# Example/Template for a Surety Bond

(Typed on the letterhead of the issuing institution)

To: Her Majesty the Queen in Right of Ontario as Represented by the Minister of the Environment and Climate Change(the “Crown”)

Approval/Certificate of Property Use/Order Number:

Amount: $

Site location:

We, insert company name or individual's name (the “Principal”) and insert name of Surety company (the “Surety”) are jointly and severally bound to the Crown, in the sum of spell out amount in words and check to ensure the words and figures match Canadian dollars (the “Bond Amount”), for the payment of which sum the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, by this bond.

The Principal is required under the insert Environment Compliance Approval/Renewable Energy Approval/Certificate of Property Use/Order Number from the Ministry of the Environment and Climate Change to undertake certain activities at insert location.

The Principal must submit Financial Assurance to the Crown pursuant to Part XII of the *Environmental Protection Act* as a condition of insert Environmental Compliance Approval/Renewable Energy Approval/Certificate of Property Use/Order Number.

Upon notification by the Crown that, in its view, the Principal has violated the terms, conditions or requirements of the insert Environmental Compliance Approval/Renewable Energy Approval/Certificate of Property Use/Order Number the Bond Amount shall be paid to the Ontario Minister of Finance forthwith on written demand upon the Surety to be held for purposes of Part XII of the *Environmental Protection Act*. The demand made by the Crown shall be honoured by the Surety without enquiring whether the Crown has a right as between Crown and the Principal to make such demands, and without recognizing any claim of the Principal and the Principal and the Surety each consent to the Crown obtaining, on written notice, summary judgments for the full amount secured hereunder if payment is not made forthwith upon demand.

This bond will be valid for the term from insert day day of insert month, insert year to insert day day of insert month, insert year and shall be automatically renewed without further documentation from year to year thereafter on the same terms and conditions as noted above.

If the Principal sends written notice to the Surety terminating this bond, such notice shall not become effective until the Surety: (1) pays the Bond Amount to the Ontario Minister of Finance to be held for purposes of Part XII of the *Environmental Protection Act*, or (2) receives written confirmation from the Crown that the Principal has provided replacement Financial Assurance satisfactory to the Director, or (3) the Director has issued an order under section 134 of the EPA authorizing the return or release of the Financial Assurance.

If the Surety intends to put an end to the bond hereby entered into, it shall give 60 days’ notice in writing to the Principal and to the Crown. During the 60 days’ notice period, the Crown may call for payment on the full amount prior to the date of termination if the Principal has not provided replacement Financial Assurance satisfactory to the Director. Until the Crown receives the full Bond Amount, the bond shall not cease. If the Crown does not call for payment, this bond and all accruing responsibility thereunder shall, after the 60 days’ notice, cease, except insofar as the Principal has made default prior to the last day of the notice period.

Any notice hereunder may be given,

1. in the case of the Crown by registered mail or prepaid courier to:

The Director

Client Services and Permissions Branch

Ministry of the Environment and Climate Change

135 St. Clair Avenue West, 1st Floor

Toronto, Ontario M4V 1P5

[and if an order or certificate of property use, a copy to:

Regional Director

insert region Region

Ministry of the Environment and Climate Change

insert appropriate Regional and District Office addresses]

1. in the case of the Principal by prepaid mail to:

insert Principal's name

insert Principal's address

1. in the case of the Surety by delivery to or by prepaid mail to:

insert Surety's name

insert Surety's address (the Surety must be licenced by Ontario to issue such bonds in Ontario)

1. add paragraphs for Operator or other parties, if necessary

The Surety may not give notice specifying an address outside of the Province of Ontario without the written consent of the Crown.

Any notice, demand, or authorization by the Crown may be signed by the Director of the insert Client Services and Permissions Branch or appropriate Regional Office as applicable of the Ministry of the Environment and Climate Change, the Assistant Deputy Minister of the Corporate Management Division, or of the Environmental Assessment and Permissions Division, or of the Drinking Water and Environmental Compliance Division of the Ministry of the Environment and Climate Change, the Deputy Minister of the Environment and Climate Change or such other person as the Deputy Minister of the Environment and Climate Change or Minister of the Environment and Climate Change appoints in writing for the purpose.

The Surety acknowledges that it is aware that if notice terminating this bond is issued prior to the Crown receiving substitute Financial Assurance satisfactory to the responsible Director, the Crown is entitled to convert this bond into cash to be held in the Consolidated Revenue Fund as Financial Assurance.

This bond shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

In witness whereof this bond has been duly signed, sealed and delivered

Legal Name of Surety

per: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I have the authority to bind the Surety.

Legal name(s) of Principal

per: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I have the authority to bind the Principal.

(Use appropriate style of signature depending on whether individual, sole proprietor, partnership or corporation names should be typed and office of person signing on behalf of a corporation or other firm should be set out.)