

# *Ambulance Act*

R.S.O. 1990, c. A-19

Amended by: 1996, c. 32, s. 59; 1997, c. 15, s. 1; 1997, c. 30, Sched. A, ss. 1-20; 1998, c. 18, Sched. G, s. 45; 1998, c. 34, ss. 1-10; 1999, c. 9, ss. 1-9; 1999, c. 12, Sched. J, ss. 1-24.

## **PART I DEFINITIONS**

### Definitions

1. (1) In this Act,

“air ambulance services” includes all services provided by an ambulance service in connection with the transportation of persons by air; (“services d’ambulance aériens”)

“ambulance” means a conveyance used or intended to be used for the transportation of persons who,

- (a) have suffered a trauma or an acute onset of illness either of which could endanger their life, limb or function, or
- (b) have been judged by a physician or a health care provider designated by a physician to be in an unstable medical condition and to require, while being transported, the care of a physician, nurse, other health care provider, emergency medical attendant or paramedic, and the use of a stretcher; (“ambulance”)

“ambulance service” means, subject to subsection (2), a service that is held out to the public as available for the conveyance of persons by ambulance; (“service d’ambulance”)

“Board” means the Health Services Appeal and Review Board under the *Ministry of Health Appeal and Review Boards Act, 1998*; (“Commission”)

“certificate” means a certificate issued to a person who has successfully completed the certification process under subsection 8 (2) or (4); (“certificat”)

“certifying authority” means the person, body or organization appointed under section 9; (“autorité chargée de la délivrance des certificats”)

“communication service” means a communication service referred to in clause 4 (1) (a); (“service de communication”)

“delivery agent” means a person or organization designated as a delivery agent under subsection 6.7 (1) and includes a delivery agent under section 6.10; (“agent de prestation”)

“designated area” means an area described in an order made under subsection 6.7 (1) and includes an area deemed to be a designated area under section 6.10; (“zone désignée”)

“Director” means the Director of the Emergency Health Services Branch of the Ministry; (“directeur”)

“emergency medical attendant” means a person employed by or a volunteer in an ambulance service who meets the qualifications for an emergency medical attendant as set out in the regulations, but does not include a paramedic or a physician, nurse or other health care provider who attends on a call for an ambulance; (“ambulancier”)

“land ambulance services” includes all services provided by an ambulance service in connection with the transportation of persons by land; (“services d’ambulance terrestres”)

“local municipality” means a city, other than the City of Toronto, a town, village and township, and includes a band within the meaning of the *Indian Act* (Canada); (“municipalité locale”)

“Minister” means the Minister of Health; (“ministre”)

“Ministry” means the Ministry of Health; (“ministère”)

“paramedic” means a person employed by or a volunteer in an ambulance service who meets the qualifications for an emergency medical attendant as set out in the regulations, and who is authorized to perform one or more controlled medical acts under the authority of a base hospital medical director, but does not include a physician, nurse or other health care provider who attends on a call for an ambulance; (“auxiliaire médical”)

“regulations” means the regulations made under this Act; (“règlements”)

“upper-tier municipality” means a county, a regional or district municipality, the County of Oxford and includes the City of Toronto, the County of Brant, the County of Prince Edward and the Municipality of Chatham-Kent. (“municipalité de palier supérieur”) R.S.O. 1990, c. A.19, s. 1; 1996, c. 32, s. 59 (1, 2); 1997, c. 30, Sched. A, s. 2 (1-7); 1998, c. 18, Sched. G, s. 45 (1); 1998, c. 34, s. 1; 1999, c. 9, s. 1; 1999, c. 12, Sched. J, s. 1.

Definition, “ambulance service”

(2) In Parts III and IV,

“ambulance service” includes only those ambulance services, as defined in section 1, that provide transportation by land. 1997, c. 30, Sched. A, s. 2 (8).

## PART II PROVINCIAL RESPONSIBILITIES

Administration of Act

2. The Minister is responsible for the administration and enforcement of this Act. R.S.O. 1990, c. A.19, s. 2.

Advisory council

3. The Minister may establish an advisory council for the purpose of advising the Minister on matters respecting the provision of ambulance services in the Province. 1999, c. 12, Sched. J, s. 2.

Functions of Minister

4. (1) The Minister has the duty and the power,

- (a) to ensure the existence throughout Ontario of a balanced and integrated system of ambulance services and communication services used in dispatching ambulances;
- (b) REPEALED: 1997, c. 30, Sched. A, s. 5 (2).
- (c) to establish, maintain and operate communication services, alone or in co-operation with others, and to fund such services;
- (d) to establish standards for the management, operation and use of ambulance services and to ensure compliance with those standards;
- (e) to monitor, inspect and evaluate ambulance services and investigate complaints respecting ambulance services; and
- (f) to fund and ensure the provision of air ambulance services. R.S.O. 1990, c. A.19, s. 4 (1); 1997, c. 30, Sched. A, s. 5 (1-4); 1999, c. 12, Sched. J, s. 3.

Powers of Minister

(2) The Minister has, in addition to the powers under subsection (1), the power,

- (a) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services and communication services;
- (b) to require hospitals to establish, maintain and operate ambulance services and communication services;
- (c) to establish regions and districts for the purposes of ambulance services and communication services; and
- (d) to designate hospitals as base hospitals that shall monitor the quality of the care provided by ambulance services in the regions and districts established by the Minister under clause (c) and perform such other functions as may be assigned to them by regulation. 1997, c. 30, Sched. A, s. 5 (5).

#### Grants by Minister

(3) The Minister may make grants to upper-tier municipalities, local municipalities, delivery agents and operators for the purpose of ensuring the provision of services under this Act. 1997, c. 30, Sched. A, s. 5 (5).

### **PART III RESPONSIBILITIES OF UPPER-TIER MUNICIPALITIES**

#### GENERAL

#### Definitions

**5.** In this Part,

“protection period” means the two-year period that begins on January 1, 1998 and ends on December 31, 1999; (“période de protection”)

“transition period” means the one-year period that begins on January 1, 2000 and ends on December 31, 2000. (“période de transition”) 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 2.

#### Municipal responsibilities

**6.** (1) Every upper-tier municipality shall,

- (a) on and after January 1, 1998 and except as otherwise provided by regulation, be responsible for all costs associated with the provision of land ambulance services in the municipality, subject to any grant made to the municipality under subsection 4 (3); and

- (b) on and after January 1, 2001, be responsible for ensuring the proper provision of land ambulance services in the municipality in accordance with the needs of persons in the municipality. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 3 (1, 2).

#### Responsibility outside municipality

(2) Nothing in this Part prevents a communication service from dispatching ambulances from within an upper-tier municipality to areas outside the municipality. 1997, c. 30, Sched. A, s. 6.

#### Same, agreements as between municipalities

(3) If an ambulance is dispatched from an ambulance service situated in an upper-tier municipality or in a local municipality to an area situated in another upper-tier municipality or local municipality, the affected upper-tier and local municipalities may enter into an agreement with respect to the costs associated with the provision of land ambulance services in both municipalities. 1997, c. 30, Sched. A, s. 6.

#### Agreements, application

(4) Subsection (3) only applies with respect to a local municipality that does not form part of an upper-tier municipality for municipal purposes. 1997, c. 30, Sched. A, s. 6.

#### Conflict

(5) If there is a conflict between a provision in this Act or a regulation and a provision in an agreement made under subsection (3), the provision in the Act or regulation prevails. 1997, c. 30, Sched. A, s. 6.

#### Province to provide services during protection period

(6) Until January 1, 2001, the Minister shall ensure the proper provision of land ambulance services throughout the Province. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 3 (3).

#### Early responsibility for provision of services

(7) Despite clause (1) (b) and subsection (6), and subject to section 6.3, at any time during the protection and transition periods, an upper-tier municipality may,

- (a) give notice to the Minister of its intention to assume responsibility for ensuring the proper provision of land ambulance services in the municipality in accordance with the needs of persons in the municipality; and
- (b) assume that responsibility as of the day set out in the notice. 1999, c. 12, Sched. J, s. 5 (1); 1999, c. 9, s. 3 (5).

#### Discharge of responsibilities

(8) In discharging its responsibility under clause (1) (b), subsection (7) or subsection 6.4 (5) or (8.4), an upper-tier municipality shall,

- (a) select persons to provide land ambulance services in the municipality in accordance with this Act;
- (b) enter into such agreements as are necessary to ensure the proper management, operation and use of land ambulance services by operators; and
- (c) ensure the supply of vehicles, equipment, services, information and any other thing necessary for the proper provision of land ambulance services in the municipality in accordance with this Act and the regulations. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 3 (6); 1999, c. 12, Sched. J, s. 5 (2).

#### Same, selection of operators

(9) The selection of a person who will provide land ambulance services in an upper-tier municipality shall,

- (a) during the protection and transition periods, be made in accordance with sections 6.4 and 6.5; and
- (b) after the transition period, be made in accordance with section 6.1. 1999, c. 9, s. 3 (7).

#### Same, restriction on selection of operators

(10) An upper-tier municipality that selects a person to provide land ambulance services under this Part shall,

- (a) ensure that the person has met or will meet all of the requirements of section 8; and
- (b) provide the name of the selected person to the Director as soon as practicable after the selection. 1999, c. 12, Sched. J, s. 5 (3).

#### Selection of operator

**6.1** (1) After the transition period, the circumstances in which an upper-tier municipality shall select a person to provide land ambulance services in the municipality are as follows:

1. Where an operator who provides land ambulance services in the municipality ceases to provide those services.

2. Where the certificate of an operator who provides land ambulance services in the municipality is revoked or not renewed under this Act.
3. Where the agreement between the municipality and an operator for the provision of land ambulance services is terminated or expires and is not renewed.
4. Where a new ambulance service is required to provide land ambulance services in the municipality. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 4; 1999, c. 12, Sched. J, s. 6 (1-3).

#### Notice of ceasing to operate

(2) An operator who provides land ambulance services in an upper-tier municipality shall give the municipality and the Director at least 120 days notice of intention to cease providing those services. 1999, c. 12, Sched. J, s. 6 (4).

#### Notice of revocation or non-renewal

(3) If the certificate of an operator who provides land ambulance services in an upper-tier municipality is not renewed under subsection 8 (4) or is revoked under subsection 11 (2), the certifying authority shall immediately give notice of the fact to the municipality. 1999, c. 12, Sched. J, s. 6 (5).

#### Manner of selecting person

- (4) In selecting a person under this section, an upper-tier municipality shall,
- (a) select a person pursuant to a request for proposals issued by the municipality; or
  - (b) provide land ambulance services itself. 1997, c. 30, Sched. A, s. 6.

#### Responsibility to ensure continuity of service

(5) If, before a person is selected under this section to provide land ambulance services in an upper-tier municipality instead of an existing operator or before the selected person begins to provide the services, the existing operator ceases to provide land ambulance services in the municipality or the certificate of such an operator expires or is revoked or not renewed, the upper-tier municipality shall,

- (a) select a person to provide land ambulance services in the municipality on an interim basis; or
- (b) choose to provide the services itself on an interim basis. 1999, c. 12, Sched. J, s. 6 (6, 7).

(6) REPEALED: 1999, c. 12, Sched. J, s. 6 (6).

**6.2** REPEALED: 1998, c. 34, s. 2.

#### TRANSITIONAL

##### Two-year protection period for certain operators

**6.3** (1) Subject to section 6.5, the following operators shall be entitled to continue to be licensed to operate an ambulance service until the end of the protection period:

1. A person who was licensed to operate an ambulance service immediately before the beginning of the protection period.
2. A person who is issued a licence to operate an ambulance service during the protection period if the ambulance service that the person is licensed to operate was, immediately before the licence is issued, operated by the Ministry. 1997, c. 30, Sched. A, s. 6.

##### Right to provide services, etc.

(2) A person referred to in paragraph 1 of subsection (1) who continues to be licensed to operate an ambulance service under this section shall, during the protection period, provide the same type of land ambulance services as the person provided before January 1, 1998 in the same manner as the services were provided before that day and shall be compensated on a similar basis as the person was compensated before that day. 1997, c. 30, Sched. A, s. 6.

##### Same

(3) A person referred to in paragraph 2 of subsection (1) shall, during the protection period,

- (a) provide the same type of land ambulance services as was provided by the Ministry before the day the person was licensed to provide those services;
- (b) provide those services in the same manner as they were provided by the Ministry before that day; and
- (c) be compensated for those services on a similar basis as the basis on which the Ministry paid for the provision of the services before that day. 1997, c. 30, Sched. A, s. 6.

(4) REPEALED: 1999, c. 9, s. 5.

(5) REPEALED: 1999, c. 9, s. 5.

(6) REPEALED: 1999, c. 9, s. 5.

#### First selection of operators by municipalities

**6.4** (1) Subject to subsection (2), every upper-tier municipality shall, on or before September 30, 1999,

- (a) select one or more persons to provide land ambulance services in all parts of the municipality on and after January 1, 2000; and
- (b) provide the name of each selected person to the Director. 1997, c. 30, Sched. A, s. 6; 1999, c. 12, Sched. J, s. 8 (1).

#### Where no selection required

(2) An upper-tier municipality is not required under this section to select a person to provide land ambulance services in the whole of the municipality or to select a person to provide land ambulance services in a part of the municipality if, on or before September 30, 1999, a person was selected by the municipality under section 6.5 to provide land ambulance services in the whole of the municipality or in the part of the municipality, as the case may be. 1997, c. 30, Sched. A, s. 6; 1999, c. 12, Sched. J, s. 8 (2).

#### Same

- (3) In selecting a person under this section, an upper-tier municipality shall,
  - (a) select a person pursuant to a request for proposals issued by the municipality;
  - (b) provide the land ambulance services itself; or
  - (c) if on September 30, 1999 a person other than the municipality is providing land ambulance services in the municipality, select that person and enter into an agreement with that person with respect to the provision of land ambulance services. 1997, c. 30, Sched. A, s. 6.
- (4) REPEALED: 1999, c. 12, Sched. J, s. 8 (3).

#### Responsibility for provision of services

(5) Despite clause 6 (1) (b) and subsection 6 (6), an upper-tier municipality that makes a selection under subsection (1) shall, on and after January 1, 2000, be responsible for ensuring the proper provision of land ambulance services in the entire municipality in accordance with the needs of the persons in the municipality and shall discharge that responsibility in accordance with subsection 6 (8). 1999, c. 9, s. 6.

#### Same, partial selection

(6) Subsection (5) applies even though the upper-tier municipality selects one or more persons to provide land ambulance services in only part of the municipality. 1999, c. 9, s. 6.

#### Failure to select under subs. (1)

(7) If an upper-tier municipality fails to select a person to provide land ambulance services in all or part of the municipality on or before September 30, 1999,

- (a) any operator who, on and before September 30, 1999, was providing land ambulance services in a part of the municipality for which no person has been selected to provide land ambulance services may continue to provide those services for a one-year period beginning on January 1, 2000, subject to a new operator being selected under clause (b) before the end of that period; and
- (b) the municipality may, on or after the day section 6 of the *More Tax Cuts for Jobs, Growth and Prosperity Act, 1999* comes into force but before September 3, 2000, select a person to provide land ambulance services in the municipality instead of the operator referred to in clause (a), subject to subsection (8.2). 1999, c. 9, s. 6.

#### Continued provision of services

(8) Subsection 6.3 (2) applies with necessary modification to an operator who continues to provide land ambulance services during the one-year period referred to in clause (7) (a). 1999, c. 9, s. 6.

#### Same

(8.1) Despite subsection (8), if an upper-tier municipality assumes responsibility for ensuring the proper provision of land ambulance services during the one-year period referred to in clause (7) (a), the terms and conditions under which the existing operator shall continue to provide those services shall be determined by agreement with the upper-tier municipality. 1999, c. 9, s. 6.

#### Notice of selection

(8.2) A selection under clause (7) (b) is not effective unless the upper-tier municipality gives the existing operator and the Director at least 120 days written notice that a new operator has been or will be selected and that the existing operator must, 120 days from receipt of the notice or at such later time as may be specified in the notice, cease providing land ambulance services in the municipality. 1999, c. 9, s. 6.

#### Method of selection

(8.3) An upper-tier municipality shall select a person under clause (7) (b) pursuant to a request for proposals issued by the municipality. However, the municipality may

choose to provide the land ambulance services itself instead of conducting the request for proposals. 1999, c. 9, s. 6.

#### Responsibility for provision of services

(8.4) In the case of an upper-tier municipality that made no selection under subsection (1), that has not become responsible for ensuring the proper provision of land ambulance services in the municipality under subsection 6 (7) and that makes a selection under clause (7) (b), the municipality shall, despite clause 6 (1) (b) and subsection 6 (6), be responsible for ensuring the proper provision of land ambulance services in the entire municipality in accordance with the needs of the persons in the municipality on and after the earlier of,

- (a) January 1, 2001; or
- (b) the day the new operator begins providing land ambulance services in the municipality. 1999, c. 9, s. 6.

#### Same

(8.5) An upper-tier municipality that becomes responsible for ensuring the proper provision of land ambulance services under subsection (8.4) shall discharge that responsibility in accordance with subsection 6 (8). 1999, c. 9, s. 6.

#### Same, partial selection

(8.6) Subsection (8.5) applies even though the upper-tier municipality selects a new operator to provide land ambulance services in only part of the municipality. 1999, c. 9, s. 6.

#### Failure to select under cl. (7) (b)

(8.7) If an operator who was providing land ambulance services in an upper-tier municipality on and before September 30, 1999 is still providing services in the municipality on December 31, 2000 and has not received a notice referred to in subsection (8.2), the operator may continue to provide land ambulance services in the municipality on and after January 1, 2001, subject to this Act and the regulations and such terms and conditions as may be agreed to by the municipality and the operator. 1999, c. 9, s. 6.

#### No liability

(9) No action or other proceeding for damages or otherwise and, despite section 2 of the *Expropriations Act*, no claim for loss of business or good will under that Act shall be instituted against an upper-tier municipality, the Crown or any officer, employee or agent of, or independent contractor hired by, the municipality or the Crown for any act done in good faith in the exercise of a power under this section or for any alleged neglect, default

or omission in the exercise in good faith of any power under this section. 1997, c. 30, Sched. A, s. 6.

**6.5 (1) REPEALED:** 1999, c. 12, Sched. J, s. 9 (1).

Where selection required

(1.1) A person shall be selected in accordance with this section to provide land ambulance services in an upper-tier municipality if, during the protection period or the transition period,

- (a) an operator who provides land ambulance services in the municipality ceases to provide those services;
- (b) the certifying authority revokes or refuses to renew the certificate of an operator who provides land ambulance services in the municipality;
- (c) in the case of a municipality that has assumed responsibility for the proper provision of land ambulance services in the municipality under subsection 6 (7) or has acquired that responsibility under subsection 6.4 (5) or (8.4), the agreement between the municipality and an operator for the provision of land ambulance services is terminated or expires and is not renewed; or
- (d) a new ambulance service is required to provide land ambulance services in the municipality. 1999, c. 12, Sched. J, s. 9 (2, 3); 1999, c. 9, s. 7 (1, 2).

Selection of operator during protection or transition period

(2) If during the protection period or the transition period any of the circumstances described in subsection (1.1) occur in an upper-tier municipality, the selection of another person to provide land ambulance services in the municipality shall be made,

- (a) by the Minister; or
- (b) if the municipality has assumed responsibility for the proper provision of land ambulance services in the municipality under subsection 6 (7) or has acquired that responsibility under subsection 6.4 (5) or (8.4), by the municipality. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 7 (3, 4); 1999, c. 12, Sched. J, s. 9 (4).

Notice

(3) Notice shall be given in accordance with subsection 6.1 (2) or (3) where a selection is required under this section because either an operator intends to cease providing land ambulance services in an upper-tier municipality or a certificate is revoked or not renewed, as the case may be. 1999, c. 12, Sched. J, s. 9 (5).

#### Manner of selection by municipality

(4) Subsections 6.1 (4) and (5) apply with necessary modifications to the selection of an operator by an upper-tier municipality under this section. 1997, c. 30, Sched. A, s. 6; 1999, c. 12, Sched. J, s. 9 (6).

#### Where Minister selects

(5) If the Minister selects a person under clause (2) (a), the Minister shall select the person pursuant to a request for proposals that he or she issues. 1997, c. 30, Sched. A, s. 6.

#### Responsibility of Minister to ensure continuity of service

(6) If, before a person is selected by the Minister under a request for proposals under subsection (5) to replace an existing operator in an upper-tier municipality or before the selected person begins to provide the land ambulance services, the existing operator ceases to provide land ambulance services or a certificate expires or is revoked or not renewed, the Minister shall select a person to provide land ambulance services in the municipality on an interim basis until the person selected under the request for proposals begins to provide land ambulance services. 1999, c. 12, Sched. J, s. 9 (7, 8).

#### Same

(6.1) If the Minister is required to select a person under clause (2) (a) in the circumstances described in subsection (6.2), the Minister, without issuing a request for proposals under subsection (5), shall select a person to provide land ambulance services in the municipality on an interim basis until the selected person referred to in subsection (6.2) begins to provide land ambulance services. 1999, c. 12, Sched. J, s. 9 (7).

#### Non-application of subs. (6.1)

(6.2) Subsection (6.1) applies where an operator in an upper-tier municipality ceases to provide land ambulance services or the certificate of such an operator expires or is revoked or not renewed after the day the upper-tier municipality indicates in accordance with this Act that a person selected by the municipality is to begin providing land ambulance services in the municipality instead of an existing operator but before the day the selected person begins to provide those services. 1999, c. 12, Sched. J, s. 9 (7, 9).

(7) REPEALED: 1999, c. 9, s. 7 (5).

#### Province to pay during protection and transition periods

**6.6** (1) Subject to subsections (3) and (8), during the protection period and the transition period, the Province of Ontario shall pay for all costs associated with the provision of land ambulance services in upper-tier municipalities. 1999, c. 9, s. 8 (1).

#### Minister to determine costs

(2) The Minister shall determine the portion of the costs paid by the Province of Ontario under subsection (1) that are associated with the provision of land ambulance services in each upper-tier municipality. 1997, c. 30, Sched. A, s. 6.

#### Reimbursement

(3) Except as otherwise provided by regulation, each upper-tier municipality shall reimburse the Province in an amount equal to the amount payable by the Province under subsection (1) less the amount of any grant made to the municipality under subsection 4 (3). 1999, c. 9, s. 8 (2).

#### Notice

(4) The Minister shall give the municipality notice of the amount due to the Province and of the date on which the amount is payable. 1997, c. 30, Sched. A, s. 6.

#### Payment

(5) An upper-tier municipality shall pay the amount set out in a notice under subsection (4) on or before the date specified in the notice. 1997, c. 30, Sched. A, s. 6.

#### Determination final

(6) The determination by the Minister of the costs to be reimbursed by each upper-tier municipality is final. 1997, c. 30, Sched. A, s. 6.

#### Debt due Crown

(7) Any amount due to the Minister by an upper-tier municipality under this section is a debt owing to the Crown in right of Ontario and may be recovered by any remedy or procedure available to the Crown by law. 1997, c. 30, Sched. A, s. 6.

#### Where municipality to pay directly

(8) Except as otherwise provided by regulation and subject to any grant made to the municipality under subsection 4 (3), an upper-tier municipality shall pay for all the costs associated with the provision of land ambulance services in the municipality if,

- (a) the municipality assumes responsibility for the proper provision of land ambulance services under subsection 6 (7); or
- (b) the municipality becomes responsible for the proper provision of land ambulance services in accordance with subsection 6.4 (5) or (8.4). 1999, c. 9, s. 8 (3).

#### Same

(9) An upper-tier municipality that is required to pay under subsection (8) shall pay the costs on a similar basis as the Province of Ontario would have paid had the

municipality not assumed responsibility for the proper provision of land ambulance services. 1997, c. 30, Sched. A, s. 6.

#### **PART IV DELIVERY AGENTS**

##### Designation of delivery agent

**6.7** (1) For the purposes of this Part, the Minister may by order designate a delivery agent for any geographic area of the Province described in the order. 1998, c. 34, s. 3 (1).

##### Designated area

(2) Despite Part III, a designated area described in an order made under subsection (1) may include the territory of one or more upper-tier municipalities. 1998, c. 34, s. 3 (1).

##### Delivery agents

(3) The following organizations may be designated as delivery agents under this section:

1. An upper-tier municipality or a local municipality.
2. An agency, board or commission established by the Province. 1998, c. 34, s. 3 (1).

##### Application of *Regulations Act*

(4) The *Regulations Act* does not apply to an order under this section. 1997, c. 30, Sched. A, s. 6.

##### Notice of designation

(5) The Minister shall, promptly after making an order under this section, give notice to every local municipality and upper-tier municipality included in the designated area of the identity of the delivery agent designated for that area and the notice shall include a description of the designated area. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 3 (2).

##### Same, unorganized territory

(6) If territory without municipal organization is included in an area designated by order under this section, the Minister shall, promptly after making the order, publish notice of the order once in *The Ontario Gazette* and once in a newspaper of general circulation in the territory and the notice shall describe the area designated in the order and set out the identity of the delivery agent designated for the area. 1997, c. 30, Sched. A, s. 6.

#### Powers and duties of delivery agent

**6.8** (1) Part III applies with necessary modifications to a delivery agent as though it were an upper-tier municipality and a delivery agent has, with respect to the geographic area for which it is designated, all the powers, duties and responsibilities of an upper-tier municipality under Part III. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 4 (1).

#### If upper-tier municipality included in designated area

(1.1) If a designated area includes an upper-tier municipality, the upper-tier municipality ceases to have the powers, duties and responsibilities assigned to it under Part III. 1998, c. 34, s. 4 (2).

#### Application

(2) Part III applies with necessary modifications to the designated area as though it was the area included in the boundaries of an upper-tier municipality. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 4 (3).

(3) REPEALED: 1998, c. 34, s. 4 (4).

#### Payment of delivery agent's costs

**6.9** (1) If a designated area consists only of one local municipality, the local municipality shall pay to the delivery agent all costs associated with the provision of land ambulance services in the designated area. 1997, c. 30, Sched. A, s. 6.

#### Same, two or more local or upper-tier municipalities

(2) If a designated area consists of two or more local or upper-tier municipalities, all costs associated with the provision of land ambulance services in the designated area shall be apportioned among the municipalities and paid by the municipalities to the delivery agent in accordance with the regulations. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 5 (1).

#### Same, unorganized territories and local or upper-tier municipalities

(3) If a designated area includes one or more local or upper-tier municipalities and territory without municipal organization, all costs associated with the provision of land ambulance services in the designated area shall be apportioned among the municipalities and the residents of the territory and paid by the municipalities and by or on behalf of the residents to the delivery agent in accordance with the regulations and the portion of the costs apportioned to the residents of the territory shall be collected in accordance with the regulations. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 5 (2).

#### Same, unorganized territories

(4) If a designated area includes territory without municipal organization, all costs associated with the provision of land ambulance services in the designated area shall be apportioned among, and collected from, the residents of the territory and paid by or on

behalf of the residents to the delivery agent in accordance with the regulations. 1997, c. 30, Sched. A, s. 6.

#### Exception

(5) Subsection (4) does not apply in the circumstances prescribed by regulation. 1997, c. 30, Sched. A, s. 6.

#### Apportionment of nil amounts

(6) A regulation may provide that the amount of costs apportioned to a local or upper-tier municipality or to all or part of territory without municipal organization is a nil amount. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 5 (3).

#### Collection of amounts in unorganized territories

(7) A regulation may provide that an amount to be paid by the residents of territory without municipal organization under this section be collected under the *Provincial Land Tax Act* and that the amount so collected be paid by the Province to the delivery agent. 1997, c. 30, Sched. A, s. 6.

#### Regulation

(8) Despite subsections (1), (2), (3) and (4), the costs that a local municipality must pay under subsection (1) and the costs to be apportioned under subsection (2), (3) or (4) shall be, if a regulation made under section 22.0.1 applies to the delivery agent, the amount determined in accordance with the regulation. 1997, c. 30, Sched. A, s. 6.

#### Where no designation

**6.10** (1) If the Minister does not designate a delivery agent for an area of the Province that is not part of an upper-tier municipality for municipal purposes, the Ministry shall be deemed to be the delivery agent for that area for the purposes of this Act and the area shall be deemed to be a designated area for the purposes of this Act. 1997, c. 30, Sched. A, s. 6.

#### Payment to Ministry

(2) If the Ministry is deemed to be the delivery agent for a designated area in accordance with subsection (1) and that area includes one or more local municipalities,

- (a) the amount that each municipality must pay shall be determined in accordance with section 6.9 and, if applicable, with the regulations made under section 22.0.1; and
- (b) the time at which and the manner in which the amount is payable shall be determined in accordance with the regulations made under section 6.9. 1997, c. 30, Sched. A, s. 6; 1999, c. 12, Sched. J, s. 10.

#### Notice of amount due

(3) The Minister or any person or body designated by the Minister shall give a local municipality notice of the amount due to the Ministry and of the date on which the amount is payable. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 6.

#### Payment

(4) A local municipality shall pay the amount set out in a notice under subsection (3) on or before the date specified in the notice. 1997, c. 30, Sched. A, s. 6.

#### Application

(5) Subsections 6.6 (6) and (7) apply with necessary modifications to an amount due by a local municipality under this section. 1997, c. 30, Sched. A, s. 6.

7. REPEALED: 1997, c. 15, s. 1 (1).

## PART V CERTIFICATION

#### Who may operate

- 8.** (1) No person shall operate an ambulance service unless,
- (a) the person holds a certificate issued by the certifying authority in accordance with subsection (2); and
  - (b) in the case of a person who wishes to provide land ambulance services, the person has been selected to provide land ambulance services in accordance with Part III or is otherwise entitled to provide land ambulance services under this Act. 1999, c. 12, Sched. J, s. 12.

#### Certification

(2) A person shall be issued a certificate by the certifying authority only if the person has successfully completed the certification process prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

#### Expiry of certificate

(3) A certificate shall expire at the end of the period prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

#### Renewal of certificate

(4) A certificate shall be renewed by the certifying authority only if, before the expiry of the certificate, the operator successfully completes the certification process prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

### Certification process

(5) In order to successfully complete the certification process referred to in subsections (2) and (4), a person must demonstrate that he or she meets the certification criteria prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

### Transition

(6) Despite subsections (1) to (5), the operator of an air ambulance service who, immediately before the day section 12 of Schedule J to the title of the *Red Tape Reduction Act, 1999* held a licence to operate an ambulance service shall be deemed to hold a certificate as of that day. 1999, c. 12, Sched. J, s. 12.

### Same

(7) Despite subsections (1) to (5), the operator of a land ambulance service who, immediately before the day section 12 of Schedule J to the *Red Tape Reduction Act, 1999* held a licence to operate an ambulance service shall be deemed to hold a certificate as of that day if, on or before that day, the operator has successfully completed the service review program required by the Minister and,

- (a) has been selected to provide land ambulance services in accordance with Part III; or
- (b) is otherwise entitled to provide land ambulance services under this Act. 1999, c. 12, Sched. J, s. 12.

### Expiry of deemed certificate

(8) The certificate that an operator is deemed to hold under subsection (6) or (7) shall expire on December 31, 2002. 1999, c. 12, Sched. J, s. 12.

### Minister to designate certifying authority

9. (1) The Minister shall appoint a person, body or organization as the certifying authority for the purposes of this Act. 1999, c. 12, Sched. J, s. 13.

### Powers and responsibilities

(2) The certifying authority shall,

- (a) ensure that all operators meet the certification criteria referred to in subsection 8 (5);
- (b) have such powers and responsibilities as may be set out in the appointment; and
- (c) be subject to such terms, conditions or limitations as may be specified in the appointment. 1999, c. 12, Sched. J, s. 13.

#### Transfer of certain powers

(3) In an appointment under this section, the Minister may delegate to the certifying authority the power to set the fees referred to in subsection 22.1 (1) and may transfer to the certifying authority any of the powers given to the Director under subsection 11 (1). 1999, c. 12, Sched. J, s. 13.

**10. REPEALED:** 1998, c. 18, Sched. G, s. 45 (2).

#### Contravention of certification criteria

**11. (1)** If an operator has contravened a standard or requirement of this Act or the regulations and the contravention would constitute a failure to meet the certification criteria referred to in subsection 8 (5), the Director may,

- (a) order the operator to remedy the contravention within the time frame specified in the order;
- (b) subject to section 14, order the operator to complete the certification process referred to in subsection 8 (2) within the time frame specified in the order;
- (c) make both orders referred to in clauses (a) and (b); or
- (d) make such orders as may be prescribed by regulation. 1999, c. 12, Sched. J, s. 14.

#### Copy of order to municipality

(2) If an order is made under subsection (1), the Director shall provide a copy of the order to the upper-tier municipality in which the operator provides land ambulance services as soon as practicable after the order is made. 1999, c. 12, Sched. J, s. 14.

#### Revocation of certificate

(3) If an operator is ordered to complete the certification process under clause (1) (b) and fails to successfully complete the certification process within the time frame specified, the certifying authority shall, by order, revoke the operator's certificate. 1999, c. 12, Sched. J, s. 14.

**12. REPEALED:** 1999, c. 12, Sched. J, s. 15.

**13. REPEALED:** 1999, c. 12, Sched. J, s. 15.

#### Notice of order to re-certify

**14. (1)** If the Director proposes to make an order under clause 11 (1) (b), he or she shall serve notice of the proposal, together with written reasons therefor, on the operator.

1999, c. 12, Sched. J, s. 16.

#### Content of notice

(2) A notice under subsection (1) shall inform the operator that the operator is entitled to a hearing by the Board if the operator mails or delivers, within 15 days after service of the notice under subsection (1), notice in writing requiring a hearing to the Director and the Board, and the operator may require such a hearing. 1999, c. 12, Sched. J, s. 16.

#### Powers of Director where no hearing

(3) If an operator does not require a hearing by the Board in accordance with subsection (2), the Director may make an order under clause 11 (1) (b). 1999, c. 12, Sched. J, s. 16.

#### Powers of Board where hearing

(4) If an operator requires a hearing by the Board in accordance with subsection (2), the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to make an order under clause 11 (1) (b) or to refrain from doing so and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations. 1999, c. 12, Sched. J, s. 16.

#### Extension of time for appeal

(5) The Board may extend the time for the giving of notice requiring a hearing by an operator under this section either before or after expiration of such time where it is satisfied that there are apparent grounds for granting relief to the operator pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension. 1999, c. 12, Sched. J, s. 16.

#### Parties

**15.** (1) The Director or the operator who has required the hearing and such other persons as are specified by the Board are parties to proceedings before the Board under this Act. R.S.O. 1990, c. A.19, s. 15 (1); 1999, c. 12, Sched. J, s. 17 (1).

#### Notice of hearing

(2) Notice of a hearing under section 14 shall afford the operator a reasonable opportunity to show that the operator has successfully completed, or is capable of successfully completing, the certification process referred to in subsection 8 (2). 1999, c. 12, Sched. J, s. 17 (2).

#### Examination of documentary evidence

(3) An operator who is a party to proceedings under section 14 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. A.19, s. 15 (3); 1999, c. 12, Sched. J, s. 17 (3).

#### Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Board holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or a party's representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. A.19, s. 15 (4).

#### Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Ontario Court (General Division). R.S.O. 1990, c. A.19, s. 15 (5).

#### Findings of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. R.S.O. 1990, c. A.19, s. 15 (6).

(7) REPEALED: 1998, c. 18, Sched. G, s. 45 (3).

#### Appeal to court

**16.** (1) Any party to the proceedings before the Board may appeal from its decision to the Divisional Court in accordance with the rules of court. 1998, c. 18, Sched. G, s. 45 (4).

#### Record to be filed in court

(2) Where any party appeals from a decision of the Board, the Board shall forthwith file in the Divisional Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal. 1998, c. 18, Sched. G, s. 45 (4).

#### Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct

him or her to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1998, c. 18, Sched. G, s. 45 (4).

## **PART VI GENERAL**

### Service of notices

**17.** (1) Except where otherwise provided, any notice required by this Act to be served shall be served personally or by registered mail addressed to the person to whom notice is to be given at the person's last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive the notice until a later date. R.S.O. 1990, c. A.19, s. 17.

### Service on municipality

(2) Any notice under this Act required to be served on a delivery agent that is a local municipality or an upper-tier municipality shall,

- (a) if served personally, be served on the treasurer, clerk or deputy-clerk of the municipality; or
- (b) if served by registered mail, be sent to the office of the treasurer, clerk or deputy-clerk of the municipality. 1998, c. 34, s. 7.

### Service on delivery agent

(3) Any notice under this Act required to be served on a delivery agent that is not a local or upper-tier municipality shall,

- (a) if served personally and the delivery agent is a corporation, be served on an officer, director or agent of the corporation;
- (b) if served personally and the delivery agent is an agency, board or commission, be served on a member, officer or agent of the agency, board or commission; or
- (c) if served by registered mail, be sent to an office of the delivery agent. 1997, c. 30, Sched. A, s. 13.

### By-laws

**17.1** (1) The council of a local municipality or upper-tier municipality may pass by-

laws,

- (a) relating to the establishment or acquisition of an ambulance service and the maintenance, operation and use of such a service; and
- (b) with respect to ensuring the provision of land ambulance services in the municipality. 1998, c. 34, s. 8.

#### Conflict

(2) A by-law passed under this section is without effect to the extent that it conflicts with a regulation or an order made under this Act. 1999, c. 12, Sched. J, s. 18.

#### Appointment of inspectors and investigators

**18.** (1) The Director may appoint inspectors and investigators for the purposes of this Act and the regulations and such appointments shall be in writing. R.S.O. 1990, c. A.19, s. 18 (1); 1997, c. 30, Sched. A, s. 14 (1).

#### Powers of inspectors or investigator

(2) An inspector or investigator, upon the production of his or her appointment under subsection (1), may enter the business premises or conveyances of an operator at any time and may examine, extract information from and make copies of the operator's books, accounts and records pertaining to the ambulance service and may inspect the conveyances, supplies and equipment for the purpose of determining their compliance with the regulations. R.S.O. 1990, c. A.19, s. 18 (2); 1997, c. 30, Sched. A, s. 14 (2).

#### Provision of information

(2.1) An inspector or investigator may, upon entering premises under subsection (2) or at any other time, require an operator or the employee of an operator to provide any information relating to the inspection or investigation and to provide copies of any books, accounts or records as the inspector or investigator may specify. 1997, c. 30, Sched. A, s. 14 (3).

#### Compliance with request for information

(2.2) An operator or an employee of an operator shall comply with a request for the provision of information or copies of any books, accounts or records as soon as practicable. 1997, c. 30, Sched. A, s. 14 (3).

#### Confidential matters

(3) Each person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this section shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his or her counsel; or
- (c) with the consent of the person to whom the information relates. R.S.O. 1990, c. A.19, s. 18 (3).

**19.** REPEALED: 1999, c. 12, Sched. J, s. 19.

**20.** REPEALED: 1999, c. 12, Sched. J, s. 20.

#### Prohibition, fees

**20.1** No person shall charge a fee or a co-payment for or in connection with the provision of ambulance services, whether or not the person is transported by ambulance, unless the fee or co-payment is,

- (a) a co-payment authorized under the *Health Insurance Act*; or
- (b) a fee under this Act. 1999, c. 12, Sched. J, s. 21.

#### Payment of co-payment by municipality or delivery agent

**21.** If a person who is transported in an ambulance is receiving general assistance from a municipality under the *General Welfare Assistance Act* or assistance under the *Ontario Works Act, 1997* or is the dependant of a person receiving such assistance, the municipality or the delivery agent designated under the *Ontario Works Act, 1997* is also liable for and shall pay that person's share of the ambulance service operator's fee as established under subsection 22.1 (2). 1997, c. 30, Sched. A, s. 17.

#### Regulations

**22.** (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (0.a) governing grants made under subsection 4 (3), including,
  - (i) determining the amount of the grants or providing the method of determining the amount of the grants,
  - (ii) respecting the portion of the costs associated with the provision of land ambulance services for which a grant may be made and determining the amount of that portion or providing that the amount be determined by the Minister, and

- (iii) prescribing terms and conditions under which a grant may be made and providing that the Minister may impose terms and conditions;
- (a) prescribing the standards of ambulances and equipment for ambulance services and of their maintenance and repair;
  - (a.1) prescribing standards for the equipment used in communication services and for their maintenance and repair;
  - (b) governing the management, operation and use of ambulance services and communication services, including insurance against liability in connection with their operation;
  - (c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and by communication services and the returns, reports and information to be submitted to the Director or the Minister;
  - (d) prescribing the qualifications of persons employed in ambulance services and communication services and respecting the testing and examination, physical or otherwise, of such persons and their duties and obligations;
    - (d.1) respecting the duties and obligations of upper-tier municipalities and delivery agents;
  - (e) providing for the issuing of certificates and prescribing classes of certificates;
    - (e.1) respecting the certification process referred to in subsections 8 (2) and (4), prescribing qualifications and eligibility criteria for participation in the certification process and respecting the certification criteria referred to in subsection 8 (5);
      - (e.1.1) respecting the expiry of certificates and providing that different classes of certificates expire within different time periods;
    - (e.2) governing the costs associated with the provision of land ambulance services in an upper-tier municipality or designated area, including the method of determining such costs and the payment of the costs;
    - (e.3) governing the compensation to be paid by an upper-tier municipality or delivery agent to another upper-tier municipality or delivery agent in the event an ambulance is dispatched from an ambulance service situated in an upper-tier municipality or designated area to an area outside the municipality

or designated area to which ambulances from the ambulance service are not regularly dispatched;

- (e.4) governing agreements made under subsection 6 (3);
- (e.5) governing the apportionment and the payment of the costs of a delivery agent associated with the provision of land ambulance services in a designated area for the purposes of section 6.9;
- (e.6) respecting the functions and duties of base hospitals and of communication services;
- (e.7) prescribing anything that must or may be prescribed or that must or may be made in accordance with the regulations or as provided in the regulations;
- (f) REPEALED: 1997, c. 15, s. 1 (4).
- (g) REPEALED: 1997, c. 15, s. 1 (4).
- (h) prescribing the standard of care to be provided to persons by emergency medical attendants and paramedics. R.S.O. 1990, c. A.19, s. 22 (1); 1996, c. 32, s. 59 (3); 1997, c. 15, s. 1 (4); 1997, c. 30, Sched. A, s. 18 (1-7); 1999, c. 9, s. 9; 1999, c. 12, Sched. J, s. 22 (1-3).

#### Same

(2) A regulation under clause (1) (e.2) or (e.3) may provide that it applies despite any provision in an agreement or class of agreements referred to in subsection 6 (3). 1997, c. 30, Sched. A, s. 18 (8).

#### Apportionment in upper-tier municipalities

(2.1) A regulation under clause (1) (e.2) may do one or more of the following:

1. Authorize local municipalities situated in an upper-tier municipality to determine by agreement how the costs associated with the provision of land ambulance services in the upper-tier municipality are to be apportioned among them, subject to prescribed conditions.
2. Provide for an arbitration process to determine how the costs associated with the provision of land ambulance services in an upper-tier municipality are to be apportioned among the local municipalities situated in the upper-tier municipality.

3. Set out the manner in which the costs associated with the provision of land ambulance services in an upper-tier municipality are to be apportioned among the local municipalities situated in the upper-tier municipality. 1997, c. 30, Sched. A, s. 18 (8); 1998, c. 34, s. 9 (1).

#### Same

- (2.1.1) A regulation under clause (1) (e.3) may,
- (a) prescribe the time and manner in which compensation must be paid;
  - (b) provide that an upper-tier municipality or delivery agent may charge a penalty if payment is late and require the payment of the penalty;
  - (c) provide that an upper-tier municipality or delivery agent may charge interest if payment is late, require the payment of the interest and either prescribe the interest or method of determining interest or provide that the interest or the method of determining the interest be set by the municipality or delivery agent. 1999, c. 12, Sched. J, s. 22 (4).

#### Agreements

(2.2) A regulation made under clause (1) (e.4) may be limited in application to specified municipalities or delivery agents. 1997, c. 30, Sched. A, s. 18 (8).

#### Apportionment in designated areas

(2.3) A regulation under clause (1) (e.5) may do one or more of the following:

1. Authorize local and upper-tier municipalities in a designated area to determine by agreement how the costs, or a part of the costs, of their delivery agent are to be apportioned among them, subject to prescribed conditions.
2. Provide for an arbitration process to determine how the costs of a delivery agent are to be apportioned among the local and upper-tier municipalities and territory without municipal organization included in the designated area for which the delivery agent is responsible.
3. Set out the manner in which the costs of a delivery agent are to be apportioned among the local and upper-tier municipalities and territory without municipal organization included in a designated area and classify municipalities for such purposes.
4. If a designated area includes territory without municipal organization, provide for the amount, or the method of determining the amount, of the costs of the delivery agent that is to be paid by the residents of the territory, set out the

manner in which those costs are to be apportioned among the residents (and for that purpose classify the residents or areas of the territory) and provide for the collection of the amount by the Province, including collection under the *Provincial Land Tax Act*, and the payment of the amount collected to the delivery agent.

5. Exempt a delivery agent or class of delivery agent or a person or class of person from section 6.9 or from a regulation made under clause (1) (e.5). 1997, c. 30, Sched. A, s. 18 (8); 1998, c. 34, s. 9 (2-4).

Same

- (2.4) A regulation under paragraph 1 or 2 of subsection (2.1) or (2.3) may,
  - (a) provide for the manner in which costs are to be apportioned and for the time and manner in which they are to be paid, on an interim basis, until such time as an agreement is reached or as a determination is made by arbitration;
  - (b) permit an agreement or the arbitration decision to apply to costs incurred and paid before the agreement or the arbitration decision is reached; and
  - (c) provide for the reconciliation of amounts paid on an interim basis. 1997, c. 30, Sched. A, s. 18 (8).

Same

(2.5) A regulation under paragraph 3 of subsection (2.1) or (2.3) may provide that it applies despite any agreement or arbitration decision or class of agreement or arbitration decision, or any provision thereof, referred to in paragraph 1 or 2 of subsection (2.1) or (2.3). 1997, c. 30, Sched. A, s. 18 (8).

Same

- (2.6) A regulation under subsection (2.1) or (2.3) may,
  - (a) prescribe the time and manner in which apportioned amounts must be paid to an upper-tier municipality or a delivery agent, as the case may be;
  - (b) provide that an upper-tier municipality or delivery agent may charge a penalty if payment is late and require the payment of the penalty;
  - (c) provide that an upper-tier municipality or delivery agent may charge interest if payment is late, require the payment of the interest and either prescribe the interest or method of determining interest or provide that the interest or the method of determining the interest be set by the municipality or delivery

agent. 1997, c. 30, Sched. A, s. 18 (8); 1998, c. 34, s. 9 (5, 6); 1999, c. 12, Sched. J, s. 22 (5, 6).

#### Retroactive

(2.7) A regulation under subsection (2.1) or (2.3) may, if it so provides, be effective with respect to a period before it is filed so long as that period commences no earlier than January 1, 1998. 1998, c. 34, s. 9 (7).

#### Classes

(3) A regulation may create different classes of ambulances, ambulance services and operators and may establish different requirements, standards or conditions for each class created. 1997, c. 30, Sched. A, s. 18 (8).

#### Incorporation

(4) A regulation under subsection (1) may adopt by reference, in whole or in part and with such changes as are considered necessary, any code, standard or document and require compliance with the code, standard or document as adopted. 1999, c. 12, Sched. J, s. 22 (7).

#### Rolling incorporation

(5) If a regulation under subsection (4) so provides, a code, standard or document adopted by reference shall be a reference to it as amended from time to time and whether the amendment was made before or after the regulation was made. 1999, c. 12, Sched. J, s. 22 (7).

#### Regulation re: costs payable by upper-tier municipalities

**22.0.1** (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations providing that the following costs are to be determined in accordance with the regulations:

1. The costs for which an upper-tier municipality is responsible under Part III.
2. The costs for which a delivery agent is responsible under Part IV.
3. The costs referred to in section 6.9. 1997, c. 30, Sched. A, s. 19.

#### Same

- (2) A regulation under this section may,
- (a) provide that the costs associated with the provision of land ambulance services in two or more upper-tier municipalities or designated areas be shared among the municipalities or delivery agents otherwise responsible for the costs;

- (b) provide for the allocation or the method of determining the allocation of those shared costs among the municipalities and delivery agents otherwise responsible for the costs;
- (c) require the municipalities and delivery agents to pay the allocated amounts; and
- (d) provide for the payment of the allocated amounts from one municipality or delivery agent to another. 1997, c. 30, Sched. A, s. 19; 1999, c. 12, Sched. J, s. 23 (1).

#### Allocation of shared costs

(2.1) A regulation under clause (2) (b) may do one or more of the following:

1. Authorize the affected upper-tier municipalities and delivery agents to determine by agreement how the shared costs are to be allocated among them, subject to prescribed conditions.
2. Provide for an arbitration process to determine how the shared costs are to be allocated among the affected upper-tier municipalities and delivery agents.
3. Provide for the manner in which costs are to be allocated and for the time and manner in which they are to be paid, on an interim basis, until such time as an agreement is reached or as a determination is made by arbitration.
4. Permit an agreement or the arbitration decision to apply to costs incurred and paid before the agreement or the arbitration decision is reached.
5. Provide for the reconciliation of amounts paid on an interim basis. 1998, c. 34, s. 10.

#### Same

(2.2) A regulation under paragraph 3 of subsection (2.1) may provide that it applies despite any agreement or arbitration decision or class of agreement or arbitration decision, or any provision thereof, referred to paragraph 1 or 2 of subsection (2.1). 1998, c. 34, s. 10.

#### Same

(2.3) A regulation under subsection (2.1) may,

- (a) prescribe the time and manner in which apportioned amounts must be paid to an upper-tier municipality or a delivery agent, as the case may be;

- (b) provide that an upper-tier municipality or delivery agent may charge a penalty if payment is late and require the payment of the penalty;
- (c) provide that an upper-tier municipality or delivery agent may charge interest if payment is late, require the payment of the interest and either prescribe the interest or method of determining interest or provide that the interest or the method of determining the interest be set by the municipality or delivery agent. 1998, c. 34, s. 10; 1999, c. 12, Sched. J, s. 23 (2).

#### Retroactive

(2.4) A regulation under subsection (2.1) may, if it so provides, be effective with respect to a period before it is filed so long as that period commences no earlier than January 1, 1998. 1998, c. 34, s. 10.

#### No allocation

(3) A regulation under this section may provide that no portion of the shared costs is to be allocated to an upper-tier municipality or to a delivery agent. 1997, c. 30, Sched. A, s. 19.

#### Classes

(4) A regulation under this section may apply to such upper-tier municipalities or delivery agents, or classes thereof, as may be prescribed. 1997, c. 30, Sched. A, s. 19.

#### Conflict

(5) A regulation under this section prevails over any provision in this Act with which it conflicts. 1997, c. 30, Sched. A, s. 19.

#### Fees

**22.1** (1) The Minister may set fees relating to the issuance of certificates and the certification process prescribed by the regulations. 1999, c. 12, Sched. J, s. 24.

#### Same

(2) The Minister may establish fees that may be charged by the operators of each class of ambulance service for each kind of service provided, may determine the methods and times for payment of such fees to the operators and may determine the classes of persons to whom the fees may be charged. 1997, c. 15, s. 1 (5).

#### Penalty

**23.** (1) Subject to subsection (2), any person who contravenes this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. R.S.O. 1990, c. A.19, s. 23 (1); 1997, c. 30, Sched. A, s. 20 (1).

### Corporations

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$100,000 and not as provided therein. R.S.O. 1990, c. A.19, s. 23 (2); 1997, c. 30, Sched. A, s. 20 (2).

### Penalty

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector or investigator from entering premises or making an inspection or conducting an investigation authorized by this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$2,500. R.S.O. 1990, c. A.19, s. 23 (3); 1997, c. 30, Sched. A, s. 20 (3).

### Same

(3.1) Any person who refuses to comply with a request for information or for copies of any books, accounts or records made by an inspector or investigator under subsection 18 (2.1) is guilty of an offence and on conviction is liable to a fine of not more than \$2,500. 1997, c. 30, Sched. A, s. 20 (4).

### Limitation

(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose. R.S.O. 1990, c. A.19, s. 23 (4).

### Minister not vicariously liable

**24.** The Minister shall not be held to be vicariously liable for the acts or omissions of operators or their employees. R.S.O. 1990, c. A.19, s. 24.

### Limitation period

**25.** No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of ambulance services after the expiration of one year from the time when the damages were sustained. R.S.O. 1990, c. A.19, s. 25.

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