

Legislative
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70 ELIZABETH II, 2021

Bill 306

An Act respecting York Region Wastewater

The Hon. J. Yurek

Minister of the Environment, Conservation and Parks

Government Bill

1st Reading June 3, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Minister's decision on the Upper York Sewage Solutions Undertaking is suspended and all actions related to that undertaking are prohibited.

An Act respecting York Region Wastewater

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Upper York Sewage Solutions Undertaking” means the undertaking described in the Regional Municipality of York’s Upper York Sewage Solutions Environmental Assessment Report dated July 2014, which includes a water reclamation centre, a project-specific phosphorous off-setting program and modifications to the existing York Durham Sewage System, which was proposed to accommodate population and development growth in the Upper York wastewater service area; (“entreprise de solutions pour la gestion des eaux d’égout dans Upper York”)

“Upper York wastewater service area” means the area proposed to be serviced by the York Region wastewater project and includes areas in the towns of Aurora, East Gwillimbury and Newmarket. (“zone de service des eaux usées dans Upper York”)

Minister not to make decision

2 The Minister shall not make any decision under sections 8 to 11.1 of the *Environmental Assessment Act* in respect of the application for the Upper York Sewage Solutions Undertaking that was submitted for approval by the Regional Municipality of York.

Action not to be taken

3 Despite subsection 12.2 (1) of the *Environmental Assessment Act*, no person shall take any action in respect of the Upper York Sewage Solutions Undertaking.

No cause of action

4 (1) No cause of action arises against the Crown, any current or former member of the Executive Council and any current or former employee or agent of or advisor to the Crown as a direct or indirect result of,

- (a) the enactment of this Act; or
- (b) anything done or not done under the authority of this Act.

Exception

(2) Subsection (1) does not apply in the case of an application for judicial review or an action or a proceeding that is specifically provided for under an Act with respect to persons referred to in that subsection.

Proceedings barred

(3) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute that is directly or indirectly based on or related to the enactment of this Act may be brought or maintained against the persons referred to in subsection (1).

Application

(4) Subsection (3) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings.

Retrospective effect

(5) Subsections (3) and (4) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

Proceedings set aside

(6) Any proceeding referred to in subsection (3) or (4) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day this subsection came into force.

Repeals

5 (1) Section 2 of this Act is repealed.

(2) Section 3 of this Act is repealed.

Commencement

6 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7 The short title of this Act is the *York Region Wastewater Act, 2021*.