

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** April 19, 2024

**CASE NO(S):** OLT-23-000383

**PROCEEDING COMMENCED UNDER** section 91(1)(2) of the *Resource Recovery and Circular Economy Act*, 2016, S.O. 2016, c. 12, Sched. 1

Appellant: Mobius PRO Services  
Respondent: Deputy Registrar, Resource Productivity and Recovery Authority  
Subject of appeal: Decision and Order regarding contravention of sections 6(1) and 10 of O. Reg. 225/18: Tires Regulation  
Reference No.: RPRA-0002  
OLT Lead Case No.: OLT-23-000383  
OLT Case No.: OLT-23-000383  
OLT Case Name: Mobius PRO Services v. Ontario (Resource Productivity and Recovery Authority)

**PROCEEDING COMMENCED UNDER** section 91(1)(2) of the *Resource Recovery and Circular Economy Act*, 2016, S.O. 2016, c. 12, Sched. 1

Appellant: YESS Environmental Services & Solutions Inc.  
Respondent: Deputy Registrar, Resource Productivity and Recovery Authority  
Subject of appeal: Decision and Order regarding contravention of sections 6(1) and 10 of O. Reg. 225/18: Tires Regulation  
Reference No.: RPRA-0005  
OLT Lead Case No.: OLT-23-000383  
OLT Case No.: OLT-23-000384  
OLT Case Name: YESS Environmental Services & Solutions Inc. v. Ontario (Resource Productivity and Recovery Authority)

**Heard:** April 9, 2024 by Video Hearing

**APPEARANCES:**

**Parties**

**Counsel**

YESS Environmental Services & Solutions Inc. and Mobius PRO Services

Julie Lesage

Resource Productivity and Recovery Authority

Erica Richler

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON  
APRIL 9, 2024 AND ORDER OF THE TRIBUNAL**

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[Link to the Order](#)

**INTRODUCTION**

[1] On April 9, 2024, the Tribunal convened a settlement hearing regarding appeals brought by YESS Environmental Services & Solutions Inc. and Mobius PRO Services (“Appellants”). The appeals were brought under s. 91(1)(2) of the *Resource Recovery and Circular Economy Act* (“RRCEA”). They are regarding the issuance of Compliance Order No. RPRA-0002 (to Mobius PRO Services) and Compliance Order No. RPRA-0005 (to YESS Environmental Services & Solutions Inc.) (together, “Compliance Orders”) by the Resource Productivity and Recovery Authority (“Authority”).

[2] On April 5, 2023, Marisa Luff, who is an Inspector with the Authority, issued Inspector’s Orders to the Appellants under s. 86 of the RRCEA. The Appellants requested reviews of the Orders under s. 87 of the RRCEA and, on April 19, 2023, the Deputy Registrar of the Authority issued the Compliance Orders under s. 87(6)(b) of the RRCEA, which, with some modifications, confirmed the Inspector’s Orders.

[3] On May 4, 2023, the Appellants appealed the Compliance Orders to the Tribunal.

[4] On August 18, 2023, the Tribunal convened a Case Management Conference at which the Parties indicated an interest in pursuing settlement discussions and, in December 2023, the Parties engaged in mediation in an effort to settle the appeals.

[5] On February 28, 2024, the Parties informed the Tribunal that they had reached a proposed settlement and the Tribunal scheduled a settlement hearing to consider it.

## **BACKGROUND**

[6] The RRCEA sets out the framework for a system of resource recovery and waste reduction in the Province. The objectives of the RRCEA are achieved through the establishment of regulations setting out measures and standards. These include regulations on hazardous products, electrical and electronic equipment, batteries, blue box programmes, and tires.

[7] The Appellants are Producer Responsibility Organizations as defined under s. 1(1) of the RCCEA's regulation on tires - Ontario Regulation 225/18 ("Tires Regulation"). They are companies retained by tire producers to carry out producer responsibilities. Among other things, they operate used tire collection and management systems.

[8] The Authority submits that the Compliance Orders were issued based on its determination that each Appellant had failed to meet the collection system requirements in the Tires Regulation. Specifically, the Authority had determined that the number of used tire collection sites required and the general collection requirements under s. 6 and s. 10 of the Tires Regulation had not been met.

[9] To address these issues, the Compliance Orders require the Appellants to do the following:

By July 30, 2023, you are required to take the following action:

1. Submit an external audit demonstrating a collection system that is compliant with the provisions outlined in sections 6 through 10 of the Tires Regulation.

By May 1, 2023, you are required to take the following actions:

1. Submit information regarding the auditor retained to complete the above-noted audit, including the company name, primary contact name, and primary contact information.
2. Submit a draft scope of work with detailed information regarding the scope of the above-noted audit.

By May 15, 2023, you are required to take the following action to the satisfaction of the inspector who is issuing the order:

1. Submit a final scope of work with detailed information regarding the scope of the above-noted audit.

[10] In their appeals, the Appellants' assert, among other things, that they have complied with s. 6 of the Tires Regulation and that the Authority failed to produce evidence of any non-compliance with the performance requirements in s. 10 of the Tires Regulation. They allege that the audit requirements in the Compliance Orders are unwarranted.

[11] Based on the proposed settlement, the Parties request that the above provisions be replaced with text stating that:

[The Appellants] submitted data to [the Authority] that failed to demonstrate that its collection system has the required number of sites per community. In addition, a random inspection conducted by [the Authority] demonstrated that sites within [the Appellants'] collection system may not have met the general requirements relating to tire collection.

[12] They also request that the proposed revised Compliance Orders contain operational text stating:

By September 14, 2023, you are required to take the following action:

1. Submit a report including the following:
  1. Accessibility compliance – an agreed-upon procedure to perform specific tests related to the required number of community sites and provide the results to RPRA.
  2. Operational compliance – an agreed-upon procedure to perform specific tests related to s.10 of the Ontario Regulation 225/18 requirements and provide the results to RPRA.

## ISSUES

[13] Rule 12.1 of the Tribunal's *Rules of Practice and Procedures* ("Rules") states:

12.1 The Tribunal may hold a hearing on the terms of a settlement if the parties in the proceeding agree to a settlement prior to a hearing event. The Tribunal may issue any directions to the parties necessary to ensure compliance with all statutory requirements, or to assist the Tribunal, prior to convening the settlement hearing. If all statutory requirements and the public interest are satisfied, the Tribunal may issue an order approving the settlement, with any necessary amendments.

[14] The issues before the Tribunal are whether the proposed revised Compliance Orders satisfy the applicable statutory requirements and are in the public interest. To make these determinations, the Tribunal must assess whether the proposed revised Compliance Orders properly address the provincial interest objectives set out in s. 2 of the RRCEA, comply with s. 6 and s. 10 of the Tires Regulation, and are in the public interest.

## EVIDENCE

[15] At the settlement hearing, Noah Gitterman, who was the Deputy Registrar of the Authority at the time of the issuance of the Compliance Orders, presented evidence on behalf of the Authority.

[16] Mr. Gitterman testified that the proposed revised Compliance Orders are consistent with the provincial interests set out in s. 2 of the RRCEA. He stated that the proposed revised Compliance Orders will facilitate compliance with the Tires Regulation, ensure fairness to consumers, and facilitate cooperation among entities involved in tire resource recovery and waste reduction activities. He said the proposed revised Compliance Orders support efforts to ensure compliance with s. 6 and s. 10 of the Regulation and are in the public interest. He said they help to achieve the goals of the RRCEA and ensure that people have access to places in their community where they can drop off used tires for recycling in support of the RRCEA's goals and objectives.

## **ANALYSIS AND FINDINGS**

[17] Based on the evidence before it, the Tribunal finds that the proposed revised Compliance Orders facilitate compliance with s. 6 and s. 10 of the Tires Regulation and are in the public interest in that they implement strategies to ensure that the number of tire collection sites in a community meets the needs of the community. They also help ensure that the operational collection requirements under the Tires Regulation are addressed. As required under s. 10 of the RRCEA, the Tribunal has had regard to the provincial interest objectives set out in s. 2 of the RRCEA. By requiring reporting on procedures for accessibility and operational compliance, the Tribunal finds that the proposed revised Compliance Orders will facilitate compliance with s. 6 and s. 10 of the Tires Regulation and will help to achieve the objectives set out in s. 2 of the RRCEA. The Tribunal notes that under the terms of the settlement, if the proposed revised Compliance Orders do not result in compliance with s. 6 and s. 10 of the Tires Regulation, the Authority may bring about, after September 1, 2024, further actions to ensure compliance with those provisions.

[18] The Tribunal notes that the revised Compliance Orders vary the Compliance Orders, dated April 19, 2023, and they do not constitute new Orders.

**ORDER****[19] THE TRIBUNAL ORDERS THAT:**

1. The appeals of Mobius PRO Services and YESS Environmental Services & Solutions Inc. are allowed, in part; and,
2. RPRA Compliance Order No. RPRA-0002 (to Mobius PRO Services), and Compliance Order No. RPRA-0005 (to YESS Environmental Services & Solutions Inc.), both dated April 19, 2023, are varied, as attached to this Order as Attachments 1 and 2 respectively, as follows:

**NATURE OF CONTRAVENTION**

[Mobius/YESS] submitted data to RPRA that failed to demonstrate that its collection system has the required number of sites per community. In addition, a random inspection conducted by RPRA demonstrated that sites within [Mobius'/YESS's] collection system may not have met the general requirements relating to tire collection. [Mobius/YESS] has failed to meet the collection system requirements outlined in the Tires Regulation, specifically relating to the number of sites required per community and to the general requirements of collection sites.

**REQUIRED ACTION**

By September 14, 2023, you are required to take the following action:

1. Submit a report including the following:
  1. Accessibility compliance – an agreed-upon procedure to perform specific tests related to the required number of community sites and provide the results to RPRA.
  2. Operational compliance – an agreed-upon procedure to perform specific tests related to s.10 of the Ontario Regulation 225/18 requirements and provide the results to RPRA.

~~By July 30, 2023, you are required to take the following action:~~

- ~~1. Submit an external audit demonstrating a collection system that is compliant with the provisions outlined in sections 6 through 10 of the Tires Regulation.~~

~~By May 1, 2023, you are required to take the following actions:~~

- ~~1. Submit information regarding the auditor retained to complete the above-noted audit, including the company name, primary contact name, and primary contact information.~~
- ~~2. Submit a draft scope of work with detailed information regarding the scope of the above-noted audit.~~

~~By May 15, 2023, you are required to take the following action to the satisfaction of the inspector who is issuing the order:~~

- ~~1. Submit a final scope of work with detailed information regarding the scope of the above-noted audit.~~

*“Hugh S. Wilkins”*

HUGH S. WILKINS  
VICE-CHAIR

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



**ATTACHMENT 1****AMENDED COMPLIANCE ORDER**

Issued under section 86 of the  
*Resource Recovery and Circular Economy Act, 2016*, c 12, Sched 1

TO: Maury Shnier  
Mobius PRO Services  
101 Cottingham St  
Toronto, Ontario, M4V 1B9

Served by email to: [mshnier@mobiuspro.ca](mailto:mshnier@mobiuspro.ca)

**RE: COMPLIANCE ORDER NO.: RPRA-0002**  
**AMENDED PER ONTARIO LAND TRIBUNAL ORDER DATED APRIL 9, 2024, IN FILE NO.**  
**OLT-23-000383**

I, Marisa Luff, am issuing this Compliance Order because I reasonably believe that Mobius PRO Services is contravening or has contravened the *Resource Recovery and Circular Economy Act, 2016* (the "Act") or the regulations.

An excerpt of the Act relating to Compliance Orders is attached.

**CONTRAVENTION**

I reasonably believe that Mobius PRO Services is contravening or has contravened the following provisions:

1. Sections 6(1) and 10 of O Reg 225/18: TIRES

**NATURE OF CONTRAVENTION**

Mobius PRO Services submitted data to RPRA that failed to demonstrate that its collection system has the required number of sites per community. In addition, a random inspection conducted by RPRA demonstrated that sites within Mobius PRO Services's collection system may not have met the general requirements relating to tire collection.

**REQUIRED ACTION**

By September 14, 2023, you are required to take the following action:

1. Submit a report including the following:
  1. Accessibility compliance – an agreed-upon procedure to perform specific tests related to the required number of community sites and provide the results to RPRA.
  2. Operational compliance – an agreed-upon procedure to perform specific tests related to s.10 of the Ontario Regulation 225/18 requirements and provide the results to RPRA.



## REVIEW OF COMPLIANCE ORDER

You have the right to request a review of this Order by the Deputy Registrar within **seven (7) days** of the date of this Order, by completing and submitting a Request for Compliance Order Review. Requests may be sent to [registry@rpra.ca](mailto:registry@rpra.ca).

A request for review must include:

- the portions of the order in respect of which the review is requested;
- any submissions that you want the Deputy Registrar to consider; and
- your mailing address or email address for service of the Deputy Registrar's decision.

This Order takes effect on the date it is issued even if you request a review unless the Deputy Registrar orders a stay in accordance with section 87(5) of the Act.

## FAILURE TO COMPLY

Failure to comply with this Order is an offence under section 98 of the Act.

If an individual is convicted of an offence under the Act, the individual is liable to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues for a first conviction, and in the case of a subsequent conviction, to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues. If a corporation is convicted of an offence under the Act, the corporation is liable to a fine of not more than \$250,000 for each day or part of a day on which the offence occurs or continues for a first conviction, and in the case of a subsequent conviction, to a fine of not more than \$500,000 for each day or part of a day on which the offence occurs or continues.

Failure to comply with this Order may also be subject to an administrative penalty under O. Reg. 558/22. The maximum total base penalty for a corporation that fails to comply with an Order is \$75,000 plus economic benefit, which is the value the corporation derived directly or indirectly from the non-compliance.

## PUBLICATION OF ORDER

This Order will be posted on the Resource Productivity and Recovery Registry on RPRA's website in accordance with section 51 of the Act.

**ORDER ISSUED ON April 5, 2023 [Amended by the Ontario Land Tribunal on April 9, 2024]**

A handwritten signature in black ink, appearing to read "Marisa Luff", is positioned above a horizontal line.

Marisa Luff  
Inspector No.: 014  
RPRA Inspector appointed under section 47 the Act



**EXCERPT OF THE *RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016***

*COMPLIANCE ORDERS*

*Order by inspector: contraventions of Act and regulations*

**86** (1) If an inspector reasonably believes any of the following persons is contravening or has contravened this Act or the regulations, the inspector may issue an order to the person, subject to the regulations:

1. A person required under Part IV to carry out a responsibility under that Part.
2. A person required to pay a fee under subsection 41 (5).
3. A person required to comply with a rule pursuant to subsection 107.1 (6). 2016, c. 12, Sched. 1, s. 86 (1); 2020, c. 36, Sched. 41, s. 5.

*Information to be included in order*

- (2) The order shall,
- (a) specify the provision of this Act or the regulations that the inspector believes is being or has been contravened;
  - (b) briefly describe the nature and, where applicable, the location of the contravention; and
  - (c) state that a review of the order may be requested in accordance with section 87. 2016, c. 12, Sched. 1, s. 86 (2).

*What order may require*

- (3) The order may require the person to whom it is directed to comply with any directions set out in the order within the time specified, relating to,
- (a) remedying a contravention of Part III or IV of this Act or the regulations made in respect of those Parts;
  - (b) preventing the continuation or repetition of the contravention;
  - (c) submitting a plan prepared by or on behalf of the person for achieving compliance with a provision of this Act or the regulations to the inspector's satisfaction;
  - (d) engaging contractors or consultants satisfactory to an inspector to prepare a plan or carry out work required by the order;
  - (e) sampling, testing, measuring, monitoring and reporting with respect to material in a class designated under the Part IV regulations; or
  - (f) posting notice of the order. 2016, c. 12, Sched. 1, s. 86 (3).



#### *Consequential authority*

(4) The authority to make an order under this section includes the authority to require the person to whom the order is directed to take such intermediate action or such procedural steps, or both, as are related to the action required or prohibited by the order and as are specified in the order. 2016, c. 12, Sched. 1, s. 86 (4).

#### *Request for review, orders under s. 86*

87 (1) A person to whom an order under section 86 is directed may, within seven days after being served with a copy of the order, request that a Deputy Registrar review the order.

#### *Exception*

(2) If the order under section 86 was made by an inspector who is also the Registrar or a Deputy Registrar, subsection (1) does not apply and section 91 applies instead.

#### *Manner of making request*

(3) The request may be made orally, with written confirmation served on the Registrar within the time specified in subsection (1), or in writing.

#### *Contents of request for review*

(4) A written request for review under subsection (1) or a written confirmation of an oral request under subsection (3) shall include,

- (a) the portions of the order in respect of which the review is requested;
- (b) any submissions that the person requesting the review wishes the Deputy Registrar to consider; and
- (c) for the purpose of subsection (8), an address that may be used for service.

#### *No automatic stay*

(5) The request for review does not stay the order, unless the Deputy Registrar orders otherwise in writing.

#### *Decision of Deputy Registrar*

(6) After reviewing the request, the Deputy Registrar may,

- (a) revoke the inspector's order; or



- (b) by order directed to the person requesting the review, confirm or amend the inspector's order.

*Same*

- (7) For the purposes of subsection (6), the Deputy Registrar may substitute his or her own opinion for that of the inspector.

*Notice of decision*

- (8) The Deputy Registrar shall serve the person requesting the review with a copy of,
  - (a) a decision to revoke the inspector's order; or
  - (b) an order to confirm or amend the inspector's order, together with reasons.

*Automatic confirmation of order*

- (9) If, within seven days after receiving a written request for review or a written confirmation of an oral request for review, the Deputy Registrar does not deal with the matter under subsection (6) and give notice under subsection (8), the order in respect of which the review is sought is deemed to have been confirmed by order of the Deputy Registrar.

*Same*

- (10) For the purpose of section 91 and a hearing required under that section, a confirming order deemed to have been made by the Deputy Registrar under subsection (9),
  - (a) is deemed to be directed to each person to whom the inspector's order was directed; and
  - (b) is deemed to have been served, on each person to whom the inspector's order was directed, at the expiry of the time period referred to in subsection (9).

*Additional time*

- (11) Subsections (9) and (10) do not apply if, within seven days after receiving the request for review, the Deputy Registrar stays the order under subsection (5) and serves written notice on the person requesting the review specifying,
  - (a) that the Deputy Registrar requires additional time to make a decision under subsection (6); and
  - (b) the date by which the decision will be made.



*Renewal*

(12) A notice under subsection (11) may be renewed one or more times.

*90 day limitation*

(13) The Deputy Registrar's decision shall be made, in any event, no later than 90 days after the day the written request for review or written confirmation of an oral request for review was received.

*Compliance with order*

88 A person to whom an order is directed shall comply with the order or with the order as amended under clause 87 (6) (b) or varied under section 96, as the case may be.

**ATTACHMENT 2****AMENDED COMPLIANCE ORDER**

Issued under section 86 of the  
*Resource Recovery and Circular Economy Act, 2016*, c 12, Sched 1

TO: Andrew Horsman  
YESS Environmental Services & Solutions Inc.  
3-104 Lindgren Road West  
Huntsville, Ontario, P1H 1Y2

Served by email to: [andrew@yessolutions.ca](mailto:andrew@yessolutions.ca)

**RE: COMPLIANCE ORDER NO.: RPRA-0005  
AMENDED PER ONTARIO LAND TRIBUNAL ORDER DATED APRIL 9, 2024, IN FILE NO.  
OLT-23-000384**

I, Marisa Luff, am issuing this Compliance Order because I reasonably believe that YESS Environmental Services & Solutions Inc. is contravening or has contravened the *Resource Recovery and Circular Economy Act, 2016* (the "Act") or the regulations.

An excerpt of the Act relating to Compliance Orders is attached.

**CONTRAVENTION**

I reasonably believe that YESS Environmental Services & Solutions Inc. is contravening or has contravened the following provisions:

1. Sections 6(1) and 10 of O Reg 225/18: TIRES

**NATURE OF CONTRAVENTION**

YESS Environmental Services & Solutions Inc. submitted data to RPRA that failed to demonstrate that its collection system has the required number of sites per community. In addition, a random inspection conducted by RPRA demonstrated that sites within YESS Environmental Services & Solutions Inc.'s collection system may not have met the general requirements relating to tire collection.

**REQUIRED ACTION**

By September 14, 2023, you are required to take the following action:

1. Submit a report including the following:
  1. Accessibility compliance – an agreed-upon procedure to perform specific tests related to the required number of community sites and provide the results to RPRA.
  2. Operational compliance – an agreed-upon procedure to perform specific tests related to s.10 of the Ontario Regulation 225/18 requirements and provide the results to RPRA.



## REVIEW OF COMPLIANCE ORDER

You have the right to request a review of this Order by the Deputy Registrar within **seven (7) days** of the date of this Order, by completing and submitting a Request for Compliance Order Review. Requests may be sent to [registry@rpra.ca](mailto:registry@rpra.ca).

A request for review must include:

- the portions of the order in respect of which the review is requested;
- any submissions that you want the Deputy Registrar to consider; and
- your mailing address or email address for service of the Deputy Registrar's decision.

This Order takes effect on the date it is issued even if you request a review unless the Deputy Registrar orders a stay in accordance with section 87(5) of the Act.

## FAILURE TO COMPLY

Failure to comply with this Order is an offence under section 98 of the Act.

If an individual is convicted of an offence under the Act, the individual is liable to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues for a first conviction, and in the case of a subsequent conviction, to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues. If a corporation is convicted of an offence under the Act, the corporation is liable to a fine of not more than \$250,000 for each day or part of a day on which the offence occurs or continues for a first conviction, and in the case of a subsequent conviction, to a fine of not more than \$500,000 for each day or part of a day on which the offence occurs or continues.

Failure to comply with this Order may also be subject to an administrative penalty under O. Reg. 558/22. The maximum total base penalty for a corporation that fails to comply with an Order is \$75,000 plus economic benefit, which is the value the corporation derived directly or indirectly from the non-compliance.

## PUBLICATION OF ORDER

This Order will be posted on the Resource Productivity and Recovery Registry on RPRA's website in accordance with section 51 of the Act.

**ORDER ISSUED ON April 5, 2023 [Amended by the Ontario Land Tribunal on April 9, 2024]**

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Marisa Luff  
Inspector No.: 014  
RPRA Inspector appointed under section 47 the Act





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*Order by inspector: contraventions of Act and regulations*

**86** (1) If an inspector reasonably believes any of the following persons is contravening or has contravened this Act or the regulations, the inspector may issue an order to the person, subject to the regulations:

1. A person required under Part IV to carry out a responsibility under that Part.
2. A person required to pay a fee under subsection 41 (5).
3. A person required to comply with a rule pursuant to subsection 107.1 (6). 2016, c. 12, Sched. 1, s. 86 (1); 2020, c. 36, Sched. 41, s. 5.

*Information to be included in order*

- (2) The order shall,
- (a) specify the provision of this Act or the regulations that the inspector believes is being or has been contravened;
  - (b) briefly describe the nature and, where applicable, the location of the contravention; and
  - (c) state that a review of the order may be requested in accordance with section 87. 2016, c. 12, Sched. 1, s. 86 (2).

*What order may require*

- (3) The order may require the person to whom it is directed to comply with any directions set out in the order within the time specified, relating to,
- (a) remedying a contravention of Part III or IV of this Act or the regulations made in respect of those Parts;
  - (b) preventing the continuation or repetition of the contravention;
  - (c) submitting a plan prepared by or on behalf of the person for achieving compliance with a provision of this Act or the regulations to the inspector's satisfaction;
  - (d) engaging contractors or consultants satisfactory to an inspector to prepare a plan or carry out work required by the order;
  - (e) sampling, testing, measuring, monitoring and reporting with respect to material in a class designated under the Part IV regulations; or
  - (f) posting notice of the order. 2016, c. 12, Sched. 1, s. 86 (3).



#### *Consequential authority*

(4) The authority to make an order under this section includes the authority to require the person to whom the order is directed to take such intermediate action or such procedural steps, or both, as are related to the action required or prohibited by the order and as are specified in the order. 2016, c. 12, Sched. 1, s. 86 (4).

#### *Request for review, orders under s. 86*

87 (1) A person to whom an order under section 86 is directed may, within seven days after being served with a copy of the order, request that a Deputy Registrar review the order.

#### *Exception*

(2) If the order under section 86 was made by an inspector who is also the Registrar or a Deputy Registrar, subsection (1) does not apply and section 91 applies instead.

#### *Manner of making request*

(3) The request may be made orally, with written confirmation served on the Registrar within the time specified in subsection (1), or in writing.

#### *Contents of request for review*

(4) A written request for review under subsection (1) or a written confirmation of an oral request under subsection (3) shall include,

- (a) the portions of the order in respect of which the review is requested;
- (b) any submissions that the person requesting the review wishes the Deputy Registrar to consider; and
- (c) for the purpose of subsection (8), an address that may be used for service.

#### *No automatic stay*

(5) The request for review does not stay the order, unless the Deputy Registrar orders otherwise in writing.

#### *Decision of Deputy Registrar*

(6) After reviewing the request, the Deputy Registrar may,

- (a) revoke the inspector's order; or



- (b) by order directed to the person requesting the review, confirm or amend the inspector's order.

*Same*

(7) For the purposes of subsection (6), the Deputy Registrar may substitute his or her own opinion for that of the inspector.

*Notice of decision*

- (8) The Deputy Registrar shall serve the person requesting the review with a copy of,
  - (a) a decision to revoke the inspector's order; or
  - (b) an order to confirm or amend the inspector's order, together with reasons.

*Automatic confirmation of order*

(9) If, within seven days after receiving a written request for review or a written confirmation of an oral request for review, the Deputy Registrar does not deal with the matter under subsection (6) and give notice under subsection (8), the order in respect of which the review is sought is deemed to have been confirmed by order of the Deputy Registrar.

*Same*

- (10) For the purpose of section 91 and a hearing required under that section, a confirming order deemed to have been made by the Deputy Registrar under subsection (9),
  - (a) is deemed to be directed to each person to whom the inspector's order was directed; and
  - (b) is deemed to have been served, on each person to whom the inspector's order was directed, at the expiry of the time period referred to in subsection (9).

*Additional time*

- (11) Subsections (9) and (10) do not apply if, within seven days after receiving the request for review, the Deputy Registrar stays the order under subsection (5) and serves written notice on the person requesting the review specifying,
  - (a) that the Deputy Registrar requires additional time to make a decision under subsection (6); and
  - (b) the date by which the decision will be made.



*Renewal*

(12) A notice under subsection (11) may be renewed one or more times.

*90 day limitation*

(13) The Deputy Registrar's decision shall be made, in any event, no later than 90 days after the day the written request for review or written confirmation of an oral request for review was received.

*Compliance with order*

88 A person to whom an order is directed shall comply with the order or with the order as amended under clause 87 (6) (b) or varied under section 96, as the case may be.