



Frequently Asked Questions – April 1, 2019

1. Why is the Office of the Auditor General now responsible for duties that were carried out by the Office of the Environmental Commissioner of Ontario?

On April 1, 2019, Schedule 15 of the *Restoring Trust, Transparency and Accountability Act* was proclaimed. This law transfers some of the responsibilities of the former Office of the Environmental Commissioner of Ontario to our Office. Our expanded responsibilities include reporting annually on the government's compliance with the *Environmental Bill of Rights* (EBR). This may also include reporting on energy conservation, greenhouse gas emissions reductions and any other matters that the Auditor General considers appropriate.

2. In practical terms, what has changed for me, an environmentally aware Ontarian?

Nothing about the way Ontario residents can exercise their environmental rights has considerably changed. There are no changes to ministries' responsibilities to post notices on the [Environmental Registry](#), and Ontarians still have the right to know about—and comment on—environmentally significant proposals. Ontarians must now submit applications for reviews and/or investigations directly to the ministry that they wish to conduct the review or undertake the investigation (see below for more details). Ontarians may also contact the [Ministry of the Environment, Conservation and Parks](#) about information and educational programs regarding the EBR.

3. How do I request a review of a law, regulation, policy or permit? How do I request an investigation if an environmental law has been broken?

You can submit a request for a review or investigation directly to the ministry responsible for that matter, using the form provided by the Ministry of the Environment, Conservation and Parks (MECP). The form can be found here <https://www.ontario.ca/page/ministry-environment-conservation-parks>. For additional information, contact the [MECP](#) at 416-325-4000 or 1-800-565-4923.

4. Will my request for a review/investigation be automatically granted? If not, what percentage of requests are usually granted?

Not all requests for a review or investigation are granted.

For requests for review, ministries are required to consider every request in a preliminary way, using the following factors to decide whether to grant the request for review:

- the ministry's statement of environmental values;
- the potential for harm to the environment if the requested review is not undertaken;
- the fact that the matter is otherwise subject to periodic review;
- any social, economic, scientific or other evidence that the minister considers relevant;
- any submission from a person notified of the application due to their direct interest in the matter;
- the resources required to conduct the review; and
- any other matter that the minister considers relevant.

In addition, the EBR directs ministries to deny any request to review a decision that was made in the last five years except under certain circumstances.

For requests for investigation, ministries are directed to grant the requested investigation “to the extent that the ministry considers necessary.” However, a ministry is not required to conduct an investigation if:

- the application is frivolous or vexatious;
- the alleged contravention is not serious enough to warrant an investigation;
- the alleged contravention is not likely to cause harm to the environment; or
- the requested investigation would duplicate an ongoing or completed investigation.

Ministries are required to notify applicants within 60 days of their decision to grant or deny a review or an investigation. If a ministry does grant an investigation, it must notify applicants of its completed results within 150 days. If it cannot complete the investigation by that time, it must provide an estimated time for completion within 120 days.

The percentage of requests that are granted varies widely from year to year. On average, about one-third of requests for review, and half of all requests for investigation, are carried out.

5. What recourse do I have if my request for a review/investigation is denied?

There is no formal recourse if a ministry denies a review or investigation. The public may share any concerns with the ministry itself and/or with our Office. We will review each application, as well as evaluate each ministry’s overall handling of applications for review and investigation in our EBR compliance report.

6. How long does it take for the ministry to carry out a review/investigation?

The amount of time for a ministry to carry out a review or investigation depends on the specific issues in each case, including the complexity and scope of what is involved. For example, in the past, ministries have taken as little as a few weeks to conduct reviews of permits and approvals for specific sites and operations. In other cases, reviews of the need for new province-wide laws have taken several years. Likewise, the time involved to carry out an investigation varies widely, especially with regard to complex enforcement actions.

7. Does the ministry keep me updated about the progress of my request for a review/investigation?

For reviews, ministries may keep applicants updated on the progress, but are not required to do so. However, for investigations that take longer than 120 days, ministries are required to provide applicants with a written estimate of the time required to complete that investigation.