

Clean Water Act, 2006

ONTARIO REGULATION 231/07 SERVICE OF DOCUMENTS

Consolidation Period: From August 1, 2007 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Interpretation

1. In this Regulation,

“fiduciary” means an executor, administrator, administrator with the will annexed, trustee, guardian of property or attorney for property, but does not include a trustee in bankruptcy or trustee in bankruptcy representative. O. Reg. 231/07, s. 1.

Giving or serving documents

2. A document, other than an offence notice or summons, that is to be given or served under the Act is sufficiently given or served for the purposes of clause 100 (1) (d) of the Act if,

- (a) the document is given or served by a method specified in subsection 3 (2) or (3) and the conditions set out in the subsection are met;
- (b) the document is given to or served on an individual or entity in accordance with section 4; and
- (c) for a document given to or served on an individual or entity specified in subsection 5 (2) or (3), the document is given or served at the address or email address described in the subsection. O. Reg. 231/07, s. 2.

Methods of giving or serving documents

3. (1) This section sets out methods of giving or serving documents and conditions applying to those methods, for the purposes of clause 2 (a). O. Reg. 231/07, s. 3 (1).

(2) For the method of commercial courier, the condition is that the document is in an envelope showing the sender’s name, address and telephone number. O. Reg. 231/07, s. 3 (2).

(3) For the method of email, the conditions are that,

- (a) the document is attached to the email in a portable document format;
- (b) the body of the email includes,
 - (i) the name of the recipient,
 - (ii) the sender’s name, address, telephone number, fax number, if any, and email address,
 - (iii) the date and time that the email is sent, and
 - (iv) the name and phone number of an individual to call in the event of any technical problem with the email or attachments; and

(c) the receiver provides an email to the sender indicating acceptance of service. O. Reg. 231/07, s. 3 (3).

Individuals who may be given or served document

4. (1) For the purposes of clause 2 (b), a document is given to or served on an individual or entity described in Column 1 of the Table to this section if it is given to or served on,

- (a) an individual described in Column 2 of the Table in the corresponding cell; or
- (b) if applicable, the individual’s or entity’s solicitor of record, or an employee in the solicitor’s office. O. Reg. 231/07, s. 4 (1).

(2) If a solicitor or an employee in the solicitor’s office accepts a document given or served under subsection (1) (b), the solicitor is deemed to represent to the individual or entity giving or serving the document that the solicitor has the authority of his or her client to accept the document. O. Reg. 231/07, s. 4 (2).

(3) A reference to a matter in this section or in the Table to this section means the matter in relation to which the document is given or served. O. Reg. 231/07, s. 4 (3).

TABLE

Item	Column 1 Individual or entity	Column 2 Individual who may be served
1.	A minor.	1. The Children's Lawyer, if the matter is in respect of the minor's interest in an estate or trust. 2. For any other matter, the minor and, if the minor resides with a parent or other individual having the care or lawful custody of the minor, the parent or other individual.
2.	An individual who is incapable within the meaning of section 6 or 45 of the <i>Substitute Decisions Act, 1992</i> in respect of an issue in the matter.	1. The individual's fiduciary with authority to act in the matter, if the individual has one. 2. If the individual does not have a fiduciary described in paragraph 1, the Public Guardian and Trustee and the individual.
3.	An absentee within the meaning of the <i>Absentees Act</i> .	1. If a committee of the estate of the absentee has been appointed under the <i>Absentees Act</i> , the committee. 2. If no committee described in paragraph 1 has been appointed, the Public Guardian and Trustee.
4.	A deceased individual.	1. The individual's executor, administrator or administrator with the will annexed, if the individual has one. 2. If the individual does not have an executor, administrator or administrator with the will annexed, the Public Guardian and Trustee.
5.	An individual who is not described in item 1, 2, 3 or 4.	The individual.
6.	An individual or entity outside Ontario who is carrying on business in Ontario.	Anyone carrying on business in Ontario for the individual or entity.
7.	A sole proprietorship.	The sole proprietor or any individual at the principal place of business of the sole proprietorship who appears to be in control or management of the place of business.
8.	A partnership.	Any one or more of the partners or any individual at the principal place of business of the partnership who appears to be in control or management of the place of business.
9.	A corporation, other than a municipal corporation, that is resident in Ontario.	An officer, director or agent of the corporation, or any individual at any place of business of the corporation who appears to be in control or management of the place of business.
10.	A municipal corporation.	The mayor, warden, reeve, clerk or deputy clerk of the municipal corporation.
11.	A board, local board, commission, or other local authority.	A board member or officer.
12.	A Director appointed under the Act.	The Director or any individual who appears to be employed in the office of the Director.
13.	A risk management official.	The risk management official or any individual who appears to be employed in the office of the risk management official.
14.	A risk management inspector.	The risk management inspector or any individual who appears to be employed in the office of the risk management inspector.
15.	A source protection committee.	A member of the source protection committee.
16.	A source protection authority.	The source protection authority or any individual who appears to be employed in the office of the source protection authority.
17.	The Environmental Review Tribunal.	The Tribunal Secretary or any individual who appears to be employed in the office of the Tribunal.
18.	The Ministry of the Environment.	1. The individual or entity specified in the provision of the Act under which the document is required to be given to or served on the Ministry. 2. If no individual or entity is specified, the Director appointed under the Act or any individual who appears to be employed in the office of the Director.

O. Reg. 231/07, s. 4, Table.

Requirements re address, etc.

5. (1) For the purposes of clause 2 (c), a document is given to or served on an individual or entity specified in subsection (2) or (3) if it is given or served at the address or email address described in the subsection. O. Reg. 231/07, s. 5 (1).

(2) The address or email address for a Director, risk management official or risk management inspector is the address or email address,

- (a) listed on the document in response to which the individual or entity is giving or serving the document; or
- (b) otherwise provided by the Director, risk management official or risk management inspector to the individual or entity giving or serving the document. O. Reg. 231/07, s. 5 (2).

(3) The address or email address for the Environmental Review Tribunal is the address or email address,

- (a) listed on the website for the Tribunal; or
- (b) otherwise provided by the Tribunal to the individual or entity giving or serving the document. O. Reg. 231/07, s. 5 (3).

Deemed day of service

6. (1) A document that is given or served by commercial courier is deemed to be effectively given or served two days after the day the commercial courier received the document from the individual or entity giving or serving it. O. Reg. 231/07, s. 6 (1).

(2) A document that is given or served by email is deemed to be effectively given or served on the day the sender receives from the receiver an email indicating acceptance of service. O. Reg. 231/07, s. 6 (2).

(3) Despite subsection (1), a document is not deemed to be effectively given or served on the day specified in the subsection if the recipient establishes that he or she did not, acting in good faith, through absence, accident, illness or other causes beyond his or her control, receive the document until a later date. O. Reg. 231/07, s. 6 (3).

(4) This section does not apply in respect of a document given to or served on,

- (a) the Director;
- (b) a risk management official;
- (c) a risk management inspector;
- (d) a source protection committee;
- (e) a source protection authority;
- (f) the Environmental Review Tribunal; or
- (g) the Ministry of the Environment. O. Reg. 231/07, s. 6 (4).

7. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 231/07, s. 7.

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