Form: Application for Investigation
Part V, Environmental Bill of Rights, 1993

Disclaimer: This form is not, and should not be construed as, legal advice. Please refer to the applicable statutes and regulations for the exact legal requirements.

General information about Applications for Investigation

Part V of the Environmental Bill of Rights, 1993 allows any two persons resident in Ontario to jointly request that a ministry investigate if they believe that someone has contravened or violated a prescribed Act, a regulation or instrument made under a prescribed Act, or a classified instrument.

In order to have a complete application, you will need to include evidence the alleged violation.

You may only ask for an investigation to be undertaken in relation to certain Acts, regulations under those Acts or instruments. For a list of prescribed acts, regulations, and instruments, please refer to Ontario Regulation 73/94 (General).

The ministries responsible for the Acts, regulations, and instruments which may form the subject matter of an application for investigation are listed on page 13, along with contact information.
The personal information requested in this Application is gathered under the authority of section 61 of the EBR. The collection, use, and disclosure of this information is governed by the Freedom of Information and Protection of Privacy Act. In addition, pursuant to section 72 of the EBR, notices to persons with direct interest in matters raised in this application and notices of the minister’s decision(s) will not disclose your personal information.

The information collected by this form is required by the EBR and will be used to assist the minister to determine whether an existing policy, act, regulation or instrument of Ontario should be reviewed, or to decide whether there is a need for a new policy, act or regulation. The personal information collected will be used to notify you of the minister’s decision whether to conduct a review and, if so, to notify you of the outcome of the review.

For more information about this Application form and the EBR, or any questions about the collection of personal information, please contact the EBR lead for the specific ministry you wish to submit your application to. See List of Ministries and Acts that are subject to the application for investigation provisions under the EBR on page 13.

Instructions

1. Type or print clearly in ink
2. Ensure both applicants sign and date the form
3. Complete all the sections
4. Answer all the questions
5. Ensure that your affidavit is attached and properly sworn or affirmed before a commissioner for taking affidavits in Ontario
6. Clearly indicate the section of the form to which any additional documentation applies
7. Keep a copy of the complete application for your files

Submit your original form and supporting documents to the minister responsible (or who would be responsible) for the policy, act, regulation or instrument. See page 13 for a listing of these ministries, along with contact information for each.

1. Applicants
Any two Ontario residents can apply to a minister to investigate if they believe someone has contravened or violated a prescribed act, a regulation made under a prescribed act, or a classified instrument.

Please complete 1(a) and 1(b) OR complete 1(a) and 1(c) if one of the applicants is a corporation. If both applicants are corporations, please copy the declaration form for 1(c) and attach the second completed declaration form to this application.
1(a) Applicant Number One

Name

Address

ONTARIO

City

Province

Postal Code

( )

Telephone

e-mail address

Declaration of Ontario Residency:

I __________________________ am an Ontario resident and have been since __________________________ (Month, Year)

(Print Name) __________________________ (Signature)

(Date) __________________________

1(b) Applicant Number Two

Name

Address

ONTARIO

City

Province

Postal Code

( )

Telephone

e-mail address

Declaration of Ontario Residency:

I __________________________ am an Ontario resident and have been since __________________________ (Month, Year)

(Print Name) __________________________ (Signature)

(Date) __________________________
1(c) Corporate Applicant

Name of Corporation                                Name of Position of Corporate Officer

ONTARIO

Address                                      City                Province

(      )                                      (      )                (      )

Postal Code                                 Telephone

e-mail address

Declaration of Incorporation in Ontario:

The ____________________________ is an Ontario or Canadian Federal
(Name of Corporation)

Corporation, carrying on business with its head office in Ontario established by articles of incorporation in _________, _______.

(Month, Year)

(Date)                                      (Name of Officer and Position)

(Company Number)                            (Signature)
2. Alleged Contravener(s)
Provide the name and address of each person(s) or corporation(s) alleged to have been involved in the commission of the contravention:

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<th>Company/Individual Name</th>
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<th>Address</th>
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<th>ONTARIO</th>
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3(a) Alleged Contravention

Act(s)__________________________  Section Number ________________
Regulation(s) ____________________  Section Number ________________
Instrument Type and Number______________________________
Condition Number________________________

3.(b) Provide a statement of the nature of the alleged contravention(s):

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

If you need more space, attach additional pages, each referenced with “Question #3(b)”
3.(c) Provide a detailed description of the alleged contravention(s). Your description may include:

- A description of the nature/circumstances of the alleged contravention(s)
- An explanation of why you believe that the company(ies) and/or individual(s) cited as the “contravenors” are responsible for the contravention
- If known, the date and time of the contravention or the approximate date and time
- The date you first became aware of the incident(s)
- How you became aware of the incident(s)
- Any other information that you believe is relevant

If you need more space, attach additional pages, each referenced with “Question #3(c)”
4. Summary of Evidence

4(a) Provide a summary of the evidence supporting your allegation.
For example, this could include any documents, photographs, samples or any other materials that you believe should be considered in the investigation.

Attach copies of written materials and photographs to this Application, or contact submit the documents and photographs electronically. Please cross-reference each item where mentioned in your application.

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<th>Document or material, including description</th>
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If you need more space, attach additional pages, each referenced with “Question #5(a)"
4(b) Contact
Provide the names and addresses of each person who might be able to give evidence about the alleged contravention, together with a summary of the evidence they might give, to the extent that this information is available. For example:

“Jane Doe, Abatement Officer, Ministry of the Environment
Central Region, 416-555-1234
Ms. Doe will confirm that on August 25, 2011, a pipe from the alleged contravener’s company was discharging into ABC Creek. Ms Doe can also confirm that the samples mentioned in Section 8 were obtained on August 25, 2011 from the same discharge.”

If you need more space, attach additional pages, each referenced with “Question #5(b)”
5. Previous contact with the any ministry or with an officer of the Legislative Assembly

If you have previously contacted any ministry or an officer of the Legislative Assembly (including the Auditor General or his/her staff) about the alleged contravention, please provide the following information:

- Name, address and telephone number of the person or office contacted, and date contacted
- Details of the reason for contact
- Outcome of the contact

If you need more space, attach additional pages, each referenced with “Question #6”
6. Documentation and other materials

Provide a description of any document or other material that the applicants believe should be considered in the investigation; A copy of these materials should be included in your application if you can reasonably obtain them. Please provide copies of all written materials and photographs referred to in your summary above. These materials can be submitted by mail or electronically. Reference each document and photograph against the list you have created.

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If you need more space, attach additional pages, each referenced with “Question #6”
**Sworn Statement**

Each applicant (or, if the applicant(s) are corporations, a director or officer of the corporation) must make a sworn statement that he or she believes that the facts alleged in the Application to be true. After you have completed this Application, bring the Application before a commissioner for taking affidavits in Ontario, and have the Application sworn or affirmed before you forward it to the appropriate minister.

If you need documents to be notarized or commissioned for private and commercial transactions, check the [Yellow Pages](#) or consult with your [local library](#) on how to locate a notary or commissioner in your community.

For more general information on affidavits view the Ministry of the Attorney General’s [website](#).
Application for Investigation Checklist

Before you send your application for investigation and supporting documents to the appropriate minister, make sure you have:

- Completed the forms for Applicant Number One AND Applicant Number Two, including the signatures and declarations of Ontario residency of both applicants
- If you are (a) corporate applicant(s), provided the proper legal name of the corporation AND completed the declaration of incorporation in Ontario
- Provided a sworn statement from EACH applicant that the applicant believes that the facts alleged in the application are true
- Specified the section(s) of the act(s), regulation(s) or instrument(s) that you believe was/were contravened
- Double checked that the act(s), or the regulation(s) or instrument(s) made or issued under the act, are prescribed for the purpose of applications for investigation under the EBR
- Provided the names and addresses (if possible) of each person alleged to have been involved in the commission of the contravention(s)
- Described the nature of the alleged contravention(s)
- Included as much information as you can to support your application, including the names and addresses of any witnesses, any documents or materials that you believe should be considered in the investigation, and copies of any documents or other evidence (if possible)
- Provided details of any previous contact that you have had with any ministry or an officer of the Legislative Assembly regarding the alleged contravention(s)
- Retained a copy of your Application for Investigation and supporting documents for your own records

See page 13 for a list of ministries that are responsible for applications for investigation and corresponding contact information.

Disponible en français
List of Ministries and Acts that are subject to the application for investigation provisions under the EBR

The following ministries are subject to applications for investigation

Ministry of Energy, Northern Development and Mines
Submit your application to
Minister of Energy
Strategic, Network and Agency Policy Division
Cabinet Liaison & Strategic Policy Coordinator
6th Flr, 77 Grenville St
Toronto, ON, M7A 2C1
Andrea.Pastori@ontario.ca

Minister of Northern Development and Mines
Strategic Policy Division
Policy Advisor
5th Flr, Room 5630
99 Wellesley St W
Toronto, ON, M7A 1W3
Jigme.Duntak@ontario.ca

Ministry of the Environment, Conservation and Parks
Submit your application to
Minister of the Environment, Conservation and Parks
5th Floor, 777 Bay Street
Toronto, ON, M7A 2J3
minister.mecp@ontario.ca

Ministry of Government and Consumer Services
Submit your application to
Minister of Government and Consumer Services
C/O Communications Branch, Correspondence Unit
Mowat Block
6th Flr, 900 Bay St
Toronto, ON, M7A 1L2
InfoMGCS@ontario.ca

Ministry of Municipal Affairs and Housing
Submit your application to
Ministry of Municipal Affairs and Housing
C/O David McLeod
Senior Policy Advisor
Corporate Services Branch
Ministry of Municipal Affairs and Housing
17th Flr, 777 Bay Street
Toronto, ON, M5G 2E5
david.macleod@ontario.ca
Ministry of Natural Resources and Forestry

Submit your application to
Ministry of Natural Resources and Forestry
Strategic and Indigenous Policy Branch
Priorities and Planning Section
3rd Flr S, 300 Water St
Peterborough, ON, K9J 3C7
EBR.MNRF@Ontario.ca