

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 17, 2026

CASE NO(S).:

OLT-25-000343
OLT-25-000347
OLT-25-000348

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

Appellant: Duracell Canada Inc.
Respondent: Registrar, Resource Productivity and Recovery Authority
Subject: Appeal of an Administrative Penalty Order regarding contravention of provisions under O. Reg. 30/20 failing to meet the 2023 minimum management requirement for primary batteries
Reference Number: RPRA-0030
OLT Case No.: OLT-25-000343
OLT Lead Case No.: OLT-25-000343
OLT Case Name: Duracell Canada Inc. v. Ontario (Resource Productivity and Recovery Authority)

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

Appellant: Panasonic Canada Inc.
Respondent: Registrar, Resource Productivity and Recovery Authority
Subject: Appeal of an Administrative Penalty Order regarding contravention of provisions under O. Reg. 30/20 failing to meet the 2023 minimum management requirement for primary batteries
Reference Number: RPRA-0032
OLT Case No.: OLT-25-000347
OLT Lead Case No.: OLT-25-000343
OLT Case Name: Panasonic Canada Inc.v. Ontario (Resource Productivity and Recovery Authority)

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

Appellant:	Energizer Canada
Respondent:	Registrar, Resource Productivity and Recovery Authority
Subject:	Appeal of an Administrative Penalty Order regarding contravention of provisions under O. Reg. 30/20 failing to meet the 2023 minimum management requirement for primary batteries
Reference Number:	RPRA-0031
OLT Case No.:	OLT-25-000348
OLT Lead Case No.:	OLT-25-000343
OLT Case Name:	Energizer Canada v. Ontario (Resource Productivity and Recovery Authority)

Heard: March 25, 2026 by Video Hearing and
May 15, 2026 by Written Submissions

APPEARANCES:

Parties

Duracell Canada, Inc.

Panasonic Canada Inc.

Energizer Canada

Resource Productivity and
Recovery Authority

Call2Recycle Canada Inc.

Counsel

David Foulds
Ahmed Selim

Talia Gordner
Alison McGarry

Rosalind Cooper

Erica Richler
Emily Graham

Signe Leisk
Matthew Bernier (*in absentia*)

DECISION DELIVERED BY BITA M. RAJAEI AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This event was a first Case Management Conference (“CMC”) and a Hearing to consider settlement agreements with respect to the following appeals made pursuant to section 91(1)(4) of the *Resource Recovery and Circular Economy Act, 2016* (“Act”):

- a. OLT-25-000343 – Appeal by Duracell Canada, Inc., regarding Administrative Penalty Order No. RPRA-0030, issued on April 28, 2025, (“Penalty Order 1”) by the Deputy Registrar of the Resource Productivity and Recovery Authority (“Authority”).
- b. OLT-25-000347 – Appeal by Panasonic Canada Inc. regarding Administrative Penalty Order No. RPRA-0032, issued on April 28, 2025, (“Penalty Order 2”) by the Authority.
- c. OLT-25-000348 – Appeal by Energizer Canada regarding Administrative Penalty Order No. RPRA-0031, issued on April 28, 2025, (“Penalty Order 3”) by the Authority.

[2] Duracell Canada, Inc., Panasonic Canada Inc., and Energizer Canada will be collectively referred to as the “Appellants.” The Penalty Orders were imposed under section 89(2)(f) of the Act, as the Authority determined that the Appellants contravened section 12(1) of O. Reg. 30/20 made under the Act (“Batteries Regulation”) by failing to meet the minimum management requirement for primary batteries in 2023.

[3] Prior to the CMC, the Parties (and Call2Recycle) advised the Tribunal that they had reached a settlement agreement, which they intended to present to the Tribunal for approval if warranted. This settlement agreement would entail a request that the Tribunal vary the amounts originally ordered in the Penalty Orders as follows:

Administrative Penalty	Amount Originally Ordered	Parties' Suggested Amount
Penalty Order 1 to Duracell Canada Inc.	\$1,000,000	\$644,201
Penalty Order 2 to Panasonic Canada Inc.	\$781,725.72	\$214,699
Penalty Order 3 to Energizer Canada	\$1,000,000	\$631,485
Total	\$2,781,725.72	\$1,490,385

[4] At the CMC, the Tribunal addressed both procedural aspects relating to these Appeals and the settlement agreement. Additional written submissions were required subsequent to the CMC, which were received by May 15, 2026.

PROCEDURAL ASPECTS OF THE CMC

[5] No Party raised any issues with the Tribunal-issued Notice of the CMC.

Status Request

[6] The Tribunal received a Party status request from Call2Recycle Canada Inc. ("Call2Recycle"), on the basis that:

- a. The Batteries Regulation sets out various obligations for battery producers related to the collection and management of batteries. The legislative framework provides that producers can appoint a Producer Responsibility Organization ("PRO") to meet their requirements on their behalf.
- b. Call2Recycle is a national not-for-profit organization founded in 1997 to operate recycling programs for battery producers, retailers, and municipalities. The Appellants are producers within the meaning of the Batteries Regulation. The Appellants entered into a Membership Agreement with Call2Recycle, a registered PRO, pursuant to which each Appellant appointed Call2Recycle as its agent to discharge its obligations under the Act and the Batteries Regulation, including to establish, operate, and manage systems for the collection and management of batteries.

- c. Call2Recycle acted as the Appellants' PRO for the 2023 and 2024 performance years, the years directly at issue. As their PRO, Call2Recycle carries out the Appellants' collection and management obligations, among other matters, through the operation of a common collection system. Thus, Call2Recycle has a direct interest in the outcome of these Appeals, and its participation is necessary to the Tribunal's ability to adjudicate the issues.

[7] The Appellants and the Authority consented to the granting of Party status.

[8] The Tribunal determined that Call2Recycle had an interest in the matter and will assist the Tribunal in understanding the relevant issues and being able to make a fair and efficient decision on them. The Tribunal granted Party status to Call2Recycle.

Consolidation of Appeals

[9] The Appellants requested that the three Appeals be combined. The Tribunal highlighted the distinctions between hearing matters together under Rule 16.3 of the Tribunal's *Rules of Practice and Procedure* ("Rules") versus consolidation under Rule 16.2. The Parties all agreed that consolidation would be appropriate here, considering the connection between the Appellants, the role of Call2Recycle in relation to all of them, and most importantly, the common and overlapping issues between the Appeals.

[10] Upon hearing the submissions of the Parties, the Tribunal agreed that the best way to manage these related cases was to consolidate them. This would allow the Tribunal to maximize adjudicative efficiencies in addressing the significant overlap between the subject Appeals. Thus, in the interest of a fair and expeditious proceeding, the Appellants' appeals, namely Tribunal Case Nos. OLT-25-000343, OLT-25-000347, and OLT-25-000348, are now consolidated in accordance with Rule 16.2.

HEARING REGARDING SETTLEMENT AGREEMENT

Statutory Framework

[11] The Tribunal considers settlement agreements in accordance with Rule 12 of the Rules, as follows:

RULE 12

SETTLEMENT

12.1 Procedure for Settlement The Tribunal may hold a hearing on the terms of a settlement if the parties in the proceeding agree to a settlement. 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 determining the appeal.

[Emphasis added.]

[12] In this case, these Appeals were brought pursuant to section 91(1)(4) of the Act from administrative penalty orders made by the Deputy Registrar of the Authority under section 89(2)(f) of the Act. The Act indicates statutory requirements that must be met, and as required by Rule 12, the Tribunal must ensure that the settlement agreement meets those statutory requirements before it can be approved. Namely, section 96 of the Act states:

Powers of Tribunal

96 (1) A hearing by the Tribunal shall be a new hearing and the Tribunal may confirm, vary or revoke the order that is the subject matter of the hearing.

Limitation

(2) If the hearing relates to an order to pay a penalty imposed under section 89, the Tribunal shall not vary the amount of the penalty unless it considers the amount to be unreasonable.

[Emphasis added.]

[13] Thus, the Tribunal cannot vary a penalty amount ordered under section 89 unless it makes a finding that the original penalty amount is unreasonable.

[14] Furthermore, as indicated in Rule 12.1, in addition to meeting statutory requirements, the Tribunal must also ensure that the settlement satisfies the public interest. The Parties referred to the Tribunal case of [*YESS Environmental Services & Solutions Inc. v. Ontario \(Resource Productivity and Recovery Authority\)*](#), 2024 CanLII 36225 (ON LT) (“YESS Case”), wherein a settlement agreement amending Compliance Orders issued by the Authority was approved as it was in the public interest.

[15] In their submissions, the Parties referred to the Supreme Court of Canada’s finding in [*R. v. Anthony-Cook*](#), 2016 SCC 43 (“Anthony-Cook Case”), wherein it was found that the acceptance of settlements provides several potential benefits and is desirable for many reasons. It saves the justice system and the parties time, resources, and expenses. It also provides certainty for the parties and permits the system to function more efficiently. The Parties submitted that these general principles are routinely applied by administrative tribunals and should apply similarly in this context. The Parties jointly asked the Tribunal to give effect to the settlement reached between them on this basis, and submitted that it is in the public interest to do so.

[16] The Tribunal accepts the findings in the Anthony-Cook Case and endeavours to give effect to settlements reached between Parties, but as it is a creature of statute, it must ensure that the settlement complies with all statutory requirements. Rule 12.1 of the Tribunal’s Rules also requires this. In this case, the Act prevents the Tribunal from being able to vary the amount of an administrative penalty order imposed under section 89 unless it considers the amount to be unreasonable. In short, while the Tribunal agrees that settlements provide notable benefits, it must still ensure that they meet the legislative tests and are appropriate before it can approve them.

Evidence

[17] The issues before the Tribunal at this Hearing to consider the Parties’ proposed settlement are:

- a. Does the settlement agreement meet the statutory requirements?
 - i. Is the original amount of the Penalty Orders unreasonable?
- b. Is the settlement agreement in the public interest?

[18] In support of the settlement agreement, the Parties presented written testimony by way of an Affidavit sworn on March 13, 2026, from Marisa Luff, who is the Deputy Registrar of the Authority. She has been employed by the Authority since July 2021, and since January 2025, she has been the Manager, Compliance Data and Business Intelligence and Deputy Registrar. In her role as Deputy Registrar, she issues administrative penalty orders.

Background

[19] Ms. Luff testified that the Authority is the regulator mandated by the Government of Ontario to perform various duties, including with respect to compliance and enforcement measures set out in the Act and its regulations. The Appellants supply primary (meaning single-use) batteries that are sold in Ontario. In accordance with the Batteries Regulation, companies that supply single-use batteries (called “producers”) must ensure that these batteries are collected and then managed, meaning that they are refurbished, reused, or processed. The Appellants had management responsibilities in respect of single-use batteries in 2023. The Batteries Regulation allows producers to appoint a PRO to address their management responsibilities. Call2Recycle was the PRO for all three Appellants in 2023 and 2024.

[20] Ms. Luff further explained that producers of batteries in Ontario have an obligation to manage a minimum amount of end-of-life batteries based on what they supplied to consumers in Ontario in earlier years, pursuant to section 12(1) of the Batteries Regulation. The Act provides for enforcement mechanisms that the Authority can pursue in the event of a producer’s non-compliance with their resource recovery and waste reduction responsibilities. Penalty Orders, which are monetary penalties issued to the producer, are one such mechanism. Ms. Luff testified that she issued the

Penalty Orders to the Appellants as she was of the opinion that the Appellants had each failed to meet their respective 2023 management requirements.

[21] Ms. Luff added that the Appellants had also not met the minimum management requirements for single-use batteries in 2024. While Penalty Orders were not issued for 2024 yet, it was anticipated that they would be and the Appellants would appeal them. The settlement agreement discussed below constitutes a settlement of all outstanding issues relating to the Appellants' management of single-use batteries in the 2023 and 2024 compliance years given the anticipated overlap in the grounds of appeal.

Settlement and Proposed Resolution

[22] Ms. Luff explained that the proposed settlement consists of two main components: (1) the issuance of amended Penalty Orders with the amounts indicated at paragraph [3] of this Decision; and (2) an investment by Call2Recycle (in its role as the PRO for the Appellants) of approximately \$2,874,002 in a Commitment Program to enhance battery collection access for Ontario residents and to increase the number of public and private battery collection sites in Ontario by 10%. The Commitment Program has the following elements:

- a. *New Public Collection Sites*: Call2Recycle shall invest \$1,533,540 to add, maintain, and service an anticipated total of 180 new public collection sites (including retail collection sites and new member municipalities) to its network between 2026-2028, with an expected average of 60 new public collection sites per year.
- b. *New Private Collection Sites*: Call2Recycle shall invest \$326,831 to add, maintain, and service an anticipated total of 75 anticipated new private collection sites (including collection sites in new condominium developments) between 2026-2028, with an expected average of 25 new private collection sites per year.

- c. *Curbside Collection Events in New Communities*: Call2Recycle shall invest \$1,013,631 to organize curbside collection events in an additional four communities per year, with a minimum of one new curbside collection event per community per year, between 2026-2028, with an anticipated total of curbside collection events in 12 new communities.
- d. *Reporting*: Call2Recycle shall submit reports to the Authority on its progress in implementing the Commitment Program by specific dates that are approximately six months apart, beginning in July 2026 to January 2029.
- e. *Agreement Security*: As security for Call2Recycle's performance of the Commitment Program, Call2Recycle agrees to post three irrevocable standby letters of credit in the amount of \$500,000 each over the next two years. If Call2Recycle fails to invest the Commitment Program's total investment of \$2,874,002.00, the Authority shall provide written notice of the alleged deficiencies and, if within 60 days of the submission of the Final Report, Call2Recycle does not address the allegations contained within the notice to the satisfaction of the Authority, the Authority may, in its sole discretion, draw on the Agreement Security in an amount equal to the lesser of the amount required to address the deficiency in the investment, or the full amount of the Agreement Security.

Does the settlement agreement meet the statutory requirements? Is the original amount of the Penalty Orders unreasonable?

[23] As these Penalty Orders were issued pursuant to section 89(2)(f) of the Act, in accordance with section 96(2) of the Act, the Tribunal must consider the original amount to be unreasonable before it can vary the amount of the Penalty Orders. The original amounts of the Penalty Orders are indicated at paragraph [3] of this Decision.

[24] The Appellants submitted, and the Authority did not contest, that the Tribunal should consider the original amount of the Penalty Orders to be unreasonable based on

commitments made by the Appellants and Call2Recycle as a result of the settlement agreement. The settlement represents a significant investment to enhance battery collection access for Ontario residents. Moreover, this is in addition to the fine (itemized at paragraph [3] of this Decision) that is still to be paid to the Authority under the proposed amended Penalty Orders. The settlement agreement complies with statutory considerations for making Penalty Orders, as it ensures compliance with the Act and its regulations, and it prevents the Appellants from deriving any economic benefit as a result of their contravention, either directly or indirectly. Moreover, the agreement still holds the Appellants accountable for failing to recycle the minimum amount of single-use batteries required under the Batteries Regulation for the 2023 and 2024 performance years. This resolution contributes to advancing Ontario's circular economy and furthers the Parties' shared goal of protecting Ontario's environment.

[25] The Tribunal is persuaded by these submissions. In light of the settlement agreement, the Tribunal considers the initial amounts of the Penalty Orders to be unreasonable. The original amounts constitute a monetary fine only, whereas the settlement agreement allows for helpful programs to be implemented that will make a significant contribution to increasing battery collection and improving environmental outcomes. The Tribunal finds the amounts of the new Penalty Orders, varied by the settlement agreement, to be reasonable.

Is the settlement agreement in the public interest?

[26] Rule 12.1 requires the Tribunal to consider whether a settlement agreement satisfies the public interest. Moreover, section 10 of the Act requires those exercising a power or performing a duty under the Act (such as the Tribunal) to have regard to matters of provincial interest identified at section 2 of the Act.

[27] Ms. Luff testified that the proposed settlement is in the public interest having regard to the provincial interest defined in the Act. First, it holds the Appellants accountable for failing to recycle the minimum weight of single-use batteries required

under the Batteries Regulation for 2023 and 2024, pursuant to section 2(f) of the Act. Second, it will also make a significant contribution to increasing battery collection and improving environmental outcomes in Ontario, pursuant to sections 2(a), (b), (d), (e), (h), (j), (k), (m), and (n) of the Act. The proposed settlement will make battery recycling more accessible to Ontario residents, with the aim of increasing battery recovery overall. It contributes to advancing Ontario's circular economy and promoting public education and awareness of single-use battery recovery. These outcomes further the goal of protecting Ontario's environment, minimizing the creation of waste, and increase the recycling of single-use batteries on behalf of the residents of Ontario.

[28] In their submissions, the Parties jointly referred to the YESS Case, which found that the settlement agreement in that case was in the public interest, having regard to the provincial interest objectives set out in section 2 of the Act, by implementing strategies to ensure that tire collection in that case met the needs of the community, complied with the requirements of regulations under the Act, required reporting to the Authority, and included mechanisms to ensure compliance. The settlement agreement in this case meets similar objectives. Therefore, the Parties submitted, the settlement agreement, which achieves similar goals (as detailed at paragraph [28] of this Decision), is in the public interest and should likewise be approved.

[29] The Tribunal is persuaded by Ms. Luff's uncontested testimony and the joint submission of the Parties that this settlement agreement is in the public interest and aligns with the provincial interest outlined in section 2 of the Act. The Tribunal finds that the settlement agreement holds the Appellants accountable, improves recycling infrastructure, increases battery recycling accessibility for Ontario residents, supports Ontario's circular economy, and promotes environmental protection. Thus, the Tribunal finds that the settlement agreement warrants approval.

Summary

[30] With respect to the issues before it, the Tribunal finds as follows:

- a. *Does the settlement agreement meet the statutory requirements? Is the original amount of the Penalty Orders unreasonable?* Yes, the settlement agreement meets all statutory requirements. In light of the settlement agreement between the Parties, the Tribunal considers the original amount of the Penalty Orders unreasonable, in accordance with section 96(2) of the Act. Moreover, in accordance with section 10 of the Act, the Tribunal finds that the settlement agreement has regard to matters of provincial interest outlined in section 2 of the Act.
- b. *Is the settlement agreement in the public interest?* Yes, the Tribunal finds that the settlement agreement is in the public interest and will benefit Ontario residents in the long term. Additionally, it will benefit Ontario residents more than the original Penalty Orders would have.

[31] Thus, the Tribunal is satisfied that the settlement agreement can be implemented as it meets both of the requirements of Rule 12.1 of the Rules. The Tribunal approves the agreement presented by the Parties, and varies the Penalty Orders by approving the revised versions attached to this Decision. The Tribunal notes that the revised Penalty Orders vary the original Penalty Orders, dated April 28, 2025, and do not constitute new Orders.

ORDER

[32] THE TRIBUNAL ORDERS THAT:

- a. Tribunal Case Nos. OLT-25-000343, OLT-25-000347, and OLT-25-000348 are consolidated in accordance with Rule 16.2 of the Tribunal's *Rules of Practice and Procedure*.
- b. Call2Recycle Canada Inc. is added as a Party in these proceedings.

[33] **THE TRIBUNAL FURTHER ORDERS THAT:**

- a. The appeals by Duracell Canada, Inc., Panasonic Canada Inc., and Energizer Canada are allowed, in part; and
- b. Resource Productivity and Recovery Authority's Administrative Penalty Order No. RPRA-0030 (to Duracell Canada, Inc.), Administrative Penalty Order No. RPRA-0032 (to Panasonic Canada Inc.), and Administrative Penalty Order No. RPRA-0031 (to Energizer Canada), are hereby varied in accordance with the Amended Administrative Penalty Orders attached hereto as **Schedules "A", "B" and "C"**, respectively, and as summarized below, pursuant to section 96(1) of the *Resource Recovery and Circular Economy Act, 2016*, S.O. 2016, c. 12, Sch 1:

Administrative Penalty	Base Penalty	Economic Benefit	Total Amount
RPRA-0030 (Duracell Canada Inc.)	\$140,000	\$504,201	\$644,201
RPRA-0032 (Panasonic Canada Inc.)	\$100,000	\$114,699	\$214,699
RPRA-0031 (Energizer Canada)	\$144,000	\$487,485	\$631,485

"Bita M. Rajae"e"

BITA M. RAJAE
MEMBER

Ontario Land Tribunal

Website: 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.

Schedule A**Amended AP – Duracell Canada, Inc.****AMENDED ADMINISTRATIVE PENALTY ORDER**

Issued under section 89 of the
Resource Recovery and Circular Economy Act, 2016, c 12, Sched 1

TO: Laura Zadrick
Duracell Canada Inc.
1460 The Queensway, Suite 44
Etobicoke, Ontario, M8Z 1S4

Served by email to: zadrick.lj@duracell.com

ORDER NO.: RPRA-0030

**AMENDED PER ONTARIO LAND TRIBUNAL ORDER DATED JULY 17, 2026, IN FILE
NO. OLT-25-000343**

I, Marisa Luff, am issuing this Administrative Penalty Order because I am of the opinion that Duracell Canada Inc. (“Duracell” or the “Registrant”) has contravened the *Resource Recovery and Circular Economy Act, 2016* (the “Act”) or the regulations.

Excerpts of the Act and the *Administrative Penalties Regulation* (the “Administrative Penalties Regulation”) made under the Act relating to administrative penalty orders are attached.

CONTRAVENTION

I am of the opinion that Duracell Canada Inc. has contravened the following provision(s): Section 12(1) of O. Reg. 30/20: BATTERIES.

DESCRIPTION OF THE CONTRAVENTION

The Registrant supplies batteries to consumers in Ontario and is a producer under O. Reg. 30/20 (“Batteries Regulation”). The Registrant supplied a quantity of primary batteries into Ontario in 2019, 2020 and 2021, resulting in a minimum management requirement in the primary batteries category for 2023. The Registrant failed to meet its 2023 minimum management requirement for primary batteries in accordance with s. 13(2), as required by s. 12(1) of the Batteries Regulation.

AMOUNT OF THE ADMINISTRATIVE PENALTY

I have determined the following administrative penalty amount is appropriate and reflects the fact that the contravention has not been fully remedied.

ADMINISTRATIVE PENALTY AMOUNT: \$644,201.00

Calculated as follows:

Base penalty: \$140,000

Economic benefit amount: \$504,201.00

Total: \$644,201.00

Subsection 12(1): Failure to establish and operate a system for managing batteries

Base Penalty: \$140,000

The base penalty is determined by multiplying the applicable base penalty amount by the total number of assessed points.

The maximum base penalty amount for contravening section 12(1) is \$200,000. The factor assessment total is 70. The applicable base penalty is therefore multiplied by 0.7 for a total of \$140,000.

The following factors were considered in determining the base penalty amount (taking into consideration the submissions made by Duracell under section 4(1) of the Administrative Penalties Regulation):

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
i. The contravention's impact, if any, on RPRA's ability to carry out its objects.	Compliance with management obligations is a fundamental outcome of the regulatory scheme. When producers fail to meet their management obligations, RPRA is required to analyze a significant amount of data and to expend considerable resources to determine the magnitude of and to address the contravention. This, in turn, reduces the overall resources available to RPRA to perform the duties and exercise the powers given to RPRA under this Act, in fulfilment of its objects.	30	Low	10
ii. The contravention's impact, if any, on resource	The Registrant's failure to manage batteries compromises the provincial interest in having a robust system of	30	High	27

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
recovery and waste reduction of a class of materials designated for the purposes of section 60 of the Act.	resource recovery and waste reduction. In particular, it fails to: • protect the natural environment and human health; • minimize the generation of waste; • fairly allocate responsibility for the batteries to the persons who are most responsible for their design; • minimize the need for waste disposal; • minimize the environmental impacts that result from waste disposal; • increase the reuse and recycling of waste; and • increase opportunities and markets for recovered resources. Failure to meet management obligations impacts the public's overall trust in the circular economy regulations and creates an uneven playing field for producers. The Registrant's noncompliance with its battery management obligations represents a significant proportion of the battery market in Ontario. The Registrant has acquired a small amount of additional tonnage of managed primary batteries to partially remedy the contravention.			
iii. A. History of the Registrant's compliance with the <i>Waste Diversion Transition Act, 2016</i> or its regulations or	The Registrant registered as a battery producer on time. The Registrant submitted the majority its batteries supply and performance reports on time. The Registrant made changes to its reporting structure to ensure that it is able to submit supply reports on time. Since the	20	High	18

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
with the <i>Resource Recovery and Circular Economy Act, 2016</i> or its regulations.	implementation of this structure, all supply reports have been submitted on time. The Registrant met the best efforts requirement for the rechargeable battery category and did not meet the best efforts requirement for the primary battery category in the 2022 performance year. The Registrant registered as a blue box producer after the registration deadline. The Registrant submitted the majority of its blue box supply reports late.			
iii. B. Any steps taken or not taken to remedy the contravention.	The Registrant has acquired a small amount of additional tonnage of managed primary batteries to partially remedy the contravention.	20	High	15
Factor assessment total		100		70
Total Calculated Base Penalty				Factor assessment $\times$ \$200,000 = \$140,000

Economic Benefit: \$504,201.00

a) Costs that the person avoided incurring by failing to comply with the provision:

The economic benefit has been amended in accordance with a consent order issued by the Ontario Land Tribunal.

b) Gains that the person has accrued by failing to comply with the provision:

The economic benefit has been amended in accordance with a consent order issued by the Ontario Land Tribunal.

REQUIRED ACTION

Within 30 days from the date of this Order, Duracell Canada Inc is required to take the following action:

1. Remit payment of the Administrative Penalty to RPRA via EDI/EFT, Online Bill Payment, or Cheque. Email payment details, including the Order Number listed above and amount paid, to registry@rpri.ca.

EDI/EFT:

Information will be provided separately.

Online Bill Payment:

Using the bill payment functionality, log into your bank account, go to the bill payment section, and choose to add a payee. Search for and select “RPRA” as the payee. Once “RPRA” is selected, enter the Order Number listed above.

Cheque:

Remit to: Resource Productivity & Recovery Authority

APPEAL OF ADMINISTRATIVE PENALTY ORDER

You have the right to appeal this Order to the Ontario Land Tribunal. To appeal, you must serve written notice of your intention to appeal on the Deputy Registrar who made the Order, and on the Tribunal, within **15 days** of being served with this Order, as follows:

Deputy Registrar

RPRA

registry@rpri.ca

and

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto, ON M5G 1E5

Phone: 416-212-6349 | 1-866-448-2248

Website: www.olt.gov.on.ca

The notice of appeal must state the portions of the Order in respect of which the hearing is required and the grounds on which the applicant intends to rely at the hearing.

FAILURE TO PAY AN ADMINISTRATIVE PENALTY

If you fail to pay this Administrative Penalty Order, the RPRA may file the Order with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

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 28, 2025 [Amended in accordance with the Ontario Land Tribunal order dated JULY 17, 2026]

Original signed by:

Marisa Luff
Deputy Registrar, RPRA

EXCERPT OF THE *RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016****ADMINISTRATIVE PENALTIES******Administrative penalties***

89 (1) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with this Act and the regulations.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this Act or of the regulations.

Order by Registrar or Deputy Registrar

(2) The Registrar or a Deputy Registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the Authority if the Registrar or Deputy Registrar is of the opinion that the person has contravened,

- (a) subsection 41 (5);
- (b) a requirement under subsection 50 (4) to file information, reports, records or documents that are complete and accurate;
- (c) subsection 68 (3);
- (d) subsection 75 (1);
- (e) section 79; or
- (f) a provision of this Act or of the regulations that is prescribed for the purposes of this section.

Same

(3) An order may be issued under subsection (2),

- (a) to a person required to pay a fee under subsection 41 (5);
- (b) to a person required under Part IV to carry out a responsibility under that Part;
- (c) to a person who fails to respond to an inquiry made under section 79;
- (d) to a person prohibited from marketing a product under subsection 75 (1); or
- (e) to a prescribed person.

Limitation

(4) An order under subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to an inspector's attention.

Orders not to be issued to directors, officers, employees or agents

(5) If a person who is required to comply with a provision of this Act or of the regulations is a corporation, an order under subsection (2) shall be issued to the corporation and not to a director, officer, employee or agent of the corporation.

Amount of penalty

(6) The amount of the administrative penalty for each day or part of a day on which a contravention occurred or continues to occur shall be determined by the Registrar or a Deputy Registrar in accordance with the regulations.

Contents

(7) An order under subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide details of the person's right to require a hearing under section 91.

Absolute liability

(8) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Same

(9) For greater certainty, nothing in subsection (8) affects the prosecution of an offence.

Payment prevents conviction

(10) A person who pays an administrative penalty in respect of a contravention and has remedied the contravention shall not be convicted of an offence under this Act in respect of the same contravention.

Failure to pay administrative penalty when required

90 (1) If a person who is required to pay an administrative penalty fails to comply with the requirement, the Authority may file the order that requires payment with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed under subsection (1) and, for that purpose, the date on which the order is filed is deemed to be the date of the order that is referred to in that section.

**EXCERPT OF THE ADMINISTRATIVE PENALTIES REGULATION MADE UNDER
THE RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016**

Issuing of order

6. (1) Without limiting the contents required under subsection 89 (7) of the Act, an order shall,
- (a) specify the provision that the person has contravened and describe the contravention, including the day, days or parts of days on which the contravention occurred;
 - (b) set out the final amount of the administrative penalty, and as part of specifying the final amount of the administrative penalty, specify the final base penalty amount and the final amount for economic benefit, including,
 - i. a description of the manner in which the final base penalty amount was determined,
 - ii. a description of the calculations, variables and assumptions that led to the determination of the final amount for the economic benefit, and
 - iii. any consideration given by the Registrar or Deputy Registrar to any request made under section 4;
 - (c) give particulars respecting the time for paying the penalty and the manner of payment; and
 - (d) provide details of the person's right to require a hearing under section 91 of the Act.
- (2) A single order may require a person to pay an administrative penalty in respect of one or more contraventions.

Administrative penalty amount, general

7. (1) Subject to subsections (2), (3) and (4), the administrative penalty amount under subsection 89 (2) of the Act in respect of a contravention shall consist of the following, determined in accordance with this Regulation:

- 1. A base penalty amount.
- 2. An amount for economic benefit.

(2) The administrative penalty amount in respect of a person's contravention of a provision set out in Schedule 1 shall not exceed \$1 million.

(3) The administrative penalty amount in respect of a contravention of a provision set out in Schedule 2 shall not exceed \$1 million minus the total amount of any administrative penalties in respect of the contravention of the same provision by the same person in the previous 365 days.

(4) If, after determining the administrative penalty amount in respect of a contravention in accordance with subsections (1), (2) and (3), the Registrar or Deputy

Registrar determines that, due to its magnitude, the imposition of the administrative penalty is punitive in nature having regard to all the circumstances, including any other administrative penalty amounts in respect of contraventions under the same order, the Registrar or Deputy Registrar shall reduce the amount such that the imposition of the administrative penalty is consistent with the purposes set out in subsection 89 (1) of the Act.

Base penalty amount, determination

8. (1) For the purposes of setting out the proposed base penalty amount in a notice under subsection 3 (1) and the final base penalty amount set out in an order under subsection 6 (1), the Registrar or Deputy Registrar shall determine the base penalty amount in accordance with the following rules:

1. The Registrar or Deputy Registrar shall consider the following factors:
 - i. The contravention's impact, if any, on the Authority's ability to carry out its objects.
 - ii. The contravention's impact, if any, on resource recovery and waste reduction of a class of materials designated for the purposes of section 60 of the Act.
 - iii. With respect to the person who carried out the contravention,
 - A. the person's history, if any, of complying or not complying with the Waste Diversion Transition Act, 2016 or its regulations or with the Resource Recovery and Circular Economy Act, 2016 or its regulations, and
 - B. any information available to the Registrar regarding whether the person has remedied the contravention or is in the process of remedying the contravention, and how quickly the contravention was or is being remedied.
2. For a contravention of a provision set out in Schedule 1, the base penalty amount shall not exceed the applicable maximum base penalty amount, as set out in the applicable Table to Schedule 1.
3. For a contravention of a provision set out in Schedule 2, the following rules apply:
 - i. The daily base penalty amount shall not exceed the applicable maximum daily base amount, as set out in the applicable Table to Schedule 2 and shall be multiplied by the number of full or partial days during which the contravention continued before it was remedied.
 - ii. The base penalty amount in respect of a contravention shall not exceed the applicable maximum total base penalty amount, as set out in the applicable Table to Schedule 2, minus the total of any base penalty amounts included in administrative

penalties that were imposed in respect of a contravention of the same provision by the same person in the previous 365 days.

(2) For the purposes of paragraph 3 of subsection (1), a contravention of a provision set out in Schedule 2 that requires a person to do something within a particular time period shall be considered to have been remedied when the person has done it, even if the person has done it after it was required to be done.

Amount for economic benefit, determination

9. The Registrar or Deputy Registrar shall consider the following factors when determining, with respect to a contravention of a provision set out in Schedule 1 or 2, the proposed amount for economic benefit to be set out in a notice under subsection 3 (1) and the final amount for economic benefit to be set out in an order under subsection 6 (1):

1. Costs that the person avoided incurring by failing to comply with the provision.
2. Costs that the person delayed incurring by delaying compliance with the provision.
3. Gains that the person has accrued by failing to comply with the provision.

Determination of final administrative penalty amount

10. (1) The Registrar or Deputy Registrar shall, when determining the final administrative penalty amount to be set out in an order, reapply sections 8 and 9 and redetermine the base penalty amount and amount for economic benefit if the Registrar or Deputy Registrar considers it to be appropriate based on any additional information now available to the Registrar or Deputy Registrar that was not available at the time of giving the notice under subsection 3 (1), which may include information regarding the continuation of the contravention following the giving of the notice.

(2) In making the determinations under subsection (1), the Registrar or Deputy Registrar shall consider any information contained in a request received under section 4.

Schedule B**Amended AP – Panasonic Canada Inc.****AMENDED ADMINISTRATIVE PENALTY ORDER**

Issued under section 89 of the
Resource Recovery and Circular Economy Act, 2016, c 12, Sched 1

TO: Mike English
Panasonic Canada Inc.
5770 Ambler Drive
Mississauga, Ontario L4W 1T3

Served by email to: michael.english@ca.panasonic.com

ORDER NO.: RPRA-0032

AMENDED PER ONTARIO LAND TRIBUNAL ORDER DATED JULY 17, 2026, IN FILE NO. OLT-25-000347

I, Marisa Luff, am issuing this Administrative Penalty Order because I am of the opinion that Panasonic Canada Inc. (“Panasonic” or the “Registrant”) has contravened the *Resource Recovery and Circular Economy Act, 2016* (the “Act”) or the regulations.

Excerpts of the Act and the *Administrative Penalties Regulation* (the “Administrative Penalties Regulation”) made under the Act relating to administrative penalty orders are attached.

CONTRAVENTION

I am of the opinion that Panasonic has contravened the following provision(s): Section 12(1) of O. Reg. 30/20: BATTERIES.

DESCRIPTION OF THE CONTRAVENTION

The Registrant supplies batteries to consumers in Ontario and is a producer under O. Reg. 30/20 (“Batteries Regulation”). The Registrant supplied a quantity of primary batteries into Ontario in 2019, 2020 and 2021, resulting in a minimum management requirement in the primary batteries category for 2023. The Registrant failed to meet its 2023 minimum management requirement for primary batteries in accordance with s. 13(2), as required by s. 12(1) of the Batteries Regulation.

AMOUNT OF THE ADMINISTRATIVE PENALTY

I have determined the following administrative penalty amount is appropriate and reflects the fact that the contravention has not been fully remedied.

ADMINISTRATIVE PENALTY AMOUNT: \$214,699.00

Calculated as follows:

Base penalty: \$100,000.00

Economic benefit amount: \$114,699.00

Total: \$214,699.00

Subsection 12(1): Failure to establish and operate a system for managing batteries**Base Penalty: \$100,000**

The base penalty is determined by multiplying the applicable base penalty amount by the total number of assessed points.

The maximum base penalty amount for contravening section 12(1) is \$200,000. The factor assessment total is 50. The applicable base penalty is therefore multiplied by 0.5 for a total of \$100,000.

The following factors were considered in determining the base penalty amount (taking into consideration the submissions made by Panasonic under section 4(1) of the Administrative Penalties Regulation):

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
i. The contravention's impact, if any, on RPRA's ability to carry out its objects.	Compliance with management obligations is a fundamental outcome of the regulatory scheme. When producers fail to meet their management obligations, RPRA is required to analyze a significant amount of data and to expend considerable resources to determine the magnitude of and to address the contravention. This, in turn, reduces the overall resources available to RPRA to perform the duties and exercise the powers given to RPRA under this Act, in fulfilment of its objects.	30	Low	10
ii. The contravention's impact, if any, on resource recovery and waste reduction	The Registrant's failure to manage batteries compromises the provincial interest in having a robust system of resource recovery and waste reduction. In particular, it fails to:	30	High	20

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
of a class of materials designated for the purposes of section 60 of the Act.	• protect the natural environment and human health; • minimize the generation of waste; • fairly allocate responsibility for the batteries to the persons who are most responsible for their design; • minimize the need for waste disposal; • minimize the environmental impacts that result from waste disposal; • increase the reuse and recycling of waste; and • increase opportunities and markets for recovered resources. Failure to meet management obligations impacts the public's overall trust in the circular economy regulations and creates an uneven playing field for producers. The Registrant's noncompliance with its battery management obligations represents a moderate proportion of the battery market in Ontario. The Registrant has acquired a small amount of additional tonnage of managed primary batteries to partially remedy the contravention.			
iii. A. History of the Registrant's compliance with the <i>Waste Diversion Transition Act, 2016</i> or its regulations or with the <i>Resource</i>	The Registrant registered as a battery producer on time. The Registrant submitted the majority its batteries supply and performance reports on time. The registrant met the best efforts requirement for the rechargeable battery category and did not meet the best efforts requirement for the primary battery	20	Low	5

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
<i>Recovery and Circular Economy Act, 2016</i> or its regulations.	category in the 2022 performance year. The Registrant registered as a blue box producer on time. The Registrant submitted all of its blue box supply reports on time. The Registrant registered as an ITTAV producer on time. The registrant submitted the majority of its ITTAV supply and performance reports on time.			
iii. B. Any steps taken or not taken to remedy the contravention.	The Registrant has acquired a small amount of additional tonnage of managed primary batteries to partially remedy the contravention.	20	High	15
Factor assessment total		100		50
Total Calculated Base Penalty				Factor assessment $\times$ \$200,000 = \$100,000

Economic Benefit: \$114,699.00

a) Costs that the person avoided incurring by failing to comply with the provision:

The economic benefit has been amended in accordance with a consent order issued by the Ontario Land Tribunal.

b) Gains that the person has accrued by failing to comply with the provision:

The economic benefit has been amended in accordance with a consent order issued by the Ontario Land Tribunal.

REQUIRED ACTION

Within 30 days from the date of this Order, Panasonic Canada Inc. is required to take the following action:

2. Remit payment of the Administrative Penalty to RPRA via EDI/EFT, Online Bill Payment, or Cheque. Email payment details, including the Order Number listed above and amount paid, to registry@rprra.ca.

EDI/EFT:

Information will be provided separately.

Online Bill Payment:

Using the bill payment functionality, log into your bank account, go to the bill payment section, and choose to add a payee. Search for and select “RPRA” as the payee. Once “RPRA” is selected, enter the Order Number listed above.

Cheque:

Remit to: Resource Productivity & Recovery Authority

APPEAL OF ADMINISTRATIVE PENALTY ORDER

You have the right to appeal this Order to the Ontario Land Tribunal. To appeal, you must serve written notice of your intention to appeal on the Deputy Registrar who made the Order, and on the Tribunal, within **15 days** of being served with this Order, as follows:

Deputy Registrar
RPRA
registry@rprra.ca

and

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5
Phone: 416-212-6349 | 1-866-448-2248
Website: www.olt.gov.on.ca

The notice of appeal must state the portions of the Order in respect of which the hearing is required and the grounds on which the applicant intends to rely at the hearing.

FAILURE TO PAY AN ADMINISTRATIVE PENALTY

If you fail to pay this Administrative Penalty Order, the RPRA may file the Order with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

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 28, 2025 [Amended in accordance with the Ontario
Land Tribunal order dated JULY 17, 2026]**

Original signed by:

Marisa Luff
Deputy Registrar, RPRA

EXCERPT OF THE *RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016****ADMINISTRATIVE PENALTIES******Administrative penalties***

89 (1) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with this Act and the regulations.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this Act or of the regulations.

Order by Registrar or Deputy Registrar

(2) The Registrar or a Deputy Registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the Authority if the Registrar or Deputy Registrar is of the opinion that the person has contravened,

- (a) subsection 41 (5);
- (b) a requirement under subsection 50 (4) to file information, reports, records or documents that are complete and accurate;
- (c) subsection 68 (3);
- (d) subsection 75 (1);
- (e) section 79; or
- (f) a provision of this Act or of the regulations that is prescribed for the purposes of this section.

Same

(3) An order may be issued under subsection (2),

- (a) to a person required to pay a fee under subsection 41 (5);
- (b) to a person required under Part IV to carry out a responsibility under that Part;
- (c) to a person who fails to respond to an inquiry made under section 79;
- (d) to a person prohibited from marketing a product under subsection 75 (1); or
- (e) to a prescribed person.

Limitation

(4) An order under subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to an inspector's attention.

Orders not to be issued to directors, officers, employees or agents

(5) If a person who is required to comply with a provision of this Act or of the regulations is a corporation, an order under subsection (2) shall be issued to the corporation and not to a director, officer, employee or agent of the corporation.

Amount of penalty

(6) The amount of the administrative penalty for each day or part of a day on which a contravention occurred or continues to occur shall be determined by the Registrar or a Deputy Registrar in accordance with the regulations.

Contents

(7) An order under subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide details of the person's right to require a hearing under section 91.

Absolute liability

(8) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Same

(9) For greater certainty, nothing in subsection (8) affects the prosecution of an offence.

Payment prevents conviction

(10) A person who pays an administrative penalty in respect of a contravention and has remedied the contravention shall not be convicted of an offence under this Act in respect of the same contravention.

Failure to pay administrative penalty when required

90 (1) If a person who is required to pay an administrative penalty fails to comply with the requirement, the Authority may file the order that requires payment with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed under subsection (1) and, for that purpose, the date on which the order is filed is deemed to be the date of the order that is referred to in that section.

Schedule C**Amended AP – Energizer Canada****AMENDED ADMINISTRATIVE PENALTY ORDER**

Issued under section 89 of the
Resource Recovery and Circular Economy Act, 2016, c 12, Sched 1

TO: Robert McCarthy
Energizer Canada
PO Box 1210, 165 Kincardine Hwy
Walkerton, Ontario N0G 2V0

Served by email to: robert.mccarthy@energizer.com

ORDER NO.: RPRA-0031

AMENDED PER ONTARIO LAND TRIBUNAL ORDER DATED JULY 17, 2026, IN FILE NO. OLT-25-000348

I, Marisa Luff, am issuing this Administrative Penalty Order because I am of the opinion that Energizer Canada (“Energizer” or the “Registrant”) has contravened the *Resource Recovery and Circular Economy Act, 2016* (the “Act”) or the regulations.

Excerpts of the Act and the *Administrative Penalties Regulation* (the “Administrative Penalties Regulation”) made under the Act relating to administrative penalty orders are attached.

CONTRAVENTION

I am of the opinion that Energizer has contravened the following provision(s): Section 12(1) of O. Reg. 30/20: BATTERIES.

DESCRIPTION OF THE CONTRAVENTION

The Registrant supplies batteries to consumers in Ontario and is a producer under O. Reg. 30/20 (“Batteries Regulation”). The Registrant supplied a quantity of primary batteries into Ontario in 2019, 2020 and 2021, resulting in a minimum management requirement in the primary batteries category for 2023. The Registrant failed to meet its 2023 minimum management requirement for primary batteries in accordance with s. 13(2), as required by s. 12(1) of the Batteries Regulation.

AMOUNT OF THE ADMINISTRATIVE PENALTY

I have determined the following administrative penalty amount is appropriate and reflects the fact that the contravention has not been fully remedied.

ADMINISTRATIVE PENALTY AMOUNT: \$631,485.00

Calculated as follows:

Base penalty: \$144,000

Economic benefit amount: \$487,485.00

Total: \$631,485.00

Subsection 12(1): Failure to establish and operate a system for managing batteries**Base Penalty: \$144,000**

The base penalty is determined by multiplying the applicable base penalty amount by the total number of assessed points.

The maximum base penalty amount for contravening section 12(1) is \$200,000. The factor assessment total is 72. The applicable base penalty is therefore multiplied by 0.72 for a total of \$144,000.

The following factors were considered in determining the base penalty amount (taking into consideration the submissions made by Energizer under section 4(1) of the Administrative Penalties Regulation):

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
i. The contravention's impact, if any, on RPRA's ability to carry out its objects.	Compliance with management obligations is a fundamental outcome of the regulatory scheme. When producers fail to meet their management obligations, RPRA is required to analyze a significant amount of data and to expend considerable resources to determine the magnitude of and to address the contravention. This, in turn, reduces the overall resources available to RPRA to perform the duties and exercise the powers given to RPRA under this Act, in fulfilment of its objects.	30	Low	10
ii. The contravention's impact, if any, on resource recovery and waste reduction of a class of	The Registrant's failure to manage batteries compromises the provincial interest in having a robust system of resource recovery and waste reduction. In particular, it fails to:	30	High	27

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
materials designated for the purposes of section 60 of the Act.	• protect the natural environment and human health; • minimize the generation of waste; • fairly allocate responsibility for the batteries to the persons who are most responsible for their design; • minimize the need for waste disposal; • minimize the environmental impacts that result from waste disposal; • increase the reuse and recycling of waste; and • increase opportunities and markets for recovered resources. Failure to meet management obligations impacts the public's overall trust in the circular economy regulations and creates an uneven playing field for producers. The Registrant's noncompliance with its battery management obligations represents a significant proportion of the battery market in Ontario. The Registrant has acquired a small amount of additional tonnage of managed primary batteries to partially remedy the contravention.			
iii. A. History of the Registrant's compliance with the <i>Waste Diversion Transition Act, 2016</i> or its regulations or with the <i>Resource</i>	The Registrant registered as a battery producer on time. The Registrant submitted the majority its batteries supply and performance reports on time. The registrant met the best efforts requirement for the rechargeable battery category and did not meet the best efforts requirement for the primary battery	20	High	20

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
<i>Recovery and Circular Economy Act, 2016</i> or its regulations.	category in the 2022 performance year. The Registrant registered as a blue box producer after the registration deadline. The Registrant submitted the majority of its blue box supply reports on time. The Registrant registered as an automotive materials producer after the registration deadline. The Registrant failed to submit its automotive materials performance reports. The Registrant registered as a pressurized containers producer after the registration deadline. The Registrant submitted the majority of its pressurized containers supply reports late.			
iii. B. Any steps taken or not taken to remedy the contravention.	The Registrant has acquired a small amount of additional tonnage of managed primary batteries to partially remedy the contravention.	20	High	15
Factor assessment total		100		72
Total Calculated Base Penalty				Factor assessment t x \$200,000 = \$144,000

Economic Benefit: \$487,485.00

a) Costs that the person avoided incurring by failing to comply with the provision:

The economic benefit has been amended in accordance with a consent order issued by the Ontario Land Tribunal.

b) Gains that the person has accrued by failing to comply with the provision:

The economic benefit has been amended in accordance with a consent order issued by the Ontario Land Tribunal.

REQUIRED ACTION

Within 30 days from the date of this Order, Energizer Canada is required to take the following action:

3. Remit payment of the Administrative Penalty to RPRA via EDI/EFT, Online Bill Payment, or Cheque. Email payment details, including the Order Number listed above and amount paid, to registry@rpra.ca.

EDI/EFT:

Information will be provided separately.

Online Bill Payment:

Using the bill payment functionality, log into your bank account, go to the bill payment section, and choose to add a payee. Search for and select “RPRA” as the payee. Once “RPRA” is selected, enter the Order Number listed above.

Cheque:

Remit to: Resource Productivity & Recovery Authority

APPEAL OF ADMINISTRATIVE PENALTY ORDER

You have the right to appeal this Order to the Ontario Land Tribunal. To appeal, you must serve written notice of your intention to appeal on the Deputy Registrar who made the Order, and on the Tribunal, within **15 days** of being served with this Order, as follows:

Deputy Registrar

RPRA

registry@rpra.ca

and

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto, ON M5G 1E5

Phone: 416-212-6349 | 1-866-448-2248

Website: www.olt.gov.on.ca

The notice of appeal must state the portions of the Order in respect of which the hearing is required and the grounds on which the applicant intends to rely at the hearing.

FAILURE TO PAY AN ADMINISTRATIVE PENALTY

If you fail to pay this Administrative Penalty Order, the RPRA may file the Order with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

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 28, 2025 [Amended in accordance with the Ontario Land Tribunal order dated JULY 17, 2026]

Original signed by:

Marisa Luff
Deputy Registrar, RPRA

EXCERPT OF THE *RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016****ADMINISTRATIVE PENALTIES******Administrative penalties***

89 (1) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with this Act and the regulations.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this Act or of the regulations.

Order by Registrar or Deputy Registrar

(2) The Registrar or a Deputy Registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the Authority if the Registrar or Deputy Registrar is of the opinion that the person has contravened,

- (a) subsection 41 (5);
- (b) a requirement under subsection 50 (4) to file information, reports, records or documents that are complete and accurate;
- (c) subsection 68 (3);
- (d) subsection 75 (1);
- (e) section 79; or
- (f) a provision of this Act or of the regulations that is prescribed for the purposes of this section.

Same

(3) An order may be issued under subsection (2),

- (a) to a person required to pay a fee under subsection 41 (5);
- (b) to a person required under Part IV to carry out a responsibility under that Part;
- (c) to a person who fails to respond to an inquiry made under section 79;
- (d) to a person prohibited from marketing a product under subsection 75 (1); or
- (e) to a prescribed person.

Limitation

(4) An order under subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to an inspector's attention.

Orders not to be issued to directors, officers, employees or agents

(5) If a person who is required to comply with a provision of this Act or of the regulations is a corporation, an order under subsection (2) shall be issued to the corporation and not to a director, officer, employee or agent of the corporation.

Amount of penalty

(6) The amount of the administrative penalty for each day or part of a day on which a contravention occurred or continues to occur shall be determined by the Registrar or a Deputy Registrar in accordance with the regulations.

Contents

(7) An order under subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide details of the person's right to require a hearing under section 91.

Absolute liability

(8) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Same

(9) For greater certainty, nothing in subsection (8) affects the prosecution of an offence.

Payment prevents conviction

(10) A person who pays an administrative penalty in respect of a contravention and has remedied the contravention shall not be convicted of an offence under this Act in respect of the same contravention.

Failure to pay administrative penalty when required

90 (1) If a person who is required to pay an administrative penalty fails to comply with the requirement, the Authority may file the order that requires payment with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed under subsection (1) and, for that purpose, the date on which the order is filed is deemed to be the date of the order that is referred to in that section.

EXCERPT OF THE ADMINISTRATIVE PENALTIES REGULATION MADE UNDER THE RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016

Issuing of order

7. (1) Without limiting the contents required under subsection 89 (7) of the Act, an order shall,
- (e) specify the provision that the person has contravened and describe the contravention, including the day, days or parts of days on which the contravention occurred;
 - (f) set out the final amount of the administrative penalty, and as part of specifying the final amount of the administrative penalty, specify the final base penalty amount and the final amount for economic benefit, including,
 - i. a description of the manner in which the final base penalty amount was determined,
 - ii. a description of the calculations, variables and assumptions that led to the determination of the final amount for the economic benefit, and
 - iii. any consideration given by the Registrar or Deputy Registrar to any request made under section 4;
 - (g) give particulars respecting the time for paying the penalty and the manner of payment; and
 - (h) provide details of the person's right to require a hearing under section 91 of the Act.
- (2) A single order may require a person to pay an administrative penalty in respect of one or more contraventions.

Administrative penalty amount, general

7. (1) Subject to subsections (2), (3) and (4), the administrative penalty amount under subsection 89 (2) of the Act in respect of a contravention shall consist of the following, determined in accordance with this Regulation:

- 1. A base penalty amount.
- 2. An amount for economic benefit.

(2) The administrative penalty amount in respect of a person's contravention of a provision set out in Schedule 1 shall not exceed \$1 million.

(3) The administrative penalty amount in respect of a contravention of a provision set out in Schedule 2 shall not exceed \$1 million minus the total amount of any administrative penalties in respect of the contravention of the same provision by the same person in the previous 365 days.

(4) If, after determining the administrative penalty amount in respect of a contravention in accordance with subsections (1), (2) and (3), the Registrar or Deputy

Registrar determines that, due to its magnitude, the imposition of the administrative penalty is punitive in nature having regard to all the circumstances, including any other administrative penalty amounts in respect of contraventions under the same order, the Registrar or Deputy Registrar shall reduce the amount such that the imposition of the administrative penalty is consistent with the purposes set out in subsection 89 (1) of the Act.

Base penalty amount, determination

8. (1) For the purposes of setting out the proposed base penalty amount in a notice under subsection 3 (1) and the final base penalty amount set out in an order under subsection 6 (1), the Registrar or Deputy Registrar shall determine the base penalty amount in accordance with the following rules:

1. The Registrar or Deputy Registrar shall consider the following factors:
 - i. The contravention's impact, if any, on the Authority's ability to carry out its objects.
 - ii. The contravention's impact, if any, on resource recovery and waste reduction of a class of materials designated for the purposes of section 60 of the Act.
 - iii. With respect to the person who carried out the contravention,
 - A. the person's history, if any, of complying or not complying with the Waste Diversion Transition Act, 2016 or its regulations or with the Resource Recovery and Circular Economy Act, 2016 or its regulations, and
 - B. any information available to the Registrar regarding whether the person has remedied the contravention or is in the process of remedying the contravention, and how quickly the contravention was or is being remedied.
2. For a contravention of a provision set out in Schedule 1, the base penalty amount shall not exceed the applicable maximum base penalty amount, as set out in the applicable Table to Schedule 1.
3. For a contravention of a provision set out in Schedule 2, the following rules apply:
 - i. The daily base penalty amount shall not exceed the applicable maximum daily base amount, as set out in the applicable Table to Schedule 2 and shall be multiplied by the number of full or partial days during which the contravention continued before it was remedied.
 - ii. The base penalty amount in respect of a contravention shall not exceed the applicable maximum total base penalty amount, as set out in the applicable Table to Schedule 2, minus the total of any base penalty amounts included in administrative

penalties that were imposed in respect of a contravention of the same provision by the same person in the previous 365 days.

(2) For the purposes of paragraph 3 of subsection (1), a contravention of a provision set out in Schedule 2 that requires a person to do something within a particular time period shall be considered to have been remedied when the person has done it, even if the person has done it after it was required to be done.

Amount for economic benefit, determination

9. The Registrar or Deputy Registrar shall consider the following factors when determining, with respect to a contravention of a provision set out in Schedule 1 or 2, the proposed amount for economic benefit to be set out in a notice under subsection 3 (1) and the final amount for economic benefit to be set out in an order under subsection 6 (1):

1. Costs that the person avoided incurring by failing to comply with the provision.
2. Costs that the person delayed incurring by delaying compliance with the provision.
3. Gains that the person has accrued by failing to comply with the provision.

Determination of final administrative penalty amount

10. (1) The Registrar or Deputy Registrar shall, when determining the final administrative penalty amount to be set out in an order, reapply sections 8 and 9 and redetermine the base penalty amount and amount for economic benefit if the Registrar or Deputy Registrar considers it to be appropriate based on any additional information now available to the Registrar or Deputy Registrar that was not available at the time of giving the notice under subsection 3 (1), which may include information regarding the continuation of the contravention following the giving of the notice.

(2) In making the determinations under subsection (1), the Registrar or Deputy Registrar shall consider any information contained in a request received under section 4.