

Caution:

This draft regulation is provided solely to facilitate public consultation under section 16 of the Environmental Bill of Rights, 1993. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the draft regulation are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

ENVIRONMENTAL ASSESSMENT ACT

ONTARIO LINE PROJECT

DEFINITIONS

Definitions

1. In this Regulation,

“ancillary facilities” includes any maintenance yards, transmission lines or transmission stations;

“ancillary works” means modifications to existing infrastructure including roads, bridges or utility corridors;

“early works” means any components of the Ontario Line Project that Metrolinx proposes to proceed with before the completion of the Ontario Line assessment process, such as station construction, rail corridor expansion, utility relocation or bridge replacement or expansion;

“early works assessment process” means the process set out in sections 8 to 14 and section 21;

“Metrolinx” means the corporation continued under section 2 of the *Metrolinx Act, 2006*;

“Ontario Line Project” means,

- (a) an enterprise or activity that is the planning, designing, establishing, constructing, operating, changing or retiring of a facility or service for the transportation of passengers by rail that begins near the Ontario Science Centre and terminates near Ontario Place in the City of Toronto and includes any ancillary facilities used to

support or facilitate the transportation of passengers by rail and ancillary works needed to establish, construct, operate, change or retire those facilities or services; or

- (b) a proposal, plan or program in respect of an enterprise or activity described in clause (a);

“Ontario Line project assessment process” means the process set out in sections 3 to 7 and 15 to 21.

EXEMPTIONS

Exemptions

2. (1) The Ontario Line Project, other than early works, is exempt from Part II and subsection 13 (3) of the Act if Metrolinx complies with the Ontario Line project assessment process.

(2) Early works are exempt from Part II and subsection 13 (3) of the Act if Metrolinx, complies with the early works assessment process.

(3) Subsections 12.2 (2) and (6) of the Act do not apply to,

- (a) the Minister of the Environment, Conservation and Parks with respect to any permit that Minister may issue under section 17 of the *Endangered Species Act, 2007* related to the Ontario Line Project; and
- (b) the Minister of Heritage, Sport, Tourism and Culture Industries with respect to any consent that Minister may issue for the purpose of compliance with subsection 25.2 (6) of the *Ontario Heritage Act* related to the Ontario Line Project.

LIST OF INDIGENOUS COMMUNITIES

List of Indigenous communities

3. Before preparing the draft environmental conditions report, Metrolinx shall obtain from the Director of the Ministry’s Environmental Assessment Branch a list of Indigenous communities that, in the opinion of the Director, have or may have constitutionally protected aboriginal or treaty rights that may be negatively impacted by the Ontario Line Project.

ENVIRONMENTAL CONDITIONS REPORT

Draft environmental conditions report

4. (1) Metrolinx shall prepare a draft environmental conditions report in accordance with subsection (3).

(2) In preparing the draft environmental conditions report, Metrolinx shall request every Indigenous community that is identified on the list provided by the Director described in section 3 to advise it in writing of any negative impact that the Ontario Line Project may have on their constitutionally protected aboriginal or treaty rights.

(3) The draft environmental conditions report must contain the following:

1. A statement of the purpose of the Ontario Line Project and a summary of background information relating to it.
2. The description of the Ontario Line Project.
3. A map showing the area studied in respect of the Ontario Line Project.
4. A description of the local environmental conditions in the area studied in respect of the Ontario Line Project.
5. A description of all studies undertaken in relation to the Ontario Line Project, including,
 - i. a summary of all data collected or reviewed, and
 - ii. a summary of all results and conclusions.
6. A preliminary description of the potential impacts that the Ontario Line Project might have on the environment that have been identified to date and an indication of how those impacts will be studied and described in further detail in the environmental impact assessment report.
7. A description of any potential measures for mitigating any negative impacts that the Ontario Line Project might have on the environment.
8. A description of the future studies that will be carried out as part of the environmental impact assessment report to determine potential impacts to the environment caused by the Ontario Line Project and the potential measures for mitigating any negative impacts in respect of them.
9. A preliminary list of the potential municipal, provincial, federal or other approvals or permits that may be required for the Ontario Line Project.
10. A consultation record, including,
 - i. a description of the consultations carried out with Indigenous communities and interested persons,

- ii. a list of the Indigenous communities and interested persons who participated in the consultations,
- iii. summaries of the comments submitted by Indigenous communities and interested persons,
- iv. a summary of discussions that Metrolinx had with Indigenous communities, and copies of all written comments submitted by Indigenous communities,
- v. a description of what Metrolinx did to respond to concerns expressed by Indigenous communities and interested persons, and
- vi. any commitments made by Metrolinx to Indigenous communities and interested persons in respect of the Ontario Line Project.

Notice of publication

5. (1) Metrolinx shall prepare a notice of publication of the draft environmental conditions report that complies with subsection (2) and distribute it as described in subsection (3).

(2) The notice shall include the following information:

1. Metrolinx's address.
2. The name and phone number and email address of a person who may be contacted on behalf of Metrolinx.
3. A description of the conceptual design of the Ontario Line Project.
4. A statement that the environmental impacts of the Ontario Line Project are being assessed in accordance with this Regulation.
5. A map showing the study area in respect of the Ontario Line Project.
6. Information on how to obtain a copy of the draft environmental conditions report.
7. Information about any opportunities Metrolinx is providing for consultation about the draft environmental conditions report.
8. Information on how comments about the draft environmental conditions report can be submitted to Metrolinx.

(3) Metrolinx shall distribute the notice by,

- (a) giving a copy of the notice to,
 - (i) the Director of the Ministry's Environmental Assessment Branch,
 - (ii) the Director of the Ministry's Central Region Office,
 - (iii) every Indigenous community that is identified on the list provided by the Director described in section 3, and
 - (iv) any other person who, in the opinion of Metrolinx, may be interested in the Ontario Line Project; and
- (b) publishing the notice in a manner that, in the opinion of Metrolinx, will promptly bring the notice to the attention of interested persons in the study area.

(4) For the purposes of identifying persons who may be interested in the Ontario Line Project under subclause (3) (a) (iv), Metrolinx shall have regard to Schedule 2 of Ontario Regulation 231/08 (Transit Projects and Metrolinx Undertakings) made under the Act.

(5) Metrolinx shall also post the notice on its website.

Consultation on environmental conditions report

6. (1) Metrolinx shall, in accordance with subsection (2), consult with,

- (a) Indigenous communities with constitutionally protected aboriginal or treaty rights that may be negatively impacted by the Ontario Line Project; and
- (b) persons who, in the opinion of Metrolinx, may be interested in the Ontario Line Project.

(2) Metrolinx shall provide all of the Indigenous communities and persons to whom a copy of the notice under clause 5 (3) (a) is given with an opportunity to participate in the consultation.

(3) Subject to subsections (4) and (5), the consultation shall be conducted in the way Metrolinx considers appropriate.

(4) As part of the consultation, Metrolinx shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 5 (3) (a) is given are notified of the publication of the draft environmental conditions report and are provided with access to a copy of it.

(5) As part of the consultation, Metrolinx shall discuss with each Indigenous community,

- (a) any constitutionally protected aboriginal or treaty right that is identified by the community as potentially being negatively impacted by the Ontario Line Project; and
- (b) measures for mitigating potential negative impacts on the right referred to in clause (a), including any measures identified by the community.

Final environmental conditions report

7. (1) Following the consultation described in section 6, Metrolinx shall update the draft environmental conditions report and publish a final environmental conditions report on its website.

(2) Metrolinx shall ensure that all of the Indigenous communities and persons to whom a copy of the notice under clause 5 (3) (a) are given are notified of the publication of the final environmental conditions report and are provided with access to a copy of it.

EARLY WORKS

Draft early works report

8. (1) Metrolinx may prepare one or more draft early works reports in accordance with subsection (2).

(2) A draft early works report must contain the following:

1. A description of the early works including a description of the alternatives that were considered.
2. The rationale for proceeding with the early works and a summary of background information relating to them.
3. A map showing the site of the early works described under paragraph 1.
4. A description of the local environmental conditions at the site of the early works.
5. A description of all studies undertaken in relation to the early works, including,
 - i. a summary of all data collected or reviewed, and
 - ii. a summary of all results and conclusions.
6. Metrolinx's assessment and evaluation of the impacts that the preferred method of carrying out the early works and other methods might have on the environment, and Metrolinx's criteria for assessment and evaluation of those impacts.

7. A description of any measures proposed by Metrolinx for mitigating any negative impacts that the preferred method of carrying out the early works might have on the environment.
8. A description of the means Metrolinx proposes to use to monitor or verify the effectiveness of mitigation measures proposed under paragraph 7.
9. A description of any municipal, provincial, federal or other approvals or permits that may be required for the early works.
10. A consultation record, including,
 - i. a description of the consultations carried out with Indigenous communities and interested persons,
 - ii. a list of the Indigenous communities and interested persons who participated in the consultations,
 - iii. summaries of the comments submitted by Indigenous communities and interested persons, and
 - iv. a summary of discussions that Metrolinx had with Indigenous communities, and copies of all written comments submitted by Indigenous communities.

Notice of draft early works report

9. (1) Metrolinx shall prepare a notice of publication of draft early works report that complies with subsection (3) and distribute it as described in subsection (4).

(2) In preparing the draft early works report, Metrolinx shall request every Indigenous community that is identified on the list provided by the Director described in section 3 to advise it in writing of any potential negative impact that the early works may have on their constitutionally protected aboriginal or treaty rights.

(3) The notice shall include the following information:

1. Metrolinx's address.
2. The name and phone number and email address of a person who may be contacted on behalf of Metrolinx.
3. A description of the early works.
4. A statement that the environmental impacts of the early works are being assessed in accordance with this Regulation.

5. A map showing the site of the early works described under paragraph 3.
6. Information on how to obtain a copy of the draft early works report.
7. Information about any opportunities Metrolinx is providing for consultation about the draft early works report.
8. Information on how comments about the draft early works report can be submitted to Metrolinx.

(4) Metrolinx shall distribute the notice by,

- (a) giving a copy of the notice to,
 - (i) every assessed owner of land within 30 metres of the site of the early works,
 - (ii) the Director of the Ministry's Environmental Assessment Branch,
 - (iii) the Director of the Ministry's Central Region Office,
 - (iv) every Indigenous community that is identified on the list provided by the Director described in section 3, and
 - (v) any other person who, in the opinion of Metrolinx, may be interested in the early works; and
- (b) publish the notice in a manner that, in the opinion of Metrolinx, will promptly bring the notice to the attention of the public near the site of the early works.

(5) For the purposes of identifying persons who may be interested in the early works under subclause (4) (a) (v), Metrolinx shall have regard to Schedule 2 of Ontario Regulation 231/08 (Transit Projects and Metrolinx Undertakings) made under the Act.

(5) Metrolinx shall also post the notice on its website.

Consultation on early works report

10. (1) Subject to subsection (2), Metrolinx shall consult with every Indigenous community that is identified on the list provided by the Director described in section 3 and persons who, in the opinion of Metrolinx, may be interested in the early works.

(2) Metrolinx shall provide all of the persons to whom a copy of the notice under clause 9

(3) (a) is given an opportunity to participate in the consultation.

(3) Subject to subsections (4) to (6), the consultation shall be conducted in the way Metrolinx considers appropriate.

(4) As part of the consultation, Metrolinx shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 9 (4) (a) is given are notified of the publication of the draft early works report and are provided with access to a copy of it.

(5) As part of the consultation, Metrolinx shall discuss with each Indigenous community that may be negatively impacted by the early works,

- (a) any constitutionally protected aboriginal or treaty right that is identified by the community as potentially being negatively impacted by the early works; and
- (b) measures for mitigating potential negative impacts on the right referred to in clause (a), including any measures identified by the community.

(6) Metrolinx shall establish an issues resolution process to attempt to resolve any concerns raised by Indigenous communities and interested persons in a way that does not cause unreasonable delay to the implementation of the Ontario Line Project.

Final early works report

11. (1) Within 65 days of publishing the notice of publication of the draft early works report pursuant to clause 9 (4) (b), Metrolinx shall,

- (a) complete the consultation and issues resolution process under section 10;
- (b) update the draft early works report, including by adding,
 - (i) a description of the issues resolution process employed by Metrolinx in respect of any concerns raised by Indigenous communities and interested persons;
 - (ii) a description of the concerns raised by Indigenous communities and interested persons in the issues resolution process and of the outcome of the process, including what, if anything, Metrolinx did or will do in respect of the concerns raised, and
 - (iii) a description of any impacts to the timeline for implementation of the early works as a result how Metrolinx has addressed the concerns; and
- (c) publish the final early works report on its website.

(2) Metrolinx shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 9 (3) (a) is given are notified of the publication of the final early works report and are provided with access to a copy of it.

Minister's notice

12. (1) Within 35 days after receipt of the notice given under subsection 11 (2) by the Director of the Ministry's Environmental Assessment Branch and the Director of the Ministry's Central Region Office by the Directors, the Minister may give Metrolinx,

- (a) a notice allowing Metrolinx to proceed with the early works in accordance with the final early works report; or
- (b) a notice allowing Metrolinx to proceed with the early works in accordance with the final early works report, subject to conditions set out in the Minister's notice.

(2) The Minister may impose conditions under clause (1) (b) if,

- (a) the conditions relate to a concern raised in the issues resolution process established by Metrolinx pursuant to subsection 10 (6);
- (b) the Minister is of the opinion that the way in which Metrolinx has addressed the concern in the final early works report would cause unreasonable delay to the implementation of the Ontario Line Project; and
- (c) the conditions modify the way in which the concern is addressed in the final early works report and the Minister is of the opinion that the conditions would not cause unreasonable delay to the implementation of the early works.

Early works statement of completion

13. (1) Metrolinx shall submit a statement of completion of the early works assessment process to the Directors of the Ministry's Environmental Assessment and Permissions Branch and Central Region Office if,

- (a) the Minister gives Metrolinx notice in accordance with clause 12 (1) (a) allowing Metrolinx to proceed in accordance with the final early works report;
- (b) the Minister gives Metrolinx notice in accordance with clause 12 (1) (b) allowing Metrolinx to proceed in accordance with the final early works report, subject to conditions set out in the notice; or
- (c) no notice is given by the Minister pursuant to subsection 12 (1) within the time period specified in that subsection.

(2) The statement of completion of the early works assessment process shall indicate that Metrolinx intends to proceed with the early works in accordance with,

- (a) the final early works report, if clause (1) (a) or (c) applies; or
- (b) the final early works report, subject to the conditions set out by the Minister in the notice under clause 12 (1) (b), if clause (1) (b) of this section applies.

(3) Metrolinx shall post the statement of completion on its website.

(4) Subject to subsection 21 (20), if Metrolinx proceeds with the early works, it shall proceed in accordance with,

- (a) the final early works report, if clause (1) (a) or (c) applies; or
- (b) the final early works report, subject to conditions set out by the Minister in the notice under clause 12 (1) (b), if clause (1) (b) of this section applies.

Timing for early works assessment process

14. (1) Metrolinx may carry out the early works assessment process only until the notice of publication of draft environmental impact assessment report has been distributed in accordance with subsection 16 (3).

(2) Once the notice of publication of draft environmental impact assessment report has been distributed, Metrolinx shall immediately cease any early works assessment process that is underway.

(3) Subsections (1) and (2) do not apply to the early works assessment process for proposed changes pursuant to section 21.

ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Draft environmental impact assessment report

15. (1) Metrolinx shall prepare a draft environmental impact assessment report in accordance with subsection (2).

(2) The draft environmental impact assessment report must contain the following:

1. A statement of the purpose of the Ontario Line Project and a summary of background information relating to the Ontario Line Project.

2. The final description of the Ontario Line Project, including a description of the preferred method of carrying it out, and a description of the other methods that were considered.
3. A map showing the site of the Ontario Line Project.
4. A description of the local environmental conditions at the site of the Ontario Line Project.
5. A description of all studies undertaken in relation to the Ontario Line Project, including,
 - i. a summary of all data collected or reviewed, and
 - ii. a summary of all results and conclusions.
6. Metrolinx's assessment and evaluation of the impacts that the preferred method of carrying out the Ontario Line Project and other methods might have on the environment, and Metrolinx's criteria for assessment and evaluation of those impacts.
7. A description of any measures proposed by Metrolinx for mitigating any negative impacts that the preferred method of carrying out the Ontario Line Project might have on the environment.
8. A description of the means Metrolinx proposes to use to monitor or verify the effectiveness of mitigation measures proposed under paragraph 7.
9. A description of any municipal, provincial, federal or other approvals or permits that may be required for the Ontario Line Project.
10. A consultation record, including,
 - i. a description of the consultations carried out with Indigenous communities and interested persons,
 - ii. a list of the Indigenous communities and interested persons who participated in the consultations,
 - iii. summaries of the comments submitted by Indigenous communities and interested persons, and
 - iv. a summary of discussions that Metrolinx had with Indigenous communities, and copies of all written comments submitted by Indigenous communities.

Notice of draft environmental impact assessment report

16. (1) Metrolinx shall prepare a notice of publication of draft environmental impact assessment report that complies with subsection (2) and distribute it as described in subsection (3).

(2) The notice shall include the following information:

1. Metrolinx's address.
2. The name and phone number and email address of a person who may be contacted on behalf of Metrolinx.
3. A description of the environmental impact assessment of the Ontario Line Project.
4. A statement that the environmental impacts of the Ontario Line Project are being assessed in accordance with this Regulation.
5. A map showing the site of the Ontario Line Project.
6. Information on how to obtain a copy of the draft environmental impact assessment report.
7. Information about any opportunities Metrolinx is providing for consultation about the draft environmental impact assessment report.
8. Information on how comments about the draft environmental impact assessment report can be submitted to Metrolinx.

(3) Metrolinx shall distribute the notice by,

- (a) giving a copy of the notice to,
 - (i) every assessed owner of land within 30 metres of the site of the Ontario Line Project,
 - (ii) the Director of the Ministry's Environmental Assessment Branch,
 - (iii) the Director of the Ministry's Central Region Office,
 - (iv) every Indigenous community that is identified on the list provided by the Director described in section 3, and
 - (v) any other person who, in the opinion of Metrolinx, may be interested in the Ontario Line Project; and

- (b) publish the notice in a manner that, in the opinion of Metrolinx, will promptly bring the notice to the attention of the public near the site of the Ontario Line Project.

(4) For the purposes of identifying persons who may be interested in the Ontario Line Project under subclause (3) (a) (v), Metrolinx shall have regard to Schedule 2 of Ontario Regulation 231/08 (Transit Projects and Metrolinx Undertakings) made under the Act.

(5) Metrolinx shall also post the notice on its website.

Consultation on environmental impact assessment report

17. (1) Subject to subsection (2), Metrolinx shall consult with every Indigenous community that is identified on the list provided by the Director described in section 3 and persons, who, in the opinion of Metrolinx, may be interested in the Ontario Line Project.

(2) Metrolinx shall provide all of the Indigenous communities and persons to whom a copy of the notice under clause 16 (3) (a) is given with an opportunity to participate in the consultation.

(3) Subject to subsections (4) to (6), the consultation shall be conducted in the way Metrolinx considers appropriate.

(4) As part of the consultation, Metrolinx shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 16 (3) (a) is given are notified of the publication of the draft environmental impact assessment report and are provided with access to a copy of it.

(5) As part of the consultation, Metrolinx shall discuss with each Indigenous community that may be negatively impacted by the Ontario Line Project,

- (a) any constitutionally protected aboriginal or treaty right that is identified by the community as potentially being negatively impacted by the Ontario Line Project; and
- (b) measures for mitigating potential negative impacts on the right referred to in clause (a), including any measures identified by the community.

(6) Metrolinx shall establish an issues resolution process to attempt to resolve any concerns raised by Indigenous communities and interested persons in a way that does not cause unreasonable delay to the implementation of the Ontario Line Project.

Final environmental impact assessment and statement of completion

18. (1) Within 65 days of publishing the notice of publication of the draft environmental impact assessment report pursuant to clause 16 (3) (b), Metrolinx shall,

- (a) complete the consultation and issues resolution process under section 17;
- (b) update the draft environmental impact assessment report, including by adding,
 - (i) a description of the issues resolution process employed by Metrolinx in respect of any concerns raised by Indigenous communities and interested persons,
 - (ii) a description of the concerns raised by Indigenous communities and interested persons in the issues resolution process and of the outcome of the process, including what, if anything, Metrolinx did or will do in respect of the concerns, and
 - (iii) a description of any impacts to the timeline for implementation of the Ontario Line Project as a result how Metrolinx has addressed the concerns; and
- (c) publish the final environmental impact assessment report on its website.

(2) Metrolinx shall ensure that all of the persons to whom a copy of the notice under clause 16 (3) (a) is given are notified of the publication of the final environmental impact assessment report and are provided with access to a copy of it.

Minister's notice

19. (1) Within 35 days after receipt of the notice given under subsection 18 (2) by the Director of the Ministry's Environmental Assessment Branch and the Director of the Ministry's Central Region Office, the Minister may give Metrolinx,

- (a) a notice allowing Metrolinx to proceed with the Ontario Line Project in accordance with the final environmental impact assessment report; or
- (b) a notice allowing Metrolinx to proceed with the Ontario Line Project in accordance with the final environmental impact assessment report, subject to conditions set out in the Minister's notice.

(2) The Minister may impose conditions pursuant to clause (1) (b) if,

- (a) the conditions relate to a concern raised in the issues resolution process established by Metrolinx pursuant to subsection 17 (6);
- (b) the Minister is of the opinion that the way in which Metrolinx has addressed the concern in the final environmental impact assessment report would cause unreasonable delay to the implementation of the Ontario Line Project; and

- (c) the conditions modify the way in which the concern is addressed in the final environmental impact assessment report and the Minister is of the opinion that the conditions would not cause unreasonable delay to the implementation of the Ontario Line Project.

Ontario Line Project statement of completion

20. (1) Metrolinx shall submit a statement of completion of the Ontario Line project assessment process to the Directors of the Ministry's Environmental Assessment Branch and Central Region Office if,

- (a) the Minister gives Metrolinx notice in accordance with clause 19 (1) (a) allowing Metrolinx to proceed in accordance with the final environmental impact assessment report;
- (b) the Minister gives Metrolinx notice in accordance with clause 19 (1) (b) allowing Metrolinx to proceed in accordance with the final environmental impact assessment report, subject to conditions set out in the notice; or
- (c) no notice is given by the Minister pursuant to subsection 19 (1) within the time period specified in that subsection.

(2) The statement of completion of the Ontario Line project assessment process shall indicate that Metrolinx intends to proceed with the Ontario Line Project in accordance with,

- (a) the final environmental impact assessment report, if clause (1) (a) or (c) applies; or
- (b) the final environmental impact assessment report, subject to the conditions set out by the Minister in the notice under clause 19 (1) (b), if clause (1) (b) of this section applies.

(3) Metrolinx shall post the statement of completion on its website.

(4) Subject to subsection 21 (20), if Metrolinx proceeds with the Ontario Line Project, it shall proceed in accordance with,

- (a) the final environmental impact assessment report, if clause (1) (a) or (c) applies; or
- (b) the final environmental impact assessment report, subject to conditions set out by the Minister in the notice under clause 19 (1) (b), if clause (1) (b) of this section applies.

Project changes inconsistent with final environmental impact assessment or early works

21. (1) If, after submitting a statement of completion of the Ontario Line Project assessment process or the early works assessment process, Metrolinx wishes to make a change to the Ontario Line Project or early works that is inconsistent with the environmental impact assessment report or final early works report referred to in that statement, Metrolinx shall prepare an addendum to that report that contains the following information:

1. A description of the change.
2. The reasons for the change.
3. Metrolinx's assessment and evaluation of any impacts that the change might have on the environment.
4. A description of any measures proposed by Metrolinx for mitigating any negative impacts that the change might have on the environment.
5. A statement of whether Metrolinx is of the opinion that the change is a significant change to the Ontario Line Project or the early works, and the reasons for the opinion.
6. A description of any impacts to the timeline for implementation of the Ontario Line Project or early works.

(2) Subsection (1) does not apply to a change that is required to comply with another Act, a regulation made under another Act, or an order, permit, approval or other instrument issued under another Act.

(3) If Metrolinx is of the opinion that a change described in an addendum prepared under subsection (1) is a significant change to the Ontario Line Project or early works, Metrolinx shall prepare a notice of addendum in accordance with subsection (4).

(4) The notice of addendum shall contain the following:

1. A description of the change.
2. The reasons for the change.
3. Information as to where and how members of the public may examine the addendum to the final environmental impact assessment report or to the final early works report and obtain copies.
4. Information on how members of the public and Indigenous communities can provide comments to Metrolinx in respect of the addendum to the final environmental impact assessment report or final early works report.

5. A description of any impacts to the timeline for implementation of the Ontario Line Project.

(5) Metrolinx shall distribute the notice of addendum by,

(a) giving a copy of the notice to,

(i) every assessed owner of land within 30 metres of the site of the change to the Ontario Line Project or early works,

(ii) the Director of the Ministry's Environmental Assessment Branch,

(iii) the Director of the Ministry's Central Region Office,

(iv) every Indigenous community that is identified on the list provided by the Director described in section 3, and

(v) any other person who, in the opinion of Metrolinx, may be interested in the change; and

(b) publish the notice in a manner that, in the opinion of Metrolinx, will promptly bring the notice to the attention of interested persons near the site of the Ontario Line Project or early works.

(6) For the purposes of identifying persons who may be interested in the Ontario Line Project or early works under subclause (5) (a) (v), Metrolinx shall have regard to Schedule 2 of Ontario Regulation 231/08 (Transit Projects and Metrolinx Undertakings) made under the Act.

(7) Metrolinx shall post the notice of addendum on its website.

(8) Metrolinx shall provide all of the persons to whom a copy of the notice under clause (5) (a) is given an opportunity to participate in the consultation.

(9) Subject to subsections (10) to (12), Metrolinx shall consult with Indigenous communities and interested persons in the way Metrolinx considers appropriate.

(10) Metrolinx shall ensure that all of the persons or Indigenous communities to whom a copy of the notice under clause (5) (a) is given are notified of the publication of the addendum to the final environmental impact assessment report or final early works report and are provided with access to a copy of it.

(11) As part of the consultation, Metrolinx shall discuss with each Indigenous community that may be negatively impacted by the change to the Ontario Line Project or early works,

- (a) any constitutionally protected aboriginal or treaty right that is identified by the community as potentially being negatively impacted by the change; and
- (b) measures for mitigating potential negative impacts on the right referred to in clause (a), including any measures identified by the community.

(12) Metrolinx shall establish an issues resolution process to attempt to resolve any concerns raised by Indigenous communities or interested persons in a way that does not cause unreasonable delay to the implementation of the Ontario Line Project or early works.

(13) Within 65 days of publishing the notice of addendum to the final environmental impact assessment report or final early works report pursuant to clause (5) (b), Metrolinx shall,

- (a) complete the consultation and issues resolution under this section;
- (b) update the addendum to the final environmental impact assessment report or final early works report, including by adding,
 - i a description of the issues resolution process employed by Metrolinx in respect of any concerns raised by Indigenous communities and interested persons,
 - ii. a description of the concerns raised by Indigenous communities and interested persons in the issues resolution process and of the outcome of the process, including what, if anything, Metrolinx did or will do in respect of the concerns raised, and
 - iii. a description of any impacts to the timeline for implementation of the Ontario Line Project or early works as a result how Metrolinx has addressed the concerns; and
- (c) publish the addendum to the final environmental impact assessment report or final early works report, as updated in accordance with clause (a), on its website.

(14) Metrolinx shall ensure that all of the persons to whom a copy of the notice under clause (5) (a) was given are notified of the updated addendum to the final environmental impact assessment report or final early works report and provided with a copy of it.

(15) Within 35 days after receipt of the notice given under subsection (14) by the Director of the Ministry's Environmental Assessment Branch and the Director of the Ministry's Central Region Office, the Minister may give Metrolinx,

- (a) a notice allowing Metrolinx to change,

- (i) the Ontario Line Project in accordance with the updated addendum to the final environmental impact assessment report, or
 - (ii) the early works in accordance with the updated addendum to the final early works report; or
- (b) a notice allowing Metrolinx to change,
- (i) the Ontario Line Project in accordance with the updated addendum to the final environmental impact assessment report, subject to conditions set out in the Minister's notice; or
 - (ii) the early works in accordance with the updated addendum to the final early works report, subject to conditions set out in the Minister's notice.

(16) The Minister may impose conditions pursuant to clause (15) (b) if,

- (a) the conditions relate to a concern raised in the issues resolution process established by Metrolinx pursuant to subsection (9);
- (b) the Minister is of the opinion that the way in which Metrolinx has addressed the concern in the updated addendum to the final environmental impact assessment report or the final early works report would cause unreasonable delay to the implementation of the Ontario Line Project or the early works; and
- (c) the conditions modify the way in which the concern is addressed in the addendum to the final environmental impact assessment report or final early works report and the Minister is of the opinion that the conditions would not cause unreasonable delay to the implementation of the Ontario Line Project or early works.

(17) Metrolinx shall submit a statement of completion of the change process to the Director of the Ministry's Environmental Assessment Branch and the Director of the Ministry's Central Region Office if,

- (a) the Minister gives Metrolinx notice in accordance with clause (15) (a) allowing Metrolinx to change the Ontario Line Project in accordance with the addendum to the final environmental impact assessment report or the early works in accordance with the addendum to the final early works report;
- (b) the Minister gives Metrolinx notice in accordance with clause (15) (b) allowing Metrolinx to change the Ontario Line Project in accordance with the addendum to the final environmental impact assessment report or the early works in accordance with

the addendum to the final early works report, subject to conditions set out in the notice; or

- (c) no notice is given by the Minister pursuant to subsection (15) within the time period specified in that subsection.

(18) The statement of completion of the change process shall indicate that Metrolinx intends to proceed with the Ontario Line Project or early works in accordance with,

- (a) the addendum to the final environmental impact assessment report or final early works report, if clause (17) (a) or (c) applies; or
- (b) the addendum to the final environmental impact assessment report or final early works report, subject to the conditions set out by the Minister in the notice under clause (15) (b), if clause (17) (b) applies.

(19) Metrolinx shall post the statement of completion on its website.

(20) Metrolinx shall not, after submitting a statement of completion pursuant to section 13 or 20 make a change to the early works or Ontario Line Project that is inconsistent with the final early works report or final environmental impact assessment report referred to in that statement unless,

- (a) the change is required to comply with another Act, a regulation made under another Act, or an order, permit, approval or other instrument issued under another Act; or
- (b) Metrolinx has prepared an addendum to the final early works report or final environmental impact assessment report in accordance with subsection (1) that describes the change and,
 - (i) Metrolinx is of the opinion that the change is not a significant change to the Ontario Line Project,
 - (ii) the Minister gives Metrolinx a notice under clause (15) (a) allowing Metrolinx to change the Ontario Line Project or early works in accordance with the addendum as updated in accordance with subsection (13),
 - (iii) the Minister gives Metrolinx notice under clause (15) (b) allowing Metrolinx to change the Ontario Line Project or early works in accordance with the addendum as updated in accordance with subsection (13), subject to conditions set out in the notice, or
 - (iv) no notice is given by the Minister pursuant to subsection (15) within the time period specified in that subsection.

(21) If Metrolinx proceeds with a change to the early works or the Ontario Line Project and,

- (a) subclause (20) (b) (ii) or (iv) applies, Metrolinx shall proceed in accordance with the updated addendum to the final early works report or final environmental impact assessment report in respect of the change, as the case may be; or
- (b) subclause (20) (b) (iii) applies, Metrolinx shall proceed in accordance with the updated addendum to the final early works report or final environmental impact assessment report in respect of the change, as the case may be, subject to the conditions set out in the notice under clause (15) (b).

COMMENCEMENT

Commencement

22. This Regulation comes into force on the day it is filed.