

Part 12

Transition, Revocation and Commencement

Section 12.1.	Transition Rule	
12.1.1.	Transition Rule	12-3
12.1.2.	Sewage Systems, Transition Rules	12-3
12.1.3.	Transition, July 2001	12-4
12.1.4.	Transition, August 2002	12-4
12.1.5.	Transition, September 2004	12-5
Section 12.2.	Revocation	
12.2.1.	Revocation	12-5
Section 12.3.	Commencement	
12.3.1.	Commencement	12-5

Part 12

Transition, Revocation and Commencement

Section 12.1. Transition Rule

12.1.1. Transition Rule

12.1.1.1. Continuation of Regulation 61 of R.R.O. 1990

(1) Notwithstanding the revocation of Regulation 61 of the Revised Regulations of Ontario, 1990, that Regulation continues in force in respect of *construction*

- (a) for which a permit has been issued before the 6th day of April, 1998, or
- (b) for which the working drawings, plans and specifications are substantially completed before the 6th day of April, 1998, and for which an application for a permit under Regulation 61 of the Revised Regulations of Ontario, 1990 is made before the 6th day of July, 1998

on condition that the *construction* is commenced within six months after the permit is issued.

12.1.2. Sewage Systems, Transition Rules

12.1.2.1. Construction of Sewage Systems

(1) Sections 74 to 79, 81, 82.1, 83 and 176 (6) of the *Environmental Protection Act*, as they read on April 5, 1998, continue to apply in respect of *construction of a sewage system*,

- (a) for which a certificate of approval was issued under section 77 of the *Environmental Protection Act* before April 6, 1998, and
- (b) for which a permit under section 78 of the *Environmental Protection Act* was not issued before April 6, 1998,

provided the *construction* of the *sewage system* has commenced by October 5, 1998.

(2) Where an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and a certificate of approval for a *sewage system* referred to in clause (1)(a) was issued by the party administering Part VIII of the *Environmental Protection Act* under the agreement, the agreement shall continue in force, and shall not be terminated, until such time as a permit under section 78 of the *Environmental Protection Act* is issued in respect of the *sewage system*.

12.1.2.2. Orders

(1) Where an order issued under section 79 of the *Environmental Protection Act* has not been complied with before April 6, 1998, sections 74 to 79, 81, 82.1, 83 and 176(6) of the *Environmental Protection Act* as they read on April 5, 1998, continue to apply to the *sewage system* until the order has been complied with.

(2) Where an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and an order referred to in Sentence (1) was issued by the party administering Part VIII of the *Environmental Protection Act* under the agreement, the agreement shall continue in force according to its terms, and shall not be terminated, until such time as the order referred to in Sentence (1) has been complied with.

12.1.2.3. Appeals

(1) Where an appeal has been made under section 139 of the *Environmental Protection Act* to the Environmental Appeal Board before April 6, 1998 in respect of a decision of a director made under Part VIII of that Act, that Act, as it read on April 5, 1998, continues to apply in respect of all proceedings related to the appeal.

(2) Where an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and the party administering Part VIII of the *Environmental Protection Act* under the agreement is a party to an appeal referred to in sentence (1), the agreement shall continue in force according to its terms, and shall not be terminated, until such time as the appeal referred to in Sentence (1) has been determined.

12.1.2.4. Records

(1) In this Article,

enforcement entity means the *municipality*, county, board of health, conservation authority or Ontario, as the case may be, that has responsibility under sections 3 or 3.1 of the Act or, where an agreement under sections 3, 5 or 32.1 of the Act is in place under such agreement, for the enforcement of the provisions of the Act or this Code related to *sewage systems*.

(2) The Ministry of the Environment or, if an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998, the party that was administering Part VIII of the *Environmental Protection Act* under the agreement, shall,

- (a) keep all records in their possession or under their control with respect to *sewage systems* for a period of six years or as otherwise directed by the *director*;
- (b) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity* a certified copy of a record relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request;
- (c) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity* a certificate as to the service of any document relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request;
- (d) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity*, a certificate as to the custody of any document relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request; and
- (e) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity*, a certificate as to whether or not any document relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request was received or issued.

- (3) Section 37 of the Act applies to,
 - (a) a direction or order or a certified copy of a direction or order delivered under Clause (2)(b) or (c) that is or relates to a direction or order under Part VIII of the *Environmental Protection Act*; and
 - (b) a statement as to any matter of record in the office of an *enforcement entity* concerning the enforcement of Part VIII of the *Environmental Protection Act* that was delivered to the *enforcement entity* under clauses 2(b) or (c), or a certificate that was delivered to the *enforcement entity* under clauses (2)(d) or (e).

(4) If an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and the party that was administering Part VIII of the *Environmental Protection Act* under the agreement is an *enforcement entity*, then directions, orders or statements as to any matter of record in the office of the *enforcement entity* relating to the enforcement of Part VIII of the *Environmental Protection Act* with respect to *sewage systems* shall be deemed to have been made under this Act for the purposes of section 37 of the Act..

12.1.3. Transition, July 2001

12.1.3.1. Transition Rule

- (1) Subject to Sentence (2), this Code as it reads on August 5, 2001 is deemed to continue in force with respect to *construction*
 - (a) for which a permit is issued before August 6, 2001, or
 - (b) for which the working drawings, plans and specifications are substantially completed before August 6, 2001 and for which an application for a permit is made before November 5, 2001 under this Code as it reads on August 5, 2001.
- (2) Sentence (1) does not apply unless the *construction* is commenced within six months after the permit is issued.

12.1.4. Transition, August 2002

12.1.4.1. Transitional Rule

- (1) Subject to Sentence (2), the row of Table 2.6.3.2. that refers to Document CAN/CSA B66-M90, "Prefabricated Septic Tanks and Sewage Holding Tanks", and Articles 8.2.2.2. and 8.2.2.3. as they read on August 3, 2002 shall be deemed to continue in force with respect to *construction*

- (a) for which a permit is issued before August 4, 2002, or
- (b) for which the working drawings, plans and specifications are substantially completed before August 4, 2002, and for which an application for a permit is made before November 3, 2002.

(2) Sentence (1) does not apply unless the *construction* is commenced within six months after the permit is issued.

(3) The row of Table 2.6.3.2. that refers to Document CSA B66-00, "Prefabricated Septic Tanks and Sewage Holding Tanks", does not apply to construction to which Sentence (1) applies.

* 12.1.5. Transition, September 2004

12.1.5.1. Transitional Rule

(1) Subject to Sentence (2), this Code as it reads on August 31, 2004 is deemed to continue in force with respect to *construction*

- (a) for which a permit is issued before September 1, 2004, or
- (b) for which the working drawings, plans and specifications are substantially completed before September 1, 2004 and for which an application for a permit is made before December 1, 2004 under this Code as it reads on August 31, 2004.

(2) Sentence (1) does not apply unless the *construction* is commenced within six months after the permit is issued.

Section 12.2. Revocation

12.2.1. Revocation

12.2.1.1. Revocation

(1) Regulation 61 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 400/91, 158/93, 160/93, 383/94, 20/95 and 395/96 are revoked.

Section 12.3. Commencement

12.3.1. Commencement

12.3.1.1. Effective Date

(1) This Regulation comes into force on the 6th day of April, 1998.

