

Legislative
Assembly
of Ontario



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Bill 5

(Chapter 32 of the Statutes of Ontario, 2021)

An Act respecting York Region Wastewater

The Hon. D. Piccini

Minister of the Environment, Conservation and Parks

1st Reading	October 5, 2021
2nd Reading	October 19, 2021
3rd Reading	October 19, 2021
Royal Assent	October 20, 2021



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 5 and does not form part of the law.
Bill 5 has been enacted as Chapter 32 of the Statutes of Ontario, 2021.*

The Minister's decision-making on the Upper York Sewage Solutions Undertaking is suspended and all actions by the Regional Municipality of York 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”)

No decision by Minister

2 (1) 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.

Non-application of s. 10, *Environmental Assessment Act*

(2) Section 10 of the *Environmental Assessment Act* does not apply and is deemed never to have applied with respect to 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*, the Regional Municipality of York shall not 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 or any current or former employee or agent of or adviser to the Crown as a direct or indirect result of,

- (a) the enactment, operation, amendment or repeal of any provision of this Act;
- (b) anything done or not done under the authority of or in reliance on this Act, whether before or after this section comes into force; or
- (c) any representation or other conduct that is related, directly or indirectly, to the application for the Upper York Sewage Solutions Undertaking that was submitted for approval by the Regional Municipality of York, whether made or occurring before or after this section comes into force, subject to subsection (2).

Same

(2) Clause (1) (c) does not apply with respect to a representation or other conduct made or occurring after the repeal of subsection 2 (1).

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 anything referred to in subsection (1), may be brought or maintained against a person referred to in that subsection.

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, but does not apply to an application for judicial review.

Retrospective effect

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

Proceedings set aside

(6) Any proceeding referred to in subsection (3) or (4) commenced before this section came into force that would be barred as of the day this section comes into force is deemed to have been dismissed, without costs, on the day this section comes into force.

Repeals

5 (1) Subsection 2 (1) 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*.