjusted amount determined on the previous application under subsection 30 or 31 in accordance with subsection 35 (2) in respect of the budget of the facility or the budget of the facility's sector, as the case may be,

C = the total of all amounts of sulphur dioxide emission allowances previously acquired in respect of the facility as the result of an application made under this section.

**First application for new or expanded facilities — sulphur dioxide**

**35.** (1) If the total of all the amounts determined under subsections 30 (6), 31 (4) and 34 (3) in respect of applications for sulphur dioxide emission allowances for a year is less than or equal to the amount of the sulphur dioxide new source set aside for that year, the Director shall send written notice of the amount determined in respect of each facility under subsections 30 (6), 31 (4) and 34 (3) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for.

(2) If the total of all the amounts determined under subsections 30 (6), 31 (4) and 34 (3) in respect of applications for sulphur dioxide emission allowances for a year is more than the amount of the sulphur dioxide new source set aside for that year,

- (a) the Director shall determine adjusted amounts under subsections (3) and (4) in respect of each facility in respect of which an amount was determined under subsection 30 (6), 31 (4) or 34 (3); and
- (b) the Director shall send written notice of the adjusted amount determined in respect of a facility under clause (a) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for.

(3) For the purpose of subsection (2), the adjusted amount in respect of a facility in respect of applications made under section 34 for sulphur dioxide emission allowances for a year shall be the lesser of the amount determined under subsection 34 (3) in respect of the facility and the amount determined in accordance with the following formula:

$$A \times B \div C$$

where,

A = the amount determined in respect of the facility under subsection 34 (3),

B = the sulphur dioxide new source set aside for the year for which sulphur dioxide emission allowances are applied for,

C = the total of all the amounts determined under subsection 34 (3) in respect of all facilities.

(4) For the purpose of subsection (2), the adjusted amount for a facility in respect of applications made in accordance with section 30 or 31 for sulphur dioxide emission allowances for a year shall be determined in accordance with the following formula:

$$A \times ((B - C) \div D)$$

where,

A = the amount determined for the facility under subsection 30 (6) or 31 (4), as the case may be,

B = the sulphur dioxide new source set aside for the year for which sulphur dioxide emission allowances are applied for,

C = the total adjusted amounts determined under subsection (3),

D = the total of all the amounts determined under subsections 30 (6) and 31 (4) for all facilities.

(5) If the total of all the amounts determined under subsections 30 (6) and 31 (4), in respect of facilities in the petroleum sector, except a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, and subsections 30 (7), 31 (5) and 34 (3) in respect of applications for sulphur dioxide emission allowances for a year is less than or equal to the amount of the sulphur dioxide new source set aside for that year,

(a) the Director shall send written notice of the amount determined for each facility under subsections 30 (6) and 31 (4), in respect of a facility in the petroleum sector, except a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, and subsections 30 (7), 31 (5) and 34 (3) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which the sulphur dioxide emission allowances are applied for; and

(b) on January 1 of the year for which the sulphur dioxide emission allowances are applied for, the owner of a facility shall be deemed to have acquired sulphur dioxide emission allowances in respect of the facility in the amount determined for the facility under subsection 30 (6) or 31 (4), in respect of a facility in the petroleum sector except a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, or subsection 30 (7), 31 (5) or 34 (3), as the case may be.

(6) If the total of all the amounts determined under subsections 30 (6) and 31 (4), in respect of facilities in the petroleum sector, except a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, and subsections 30 (7), 31 (5) and 34 (3) with respect to applications for sulphur dioxide emission allowances for a year is more than the amount of the sulphur dioxide new source set aside for that year,

(a) the Director shall determine adjusted amounts under subsections (7) and (8) in respect of each facility for which an amount was determined under subsection 30 (6) or 31 (4), in respect of a facility in the petroleum sector, except a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, or subsection 30 (7), 31 (5) or 34 (3);

(b) the Director shall send written notice of the adjusted amount determined in respect of a facility under clause (a) to the owner of the facility and to the operator of the Registry not later than October 1 in the year preceding the year for which emission allowances are applied for; and

(c) on January 1 of the year for which the emission allowances are applied for, the owner of a facility shall be deemed to have acquired sulphur dioxide emission allowances in respect of the facility in the adjusted amount determined for the facility under clause (a) in respect of the facility.

(7) For the purpose of subsection (6), the adjusted amount in respect of a facility in respect of applications made under section 34 for sulphur dioxide emission allowances for a year shall be the lesser of the amount determined under subsection 34 (3) in respect of the facility and the amount determined in accordance with the following formula:

$$A \times B \div C$$

where,

A = the amount determined in respect of the facility under subsection 34 (3),

B = the sulphur dioxide new source set aside for the year for which sulphur dioxide emission allowances are applied for,

C = the total of all the amounts determined under subsection 34 (3) in respect of all facilities.

(8) For the purpose of subsection (6), the adjusted amount for a facility in respect of applications made in accordance with section 30 or 31 for sulphur dioxide emission allowances for a year shall be determined in accordance with the following formula:

$$A \times ((B - C) \div D)$$

where,

A = the amount determined for the facility under subsection 30 (6) or 31 (4), in respect of a facility in the petroleum sector, except a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located, or subsection 30 (7) or 31 (5), as the case may be,

B = the sulphur dioxide new source set aside for the year for which sulphur dioxide emission allowances are applied for,

C = the total adjusted amounts determined under subsection (7),

D = the total of all the amounts determined under subsections 30 (6) and 31 (4), in respect of a facility in the petroleum sector except a facility in the petroleum sector listed in Table 9 or a replacement facility located on a site where a facility in the petroleum sector listed in Table 9 was located and subsections 30 (7) and 31 (4) for all facilities.

#### Adjustments to sulphur dioxide emission allowances

**36.** (1) On or before October 1 of the fifth year after the year in which the Director gives notice to the operator of the Registry in respect of a facility under subsection 35 (1) or (2), the Director shall determine in accordance with this section whether an adjustment to the amount of sulphur dioxide emission allowances set out in the notice is required.

(2) If the notice given under subsection 35 (1) or (2) was given as a result of an application made under section 30, an adjustment shall be made if the Director determines that the quotient of the following calculation is less than .75:

$$A \div B$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 35 (1) or (2), as the case may be,

B = the value assigned to "B" in subsection 30 (6) in the application made under section 30 in respect of the facility.

(3) If the number determined in accordance with subsection (2) is less than .75, the Director shall determine the following:

$$(1 - A \div B) \times D$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 35 (1) or (2), as the case may be,

B = the value assigned to "B" in subsection 30 (6) in the application made under section 30 in respect of the facility,

D = the amount of sulphur dioxide emission allowances set out in the notice given by the Director to the operator of the Registry in respect of the facility under subsection 34 (1) or (2), as the case may be.

(4) If the notice given under subsection 35 (1) or (2) was given as a result of an application made under section 31, an adjustment shall be made if the Director determines that the quotient of the following calculation is less than .75:

$$(A - C) \div (B - C)$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 35 (1) or (2), as the case may be,

B = the value assigned to "B" in subsection 31 (4) in the application made under section 31 in respect of the facility,

C = the value assigned to "C" in subsection 31 (4) in the application made under section 31 in respect of the facility.

(5) If the number determined in accordance with subsection (4) is less than .75, the Director shall determine the following:

$$(1 - A - C) \div (B - C) \times D$$

where,

A = the largest amount of regulated product that was produced by the facility in any one year of the four years immediately after the year in which notice was given in respect of the facility to the operator of the Registry under subsection 35 (1) or (2), as the case may be,

B = the value assigned to “B” in subsection 31 (4) in the application made under section 31 in respect of the facility,

C = the value assigned to “C” in subsection 31 (4) in the application made under section 31 in respect of the facility,

D = the amount of sulphur dioxide emission allowances set out in the notice given by the Director to the operator of the Registry in respect of the facility under subsection 35 (1) or (2), as the case may be.

(6) If an amount is determined under subsection (3) or (5), on or before October 1 of the year in which the determination is made the Director shall send written notice to,

- (a) the owner of the facility of the amount that was determined under subsection (3) or (5); and
- (b) to the operator of the Registry of the amount that was determined under subsection (3) or (5) and directing that sulphur dioxide emission allowances in an amount equal to the amount of the determination,
  - (i) be added to the sulphur dioxide new source set aside as of January 1 of the year after the year in which the notice is given, and
  - (ii) be removed from the facility’s sulphur dioxide sector budget or the facility’s sulphur dioxide budget, as the case may be, if the facility is in the base metal smelting sector, carbon black sector, cement sector, iron and steel sector or pulp and paper sector or is a facility in the petroleum sector listed in Table 5 or is a replacement facility located at a site where a facility in the petroleum sector listed in Table 5 was located.

(7) For the purpose of this section, if an owner of the facility does not provide the data on the total amount of regulated product that was produced by the facility in any one of the four years preceding the year in which the Director makes a determination under this section, either in accordance with subsection 6 (1) or in response to a request by the Director under this section for the data, the amount of regulated product produced by the facility for that year shall be deemed to be zero.

#### OBLIGATION TO BALANCE EMISSIONS WITH ALLOWANCES AND CREDITS

##### Application to retire nitrogen oxides emission allowances and credits

**37.** (1) This section applies to a facility for a year if the facility is listed in a table to this Regulation or the facility did not produce a regulated product before January 1, 2005 and,

- (a) nitrogen oxide emission allowances were acquired by any person in respect of the facility on January 1 of the previous year under this Regulation;
- (b) the facility produced a regulated product in the previous year and the facility is listed in a table to this Regulation; or
- (c) the facility produced a regulated product in the previous year and the facility did not produce a regulated product before January 1, 2005 and the facility is,
  - (i) in the cement sector and has the capacity to produce more than 100,000 tonnes of clinker per year and emitted more than 100 tonnes of nitrogen oxides in the previous year,
  - (ii) in the flat glass sector and has the capacity to produce more than 50,000 tonnes of flat glass per year and emitted more than 100 tonnes of nitrogen oxides in the previous year,
  - (iii) in the iron and steel sector and has the capacity to ship more than 100,000 tonnes of steel per year and emitted more than 100 tonnes of nitrogen oxides in the previous year,
  - (iv) in the petroleum sector and has the capacity to refine more than 50,000 barrels of crude oil per day or process more than 20,000 barrels of petroleum feedstock per day to produce lubricating oils and greases and emitted more than 100 tonnes of nitrogen oxides in the previous year, or
  - (v) in the pulp and paper sector and has the capacity to produce more than 100,000 air dried tonnes of pulp per year and emitted more than 100 tonnes of nitrogen oxides in the previous year.

(2) A facility to which clause 13 (2) (a) applies shall be deemed not to have produced regulated product on or before January 1, 2005.

(3) Not later than March 31 in each year after 2006, the owner of a facility to which this section applies for the year shall apply to the Director for approval to retire nitrogen oxides emission allowances for the purpose of subsection (5).

(4) An application under subsection (3) may also include an application for approval to retire nitric oxide emission allowances, nitric oxide emission reduction credits and nitrogen oxides emission reduction credits for the purpose of subsection (5).

(5) For each year after 2006, the owner of a facility to which this section applies shall, not later than June 1 of the year, ensure that the following statement is true:

$$A + (B \times 0.9) \geq C$$

where,

- A = the total amount of nitrogen oxides emission allowances and nitric oxide emission allowances that are retired for the purpose of this subsection with the approval of the Director,
- B = the total amount of nitrogen oxides emission reduction credits and nitric oxide emission reduction credits that are retired for the purpose of this subsection with the approval of the Director,
- C = the amount of nitrogen oxides that the owner of the facility reported in accordance with subsection 45 (5) were emitted from the facility in the previous year.
- (6) For the purpose of subsection (5),
- (a) a nitric oxide emission allowance acquired under Ontario Regulation 397/01 (Emissions Trading) made under the Act is equivalent to 1.53 of a nitrogen oxides emission allowance; and
- (b) a nitric oxide emission reduction credit created in accordance with the Ontario Emissions Trading Code is equivalent to 1.53 of a nitrogen oxides emission reduction credit.

**Application to retire sulphur dioxide emission allowances and credits**

**38.** (1) This section applies to a facility for a year if the facility is listed in a table to this Regulation or the facility did not produce a regulated product before January 1, 2005 and,

- (a) sulphur dioxide emission allowances were acquired by any person in respect of the facility on January 1 of the previous year under this Regulation;
- (b) the facility produced a regulated product in the previous year and the facility is listed in a table to this Regulation; or
- (c) the facility produced a regulated product in the previous year and the facility did not produce a regulated product before January 1, 2005 and the facility is,
- (i) in the cement sector and has the capacity to produce more than 100,000 tonnes of clinker per year and emitted more than 100 tonnes of sulphur dioxide in the previous year,
- (ii) in the base metal smelting sector and has the capacity to produce more than 1,000 tonnes of nickel and copper contained in matte per year and emitted more than 5,000 tonnes of sulphur dioxide in the previous year,
- (iii) in the iron and steel sector and has the capacity to ship more than 100,000 tonnes of steel per year and emitted more than 100 tonnes of sulphur dioxide in the previous year,
- (iv) in the petroleum sector and has the capacity to refine more than 50,000 barrels of oil per day or process more than 20,000 barrels of petroleum feedstock per day to produce lubricating oils and greases and emitted more than 100 tonnes of sulphur dioxide in the previous year,
- (v) in the pulp and paper sector and has the capacity to produce more than 100,000 air dried tonnes of pulp per year and that emitted more than 100 tonnes of sulphur dioxide in the previous year, or
- (vi) in the carbon black sector and has the capacity to produce more than 25,000 tonnes of carbon black per year and emitted more than 100 tonnes of sulphur dioxide in the previous year.

(2) A facility to which clause 28 (2) (a) applies shall be deemed not to have produced regulated product on or before January 1, 2005.

(3) Not later than March 31 in each year after 2006, the owner of a facility to which this section applies for the year shall apply to the Director for approval to retire sulphur dioxide emission allowances for the purpose of subsection (5).

(4) An application under subsection (3) may also include an application for approval to retire sulphur dioxide emission reduction credits for the purpose of subsection (5).

(5) For each year after 2006, the owner of a facility to which this section applies shall, not later than June 1 of the year, ensure that the following statement is true:

$$A + (B \times 0.9) \geq C$$

where,

- A = the total amount of sulphur dioxide emission allowances that are retired for the purpose of this subsection with the approval of the Director,
- B = the total amount of sulphur dioxide emission reduction credits that are retired for the purpose of this subsection with the approval of the Director,
- C = the amount of sulphur dioxide that the owner of the facility reported under subsection 46 (5) were emitted from the facility in the previous year.

**Approval of application to retire emission allowances or reduction credits**

**39.** (1) If an application for approval to retire emission allowances or emission reduction credits is made to the Director under section 37 or 38, the Director shall approve or refuse to approve within 30 days after he or she receives the application.

(2) If the Director refuses to approve the application, the applicant may, within 15 days after he or she receives notice of the Director's decision, apply to the Director,

- (a) for reconsideration of the Director's decision; or
- (b) for approval to retire other emission allowances or emission reduction credits.

(3) If an application is made under subsection (2), the Director shall make a decision on the application within 15 days after he or she receives the application.

**Grounds for refusing approval**

**40.** (1) The Director may refuse to approve an application to retire emission allowances if,

- (a) the applicant is not shown as the holder of the allowances on the Registry;
- (b) the Director is not satisfied that the allowances are held by the applicant; or
- (c) retirement of the allowances is not permitted by this Regulation.

(2) The Director may refuse to approve an application to retire emission reduction credits if,

- (a) the applicant is not shown as the holder of the credits on the Registry;
- (b) the Director is not satisfied that the credits are held by the applicant; or
- (c) retirement of the credits is not permitted by this Regulation.

**Information for Registry**

**41.** (1) A person who makes an application to the Director under section 37, 38 or 39 shall give written notice of the application to the operator of the Registry.

(2) The Director shall give written notice of a decision on an application under section 37, 38 or 39 to the applicant and to the operator of the Registry and, if the Director has approved the retirement of emission allowances or emission reduction credits, the operator shall amend the Registry to indicate that the retired allowances or credits no longer exist.

**LIMITS ON RETIREMENT OF EMISSION ALLOWANCES****Limits on retirement of emission allowances**

**42.** The owner of a facility may not retire emission allowances in a year for the purpose of subsection 37 (5) or 38 (5), if the allowances were acquired by a person under section 12, 14, 20, 27, 29 or 35 on January 1 of that year.

**LIMITS ON RETIREMENT OF EMISSION REDUCTION CREDITS****Ratio of credits to allowances limits**

**43.** (1) The owner of a facility may not retire an amount of nitrogen oxides emission reduction credits or nitric oxide emission reduction credits in a year for the purpose of subsection 37 (5) unless the following statement is true:

$$A \times 0.9 \leq B \times 0.33$$

where,

A = the total amount of nitrogen oxides emission reduction credits and nitric oxide emission reduction credits that are retired in the year for the purpose of subsection 37 (5),

B = the total amount of nitrogen oxides emission allowances and nitric oxide emission allowances that are retired in the year for the purpose of subsection 37 (5).

(2) The owner of a facility may not retire an amount of sulphur dioxide emission reduction credits in a year for the purpose of subsection 38 (5) unless the following statement is true:

$$A \times 0.9 \leq B \times 0.10$$

where,

A = the total amount of sulphur dioxide emission reduction credits that are retired in the year for the purpose of subsection 38 (5),

B = the total amount of sulphur dioxide emission allowances that are retired in the year for the purpose of subsection 38 (5).



**Limit on nitrogen oxides non-smog season credits**

44. The owner of a facility may retire nitrogen oxides non-smog season emission reduction credits and nitric oxide non-smog season emission reduction credits for a year for the purpose of subsection 37 (5) only if the following statement is true:

$$(A \div B) \leq (C \div D)$$

where,

A = the amount of nitrogen oxides emitted from the facility in the smog season in the year,

B = the amount of nitrogen oxides emitted from the facility in the non-smog season in the year,

C = the total amount of nitrogen oxides smog season emission reduction credits and nitric oxide smog season emission reduction credits retired by the owner for the year for the purpose of subsection 37 (5),

D = the total amount of nitrogen oxides non-smog season emission reduction credits and nitric oxide non-smog season emission reduction credits retired by the owner for the year for the purpose of subsection 37 (5).

**MONITORING AND REPORTING****Nitrogen oxides monitoring and reporting**

45. (1) This section applies to a facility in a year if,

- (a) the facility is listed in a table to this Regulation and nitrogen oxides emission allowances are to be acquired under this Regulation by any person in respect of the facility on January 1 of the year; or
- (b) section 37 can reasonably be expected to apply to the facility for the next year.

(2) For the purpose of this section, the owner of a facility to which this section applies shall ensure that emissions of nitrogen oxides emitted from the facility during the year are monitored, calculated and reported in accordance with this section.

(3) Despite subsection (2), nitrogen oxides emissions from a generation unit do not have to be monitored, calculated or reported under this section, if the facility where the generation unit is located has an electricity generation name plate capacity that is greater than 25 megawatts and the facility can reasonably be expected to generate more than 20,000 megawatt hours of electricity during the year.

(4) The owner of a facility to which this section applies shall ensure that emissions of nitrogen oxides from any stationary source of emissions emitted from the facility in a year are monitored or calculated using the method reported in accordance with paragraph 4 of subsection 6 (4) or such other method as the Director may, by written notice, require be used.

(5) The owner of a facility to which this section applies shall, not later than March 31 in a year following the year in which it applies, submit a report, based on a method used in accordance with subsection (4), to the Director stating,

- (a) the amount of nitrogen oxides emitted from the facility in the smog season in the year;
- (b) the amount of nitrogen oxides emitted from the facility in the non-smog season in the year.

**Sulphur dioxide monitoring and reporting**

46. (1) This section applies to a facility in a year if,

- (a) that facility is listed in a table to this Regulation and sulphur dioxide emission allowances are to be acquired under this Regulation by any person in respect of the facility on January 1 of the year; or
- (b) section 38 can reasonably be expected to apply to the facility for the next year.

(2) For the purpose of this section, the owner of a facility to which this section applies shall ensure that emissions of sulphur dioxide emitted during the year from the facility are monitored, calculated and reported in accordance with this section.

(3) Despite subsection (2), sulphur dioxide emissions from a generation unit do not have to be monitored, calculated or reported under this section, if the facility where the generation unit is located has an electricity generation name plate capacity that is greater than 25 megawatts and the facility can reasonably be expected to generate more than 20,000 megawatt hours of electricity during the year.

(4) The owner of a facility to which this section applies shall ensure that emissions from any stationary source of emissions emitted from a facility in a year are monitored or calculated using the method reported in accordance with paragraph 4 of subsection 6 (4) or such other method as the Director may, by written notice, require be used.

(5) The owner of a facility to which this section applies shall, not later than March 31 in a year following the year in which it applies, submit a report, based on a method used in accordance with subsection (4), to the Director stating the amount of sulphur dioxide emitted from the facility.

**Calculation of emissions**

47. If a generation unit produces a useful product other than electricity, the amounts reported under subsections 45 (5) and 46 (5) shall include the amount determined in accordance with the following formula:

$$A \div B \times C$$

where,

- A = the amount of energy used by the generation unit to produce a useful product other than electricity during the smog season or non-smog season, as the case may be,
- B = the total amount of energy used by the generation unit to produce electricity and other useful products during the smog season or non-smog season, as the case may be,
- C = the total amount of nitrogen oxides or sulphur dioxide, as the case may be, emitted from the generation unit during the smog season or non-smog season, as the case may be.

**Monitoring in the cement and base metal smelting sectors**

48. (1) In addition to any other monitoring requirements in this Regulation, the owner of a facility in the cement sector to which section 45 applies shall ensure that emissions of nitrogen oxides from any kiln located at the facility are monitored during the year with,

- (a) a continuous emissions monitoring system installed and operated in accordance with Report EPS 1/PG/7; or
- (b) a method that, in the opinion of the Director, will provide estimates of nitrogen oxides emissions that are at least as accurate as the estimates that would be provided by a continuous emission monitoring system referred to in clause (a).

(2) In addition to any other monitoring requirements in this Regulation, the owner of a facility to which section 46 applies and which is listed in Table 10 shall ensure that emissions of sulphur dioxide from any source set out in Table 10 and located at the facility are monitored during the year with,

- (a) a continuous emissions monitoring system installed and operated in accordance with Report EPS 1/PG/7; or
- (b) a method that, in the opinion of the Director, will provide estimates of sulphur dioxide emissions at least as accurate as the estimates that would be provided by a continuous emission monitoring system referred to in clause (a).

(3) The owner of a facility to which this section applies shall ensure that the continuous emission monitoring system that is selected meets the design specifications set out in Table 1 of Report EPS 1/PG/7 and the performance standards set out in Table 3 of Report EPS 1/PG/7.

(4) For the purpose of this section and despite subsection 3.4.1 of Report EPS 1/PG/7, emission data that are missing because of a malfunction of the continuous emission monitoring system may be substituted using data derived from operating parameter correlations for a period of up to 168 hours for any single episode of malfunctioning.

(5) The owner of a facility to which this section applies shall, not later than September 1, 2005, notify the Director of,

- (a) whether the emissions of nitrogen oxides from kilns located at the facility will be monitored in accordance with clause (1) (a) or (b);
- (b) whether the emissions of sulphur dioxide from kilns located at the facility will be monitored in accordance with clause (2) (a) or (b);
- (c) the continuous emission monitoring system selected to monitor emissions of nitrogen oxides, if nitrogen oxides emissions are to be monitored in accordance with clause (1) (a); and
- (d) the continuous emission monitoring system selected to monitor emissions of sulphur dioxide if sulphur dioxide emissions are to be monitored in accordance with clause (2) (a).

(6) If the emissions of nitrogen oxides or sulphur dioxide from a facility to which this section applies are monitored with a continuous emission monitoring system, the owner of the facility shall, not later than January 1, 2006, submit to the Director a report from an independent third party in which the third party certifies that,

- (a) the continuous emission monitoring system meets the performance specifications listed in Table 3 of Report EPS 1/PG/7; and
- (b) a quality assurance and quality control manual in respect of the continuous emission monitoring system that meets the requirements of section 6.1 of Report EPS 1/PG/7 has been developed.

(7) The owner of a facility to which this section applies shall, not later than March 1, 2007 and March 1 of each subsequent year submit a report to the Director from an independent third party that sets out the results of the evaluation conducted in accordance with section 6.4 of Report EPS 1/PG/7.

(8) The owner of a facility to which this section applies shall give the Director written notice of any malfunction of the continuous emission monitoring system that lasts longer than seven consecutive days not later than the eighth day following the start of the system malfunction.

(9) The owner of a facility to which subsection (3) applies shall give the Director written notice setting out changes made to the any part of the continuous emission monitoring system, including to the quality assurance and quality control manual as soon as possible after the changes are made.

(10) Subsection (2) does not apply to the facility listed as “Inco, Sudbury” in Table 10, if the emissions of sulphur dioxide from the 381 metre stack and the 193 metre stack located at the facility and referred to in an Order issued to Inco Limited by the Director under sections 7, 17, 18 and 124 of the Act on February 12, 2002 are monitored or calculated for the year in accordance with a method set out in the Order.

(11) Subsection (2) does not apply to the facility listed as “Falconbridge, Sudbury” in Table 10, if the emissions of sulphur dioxide from the 93 metre stack located at the facility and referred to in an Order issued to Falconbridge Limited by the Director under sections 7, 17, 18 and 124 of the Act on February 12, 2002 are monitored or calculated for the year in accordance with a method set in the Order.

#### Emissions monitoring report

**49.** (1) In addition to any other reporting requirements in this Regulation, the owner of a facility who is required under section 48 to ensure that emissions of nitrogen oxides or sulphur dioxide are monitored during the year shall not later than March 1 in each year submit a report to the Director summarizing the data obtained from the monitoring in the previous year.

(2) The report to the Director shall include the following:

1. The name and address of the owner of the facility.
2. The name, address and geographical location of the facility.
3. The name of, or identifier for, each source set out in Table 10 from which nitrogen oxides or sulphur dioxide are emitted.
4. Any change in information provided under paragraph 3 that has occurred since the last report.
5. The amount of nitrogen oxides or sulphur dioxide emitted each month from each source set out in Table 10.
6. The total amount of nitrogen oxides or sulphur dioxide emitted during the smog season from each source set out in Table 10.
7. The total amount of nitrogen oxides or sulphur dioxide emitted during the non-smog season from each source set out in Table 10.
8. The total amount of nitrogen oxides or sulphur dioxide emitted during the year from each source set out in Table 10.

#### Records

**50.** A person who is required to submit a report to the Director under section 45 or 46 shall ensure that the information and supporting documentation on which the report is based are kept for five years after the report is submitted.

TABLE 1  
NITROGEN OXIDES EMISSIONS ALLOWANCES, SECTOR BUDGETS, SECTION 10

Item	Regulated Sector	Amount (tonnes)			
		2006	2007-2009	2010-2014	2015 and after
1.	Cement	19,872	19,136	17,835	14,875
2.	Flat Glass	2,100	1,953	1,805	1,805
3.	Pulp and Paper	7,170	6,836	6,558	6,558
4.	Iron and Steel	10,794	10,352	9,855	9,855

TABLE 2  
NITROGEN OXIDES NEW SOURCE SET ASIDES, SECTION 11

Item		Amount (tonnes)		
		2006-2007	2008	2009 and after
1.	Nitrogen oxides new source set asides	2,200	3,000	3,100

TABLE 3  
NITROGEN OXIDES EMISSIONS ALLOWANCES, PETROLEUM SECTOR, SECTION 12

Item	Facility	Amount of Nitrogen Oxides Emission Allowances (tonnes)				
		2006	2007	2008	2009	2010 and after
<b>Petroleum Sector</b>						
1.	Imperial Oil Refinery Complex, Sarnia	3,164	3,164	2,912	2,660	2,660
2.	Imperial Oil, Nanticoke	2,363	2,363	2,132	1,900	1,900
3.	Petro-Canada, Mississauga	780	780	722	665	665
4.	Shell Canada, Sarnia	2,174	2,174	1,942	1,710	1,710
5.	Suncor Inc., Sarnia	1,132	1,132	1,041	950	950
6.	Nova Chemicals, Sarnia	2,600	2,550	2,550	2,550	2,500

TABLE 4  
NITROGEN OXIDES EMISSION INTENSITY RATES, SECTION 14

Item	Facility	Intensity Rate (tonnes per unit of regulated product)			
		2006	2007-2009	2010-2014	2015 and after
<b>Cement Sector</b>					
1.	St. Marys, Bowmanville	0.0028	0.0024	0.0020	0.0020
2.	St. Lawrence, Mississauga	0.0020	0.0020	0.0020	0.0020
3.	Lafarge, Bath	0.0054	0.0042	0.0030	0.0020
4.	Essroc, Picton	0.0026	0.0024	0.0022	0.0020
5.	St. Marys, St. Marys	0.0024	0.0022	0.0020	0.0020
6.	Lafarge, Woodstock	0.0081	0.0067	0.0054	0.0020
<b>Flat Glass Sector</b>					
7.	PPG, Owen Sound	0.012	0.012	0.0108	
<b>Iron and Steel Sector</b>					
8.	Algoma, Sault Ste. Marie	0.00148	0.00134	0.00120	
9.	Dofasco, Hamilton	0.00091	0.00087	0.00085	
10.	Stelco Hilton Works, Hamilton	0.00130	0.00123	0.00116	
11.	Stelco Lake Erie, Nanticoke	0.00130	0.00123	0.00116	
<b>Pulp and Paper Sector</b>					
12.	Bowater, Thunder Bay	0.0023	0.0022	0.0022	
13.	Kimberly Clark, Terrace Bay	0.0017	0.0017	0.0017	
14.	Domtar, Espanola	0.0024	0.0023	0.0023	
15.	Weyerhaeuser, Dryden	0.0031	0.0030	0.0029	
16.	Norampac, Red Rock	0.0014	0.0013	0.0013	
17.	Abitibi, Fort Frances	0.0042	0.0041	0.0040	
18.	Marathon Pulp, Marathon	0.0048	0.0044	0.0043	
19.	Tembec, Smooth Rock	0.0028	0.0027	0.0026	
20.	Domtar, Cornwall	0.005	0.0042	0.0035	

TABLE 5  
SULPHUR DIOXIDE EMISSION ALLOWANCES, FACILITY BUDGETS, SECTION 22

Item	Facility	Amount (tonnes)			
		2006	2007-2009	2010-2014	2015 and after
1.	Inco, Sudbury	265,000	175,000	175,000	66,000
2.	Falconbridge, Sudbury	66,000	66,000	66,000	25,000
3.	Nova Chemicals, Sarnia	7,000	7,100	7,100	7,100
4.	Cabot Canada, Sarnia	7,900	7,550	7,300	7,300
5.	Columbian Chemicals, Hamilton	3,200	3,300	3,400	3,400

TABLE 6  
SULPHUR DIOXIDE EMISSION ALLOWANCES, SECTOR BUDGETS, SECTION 23

Item	Regulated Sector	Amount (tonnes)			
		2006	2007-2009	2010-2014	2015 and after
1.	Cement	22,339	21,820	20,773	16,139
2.	Iron and steel	18,623	18,710	19,384	19,384
3.	Pulp and Paper	10,337	9,269	8,339	8,339

TABLE 7  
SULPHUR DIOXIDE NEW SOURCE SET ASIDES, SECTION 26

Item		Amount	
		2006	2007 and after
1.	Sulphur dioxide new source set aside	9,800	10,100

TABLE 8  
SULPHUR DIOXIDE EMISSION ALLOWANCES, PETROLEUM SECTOR, SECTION 27

Item	Facility	Amount of Sulphur Dioxide Emission Allowances (tonnes)			
		2006 - 2007	2008	2009 and after	
<b>Petroleum Sector</b>					
1.	Imperial Oil Refinery Complex, Sarnia	23,938	16,569	9,200	
2.	Imperial Oil, Nanticoke	6,951	6,876	6,800	
3.	Petro-Canada, Mississauga	1,931	1,720	1,600	
4.	Shell Canada, Sarnia	12,567	9,859	7,150	
5.	Suncor Inc. Sarnia	4,000	4,000	4,000	

TABLE 9  
SULPHUR DIOXIDE EMISSION INTENSITY RATES, SECTION 29

Item	Facility	Intensity Rates (tonnes per unit of regulated product)			
		2006	2007-2009	2010-2014	2015 and after
<b>Cement Sector</b>					
1.	St. Marys, Bowmanville	0.0029	0.0026	0.0022	0.0022
2.	St. Lawrence, Mississauga	0.0022	0.0022	0.0022	0.0022
3.	Lafarge, Bath	0.0042	0.0036	0.0030	0.0022
4.	Essroc, Picton	0.0031	0.0027	0.0023	0.0022
5.	St. Marys, St. Marys	0.0022	0.0022	0.0022	0.0022
6.	Lafarge, Woodstock	0.0132	0.0112	0.0092	0.0022
<b>Base Metal Smelting Sector</b>					
8.	Inco, Sudbury	1.12	0.81		0.30
9.	Falconbridge, Sudbury	0.60	0.51		0.30
<b>Carbon Black Sector</b>					
10.	Cabot Canada	0.0847	0.0715		0.066
11.	Columbian Chemicals	0.036	0.036		0.036
<b>Iron and Steel</b>					
12.	Algoma, Sault Ste. Marie	0.00324	0.00323		0.00323
13.	Dofasco, Hamilton	0.00131	0.00123		0.00121
14.	Stelco Hilton Works, Hamilton	0.00215	0.00206		0.00203
15.	Stelco Lake Erie, Nanticoke	0.00215	0.00206		0.00203
<b>Pulp and Paper Sector</b>					
16.	Bowater, Thunder Bay	0.0034	0.0034		0.0034
17.	Kimberly Clark, Terrace Bay	0.0019	0.0017		0.0015
18.	Domtar, Espanola	0.0015	0.0014		0.0013
19.	Weyerhaeuser, Dryden	0.0007	0.0007		0.0007
20.	Norampac, Red Rock	0.0017	0.0017		0.0017

Item	Facility	Intensity Rates (tonnes per unit of regulated product)		
		2006	2007-2009	2010 and after
21.	Abitibi, Fort Frances	0.0082	0.0082	0.0082
22.	Marathon Pulp, Marathon	0.0123	0.0085	0.0053
23.	Tembec, Smooth Rock	0.0016	0.0016	0.0016
24.	Domtar, Cornwall	0.0167	0.0141	0.0115
<b>Petroleum Sector</b>				
		2006	2007-2009	2010 and after
25.	Nova Chemicals, Sarnia	0.010	0.008875	0.008875

TABLE 10  
ADDITIONAL MONITORING OF SULPHUR DIOXIDE EMISSION SOURCES, SECTION 48

Facility	Source
Any facility in the cement sector	Kiln
Inco, Sudbury	381 metre stack
Inco, Sudbury	193 metre stack
Falconbridge, Sudbury	93 metre stack

21/05

## ONTARIO REGULATION 195/05

made under the

### HIGHWAY TRAFFIC ACT

Made: May 4, 2005

Filed: May 6, 2005

Amending Reg. 613 of R.R.O. 1990  
(Seat Belt Assemblies)

Note: Regulation 613 has not previously been amended.

**1. Section 8 of Regulation 613 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**8. (1) Passengers under eight years old are classified as follows for the purposes of this section:**

1. Children weighing less than nine kilograms are classified as infants.
2. Children weighing nine kilograms or more but less than 18 kilograms are classified as toddlers.
3. Children weighing 18 kilograms or more but less than 36 kilograms and who are less than 145 centimetres tall are classified as pre-school to primary grade children.

(2) The driver of a motor vehicle on a highway is required to ensure that an infant passenger is secured as set out in subsection (5).

(3) The driver of a motor vehicle on a highway is required to ensure that a toddler passenger is secured as set out in subsection (6).

(4) The driver of a motor vehicle on a highway is required to ensure that a pre-school to primary grade child passenger is secured as set out in subsections (7) and (8).

(5) An infant shall be secured in a rearward-facing child restraint system that,

- (a) conforms to the requirements of Standard 213.1 under the *Motor Vehicle Safety Act* (Canada);
- (b) is secured by a seat belt assembly in the manner recommended by the manufacturer of the child restraint system, unless the child restraint system was designed to be and is secured by means of a universal anchorage system; and
- (c) has all harnesses, straps and buckles designed to secure the infant in the child restraint system properly adjusted and securely fastened.

- (6) A toddler shall be secured,
- (a) in a child restraint system that,
- (i) conforms to the requirements of Standard 213 under the *Motor Vehicle Safety Act* (Canada),
  - (ii) is secured by a seat belt assembly in the manner recommended by the manufacturer of the child restraint system, unless the child restraint system was designed to be and is secured by means of a universal anchorage system,
  - (iii) is secured by all the anchorage straps and devices recommended by the manufacturer of the child restraint system, if the motor vehicle was manufactured on or after January 1, 1989, and
  - (iv) has all harnesses, straps and buckles designed to secure the toddler in the child restraint system properly adjusted and securely fastened; or
- (b) in a child restraint system described in subsection (5), if the manufacturer's specifications permit or recommend the system for use by children who weigh nine kilograms or more and not less than the weight of the toddler.
- (7) A pre-school to primary grade child shall be secured,
- (a) if there is a seating position in the motor vehicle that has a seat belt assembly consisting of a pelvic restraint and an upper torso restraint, in that position,
- (i) on a child booster seat that conforms to the requirements of Standard 213.2 under the *Motor Vehicle Safety Act* (Canada) and that is used in the manner recommended by the manufacturer of the child booster seat, and
  - (ii) by the motor vehicle's complete seat belt assembly, worn as described in subsection (9);
- (b) if all the seating positions in the motor vehicle have a seat belt assembly consisting only of a pelvic restraint, by the pelvic restraint, worn as described in subsection (9); or
- (c) in a child restraint system described in clause (6) (a), if the manufacturer's specifications permit or recommend the system for use by children who weigh 18 kilograms or more and not less than the weight of the pre-school to primary grade child.
- (8) Despite clauses (7) (a) and (b), a pre-school to primary grade child shall not be secured in a seating position if the seating position has a front air bag that has not been turned off or cannot be turned off.
- (9) For the purpose of clauses (7) (a) and (b), a seat belt assembly shall be worn so that,
- (a) the pelvic restraint is worn firmly against the body and across the hips;
  - (b) the upper torso restraint, if there is one, is worn closely against the body and over the shoulder and across the chest; and
  - (c) each restraint is securely fastened.
- (10) Clause (9) (b) does not apply to child booster seats, such as abdominal shield booster seats, that are designed to be secured in place by the pelvic restraint of the seatbelt assembly only.

**8.1** (1) The following are exempt from complying with subsections 8 (2), (3) and (4):

1. The driver of a taxicab, bus or public vehicle, while transporting a passenger for hire.
2. The driver of a motor vehicle that is leased for less than 60 days or is registered in another jurisdiction.
3. The driver of an ambulance as defined in section 61 of the Act.

(2) Despite paragraph 1 of subsection (1), the following are not exempt from complying with subsections 8 (2), (3) and (4) while transporting children to or from school:

1. The driver of a taxicab that is operated by or under contract with a school board or other authority in charge of a school for the transportation of children.
2. The driver of a public vehicle with a seating capacity of less than 10 persons that is operated by or under contract with a school board or other authority in charge of a school for the transportation of children.

**2. This Regulation comes into force on the later of the day subsection 4 (1) of the *Highway Traffic Statute Law Amendment Act (Child and Youth Safety)*, 2004 comes into force and the day this Regulation is filed.**

**ONTARIO REGULATION 196/05**

made under the

**HIGHWAY TRAFFIC ACT**

Made: May 4, 2005

Filed: May 6, 2005

Amending O. Reg. 340/94

(Drivers' Licences)

Note: Ontario Regulation 340/94 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. (1) Subsection 6 (1) of Ontario Regulation 340/94 is amended by adding the following paragraph:**

3. Between the hours of midnight and 5 a.m., there must not be more than one passenger in the motor vehicle who is under the age of 20, other than a person who is a member of the novice driver's immediate family.

**(2) Section 6 of the Regulation is amended by adding the following subsection:**

(1.1) Despite subsection (1), the holder of a Class G2 driver's licence who has held a valid G2 driver's licence for at least six months may drive a Class G2 motor vehicle on a highway subject to the following conditions:

1. The novice driver's blood alcohol concentration must be zero at all times while he or she is operating the motor vehicle.
2. The number of passengers in the motor vehicle must not exceed the number of operable seat belt assemblies installed in it.
3. Between the hours of midnight and 5 a.m., there must not be more than three passengers in the motor vehicle who are under the age of 20, other than a person who is a member of the novice driver's immediate family.

**(3) Subsection 6 (2) of the Regulation is revoked and the following substituted:**

- (2) Subsections (1) and (1.1) do not apply to the driving of a motor assisted bicycle.

**(4) Section 6 of the Regulation is amended by adding the following subsections:**

(3) For the purpose of subsection (1.1), the requirement that a novice driver has held a valid G2 licence for at least six months means that, at the time the novice driver is driving, he or she held a valid G2 licence for at least the immediately preceding six months.

- (4) Paragraph 3 of subsection (1) and paragraph 3 of subsection (1.1) do not apply to,

- (a) a novice driver who is at least 20 years old; or
- (b) any novice driver if a person who qualifies as an accompanying driver, as described in subsection 5 (2), and who meets the condition for an accompanying driver as set out in paragraph 2 of subsection 5 (1), occupies the seat beside the driver and no person other than the novice driver and the accompanying driver occupies a front seat in the motor vehicle.

(5) The age distinctions in paragraph 3 of subsection (1), paragraph 3 of subsection (1.1) and clause (4) (a) apply despite the *Human Rights Code*.

(6) In paragraph 3 of subsection (1) and paragraph 3 of subsection (1.1), immediate family includes the novice driver's guardian and immediate family who are related by blood, marriage, conjugal relationship outside marriage or adoption.

**2. The Regulation is amended by adding the following section above the heading "LICENCES: GENERAL":**

**11.1** The following information is prescribed for the purposes of section 57.1.1 of the Act:

1. The passenger's date of birth.
2. The nature of the familial relationship between the passenger and the driver of the motor vehicle, and the name and address of the person or persons through whom the driver and the passenger are related, if any.

**3. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.**

**(2) Section 1 comes into force on the later of the day section 2 of the *Highway Traffic Statute Law Amendment Act (Child and Youth Safety), 2004* comes into force and the day this Regulation is filed.**



(3) Section 2 comes into force on the later of the day section 3 of the *Highway Traffic Statute Law Amendment Act (Child and Youth Safety)*, 2004 comes into force and the day this Regulation is filed.

21/05

## ONTARIO REGULATION 197/05

made under the

### HIGHWAY TRAFFIC ACT

Made: May 4, 2005

Filed: May 6, 2005

Amending O. Reg. 339/94

(Demerit Point System)

Note: Ontario Regulation 339/94 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. Item 34 of the Table to Ontario Regulation 339/94 is revoked and the following substituted:**

34	Subsection 8 (2) of Regulation 613 of the Revised Regulations of Ontario, 1990	2	Driver failing to ensure infant passenger is secured as prescribed
34.1	Subsection 8 (3) of Regulation 613 of the Revised Regulations of Ontario, 1990	2	Driver failing to ensure toddler passenger is secured as prescribed
34.2	Subsection 8 (4) of Regulation 613 of the Revised Regulations of Ontario, 1990	2	Driver failing to ensure child passenger is secured as prescribed

**2. This Regulation comes into force on the later of the day subsection 4 (1) of the *Highway Traffic Statute Law Amendment Act (Child and Youth Safety)*, 2004 comes into force and the day this Regulation is filed.**

21/05

## ONTARIO REGULATION 198/05

made under the

### COURTS OF JUSTICE ACT

Made: April 4, 2005

Approved: May 4, 2005

Filed: May 6, 2005

Amending Reg. 194 of R.R.O. 1990

(Rules of Civil Procedure)

Note: Regulation 194 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. Rule 14.08 of Regulation 194 of the Revised Regulations of Ontario, 1990 is amended by adding the following subrules:**

(4) Subrules (1) and (2) are subject to rule 78.06, which provides that in certain circumstances the registrar shall make an order dismissing the action as abandoned.

**Revocation**

(5) Subrule (4) is revoked on May 6, 2008.

**2. Rule 24.1.01 of the Regulation is amended by striking out “establishes a pilot project for mandatory mediation in case managed actions” and substituting “provides for mandatory mediation in case managed actions”.**

**3. (1) Subrule 24.1.04 (2) of the Regulation is amended by adding the following clause:**

(0.a) actions governed by Rule 78 (Toronto Civil Case Management Pilot Project);

**(2) Rule 24.1.04 of the Regulation is amended by adding the following subrule:**

***Revocation***

(4) Clause (2) (0.a) is revoked on May 6, 2008.

**4. Rule 24.1 of the Regulation is amended by adding the following rule:**

**SPECIAL PROVISIONS FOR ACTIONS GOVERNED BY RULE 78**

***Application***

**24.1.09.1** (1) This rule (rule 24.1.09.1) applies to actions governed by Rule 78 (Toronto Civil Case Management Pilot Project).

***Time Limit and Notice***

(2) Despite subrules 24.1.09 (1) and (5),

(a) in the case of a wrongful dismissal action, a mediation session shall take place within 150 days after the close of pleadings, unless the court orders otherwise, and the plaintiff shall file the notice described in subrule 24.1.09 (5) at least 30 days before the date of the mediation session;

(b) in the case of an action governed by Rule 76 (Simplified Procedure) that is assigned to mandatory mediation by the regional senior judge, a mediation session shall take place within 150 days after the close of pleadings, unless the court orders otherwise, and the plaintiff shall file the notice described in subrule 24.1.09 (5) at least 30 days before the date of the mediation session; and

(c) in the case of any other action, a mediation session shall take place at the stage at which the parties agree that mediation is most likely to be effective, but in any case within 90 days after the action is set down for trial, unless the court orders otherwise, and the plaintiff shall file the notice described in subrule 24.1.09 (5) at least 30 days before the date of the mediation session.

***Revocation***

(3) This rule (rule 24.1.09.1) is revoked on May 6, 2008.

**5. (1) Subrule 48.14 (3) of the Regulation is amended by adding the following clause:**

(a.1) in an action under Rule 78, documents have been filed in accordance with rule 78.08;

**(2) Rule 48.14 of the Regulation is amended by adding the following subrule:**

***Revocation***

(3.1) Clause (3) (a.1) is revoked on May 6, 2008.

**6. (1) Rule 77.01 of the Regulation is amended by adding the following subrules:**

***Assignment Under Rule 78.12***

(1.2) This Rule also applies to an action that is assigned, under rule 78.12, to case management in accordance with this Rule.

***Revocation***

(1.3) Subrule (1.2) is revoked on May 6, 2008.

**(2) Clauses 77.01 (2) (a), (b), (d.0.4) and (d.0.5) of the Regulation are revoked.**

**7. Rule 77.11 of the Regulation is amended by adding the following subrules:**

***Exception***

(1.3) For greater certainty, subrule (1.1) does not apply to an action that is governed by Rule 78.

***Revocation***

(1.4) Subrule (1.3) is revoked on May 6, 2008.

**8. Rule 77.14 of the Regulation is amended by adding the following subrules:**

***Exception, Toronto Actions***

(11) Subrules (1) to (10) do not apply to actions commenced in the City of Toronto, which shall, instead, be set down for trial under Rule 48.

***Revocation***

(12) Subrule (11) is revoked on May 6, 2008.

**9. The Regulation is amended by adding the following Rule:****RULE 78 TORONTO CIVIL CASE MANAGEMENT PILOT PROJECT****APPLICATION AND INTERPRETATION*****Scope***

**78.01** (1) This Rule applies to actions commenced in the City of Toronto on or after December 31, 2004.

***Exception***

(2) This Rule does not apply to,

- (a) actions placed on the Commercial List established by practice direction in the Toronto Region;
- (b) actions under Rules 74 and 75 (Estates);
- (c) actions under Rule 64 (Mortgage Actions);
- (d) actions under Rule 76 (Simplified Procedure);
- (e) actions under the *Construction Lien Act*, except trust claims;
- (f) actions under the *Bankruptcy and Insolvency Act* (Canada); and
- (g) actions certified as class proceedings under the *Class Proceedings Act, 1992*.

***Class Proceedings Act, 1992***

(3) This Rule applies to an action commenced under the *Class Proceedings Act, 1992* only if certification as a class proceeding has been denied.

***Conflict with Other Rules***

(4) In the event of conflict between a provision of Rules 1 to 77 and a provision of this Rule, this Rule prevails.

**PURPOSE**

**78.02** The purpose of this Rule is to establish a pilot project under which the parties will have the greater responsibility for managing actions commenced in the City of Toronto and moving them to trial or other resolution, and the court will provide partial or full case management for such actions only where a need for the court's intervention is demonstrated.

**DEFINITIONS**

**78.03** In rules 78.03 to 78.12,

“case management master” means a person appointed by the Lieutenant Governor in Council under section 86.1 of the *Courts of Justice Act*; (“protonotaire responsable de la gestion de la cause”)

“timetable” means a schedule for the completion of one or more steps required to advance the action (including delivery of affidavits of documents, examinations under oath, where available, or motions), established by,

- (a) an order of a judge or case management master, or
- (b) a written agreement of the parties that is not contrary to an order. (“calendrier”)

**CASE MANAGEMENT POWERS*****Generally***

**78.04** (1) A judge or case management master may,

- (a) extend or abridge a time prescribed by an order or the rules;
- (b) adjourn a case conference;
- (c) set aside an order made by the registrar;
- (d) amend a timetable made under Rule 77 or under this Rule;
- (e) make orders, impose terms, give directions and award costs as necessary to carry out the purpose of this Rule.

***Case Management Master***

- (2) A case management master has power,
- (a) to hear motions that are within the jurisdiction of a master under subrule 37.02 (2);
  - (b) to preside and make orders at a status hearing under rule 48.14; and
  - (c) to preside and make orders at a pre-trial conference that are within the jurisdiction of a case management master.

**OTHER MATTERS*****File Number for Third and Subsequent Party Claims***

**78.05** (1) Third and subsequent party claims shall be given the same file number as the main action, followed by a suffix letter.

***Format of Documents***

(2) The form prescribed in this Rule and notices, certificates and orders referred to in it may be single spaced and need not have a backsheet.

**DISMISSAL BY REGISTRAR*****Dismissing Action as Abandoned***

**78.06** (1) The registrar shall make an order dismissing an action as abandoned if the following conditions are satisfied, unless the court orders otherwise:

1. More than two years have passed since the date the originating process was issued.
2. No statement of defence has been filed.
3. The action has not been disposed of by final order or judgment.
4. The action has not been set down for trial or summary trial.
5. The registrar has given 45 days notice that the action will be dismissed as abandoned.

***Service on Parties***

- (2) The registrar shall serve a copy of the order made under subrule (1) on the parties.

***Effect on Subsequent Action***

- (3) The dismissal of an action as abandoned has the same effect as a dismissal for delay under rule 24.05.

**POWERS OF COURT ON MOTION TO DISMISS FOR DELAY**

**78.07** If a defendant moves to have an action dismissed for delay and the court is satisfied that the action should proceed, the court may,

- (a) establish a timetable (Form 78A) for the action;
- (b) order a case conference in accordance with rule 78.09, but only if it is impractical to establish a timetable; or
- (c) make such other order as is just.

**STATUS HEARING*****Effect of Filing Timetable***

**78.08** (1) If a status hearing has been requested under subrule 48.14 (5) and a party files the documents described in subrule (2) at least seven days before the date of the hearing, the hearing shall be held in writing and without the attendance of the parties, despite anything in rule 48.14, unless the court orders otherwise.

- (2) The documents mentioned in subrule (1) are:
1. A timetable (Form 78A), signed by all the parties.
  2. A draft order establishing the timetable.
- (3) The timetable shall,
- (a) identify the steps to be completed before the action will be ready to be set down for trial;
  - (b) show the date or dates by which the steps will be completed; and
  - (c) show a date, which shall be no more than 12 months after the date of the status hearing, before which the action shall be set down for trial.

***Case Conference***

(4) If no documents described in subrule (2) are filed and the presiding judge or case management master at the status hearing under rule 48.14 is satisfied that the action should proceed, he or she may,

- (a) make an order under clause 48.14 (8) (a);
- (b) order a case conference in accordance with rule 78.09, but only if it is impractical to establish a timetable; or
- (c) make such other order as is just.

**CASE CONFERENCE*****Powers of Judge and Case Management Master***

**78.09** At a case conference convened under clause 78.07 (b), clause 78.08 (4) (b), clause 78.10 (3) (b) or clause 78.12 (6) (a), a judge or case management master may,

- (a) create a timetable for the action;
- (b) review and, if necessary, amend an existing timetable;
- (c) require written reports as to compliance with any directions that are given;
- (d) on consent of the parties, make an order for interlocutory relief; and
- (e) make an order under rule 78.12 (assignment to case management under Rule 77).

**PRE-TRIAL CONFERENCE*****Notice***

**78.10** (1) After an action is set down for trial, the registrar shall give the parties 90 days notice to appear before a judge or case management master for a pre-trial conference under Rule 50.

***Materials to be Filed***

(2) At least five days before the pre-trial conference, each party shall file with proof of service a pre-trial conference brief containing concise statements, without argument, of the following matters:

- 1. The nature of the case.
- 2. The issues raised and the party's position.
- 3. The names of the witnesses that the party is likely to call at the trial.
- 4. The steps that need to be completed before the action is ready for trial.

***Decision of Judge or Case Management Master***

(3) If the action is not settled at the pre-trial conference, the judge or case management master may,

- (a) establish a timetable and, subject to the direction of the regional senior judge, set a peremptory date for trial;
- (b) order a case conference in accordance with rule 78.09, but only if it is impractical to establish a timetable; or
- (c) make such other order as is just.

(4) If the judge or case management master has set a date for trial under subrule (3), he or she shall complete a pre-trial conference report,

- (a) stating what steps need to be completed before the action is ready for trial and how much time is needed to complete those steps;
  - (b) stating the anticipated length of the trial; and
  - (c) setting out any other matter relevant to scheduling the trial.
- (5) A copy of the pre-trial conference report shall be placed with the trial record.

***Certificate***

(6) The following persons shall certify, on the copy of the pre-trial conference report that is to be placed with the trial record, that they understand the contents of the report and acknowledge the obligation to be ready to proceed on the date fixed for the trial:

- 1. Each lawyer who represents a party.
- 2. Each party who is not represented by a lawyer.

***Duty of Lawyer***

(7) Each lawyer who represents a party shall, in addition to giving the certificate described in subrule (6), undertake to the court to advise the party of,

- (a) the contents of the pre-trial conference report; and
- (b) the obligation to be ready to proceed on the date fixed for the trial.

**TIMETABLE*****Amendment***

**78.11** (1) A timetable that is established under this Rule by order of a judge or case management master may be amended by the parties, by a written agreement, unless the order expressly prohibits amendment.

(2) An agreement to amend a timetable established under rule 78.08 shall not amend the date before which the action shall be set down for trial.

***Non-Compliance***

(3) If a party fails to comply with a timetable that is established under this Rule, the court may, on any other party's motion,

- (a) stay the party's action;
- (b) dismiss the party's action or strike out the party's defence; or
- (c) make such other order as is just.

**ASSIGNMENT TO CASE MANAGEMENT UNDER RULE 77*****On Consent of Parties***

**78.12** (1) If all the parties consent in writing, a judge or case management master may, on a party's motion, assign one or more actions to case management in accordance with Rule 77.

- (2) A motion under subrule (1) shall be made in writing, without a supporting affidavit, and the moving party shall file,
  - (a) the written consent of the parties; and
  - (b) a bound and tabbed copy of all the pleadings.

***Obstruction***

(3) The judge or case management master may, on a party's motion or on his or her own initiative, assign one or more actions to case management in accordance with Rule 77 if a party has taken steps that amount to chronic and substantial obstruction of the action, in the case of a single action, or of one or more actions, in the case of two or more.

***Criteria***

(4) In considering whether to assign an action to case management under subrule (1) or (3), the judge or case management master shall have regard to all the relevant circumstances, including the criteria set out in subrule 77.09.1 (5).

***Effect of Assignment***

(5) When an action is assigned to case management in accordance with Rule 77 under subrule (1) or (3), that Rule applies to the action with necessary modifications, and the judge or case management master may include any necessary directions in the order.

***Case Conference or Other Order***

- (6) On a motion under subrule (1) or (3), the judge or case management master may,
  - (a) if the action is not being assigned to case management in accordance with Rule 77, order a case conference in accordance with rule 78.09, but only if it is impractical to establish a timetable; or
  - (b) make such other order as is just.

**ADVISORY COMMITTEE**

**78.13** The regional senior judge for the Toronto Region shall appoint an advisory committee composed of such members of the bench, the bar and the public and such employees of the Ministry of the Attorney General as are necessary to monitor and evaluate the operation of this Rule.

**REVOCATION**

**78.14** This Rule is revoked on May 6, 2008.

**10. The Regulation is amended by adding the following Form:**

FORM 78A

*Courts of Justice Act*

TIMETABLE

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

*(General heading)*

TIMETABLE

Lawyers and parties:

Lawyer for: .....  
*(Name, address and telephone and fax numbers of lawyer)*

Lawyer for: .....  
*(Name, address and telephone and fax numbers of lawyer)*

Lawyer for: .....  
*(Name, address and telephone and fax numbers of lawyer)*

Date of status hearing: .....

Remaining step to be completed	By which party	Date to be completed by:

Date before which action shall be set down for trial: .....  
*(must be within 12 months after status hearing date)*

Signature of lawyer or party:

DATE .....  
 \_\_\_\_\_  
*(Signature)*

Signature of lawyer or party:

DATE .....  
 \_\_\_\_\_  
*(Signature)*

Signature of lawyer or party:

DATE .....  
 \_\_\_\_\_  
*(Signature)*

**RÈGLEMENT DE L'ONTARIO 198/05**

pris en application de la

**LOI SUR LES TRIBUNAUX JUDICIAIRES**pris le 4 avril 2005  
approuvé le 4 mai 2005  
déposé le 6 mai 2005modifiant le Règl. 194 des R.R.O. de 1990  
(Règles de procédure civile)

Remarque : Le Règlement 194 a été modifié antérieurement. Ces modifications sont indiquées dans le [Sommaire de l'historique législatif des règlements](#) qui se trouve sur le site [www.lois-en-ligne.gouv.on.ca](http://www.lois-en-ligne.gouv.on.ca).

**1. La règle 14.08 du Règlement 194 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction des paragraphes suivants :**

(4) Les paragraphes (1) et (2) sont assujettis à la règle 78.06, qui prévoit que dans certaines circonstances le greffier rend une ordonnance rejetant l'action comme s'il s'agissait d'une action qui a fait l'objet d'un désistement.

**Abrogation**

(5) Le paragraphe (4) est abrogé le 6 mai 2008.

**2. La règle 24.1.01 du Règlement est modifiée par substitution de «prévoit la médiation obligatoire dans le cadre des actions régies par le système de gestion des causes» à «met sur pied un projet pilote de médiation obligatoire dans le cadre des actions régies par le système de gestion des causes».**

**3. (1) Le paragraphe 24.1.04 (2) du Règlement est modifié par adjonction de l'alinéa suivant :**

0.a) les actions qui sont régies par la Règle 78 (projet pilote de gestion des causes civiles de Toronto);

**(2) La règle 24.1.04 du Règlement est modifiée par adjonction du paragraphe suivant :**

**Abrogation**

(4) L'alinéa (2) 0.a) est abrogé le 6 mai 2008.

**4. La Règle 24.1 du Règlement est modifiée par adjonction de la règle suivante :**

**DISPOSITIONS SPÉCIALES APPLICABLES AUX ACTIONS RÉGIES PAR LA RÈGLE 78****Champ d'application**

**24.1.09.1** (1) La présente règle (règle 24.1.09.1) s'applique aux actions régies par la Règle 78 (projet pilote de gestion des causes civiles de Toronto).

**Date limite et avis**

(2) Malgré les paragraphes 24.1.09 (1) et (5) :

- a) dans le cas d'une action pour congédiement injustifié, la séance de médiation se tient dans les 150 jours qui suivent la clôture de la procédure écrite, sauf ordonnance contraire du tribunal, et le demandeur dépose l'avis visé au paragraphe 24.1.09 (5) au moins 30 jours avant la date de la séance de médiation;
- b) dans le cas d'une action régie par la Règle 76 (procédure simplifiée) que le juge principal régional désigne pour la médiation obligatoire, la séance de médiation se tient dans les 150 jours qui suivent la clôture de la procédure écrite, sauf ordonnance contraire du tribunal, et le demandeur dépose l'avis visé au paragraphe 24.1.09 (5) au moins 30 jours avant la date de la séance de médiation;
- c) dans le cas de toute autre action, la séance de médiation se tient à l'étape à laquelle les parties conviennent que la médiation est le plus susceptible d'être efficace, mais, quoi qu'il en soit, dans les 90 jours qui suivent l'inscription de l'action pour instruction, sauf ordonnance contraire du tribunal, et le demandeur dépose l'avis visé au paragraphe 24.1.09 (5) au moins 30 jours avant la date de la séance de médiation.

**Abrogation**

(3) La présente règle (règle 24.1.09.1) est abrogée le 6 mai 2008.

**5. (1) Le paragraphe 48.14 (3) du Règlement est modifié par adjonction de l'alinéa suivant :**



a.1) dans une action visée à la Règle 78, des documents n'aient été déposés conformément à la règle 78.08;

**(2) La règle 48.14 du Règlement est modifiée par adjonction du paragraphe suivant :**

***Abrogation***

(3.1) L'alinéa (3) a.1) est abrogé le 6 mai 2008.

**6. (1) La règle 77.01 du Règlement est modifiée par adjonction des paragraphes suivants :**

***Affectation effectuée en vertu de la règle 78.12***

(1.2) La présente Règle s'applique également à l'action qui est affectée, en vertu de la règle 78.12, au système de gestion des causes conformément à la présente Règle.

***Abrogation***

(1.3) Le paragraphe (1.2) est abrogé le 6 mai 2008.

**(2) Les alinéas 77.01 (2) a), b), d.0.4) et d.0.5) du Règlement sont abrogés.**

**7. La règle 77.11 du Règlement est modifiée par adjonction des paragraphes suivants :**

***Exception***

(1.3) Il est entendu que le paragraphe (1.1) ne s'applique pas à l'action qui est régie par la Règle 78.

***Abrogation***

(1.4) Le paragraphe (1.3) est abrogé le 6 mai 2008.

**8. La règle 77.14 du Règlement est modifiée par adjonction des paragraphes suivants :**

***Exception, actions introduites à Toronto***

(11) Les paragraphes (1) à (10) ne s'appliquent pas aux actions qui sont introduites dans la cité de Toronto, celles-ci étant, à la place, inscrites pour instruction en vertu de la Règle 48.

***Abrogation***

(12) Le paragraphe (11) est abrogé le 6 mai 2008.

**9. Le Règlement est modifié par adjonction de la Règle suivante :**

**RÈGLE 78 PROJET PILOTE DE GESTION DES CAUSES CIVILES DE TORONTO**

**CHAMP D'APPLICATION ET INTERPRÉTATION**

***Champ d'application***

**78.01** (1) La présente Règle s'applique aux actions qui sont introduites dans la cité de Toronto le 31 décembre 2004 ou par la suite.

***Exception***

(2) La présente Règle ne s'applique pas aux actions suivantes :

- a) les actions inscrites au rôle commercial établi par une directive de pratique pour la région de Toronto;
- b) les actions visées aux Règles 74 et 75 (successions);
- c) les actions visées à la Règle 64 (action hypothécaire);
- d) les actions visées à la Règle 76 (procédure simplifiée);
- e) les actions visées par la *Loi sur le privilège dans l'industrie de la construction*, sauf les actions relatives aux fiducies;
- f) les actions visées par la *Loi sur la faillite et l'insolvabilité* (Canada);
- g) les actions certifiées comme recours collectifs aux termes de la *Loi de 1992 sur les recours collectifs*.

***Loi de 1992 sur les recours collectifs***

(3) La présente Règle ne s'applique à une action introduite en vertu de la *Loi de 1992 sur les recours collectifs* que s'il y a eu refus de certifier l'action ou la requête comme recours collectif.

***Incompatibilité avec d'autres règles***

(4) Toute disposition de la présente Règle l'emporte sur une disposition incompatible des Règles 1 à 77.

**OBJET**

**78.02** La présente Règle a pour objet de mettre sur pied un projet pilote dans le cadre duquel les parties assumeront la plus grande part de responsabilité à l'égard de la gestion des actions introduites dans la cité de Toronto et de leur acheminement à l'instruction ou à un autre mode de règlement, et le tribunal n'assumera la gestion totale ou partielle de ces actions que si son intervention s'avère manifestement nécessaire.

**DÉFINITIONS**

**78.03** Les définitions qui suivent s'appliquent aux règles 78.03 à 78.12.

«calendrier» Échéancier pour la prise d'une ou de plusieurs mesures nécessaires au déroulement de l'action (notamment la remise des affidavits de documents, les interrogatoires sous serment, le cas échéant, ou les motions), fixé :

- a) soit par une ordonnance d'un juge ou d'un protonotaire responsable de la gestion de la cause;
- b) soit par un accord écrit des parties qui n'est pas incompatible avec une ordonnance. («timetable»)

«protonotaire responsable de la gestion de la cause» Personne nommée par le lieutenant-gouverneur en conseil en vertu de l'article 86.1 de la *Loi sur les tribunaux judiciaires*. («case management master»)

**POUVOIRS RELATIFS À LA GESTION DE LA CAUSE*****Dispositions générales***

**78.04** (1) Un juge ou un protonotaire responsable de la gestion de la cause peut :

- a) proroger ou abréger tout délai prescrit par une ordonnance ou par les règles;
- b) reporter une conférence relative à la cause;
- c) annuler toute ordonnance rendue par le greffier;
- d) modifier un calendrier établi en application de la Règle 77 ou de la présente Règle;
- e) rendre les ordonnances, imposer les conditions, donner les directives et adjuger les dépens nécessaires pour réaliser l'objet de la présente Règle.

***Protonotaire responsable de la gestion de la cause***

(2) Le protonotaire responsable de la gestion de la cause a le pouvoir de faire ce qui suit :

- a) entendre les motions qui relèvent de la compétence du protonotaire aux termes du paragraphe 37.02 (2);
- b) présider une audience sur l'état de l'instance visée à la règle 48.14 et rendre des ordonnances lors de cette audience;
- c) présider une conférence préparatoire au procès et y rendre des ordonnances qui relèvent de la compétence d'un protonotaire responsable de la gestion de la cause.

**AUTRES QUESTIONS*****Numéro de dossier des mises en cause***

**78.05** (1) Le numéro de dossier des mises en cause est le même que celui de l'action principale, sauf qu'il est suivi d'une lettre.

***Présentation des documents***

(2) La formule prescrite par la présente Règle ainsi que les avis, certificats et ordonnances visés par celle-ci peuvent être à simple interligne. Il n'est pas nécessaire qu'ils comportent de feuille arrière.

**REJET PAR LE GREFFIER*****Rejet de l'action pour cause de désistement***

**78.06** (1) Le greffier rend une ordonnance rejetant une action pour cause de désistement si les conditions suivantes sont remplies, sauf ordonnance contraire du tribunal :

1. Plus de deux ans se sont écoulés depuis la date de délivrance de l'acte introductif d'instance.

2. Aucune défense n'a été déposée.
3. L'action n'a pas fait l'objet d'une ordonnance définitive ou d'un jugement définitif.
4. L'action n'a pas été inscrite pour instruction ou pour instruction sommaire.
5. Le greffier a donné un préavis de 45 jours indiquant que l'action serait rejetée pour cause de désistement.

***Signification aux parties***

- (2) Le greffier signifie aux parties une copie de l'ordonnance rendue en application du paragraphe (1).

***Effet sur une action subséquente***

(3) Le rejet d'une action pour cause de désistement a le même effet que le rejet d'une action pour cause de retard aux termes de la règle 24.05.

**POUVOIRS DU TRIBUNAL SUR MOTION EN REJET POUR CAUSE DE RETARD**

**78.07** Si le défendeur demande, par voie de motion, le rejet de l'action pour cause de retard et que le tribunal est convaincu qu'il est opportun que l'action aille de l'avant, ce dernier peut :

- a) soit établir un calendrier (formule 78A) pour le déroulement de l'action;
- b) soit ordonner la tenue d'une conférence relative à la cause conformément à la règle 78.09, mais seulement s'il est peu pratique d'établir un calendrier;
- c) soit rendre une autre ordonnance juste.

**AUDIENCE SUR L'ÉTAT DE L'INSTANCE**

***Effet du dépôt du calendrier***

**78.08** (1) Si la tenue d'une audience sur l'état de l'instance a été demandée en vertu du paragraphe 48.14 (5) et qu'une partie dépose les documents mentionnés au paragraphe (2) au moins sept jours avant la date de l'audience, l'audience est tenue par écrit en l'absence des parties, malgré la règle 48.14, sauf ordonnance contraire du tribunal.

(2) Les documents visés au paragraphe (1) sont les suivants :

1. Un calendrier (formule 78A), signé par toutes les parties.
2. Le projet d'ordonnance qui établit le calendrier.

(3) Le calendrier indique ce qui suit :

- a) les mesures à prendre avant que l'action ne soit en état en vue de son inscription pour instruction;
- b) la ou les dates limites auxquelles ces mesures auront été prises;
- c) la date, qui ne doit pas tomber plus de 12 mois après la date de l'audience sur l'état de l'instance, avant laquelle l'action doit être inscrite pour instruction.

***Conférence relative à la cause***

(4) Si aucun document mentionné au paragraphe (2) n'est déposé et que le juge ou le protonotaire responsable de la gestion de la cause qui préside l'audience sur l'état de l'instance prévue à la règle 48.14 est convaincu qu'il est opportun que l'action aille de l'avant, il peut :

- a) soit rendre une ordonnance en vertu de l'alinéa 48.14 (8) a);
- b) soit ordonner la tenue d'une conférence relative à la cause conformément à la règle 78.09, mais seulement s'il est peu pratique d'établir un calendrier;
- c) soit rendre une autre ordonnance juste.

**CONFÉRENCE RELATIVE À LA CAUSE**

***Pouvoirs du juge et du protonotaire responsable de la gestion de la cause***

**78.09** Lors de la conférence relative à la cause convoquée en vertu de l'alinéa 78.07 b), de l'alinéa 78.08 (4) b), de l'alinéa 78.10 (3) b) ou de l'alinéa 78.12 (6) a), un juge ou un protonotaire responsable de la gestion de la cause peut faire ce qui suit :

- a) établir un calendrier pour le déroulement de l'action;
- b) examiner et, s'il y a lieu, modifier un calendrier en vigueur;

- c) exiger des rapports écrits sur l'observation de toutes directives données;
- d) rendre des ordonnances accordant des mesures de redressement provisoires, si les parties y consentent;
- e) rendre des ordonnances en vertu de la règle 78.12 (affectation au système de gestion des causes aux termes de la Règle 77).

## **CONFÉRENCE PRÉPARATOIRE AU PROCÈS**

### ***Préavis***

**78.10** (1) Après l'inscription d'une action pour instruction, le greffier donne aux parties un préavis de 90 jours pour qu'elles comparaissent devant un juge ou un protonotaire responsable de la gestion de la cause en conférence préparatoire au procès aux termes de la Règle 50.

### ***Pièces à déposer***

(2) Au moins cinq jours avant la conférence préparatoire au procès, chaque partie dépose, avec la preuve de la signification, un mémoire relatif à la conférence préparatoire au procès contenant des exposés concis, sans argumentation, des questions suivantes :

1. La nature de la cause.
2. Les questions soulevées et la position de la partie.
3. Le nom des témoins que la partie est susceptible d'appeler à témoigner au procès.
4. Les mesures qui doivent être prises avant que l'action ne soit en état.

### ***Décision du juge ou du protonotaire responsable de la gestion de la cause***

(3) Si l'action n'est pas réglée à la conférence préparatoire au procès, le juge ou le protonotaire responsable de la gestion de la cause peut :

- a) soit établir un calendrier et, sous réserve de la directive du juge principal régional, fixer une date péremptoire pour la tenue du procès;
- b) soit ordonner la tenue d'une conférence relative à la cause conformément à la règle 78.09, mais seulement s'il est peu pratique d'établir un calendrier;
- c) soit rendre une autre ordonnance juste.

(4) S'il a fixé la date du procès en application du paragraphe (3), le juge ou le protonotaire responsable de la gestion de la cause remplit un rapport sur la conférence préparatoire au procès :

- a) énonçant les mesures qui doivent être prises avant que l'action ne soit en état et le temps qu'il faudra pour prendre ces mesures;
- b) indiquant la durée prévue du procès;
- c) énonçant toute autre question pertinente pour fixer la date du procès.

(5) Une copie du rapport sur la conférence préparatoire au procès est jointe au dossier d'instruction.

### ***Certificat***

(6) Les personnes suivantes certifient, sur la copie du rapport sur la conférence préparatoire au procès qui doit être jointe au dossier d'instruction, qu'elles comprennent le contenu du rapport et reconnaissent l'obligation d'être prêtes à présenter leur cause à la date fixée pour le procès :

1. Chaque avocat qui représente une partie.
2. Chaque partie qui n'est pas représentée par un avocat.

### ***Obligation de l'avocat***

(7) Chaque avocat qui représente une partie, en plus de remettre le certificat visé au paragraphe (6), s'engage envers le tribunal à informer la partie :

- a) d'une part, du contenu du rapport sur la conférence préparatoire au procès;
- b) d'autre part, de l'obligation d'être prêt à présenter sa cause à la date fixée pour le procès.

## CALENDRIER

### *Modification*

**78.11** (1) Le calendrier établi aux termes de la présente Règle par ordonnance d'un juge ou d'un protonotaire responsable de la gestion de la cause peut être modifié par les parties, au moyen d'une entente écrite, sauf interdiction expresse de l'ordonnance.

(2) L'entente visant à modifier un calendrier établi aux termes de la règle 78.08 ne doit pas modifier la date avant laquelle l'action doit être inscrite pour instruction.

### *Non-respect*

(3) Si une partie ne respecte pas un calendrier établi aux termes de la présente Règle, le tribunal peut, sur motion d'une autre partie :

- a) soit surseoir à l'action intentée par la partie;
- b) soit rejeter l'action intentée par la partie ou radier sa défense;
- c) soit rendre une autre ordonnance juste.

## AFFECTATION AU SYSTÈME DE GESTION DES CAUSES AUX TERMES DE LA RÈGLE 77

### *Sur consentement des parties*

**78.12** (1) Si toutes les parties y consentent par écrit, un juge ou un protonotaire responsable de la gestion de la cause peut, sur motion d'une partie, affecter une ou plusieurs actions au système de gestion des causes conformément à la Règle 77.

(2) La motion visée au paragraphe (1) est présentée par écrit, sans affidavit à l'appui, et l'auteur de la motion dépose ce qui suit :

- a) le consentement écrit des parties;
- b) un exemplaire relié à onglets de toute la procédure écrite.

### *Entrave*

(3) Le juge ou le protonotaire responsable de la gestion de la cause peut, sur motion d'une partie ou de son propre chef, affecter une ou plusieurs actions au système de gestion des causes conformément à la Règle 77 si une partie a pris des mesures qui équivalent à une entrave répétée et importante à l'action, dans le cas d'une seule action, ou à une ou à plusieurs actions, dans le cas de deux actions ou plus.

### *Critères*

(4) Lorsqu'il étudie la possibilité d'affecter une action au système de gestion des causes en vertu du paragraphe (1) ou (3), le juge ou le protonotaire responsable de la gestion de la cause tient compte de toutes les circonstances pertinentes, notamment des critères énoncés au paragraphe 77.09.1 (5).

### *Effet de l'affectation*

(5) Lorsqu'une action est affectée au système de gestion des causes conformément à la Règle 77 en vertu du paragraphe (1) ou (3), cette Règle s'applique à l'action, avec les adaptations nécessaires, et le juge ou le protonotaire responsable de la gestion de la cause peut inclure les directives nécessaires dans l'ordonnance.

### *Conférence relative à la cause ou autre ordonnance*

(6) Sur motion visée au paragraphe (1) ou (3), le juge ou le protonotaire responsable de la gestion de la cause peut :

- a) soit, si l'action n'est pas affectée au système de gestion des causes conformément à la Règle 77, ordonner la tenue d'une conférence relative à la cause conformément à la règle 78.09, mais seulement s'il est peu pratique d'établir un calendrier;
- b) soit rendre une autre ordonnance juste.

## COMITÉ CONSULTATIF

**78.13** Le juge principal régional pour la région de Toronto constitue un comité consultatif qui se compose du nombre de représentants de la magistrature, du Barreau et du public ainsi que des employés du ministère du Procureur général nécessaires pour surveiller et évaluer l'application de la présente Règle.

## ABROGATION

**78.14** La présente Règle est abrogée le 6 mai 2008.

**10. Le Règlement est modifié par adjonction de la formule suivante :**

**FORMULE 78A**

*Loi sur les tribunaux judiciaires*

**CALENDRIER**

**ONTARIO**

**COUR SUPÉRIEURE DE JUSTICE**

*(titre)*

**CALENDRIER**

Avocats et parties :

Avocat de : .....  
*(nom, adresse et numéros de téléphone et de télécopieur de l'avocat)*

Avocat de : .....  
*(nom, adresse et numéros de téléphone et de télécopieur de l'avocat)*

Avocat de : .....  
*(nom, adresse et numéros de téléphone et de télécopieur de l'avocat)*

Date de l'audience sur l'état de l'instance : .....

Mesure qui reste à prendre	Par quelle partie?	Date limite pour prendre la mesure :

Date avant laquelle l'action doit être inscrite pour instruction : .....  
*(L'inscription doit se faire dans les 12 mois qui suivent la date de l'audience sur l'état de l'instance.)*

Signature de l'avocat ou de la partie :

DATE : .....  
\_\_\_\_\_ *(signature)*

Signature de l'avocat ou de la partie :

DATE : .....  
\_\_\_\_\_ *(signature)*

Signature de l'avocat ou de la partie :

DATE : .....  
\_\_\_\_\_ *(signature)*

**ONTARIO REGULATION 199/05**

made under the

**ARTHUR WISHART ACT (FRANCHISE DISCLOSURE), 2000**

Made: May 4, 2005

Filed: May 6, 2005

Amending O. Reg. 581/00  
(General)

Note: Ontario Regulation 581/00 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. (1) Clauses 3 (1) (a) and (b) of Ontario Regulation 581/00 are revoked and the following substituted:**

- (a) an audited financial statement for the most recently completed fiscal year of the franchisor's operations, prepared in accordance with generally accepted auditing standards that are at least equivalent to those set out in the *Canadian Institute of Chartered Accountants Handbook*;
- (b) a financial statement for the most recently completed fiscal year of the franchisor's operations, prepared in accordance with generally accepted accounting principles that are at least equivalent to the review and reporting standards applicable to review engagements set out in the *Canadian Institute of Chartered Accountants Handbook*; or

**(2) Clause 3 (1) (c) of the Regulation is amended by striking out “subsection 13 (1) or (2)” and substituting “subsection 13 (2)”.**

**2. (1) Section 11 of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:**

**11.** Pursuant to subsection 13 (2) of the Act, a franchisor that meets the following criteria is exempt from the requirement to include the financial information described in clause 3 (1) (a) or (b) or subsection 3 (2) or (3) of this Regulation in a disclosure document, subject to the conditions set out in subsection (3):

**(2) Subparagraph 2 i of section 11 of the Regulation is amended by striking out “the application” and substituting “the disclosure document”.**

**(3) Subparagraph 2 ii of section 11 of the Regulation is amended by striking out “the application” and substituting “the disclosure document”.**

**(4) Subparagraph 3 i of section 11 of the Regulation is amended by striking out “the application” and substituting “the disclosure document”.**

**(5) Paragraph 4 of section 11 of the Regulation is amended by striking out “In the ten years immediately preceding the date of the application” and substituting “In the five years immediately preceding the date of the disclosure document” in the portion before subparagraph i.**

**(6) Subparagraphs 4 i and ii of section 11 of the Regulation are amended by adding “including the Act” after “franchises” in each case wherever it appears.**

**(7) Section 11 of the Regulation is amended by adding the following subsections:**

- (2) Financial statements of a franchisor mentioned in paragraph 1 of subsection (1) shall,
  - (a) be prepared in accordance with generally accepted auditing standards that are at least equivalent to those set out in the *Canadian Institute of Chartered Accountants Handbook*, if the financial statements are audited; and
  - (b) be prepared in accordance with generally accepted accounting principles that are at least equivalent to the review and reporting standards applicable to review engagements set out in the *Canadian Institute of Chartered Accountants Handbook*, if a review engagement report has been prepared for the financial statements.
- (3) An exemption described in subsection (1) ceases to be effective if,
  - (a) the franchisor ceases to meet the exemption criteria set out in paragraph 1 of subsection (1);
  - (b) the franchisor no longer meets any of the following conditions:
    - (i) the franchisor has at least 25 franchisees engaging in business at all times in Canada,
    - (ii) the franchisor has fewer than 25 franchisees engaging in business at all times in Canada and has at least 25 franchisees engaging in business at all times in a single jurisdiction other than Canada,

- (iii) the franchisor does not meet the conditions of subclause (i) or (ii), but is controlled by a corporation that meets the conditions of subclause (i), or
- (iv) the franchisor does not meet the conditions of subclause (i) or (ii), but is controlled by a corporation that meets the conditions of subclause (ii);
- (c) the franchisor ceases to engage in the line of business associated with the franchise;
- (d) in the case of a franchisor described in subparagraph 3 ii of subsection (1), the franchisor ceases to be controlled by a corporation that engages in the line of business associated with the franchise;
- (e) in the case of a franchisor described in subparagraph 2 i or iii of subsection (1), a judgment, order or award relating to fraud, unfair or deceptive practices, or a law regulating franchises, including the Act, is made in Canada against any of the franchisor, the franchisor's associates, and the directors, general partners and officers of the franchisor; or
- (f) in the case of a franchisor described in subparagraph 2 ii or iv of subsection (1), a judgment, order or award relating to fraud, unfair or deceptive practices, or a law regulating franchises, including the Act, is made in Canada or in the single jurisdiction other than Canada referred to in subparagraph 2 ii of subsection (1) against any of the franchisor, the franchisor's associates, and the directors, general partners and officers of the franchisor.

**3. This Regulation comes into force on July 1, 2005.**

21/05

**ONTARIO REGULATION 200/05**  
made under the  
**CONSUMER PROTECTION ACT, 2002**

Made: May 4, 2005  
Filed: May 6, 2005

Amending O. Reg. 17/05  
(General)

Note: Ontario Regulation 17/05 has not previously been amended.

**1. (1) Subsection 63 (1) of Ontario Regulation 17/05 is amended by adding the following paragraph:**

0.1 The outstanding principal balance as at the beginning of the term of the credit agreement.

**(2) Subparagraph 7 iii of subsection 63 (1) of the Regulation is amended by striking out “the initial outstanding balance” at the end and substituting “the outstanding principal balance as at the beginning of the term of the credit agreement”.**

**2. Subclause (a) (i) of the definition of “implicit finance charge” in subsection 72 (1) of the Regulation is revoked and the following substituted:**

- (i) the sum of all non-refundable payments to be made by the lessee in connection with the lease,
  - (A) excluding charges for an optional service accepted by the lessee, unless,
    - (1) the optional service is to be made available before or at the beginning of the lease term and the value of the optional service is an advance that is added under subclause (a) (ii) of the definition of “capitalized amount” in this subsection, and
    - (2) the payments to be made by the lessee for the optional service are not payments that are required to be subtracted under clause (b) of the definition of “capitalized amount” in this subsection,
  - (B) excluding termination charges and penalties,
  - (C) excluding taxes in connection with the lease, and
  - (D) excluding payments that are required to be subtracted under clause (b) of the definition of “capitalized amount” in this subsection, and

**3. This Regulation comes into force on July 30, 2005.**



**RÈGLEMENT DE L'ONTARIO 200/05**

pris en application de la

**LOI DE 2002 SUR LA PROTECTION DU CONSOMMATEUR**pris le 4 mai 2005  
déposé le 6 mai 2005modifiant le Règl. de l'Ont. 17/05  
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 17/05 n'a pas été modifié antérieurement.

**1. (1) Le paragraphe 63 (1) du Règlement de l'Ontario 17/05 est modifié par adjonction de la disposition suivante :**

0.1 Le solde du capital impayé au début de la durée de la convention de crédit.

**(2) La sous-disposition 7 iii du paragraphe 63 (1) du Règlement est modifiée par substitution de «du solde du capital impayé au début de la durée de la convention de crédit» à «du solde impayé initial» à la fin de la sous-disposition.****2. Le sous-alinéa a) (i) de la définition de «frais financiers implicites» au paragraphe 72 (1) du Règlement est abrogé et remplacé par ce qui suit :**

(i) le total des versements non remboursables que le preneur est tenu de faire dans le cadre du bail :

(A) à l'exception des frais associés à un service facultatif que le preneur a acceptés, sauf si :

(1) d'une part, le service doit être disponible au plus tard au début de la durée du bail et sa valeur constitue une avance additionnée en application du sous-alinéa a) (ii) de la définition de «somme capitalisée» au présent paragraphe,

(2) d'autre part, les versements associés au service que le preneur est tenu de faire n'ont pas à être soustraits en application de l'alinéa b) de la définition de «somme capitalisée» au présent paragraphe,

(B) à l'exception des frais et pénalités en cas de résiliation,

(C) à l'exception des taxes applicables dans le cadre du bail,

(D) à l'exception des versements qui doivent être soustraits en application de l'alinéa b) de la définition de «somme capitalisée» au présent paragraphe;

**3. Le présent règlement entre en vigueur le 30 juillet 2005.**

21/05

**ONTARIO REGULATION 201/05**

made under the

**JUSTICES OF THE PEACE ACT**Made: May 4, 2005  
Filed: May 6, 2005

Amending O. Reg. 247/94

(Salaries and Benefits of Justices of the Peace — Regions Designated under section 22 of the Act)

Note: Ontario Regulation 247/94 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).**1. Clause 26 (2) (b) of Ontario Regulation 247/94 is amended by striking out “25 years of age” and substituting “26 years of age”.****2. The Regulation is amended by adding the following sections:**

## BENEFITS FOR RETIRED JUSTICES OF THE PEACE

**39.** (1) The Crown may enter into agreements with insurance underwriters for the purpose of providing justices of the peace with the following group insurance coverages:

1. A Basic Life Insurance Plan.
2. A Supplementary Health and Hospital Insurance Plan.
3. A Dental Insurance Plan.

(2) Except as provided in sections 41, 42 and 43, the benefits provided under the insurance plans referred to in subsection (1) shall be those set out in the agreements made with the insurance underwriters.

**40.** (1) In this section and section 43,

“dependent child” means, in respect of an eligible person,

- (a) an unmarried child who has not attained the age of 21 years,
- (b) an unmarried child who has not attained the age of 26 years and who is in full-time attendance at an educational institution or on vacation from it, or
- (c) a child who is 21 or more years of age and is mentally or physically infirm and dependent on the eligible person.

(2) In this section and sections 42 and 43,

“eligible dependant” means, in respect of an eligible person,

- (a) the spouse of the eligible person, if the spouse would have been entitled to receive a benefit if the eligible person had continued holding the office in respect of which the pension is paid to the eligible person,
- (b) a dependent child of the eligible person, if the dependent child would have been entitled to receive a benefit if the eligible person had continued holding the office in respect of which the pension is paid to the eligible person,
- (c) the surviving spouse of the eligible person, if the eligible person is deceased and the surviving spouse is entitled to receive a pension as a result of the death of the eligible person, or
- (d) a child of the eligible person, if the eligible person is deceased and the child is entitled to receive a pension as a result of the death of the eligible person.

(3) In this section and sections 41 and 42,

“eligible person” means a person who is receiving a pension and whose last contribution to the fund from which the pension is paid, or the last contribution made on his or her behalf to that fund, was made while the person was holding the office of justice of the peace and,

- (a) the person has a credit of at least 10 years in the pension plan under which the pension is paid,
- (b) the person contributed or had contributions made on his or her behalf to the fund from which the pension is paid in respect of continuous service of at least 10 years and has credit in the pension plan under which the pension is paid for some part of each of those 10 years,
- (c) the pension is a deferred pension that the person elected to receive on terminating membership in the pension plan in 1988 or 1989, or
- (d) the pension is paid in respect of the person having held the office of justice of the peace or in respect of having held the office of justice of the peace and having been an employee and the person,
  - (i) first held the office or was first employed in the period commencing January 1, 1987 and ending November 3, 1989 (excluding any period for which credit was purchased for past service), and
  - (ii) had attained 55 years of age when he or she first held the office or was first employed.

(4) In sections 42 and 43,

“eligible recipient” means an eligible person or an eligible dependant of an eligible person.

(5) In this section,

“pension” means a pension paid from the Public Service Pension Fund or from a pension fund established by statute to continue that Fund;

“pension plan” means the plan governing a fund referred to in the definition of “pension”.

**41.** The Basic Life Insurance Plan shall provide life insurance of \$2,000 on the life of each eligible person during his or her lifetime.

42. (1) The Supplementary Health and Hospital Insurance Plan shall provide,
- (a) the benefits described in subsection (4); and
  - (b) vision care and hearing aid benefits in accordance with subsection (7).
- (2) The Crown shall pay,
- (a) 100 per cent of the monthly premium for the coverages described in subsection (4);
  - (b) 80 per cent of the monthly premiums for vision care coverage; and
  - (c) 60 per cent of the monthly premiums for hearing aid coverage.
- (3) Every person receiving a pension shall pay the balance of the monthly premiums for the vision care and hearing aid coverages referred to in clauses (2) (b) and (c), by deduction from pension payments.
- (4) The Supplementary Health and Hospital Insurance Plan shall provide the following benefits by reimbursing an eligible recipient for the following in respect of goods and services provided to him or her:
1. 90 per cent of the cost of prescribed drugs and medicines that require the written prescription of a legally qualified medical practitioner.
  2. 90 per cent of the cost of a generic equivalent of a drug or medicine described in paragraph 1, if a generic equivalent exists.
  3. Subject to paragraph 4, 100 per cent of the cost of semi-private or private hospital accommodation of eligible recipients to a maximum of \$120 each day over and above the cost of standard ward care.
  4. Charges for semi-private or private accommodation in a licensed chronic care or convalescent hospital of eligible recipients who are at least 65 years of age, up to \$25 each day for a maximum of 120 days each calendar year.
  5. Charges imposed by a licensed hospital for out-patient treatment not paid for under a provincial health plan.
  6. Charges for private-duty nursing in the home by a registered nurse or a registered nursing assistant who is not normally resident in the eligible recipient's home and who is not related to the eligible person or any of his or her eligible dependants, if the nursing service is approved by a licensed physician or surgeon and is certified by the physician or surgeon to be necessary to the health care of the eligible recipient.
  7. Charges in excess of amounts, if any, reimbursed by a provincial health plan for the services of a chiropractor, osteopath, naturopath, podiatrist, physiotherapist and masseur, if licensed and practising within the scope of their license, to a maximum of \$25 for each visit and with an annual maximum of \$1,200 per type of practitioner.
  8. Charges for the services of a speech therapist, up to a maximum of \$25 for each half-hour of service, to an annual maximum of \$1,400.
  9. Charges for the services of a psychologist, including a person holding a Master of Social Work degree, to a maximum of \$25 for each half-hour and with an annual maximum of \$1,400.
  10. Charges for artificial limbs and eyes, crutches, splints, casts, trusses and braces.
  11. 75 per cent of the cost of custom-made orthopaedic shoes or specially modified orthopaedic shoes that were factory custom-made off-the-shelf, to a maximum of \$500, with a limit of one pair per calendar year, if the shoes are medically necessary and are prescribed by a licensed physician.
  12. Charges for the cost of medically prescribed orthotics, to a maximum of \$500, with a limit of one pair per calendar year.
  13. Rental charges for wheel chairs, hospital beds and iron lungs required for temporary therapeutic use.
  14. The cost of a wheel chair recommended by the attending physician, if the rental charge would exceed the purchase cost.
  15. 50 per cent of the cost of repairs, including batteries and modifications, to a purchased wheel chair, to a maximum of \$500 for any one repair, battery or modification.
  16. Charges for ambulance services to and from a local hospital that is qualified to provide treatment, excluding benefits allowed under a provincial health plan.
  17. Charges for oxygen and its administration.
  18. Charges for blood transfusions outside a hospital.
  19. The cost of dental services and supplies provided by a dental surgeon within a period of 24 months following an accident for the treatment of accidental injury to natural teeth, including replacing teeth injured in the accident and

setting a jaw that is fractured or dislocated in the accident, but excluding any benefits payable under a provincial health plan.

20. The cost of hearing aids and eye glasses required as a result of accidental injury.

21. The amount by which the lesser of the amount charged for services provided in Canada but outside Ontario by physicians, surgeons and specialists licensed to practise medicine in their particular jurisdictions and the amount provided for the same services in the current Ontario Medical Association Fee Schedule exceeds the amount in the O.H.I.P. fee schedule for the same services.

22. Charges for surgery performed by a podiatrist in his or her office, to a maximum of \$100.

(5) Despite paragraph 1 of subsection (4), if an equivalent generic product exists and a brand name product is dispensed, the benefit payable under the Plan shall be limited to 90 per cent of the cost of the equivalent generic product.

(6) Effective June 1, 2004, the reimbursement in respect of prescription drugs shall be reduced by a deductible amount of \$3 for each prescription in respect of which a benefit is paid.

(7) Benefits payable under the Supplementary Health and Hospital Insurance for vision care and hearing aids shall,

(a) be reduced by a \$10 deductible amount for single coverage and a \$20 deductible amount for family coverage, for each calendar year;

(b) reimburse the eligible recipient for vision care up to a maximum of \$300 per person every 24 months; and

(c) reimburse the eligible recipient for the cost of hearing aids up to a maximum of \$1,200 per person every 48 months.

(8) If a benefit is payable under paragraph 20 of subsection (4), no benefit referred to in clause (7) (b) or (c) is payable in respect of the same expense.

(9) It is not necessary for an eligible recipient to be confined to a hospital to be eligible for benefits under the Supplementary Health and Hospital Insurance Plan.

(10) The Crown shall make available to eligible recipients,

(a) an information booklet relating to the Supplementary Health and Hospital Insurance Plan; and

(b) periodic updates when necessary, within a reasonable period of time after changes are made.

**43.** (1) The Dental Insurance Plan shall provide the following coverages for eligible recipients:

(a) examinations, consultations, specific diagnostic procedures and X-rays;

(b) fillings, extractions and anaesthesia services;

(c) preventive services such as scaling, polishing and fluoride treatments;

(d) periodontal services, endodontic services, surgical services;

(e) prosthodontic services necessary for relining, rebasing or repairing of an existing fixed bridgework, removable partial or complete dentures;

(f) services relating to dentures;

(g) services relating to orthodontics for unmarried eligible dependants who have attained the age of six years but are under 19 years of age;

(h) services for major dental restoration.

(2) The dental care insurance plan shall include a \$100 single or family deductible amount for each calendar year.

(3) Dental recall coverage is six months for dependent children 12 years of age and under and nine months for all other eligible recipients.

(4) Dental coverage shall not include fluoride treatment for adults.

(5) Payments under the dental care insurance plan shall be in accordance with the current Ontario Dental Association Schedule of Fees.

(6) Despite subsection (5), effective January 1, 2004, reimbursements will be based on a dental fee guide lag of one year.

(7) The Crown shall pay the full premiums of the dental care insurance plan and the coverages, payments and reimbursements under the plan shall be paid by the plan as follows:

1. For services described in clause (1) (a), (b), (c), (d) or (e), coverage is on the basis of 85 per cent to 15 per cent co-insurance, and the eligible recipient shall pay the cost of the dental care directly and be reimbursed 85 per cent of the costs.

2. For services described in clause (1) (f), coverage is on the basis of 50 per cent to 50 per cent co-insurance, and the eligible recipient shall pay the cost of the services directly and be reimbursed 50 per cent of the costs, to a lifetime maximum benefit of \$3,000 for each eligible recipient.
3. For services described in clause (1) (g), coverage is on the basis of 50 per cent to 50 per cent co-insurance, and the eligible recipient shall pay the cost of the services directly and be reimbursed 50 per cent of the costs, to a lifetime maximum benefit of \$3,000 per unmarried eligible dependant who has attained the age of six years but is under 19 years of age.
4. For services described in clause (1) (h), coverage is on the basis of 50 per cent to 50 per cent co-insurance and the eligible recipient shall pay the cost of the services directly and be reimbursed 50 per cent of the costs, to a maximum benefit of \$1,200 each year for each eligible recipient.

21/05

## ONTARIO REGULATION 202/05

made under the

### MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

Made: May 4, 2005  
Filed: May 6, 2005

Amending Reg. 775 of R.R.O. 1990  
(Ontario Study Grant Plan)

Note: Regulation 775 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. Regulation 775 of the Revised Regulations of Ontario, 1990 is amended by adding the following French version:**

### RÉGIME DE BOURSES D'ÉTUDES DE L'ONTARIO

#### DÉFINITIONS

1. (1) Les définitions qui suivent s'appliquent au présent règlement.

«auteur d'une demande» Étudiant du groupe A, étudiant marié du groupe B ou étudiant célibataire du groupe B qui est inscrit à un programme d'études approuvé et qui présente une demande de bourse d'études en vertu du présent règlement. («applicant»)

«charge normale de cours à temps plein» Nombre de cours d'un programme d'études approuvé qu'un établissement agréé demande à un étudiant de suivre dans l'année pour obtenir, dans un temps minimum, un certificat, un diplôme ou un grade. («normal full-time course load»)

«conjoint» Soit l'homme, soit la femme qui, selon le cas :

- a) sont mariés ensemble;
- b) ont contracté, de bonne foi, un mariage nul de nullité relative ou absolue;
- c) ne sont pas mariés ensemble et ont cohabité de façon continue pendant au moins trois ans;
- d) ne sont pas mariés ensemble et ont cohabité dans une relation d'une certaine permanence, s'ils sont les parents naturels ou adoptifs d'un enfant. («spouse»)

«emploi à temps plein» Exécution d'un travail, contre rémunération, pendant au moins 35 heures par semaine. S'entend en outre du temps consacré par l'auteur de la demande à l'une des activités suivantes :

- a) prendre soin d'un enfant d'au plus 11 ans qui vit avec lui et dont il a la charge;
- b) suivre un programme de formation des adultes à un collège d'arts appliqués et de technologie ou à une école privée de formation professionnelle inscrite en vertu de la *Loi sur les écoles privées de formation professionnelle*, tout en recevant une aide financière du gouvernement du Canada;

- c) chercher activement un emploi, tout en étant inscrit à la Commission de l'emploi et de l'immigration du Canada. («full-time employment»)

«établissement agréé» Établissement d'enseignement situé au Canada et agréé par le ministre. («approved institution»)

«étudiant célibataire du groupe B» Personne, autre qu'un étudiant du groupe A ou un étudiant marié du groupe B, qui :

- a) est un citoyen canadien ou un résident permanent au sens de la *Loi sur l'immigration* (Canada);
- b) satisfait aux exigences prévues au paragraphe (1.1), en matière de résidence, pour l'obtention d'une bourse d'études;
- c) le dernier jour du mois au cours duquel les cours commencent normalement à l'établissement agréé pour la période à l'égard de laquelle elle demande une bourse d'études :
  - (i) soit n'a pas de conjoint et a occupé un emploi à temps plein durant au moins trois périodes de 12 mois consécutifs chacune, la dernière s'étant passée en Ontario,
  - (ii) soit a un conjoint qui, de l'avis du ministre, ne contribuera pas aux frais d'étude pour la période visée, et n'a pas d'enfant à charge. («group B single student»)

«étudiant du groupe A» Personne qui :

- a) est un citoyen canadien ou un résident permanent au sens de la *Loi sur l'immigration* (Canada);
- b) satisfait aux exigences prévues au paragraphe (1.1), en matière de résidence, pour l'obtention d'une bourse d'études;
- c) le dernier jour du mois au cours duquel les cours commencent normalement à l'établissement agréé pour la période à l'égard de laquelle elle demande une bourse d'études :
  - (i) n'a ni conjoint ni enfant à charge,
  - (ii) n'a pas occupé d'emploi à temps plein durant au moins trois périodes de 12 mois consécutifs chacune. («group A student»)

«étudiant marié du groupe B» Personne qui :

- a) est un citoyen canadien ou un résident permanent au sens de la *Loi sur l'immigration* (Canada);
- b) satisfait aux exigences prévues au paragraphe (1.1), en matière de résidence, pour l'obtention d'une bourse d'études;
- c) le dernier jour du mois au cours duquel les cours commencent normalement à l'établissement agréé pour la période à l'égard de laquelle elle demande une bourse d'études :
  - (i) soit a un conjoint qui, de l'avis du ministre, contribuera aux frais d'étude pour la période visée,
  - (ii) soit n'a pas de conjoint qui, de l'avis du ministre, contribuera aux frais d'étude pour la période visée et a un enfant à charge. («group B married student»)

«frais d'étude» La totalité des allocations au titre des dépenses réelles ou estimatives que détermine le ministre, pour la période visée par la demande de bourse d'études de l'auteur d'une demande, à l'égard des éléments suivants :

- a) les droits de scolarité et autres frais obligatoires payables à un établissement agréé;
- b) les livres et les fournitures didactiques;
- c) les frais de subsistance et les dépenses personnelles calculés sur une base hebdomadaire;
- d) les frais de transport local pour aller de la résidence ou de l'hébergement de l'auteur de la demande au campus de l'établissement agréé et en revenir;
- e) un voyage aller-retour par période d'admissibilité par l'auteur de la demande à sa résidence permanente en Ontario, par le moyen de transport public le plus abordable;
- f) en plus des dépenses énumérées aux alinéas a) à e), les autres dépenses de l'auteur de la demande que le ministre estime pertinentes. («education costs»)

«période d'admissibilité» Période d'études postsecondaires d'une durée de 10 à 19 semaines, selon ce que détermine le ministre, et qui, de façon générale, correspond à une session à un établissement d'enseignement postsecondaire. («eligibility period»)

«programme d'études approuvé» Programme d'études ou de matières postsecondaires d'une durée d'au moins 10 semaines qui est approuvé par le ministre et offert à un établissement agréé et qui prépare à un certificat, à un diplôme ou à un grade. («approved program of study»)

«répondant» S'entend au sens des règlements pris en application de la *Loi sur l'immigration* (Canada). («sponsor»)

«ressources financières» Somme d'argent estimative que fixe le ministre et que, à son avis, l'auteur de la demande et son conjoint, son père et sa mère ou son répondant verseront à titre de contribution aux frais d'étude pour la période visée par la demande de bourse d'études, compte tenu des éléments suivants :

- a) l'ensemble des revenus de l'auteur de la demande provenant de toutes sources, notamment les gains tirés d'emplois d'été et d'autres emplois à temps plein ou à temps partiel, les placements et les autres revenus, y compris les dons;
- b) l'aide financière scolaire et l'aide gouvernementale que l'auteur de la demande reçoit ou peut recevoir;
- c) l'ensemble des revenus provenant de toutes sources du conjoint, du père et de la mère ou du répondant de l'auteur de la demande;
- d) l'actif de l'auteur de la demande et de son conjoint, de son père et de sa mère ou de son répondant;
- e) l'impôt sur le revenu des particuliers, les cotisations d'assurance-emploi et les cotisations au régime de retraite du conjoint, du père et de la mère ou du répondant de l'auteur de la demande;
- f) le nombre de personnes qui, selon ce que détermine le ministre, sont à la charge de l'auteur de la demande et de son conjoint, de son père et de sa mère ou de son répondant;
- g) en plus des ressources énumérées aux alinéas a) à f), les autres ressources, éléments d'actif ou déductions de l'auteur de la demande et de son conjoint, de son père et de sa mère ou de son répondant que le ministre estime pertinents. («financial resources»)

«session» Période d'au moins 10 semaines consacrée à un programme d'études approuvé offert à un établissement agréé. («term»)

(1.1) Une personne satisfait aux exigences prévues, en matière de résidence, pour l'obtention d'une bourse d'études si, durant au moins les 12 mois consécutifs qui précèdent le dernier jour du mois au cours duquel les cours commencent normalement à l'établissement agréé pour la période à l'égard de laquelle elle demande une bourse d'études :

- a) soit elle résidait en Ontario, à l'exception du temps passé à un établissement postsecondaire à l'extérieur de l'Ontario;
- b) soit son père ou sa mère, son répondant ou son conjoint résidait en Ontario et, de l'avis du ministre, l'un d'eux contribuera aux frais d'étude pour la période visée.

(2) Pour l'application du présent règlement, lorsque l'expression «résidait en Ontario» y est employée, le ministre détermine si une personne résidait en Ontario aux dates pertinentes après avoir examiné les faits précis et la situation personnelle de l'auteur de la demande, de son père et de sa mère ou de son répondant de même que les dispositions de toute entente conclue avec le gouvernement du Canada ou d'une province du Canada relativement aux bourses d'études ou aux prêts consentis aux étudiants. («resided in Ontario»)

(3) Pour l'application du présent règlement, le temps passé à un établissement postsecondaire au Canada par la personne qui demande une bourse d'études peut être inclus dans le calcul du temps où elle résidait en Ontario si, en vertu de la *Loi sur l'immigration* (Canada) :

- a) soit elle a été autorisée à entrer au Canada pour y poursuivre des études;
- b) soit le statut de réfugié au sens de la Convention lui a été reconnu de façon définitive.

(4) . . . . .

#### BOURSES D'ÉTUDES

2. La demande de bourse d'études est rédigée selon la formule qu'établit le ministre.

3. Sous réserve des articles 5 et 7, le ministre peut consentir à l'auteur d'une demande, selon un montant fixé conformément à l'article 4, une bourse d'études pour la totalité ou une partie d'une période d'admissibilité qui se termine au plus tard le 1<sup>er</sup> août 1993.

4. (1) Le montant de la bourse d'études est calculé en soustrayant les ressources financières de l'auteur de la demande de ses frais d'étude et ne doit pas dépasser, pour chaque période d'admissibilité :

- a) 1 800 \$ pour un étudiant célibataire du groupe B;
- b) 2 550 \$ pour un étudiant du groupe A ou un étudiant marié du groupe B visé à l'article 1;
- c) 3 550 \$ pour un étudiant marié du groupe B visé à l'article 1.

(2) . . . . .

(3) Lorsqu'un étudiant n'a pas une charge normale de cours à temps plein, les frais d'étude de l'auteur de la demande visés au paragraphe (1) sont diminués proportionnellement selon le rapport existant entre le nombre de cours qu'il suit effectivement et une charge normale de cours à temps plein.

(4) Malgré les définitions de «auteur d'une demande», de «établissement agréé» et de «programme d'études approuvé», le montant de la bourse d'études consentie à l'auteur d'une demande inscrit à un établissement agréé qui est un établissement postsecondaire ne recevant pas de fonds du gouvernement du Canada ni d'une province ou d'un territoire du Canada ne doit pas dépasser 1 550 \$ par période d'admissibilité.

(5) Malgré les alinéas 1 (1) a) et b) et le paragraphe (4), le ministre peut porter le montant de la bourse d'études de l'auteur d'une demande qui a besoin d'aide supplémentaire en raison d'une invalidité physique ou mentale à un montant qui ne dépasse pas 3 550 \$ par période d'admissibilité.

5. Le ministre peut refuser de consentir une bourse d'études à l'auteur d'une demande qui, selon le cas :

- a) a déjà fait défaut de rembourser un prêt d'études garanti par la province de l'Ontario ou par une autre province ou un territoire du Canada ou consenti en vertu de la *Loi fédérale sur les prêts aux étudiants*, du programme Étudiants entrepreneurs ou du programme Jeunes entrepreneurs;
- b) a été tenu de rembourser au ministre des Finances la totalité ou une partie d'une bourse d'études consentie aux termes de l'article 3 du présent règlement ou en vertu d'un règlement qu'il remplace;
- c) a la propriété, la possession ou le contrôle ou dont le conjoint ou le père ou la mère a la propriété, la possession ou le contrôle de biens meubles ou immeubles qui, de l'avis du ministre, constituent des ressources financières suffisantes pour permettre à l'auteur de la demande de faire face à ses frais d'étude;
- d) de l'avis du ministre, après consultation des établissements agréés auxquels s'est inscrit l'auteur de la demande, n'a pas fait de progrès satisfaisants dans un programme d'études;
- e) n'a pas déposé auprès du ministre tous les renseignements et documents exigés par celui-ci aux termes de l'article 2;
- f) n'a pas déposé auprès du ministre tous les renseignements et documents exigés par celui-ci pour vérifier les déclarations faites dans la demande et les documents à l'appui déposés aux termes de l'article 2;
- g) reçoit une aide financière du gouvernement du Canada ou d'une autre province ou d'un territoire du Canada;
- h) a le droit de recevoir une aide financière aux étudiants d'une autre province ou d'un territoire du Canada;
- i) a déjà été déclaré coupable d'une infraction prévue par la *Loi fédérale sur les prêts aux étudiants* ou d'une infraction ou d'un complot en vue de commettre une infraction comportant un élément de fraude ou de vol prévue par le *Code criminel* (Canada) à l'égard soit d'un régime d'aide financière aux étudiants de la province de l'Ontario ou d'une autre province ou d'un territoire du Canada, soit du programme Étudiants entrepreneurs ou du programme Jeunes entrepreneurs.

6. La bourse d'études visée à l'article 3 est payable à l'auteur d'une demande et est envoyée à l'établissement agréé approprié auquel il est inscrit, lequel ne lui remet la bourse d'études qu'une fois qu'il a payé ses droits de scolarité pour la période d'admissibilité ou qu'il a pris, avec l'établissement agréé, des arrangements que celui-ci juge acceptables pour le paiement de tels droits.

7. L'auteur d'une demande n'a droit à une bourse d'études visée à l'article 3 que pour un total de huit périodes d'admissibilité.

8. À son entière discrétion, le ministre détermine le nombre de périodes d'admissibilité que l'auteur de la demande a utilisées, après avoir pris les éléments suivants en considération :

- a) la date à laquelle il a, pour la première fois, commencé une formation postsecondaire;
- b) la période qu'il a consacrée aux études postsecondaires;
- c) le nombre de cours auxquels il a été inscrit à un établissement postsecondaire;
- d) les dates d'inscription à ses cours et d'abandon de ceux-ci à un établissement postsecondaire;
- e) les motifs qu'il a fournis à l'appui de sa décision d'abandonner des cours à un établissement postsecondaire;
- f) les progrès qu'il a faits en vue de terminer un ou plusieurs cours à un établissement postsecondaire;
- g) les bourses d'études qui lui ont été consenties aux termes de l'article 3;
- h) en plus des différents aspects de sa situation énumérés aux alinéas a) à g), les autres aspects que le ministre estime pertinents.

#### DISPOSITIONS GÉNÉRALES

9. (1) Le ministre peut exiger que l'auteur d'une demande à qui une bourse d'études est consentie aux termes de l'article 3 la rembourse sans délai, en totalité ou en partie, au ministre des Finances lorsque l'auteur de la demande, selon le cas :

- a) fait une fausse déclaration ou une présentation inexacte des faits dans une demande présentée aux termes de l'article 2 ou dans un autre document exigé par le ministre, ou fournit tout autre renseignement faux ou trompeur;



- b) dépense ou affecte la totalité ou une partie de la bourse d'études à une autre fin que celle à laquelle elle a été octroyée;
- c) n'a pas déposé auprès du ministre tous les renseignements et documents nécessaires pour vérifier les déclarations faites dans la demande et les documents à l'appui déposés aux termes de l'article 2.

(2) Lorsque, en raison d'une erreur ou d'un changement dans la situation de l'auteur d'une demande, la bourse d'études qui lui est consentie aux termes de l'article 3 dépasse en totalité ou en partie le montant qu'il est admissible à recevoir comme bourse aux termes de l'article 4, le ministre peut exiger qu'il rembourse les paiements excédentaires au ministre des Finances.

(3) Lorsque, aux termes de l'article 3, une bourse d'études est consentie à l'auteur d'une demande pour une période d'admissibilité et que, avant la fin de celle-ci, l'auteur de la demande, selon le cas :

- a) abandonne ses études à l'établissement agréé;
- b) cesse d'être inscrit au programme d'études approuvé pour lequel la bourse d'études a été octroyée;
- c) réduit le nombre de cours ou de matières qui font partie du programme d'études approuvé pour lequel la bourse d'études a été octroyée,

il rembourse sans délai au ministre des Finances une somme égale à la différence entre les deux montants suivants :

- d) le montant de la bourse d'études qui lui a été consentie;
- e) le montant de la bourse d'études éventuelle que fixe le ministre et qu'il aurait été admissible à recevoir à ce titre, aux termes de l'article 4, pour la période précédant la date de l'événement mentionné à l'alinéa a), b) ou c).

(4) La date de l'événement mentionné à l'alinéa (3) a), b) ou c) est celle que fixe l'établissement agréé où était inscrit l'auteur d'une demande aux fins de la demande de bourse d'études.

(5) Lorsque, aux termes du paragraphe (1), (2) ou (3), l'auteur d'une demande est tenu de rembourser au ministre des Finances la totalité ou une partie de la bourse d'études qui lui a été octroyée et qu'il a droit au remboursement de la totalité ou d'une partie des droits de scolarité qu'il a payés à un établissement agréé, celui-ci effectue ce remboursement au ministre des Finances.

21/05

## ONTARIO REGULATION 203/05

made under the

### MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

Made: May 4, 2005

Filed: May 6, 2005

Amending Reg. 773 of R.R.O. 1990

(Ontario Special Bursary Program)

Note: Regulation 773 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

#### 1. Regulation 773 of the Revised Regulations of Ontario, 1990 is amended by adding the following French version:

### RÉGIME DE BOURSES SPÉCIALES DE L'ONTARIO

#### DÉFINITIONS

1. Les définitions qui suivent s'appliquent au présent règlement.

«auteur d'une demande» Étudiant qui présente une demande de bourse en vertu du présent règlement. («applicant»)

«conjoint» Soit l'homme, soit la femme qui, selon le cas :

- a) sont mariés ensemble;
- b) ont contracté, de bonne foi, un mariage nul de nullité relative ou absolue;
- c) ont vécu ensemble dans une union conjugale hors du mariage de façon continue pendant au moins trois ans;

- d) ont vécu ensemble dans une union conjugale hors du mariage dans une relation d'une certaine permanence, s'ils sont les parents naturels ou adoptifs d'un enfant. («spouse»)

«établissement agréé» S'entend des établissements suivants :

- a) une université ontarienne, qui reçoit une aide financière de la province de l'Ontario, notamment un établissement d'enseignement postsecondaire qui y est affilié ou fédéré;
- b) un collège d'arts appliqués et de technologie créé en vertu de la *Loi sur le ministère des Collèges et Universités*;
- c) . . . . .
- d) le Collège des beaux-arts de l'Ontario;
- e) une école privée de formation professionnelle inscrite en vertu de la *Loi sur les écoles privées de formation professionnelle* et agréée par le ministre. («approved institution»)

«étudiant» Personne qui :

- a) est un citoyen canadien ou un résident permanent au sens de la *Loi sur l'immigration* (Canada), et qui, à ce titre, résidait en Ontario pendant au moins les 12 mois consécutifs qui précèdent le dernier jour du mois au cours duquel les cours commencent normalement à l'établissement agréé dans le cadre du programme d'études approuvé pour lequel l'étudiant demande une bourse;
- b) est inscrite ou dont l'inscription est acceptée à un établissement agréé dans un programme d'études approuvé. («student»)

«immigrant ayant obtenu le droit d'établissement» Personne qui est un résident permanent au sens de la *Loi sur l'immigration* (Canada). («landed immigrant»)

«partenaire de même sexe» L'une ou l'autre de deux personnes de même sexe qui, selon le cas :

- a) ont vécu ensemble dans une union conjugale hors du mariage de façon continue pendant au moins trois ans;
- b) ont vécu ensemble dans une union conjugale hors du mariage dans une relation d'une certaine permanence, si elles sont les parents naturels ou adoptifs d'un enfant. («same-sex partner»)

«programme d'études approuvé» S'entend du programme ou des cours suivants qui préparent à un certificat, à un diplôme ou à un grade :

- a) un programme d'études offert à un établissement agréé;
- b) des cours de perfectionnement à temps plein ou à temps partiel qui sont approuvés par le ministre et offerts à un collège d'arts appliqués et de technologie créé en vertu de la *Loi sur le ministère des Collèges et Universités*. («approved program of study»)

## BOURSES

2. La demande de bourse est rédigée selon la formule qu'établit le ministre.

3. Sous réserve de l'article 4, le ministre peut octroyer une bourse à l'auteur d'une demande qui, à son avis, en a besoin pour terminer le programme d'études approuvé, pour la période à l'égard de laquelle il a demandé la bourse en vertu du présent règlement.

4. Le montant de la bourse octroyée aux termes de l'article 3 :

- a) ne doit pas dépasser 2 500 \$ par période de 12 mois;
- b) est payable à l'auteur d'une demande et est envoyée à l'établissement agréé approprié auquel il est inscrit, lequel ne lui remet la bourse qu'une fois qu'il a payé ses droits de scolarité pour la période d'études visée par la bourse ou qu'il a pris, avec l'établissement agréé, des arrangements que celui-ci juge acceptables pour le paiement de tels droits.

5. Lorsqu'il détermine les besoins de l'auteur de la demande et qu'il calcule le montant de la bourse qui peut être payé, le ministre peut prendre les éléments suivants en considération :

- a) les droits de scolarité et autres frais obligatoires payés à un établissement agréé;
- b) les livres et les fournitures didactiques;
- c) les frais de transport local pour aller de la résidence ou de l'hébergement de l'auteur de la demande au campus de l'établissement agréé et en revenir;
- d) l'ensemble des revenus de l'auteur de la demande provenant de toutes sources;
- e) les revenus du conjoint ou du partenaire de même sexe de l'auteur de la demande;

- f) l'impôt sur le revenu des particuliers, les cotisations au régime de retraite, l'assurance pour les frais médicaux et l'assurance-hospitalisation que doit payer l'auteur de la demande;
- g) si l'auteur de la demande occupe un emploi à temps plein ou partiel ou s'il est sans emploi;
- h) le nombre de personnes qui sont à la charge de l'auteur de la demande;
- i) en plus des différents aspects de la situation de l'auteur de la demande énumérés aux alinéas a) à h), les autres aspects que le ministre estime pertinents.

6. Le ministre peut refuser d'octroyer une bourse à l'auteur d'une demande qui, selon le cas :

- a) a déjà fait défaut de rembourser un prêt d'études ou un autre prêt consenti ou garanti par la province de l'Ontario, un prêt d'études garanti par une autre province ou un territoire du Canada ou un prêt consenti en vertu de la *Loi fédérale sur les prêts aux étudiants*;
- b) a été tenu de rembourser au ministre des Finances la totalité ou une partie d'une bourse d'études consentie aux termes de l'article 3 du Règlement 775 des Règlements refondus de l'Ontario de 1990, ou en vertu d'un règlement qu'il remplace;
- c) . . . . .
- d) de l'avis du ministre, après consultation des établissements agréés auxquels s'est inscrit l'auteur de la demande, n'a pas fait de progrès satisfaisants dans un programme d'études;
- e) n'a pas déposé auprès du ministre tous les renseignements et documents exigés par celui-ci aux termes de l'article 2;
- f) n'a pas déposé auprès du ministre tous les renseignements et documents exigés par celui-ci pour vérifier les déclarations faites dans la demande et les documents à l'appui déposés aux termes de l'article 2;
- g) reçoit une aide financière du gouvernement du Canada ou d'une autre province ou d'un territoire du Canada;
- h) a le droit de recevoir une aide financière aux étudiants d'une autre province ou d'un territoire du Canada;
- i) a déjà été déclaré coupable d'une infraction prévue par la *Loi fédérale sur les prêts aux étudiants* ou d'une infraction ou d'un complot en vue de commettre une infraction comportant un élément de fraude ou de vol prévue par le *Code criminel* (Canada) à l'égard soit d'un régime d'aide financière aux étudiants de la province de l'Ontario ou d'une autre province ou d'un territoire du Canada, soit du programme ontarien Étudiants entrepreneurs ou du programme ontarien Jeunes entrepreneurs;
- j) n'a pris aucun arrangement satisfaisant avec le ministre en vue du remboursement des paiements excédentaires reçus à l'égard d'une demande d'aide aux étudiants qu'il avait déjà présentée en vertu du présent règlement, du Règlement 772, 774 ou 775 des Règlements refondus de l'Ontario de 1990 ou de la *Loi fédérale sur les prêts aux étudiants*.

#### REMBOURSEMENT

7. (1) Le ministre peut exiger que l'auteur d'une demande à qui une bourse est octroyée la rembourse sans délai, en totalité ou en partie, au ministre des Finances, lorsque l'auteur de la demande, selon le cas :

- a) fait une fausse déclaration ou une présentation inexacte des faits dans une demande présentée aux termes de l'article 2 ou dans un autre document exigé par le ministre, ou fournit tout autre renseignement faux ou trompeur;
- b) dépense ou affecte la totalité ou une partie de la bourse à une autre fin que celle à laquelle elle a été octroyée;
- c) n'a pas déposé auprès du ministre tous les renseignements et documents nécessaires pour vérifier les déclarations faites dans la demande et les documents à l'appui déposés aux termes de l'article 2.

(2) Lorsque, en raison d'une erreur, la bourse qui est consentie à l'auteur d'une demande aux termes de l'article 3 dépasse en totalité ou en partie le montant qu'il est admissible à recevoir comme bourse, le ministre peut exiger qu'il rembourse les paiements excédentaires au ministre des Finances.

(3) Lorsque, aux termes de l'article 3, une bourse est consentie à l'auteur d'une demande pour un programme d'études approuvé et que, avant de le terminer, l'auteur de la demande, selon le cas :

- a) abandonne ses études à l'établissement agréé;
- b) cesse d'être inscrit au programme d'études approuvé pour lequel la bourse a été octroyée;
- c) réduit le nombre de cours ou de matières qui font partie du programme d'études approuvé pour lequel la bourse a été octroyée,

il rembourse sans délai au ministre des Finances une somme égale à la différence entre les deux montants suivants :

- d) le montant de la bourse qui lui a été consentie aux termes de l'article 3;

e) le montant de la bourse éventuelle que fixe le ministre et qu'il aurait été admissible à recevoir à ce titre, aux termes de l'article 3, pour la période précédant la date de l'événement mentionné à l'alinéa a), b) ou c).

(4) La date de l'événement mentionné à l'alinéa (3) a), b) ou c) est celle que fixe l'établissement agréé où était inscrit l'auteur d'une demande aux fins de la demande de bourse.

(5) Lorsque, aux termes du paragraphe (1), (2) ou (3), l'auteur d'une demande est tenu de rembourser au ministre des Finances la totalité ou une partie de la bourse qui lui a été octroyée et qu'il a droit au remboursement de la totalité ou d'une partie des droits de scolarité qu'il a payés à un établissement agréé, celui-ci effectue ce remboursement au ministre des Finances.

21/05

## ONTARIO REGULATION 204/05

made under the

### MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

Made: May 4, 2005

Filed: May 6, 2005

Amending Reg. 772 of R.R.O. 1990  
(Graduate Scholarship Awards)

Note: Regulation 772 has previously been amended. Those amendments are listed in the [Table of Regulations – Legislative History Overview](#) which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

#### 1. Regulation 772 of the Revised Regulations of Ontario, 1990 is amended by adding the following French version:

### BOURSES D'ÉTUDES SUPÉRIEURES

#### DÉFINITIONS

1. Les définitions qui suivent s'appliquent au présent règlement.

«année de programme» Année qui commence au mois de mai ou de septembre qui suit la date limite ou au mois de janvier de l'année suivante. («program year»)

«bourse» Bourse d'études réservée aux études supérieures offertes à un établissement admissible. («award»)

«comité de sélection» Comité consultatif constitué par le lieutenant-gouverneur en conseil en vertu de l'article 4 de la Loi afin de conseiller le ministre relativement à l'octroi des bourses. («Selection Board»)

«date limite» Le 16 novembre de l'année qui précède celle pour laquelle une demande de bourse est présentée. («due date»)

«établissement admissible» Brock University, Carleton University, University of Guelph, Lakehead University, Université Laurentienne de Sudbury, McMaster University, Nipissing University, Université d'Ottawa, Queen's University, Ryerson Polytechnic University, University of Toronto, Trent University, University of Waterloo, The University of Western Ontario, Wilfrid Laurier University, University of Windsor ou York University. («eligible institution»)

«programme admissible» Programme d'études à temps plein préparant à une maîtrise ou à un doctorat qu'a approuvé le ministre et dont l'effectif entre dans le calcul des subventions de fonctionnement annuelles auxquelles il est donné droit. («eligible program»)

«résident de l'Ontario» À l'exception du temps passé à un établissement admissible, résident de l'Ontario durant au moins les 12 mois consécutifs qui précèdent le dernier jour du mois au cours duquel les cours commencent normalement à l'établissement admissible pour la période à l'égard de laquelle la personne présente une demande de bourse. («resident in Ontario»)

«résident permanent» S'entend au sens de la *Loi sur l'immigration* (Canada). («permanent resident»)

«session» Période d'au moins 12 semaines consacrée à des études supérieures offertes à un établissement admissible. («term»)

## BOURSES

2. (1) La bourse octroyée en vertu du présent règlement couvre deux ou trois sessions consécutives.

(1.1) Le montant de la bourse octroyée en vertu du présent règlement correspond au montant indiqué à la colonne 2 du tableau figurant au présent article en regard du nombre de sessions indiqué à la colonne 1.

(1.2) La bourse ne peut être octroyée à une personne en vertu du présent règlement que si celle-ci a droit à une bourse additionnelle, octroyée par un établissement admissible, dont le montant est indiqué à la colonne 3 du tableau figurant au présent article en regard du nombre de sessions indiqué à la colonne 1.

(2) Une personne peut recevoir au plus quatre bourses en vertu du présent règlement.

(3) Une personne peut recevoir une seule bourse par année de programme.

(4) Aux fins du calcul du nombre de bourses mentionné aux paragraphes (2) et (3), la bourse reçue en vertu d'un des programmes suivants compte pour une bourse reçue en vertu du présent règlement :

1. Le Régime de bourses d'études supérieures de l'Ontario.
2. Le programme du Conseil de recherches en sciences humaines.
3. Le programme du Conseil de recherches en sciences naturelles et en génie.
4. Le programme du Conseil de recherches médicales.

(5) Le ministre de la Formation et des Collèges et Universités peut exiger du bénéficiaire d'une bourse visée au présent règlement qui, avant de terminer la session pour laquelle la bourse a été octroyée, abandonne un programme admissible ou cesse d'être inscrit comme étudiant à un tel programme offert à un établissement admissible qu'il rembourse sur demande au ministre des Finances un montant égal au plein montant de la bourse ou le montant moindre que peut établir le ministre compte tenu de la situation financière du bénéficiaire et des difficultés financières auxquelles il pourrait faire face s'il devait rembourser le plein montant de la bourse.

TABLEAU

Colonne 1	Colonne 2	Colonne 3	Colonne 4
Nombre de sessions	Montant de la bourse octroyée en vertu du présent règlement	Montant de la bourse additionnelle octroyée par un établissement admissible	Montant total
2	6 667 \$	3 333 \$	10 000 \$
3	10 000	5 000	15 000

## DEMANDE ET SÉLECTION

3. (1) Une demande de bourse ne peut être présentée que par une personne qui, à la date limite :

- a) soit est un citoyen canadien ou un résident permanent;
- b) soit est ou peut être légalement admise au Canada à titre de visiteur muni d'un permis de séjour pour étudiants aux termes de l'alinéa 10 a) ou b) de la *Loi sur l'immigration* (Canada).

(2) La demande de bourse est présentée au ministre ou à un établissement admissible.

(3) L'établissement admissible qui reçoit une demande avant la date limite la fait parvenir au ministre au plus tard à cette date.

(4) Le ministre renvoie au comité de sélection, afin qu'il fasse un rapport, toutes les demandes dûment remplies qu'il a reçues au plus tard à la date limite ou qu'un établissement admissible a déposées auprès de lui au plus tard à cette date.

(5) Après avoir examiné toutes les demandes qui lui ont été renvoyées, le comité de sélection présente au ministre un rapport sur l'octroi de bourses aux auteurs de demande.

(6) Lorsqu'il examine les demandes, le comité de sélection peut, dans son rapport, donner la préférence aux auteurs de demande qui sont résidents de l'Ontario.

(7) Après avoir examiné le rapport du comité de sélection, le ministre octroie au plus 2 000 bourses par année, de la façon suivante :

1. Si le nombre moyen de bourses accessibles à tous qui ont été octroyées aux étudiants qui fréquentaient un établissement admissible au cours des trois dernières années est inférieur à 30, le ministre offre aux auteurs de demande qui sont inscrits ou qui ont l'intention de s'inscrire à un tel établissement le nombre de bourses indiqué à la

colonne 2 du tableau en regard du nombre moyen de bourses indiqué à la colonne 1. Ces bourses sont connues sous le nom de bourses réservées aux étudiants d'établissements.

2. Un maximum de 60 bourses sont offertes aux auteurs de demande qui sont ou peuvent être légalement admis au Canada à titre de visiteurs munis d'un permis de séjour pour étudiants aux termes de l'alinéa 10 a) ou b) de la *Loi sur l'immigration* (Canada). Ces bourses sont connues sous le nom de bourses réservées aux étudiants munis d'un permis de séjour.
3. Après avoir fixé le nombre de bourses à offrir aux termes des dispositions 1 et 2, le ministre offre les bourses qui restent, connues sous le nom de bourses accessibles à tous, aux autres auteurs de demande.

(8) L'auteur d'une demande qui reçoit un avis d'octroi d'une bourse signe et dépose auprès du ministre, dans les trois semaines qui suivent la date indiquée dans l'avis, le certificat d'acceptation compris dans celui-ci.

(9) Le ministre peut annuler la bourse visée par le certificat d'acceptation si celui-ci n'est pas signé et déposé auprès de lui dans le délai de trois semaines indiqué dans l'avis.

(10) Si l'auteur de la demande signe et dépose le certificat d'acceptation dans le délai de trois semaines indiqué dans l'avis, le ministre autorise le paiement d'une bourse à l'auteur de la demande s'il est inscrit à un programme admissible offert à un établissement admissible.

#### MISE EN CANDIDATURE EN VUE DE L'OCTROI DE BOURSES

4. Si le nombre moyen de bourses accessibles à tous qui ont été octroyées aux auteurs de demande qui étaient inscrits ou qui avaient l'intention de s'inscrire à un programme admissible offert à un établissement admissible au cours des trois dernières années est inférieur à 30, l'établissement admissible peut, en vue de l'octroi des bourses, proposer d'autres personnes qui sont inscrites ou qui ont l'intention de s'inscrire à un tel programme.

#### CONDITIONS

5. (1) Le paiement de la bourse visée au présent règlement est assujéti au respect, par l'auteur de la demande, des conditions suivantes :

- a) il n'est pas en défaut de rembourser :
  - (i) un prêt d'études ou un autre prêt consenti ou garanti par la province de l'Ontario, un prêt d'études garanti par une autre province ou un territoire du Canada ou un prêt consenti en vertu de la *Loi fédérale sur les prêts aux étudiants* ou de la *Loi fédérale sur l'aide financière aux étudiants*,
  - (ii) une somme qu'il est tenu de rembourser au ministre des Finances en vertu du présent règlement ou du Règlement 775 des Règlements refondus de l'Ontario de 1990 ou en vertu d'un règlement que l'un ou l'autre remplace;
- b) il travaille en moyenne au plus 10 heures par semaine;
- c) au cours de l'année de programme, il ne reçoit pas d'autres bourses qui dépassent 10 000 \$ en tout;
- d) il est inscrit à un programme admissible offert à un établissement admissible.

(2) L'alinéa (1) a) ne s'applique pas si aucune instance n'est introduite contre l'auteur de la demande en vue du remboursement de la somme en défaut et que, selon le cas :

- a) l'auteur de la demande rembourse la totalité du montant en défaut avant la date de présentation d'une demande de bourse en vertu du présent règlement;
- b) l'auteur de la demande prend des dispositions pour remédier au défaut;
- c) le défaut de l'auteur de la demande est involontaire et indépendant de sa volonté;
- d) le ministre est convaincu que l'auteur de la demande devrait être dispensé de l'application du paragraphe (1) compte tenu de sa situation financière et des difficultés financières auxquelles il pourrait faire face s'il devait rembourser la somme en défaut.

#### AVIS

6. (1) L'avis qui doit être donné en vertu du présent règlement l'est valablement s'il est remis à personne ou envoyé par courrier affranchi au destinataire à sa dernière adresse connue.

(2) Si l'avis est signifié par courrier, la signification est réputée avoir été faite le cinquième jour qui suit la date de la mise à la poste, à moins que le destinataire ne démontre qu'il ne l'a reçu, en toute bonne foi, qu'à une date ultérieure par suite de son absence, d'un accident, d'une maladie ou pour un autre motif indépendant de sa volonté.

TABLEAU

Colonne 1	Colonne 2
Nombre moyen de bourses octroyées au cours des 3 dernières années	Nombre de bourses qui peuvent être offertes
0 à 10	10
11	10
12	9
13	9
14	8
15	8
16	7
17	7
18	6
19	6
20	5
21	5
22	4
23	4
24	3
25	3
26	2
27	2
28	1
29	1
30 ou plus	0

21/05

NOTE: The Table of Regulations – Legislative History Overview and other tables related to regulations can be found at the e-Laws web site ([www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca)) under Tables. Consolidated regulations may also be found at that site by clicking on Statutes and associated Regulations under Consolidated Law.

REMARQUE : On trouve le Sommaire de l'historique législatif des règlements et d'autres tables liées aux règlements sur le site Web Lois-en-ligne ([www.lois-en-ligne.gouv.on.ca](http://www.lois-en-ligne.gouv.on.ca)) en cliquant sur «Tables». On y trouve également les règlements codifiés en cliquant sur le lien Lois et règlements d'application sous la rubrique «Textes législatifs codifiés».





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