

EXECUTIVE SUMMARY

The Township of Greater Madawaska is a small, rural municipality located in Eastern Ontario. Approximately, fifty percent of the ratepayers are seasonal residents, which creates some unique challenges and some advantages when creating the Asset Management Plan as well as anticipating the desired levels of service. Some of the challenges that the municipality faces are:

- Large rural road network, with a low population density
- Aging fleet of vehicles and equipment, that will have costly replacements in the future

In order to protect its infrastructure investment, the Township of Greater Madawaska must find creative and cost effective financial solutions. One of the key tools and objectives of the Township of Greater Madawaska is the implementation of a realistic asset management plan to ensure that infrastructure is properly maintained and operational in order to meet the service requirements and to ensure that maintenance/repairs/rehabilitation is completed at the lowest cost and in a timely manner.

It is acknowledged that Asset Management cannot be a “one” time undertaking and that it must continue to be an on-going process. There must be continuous flow of data to ensure that the asset management plan is up to date with the current service level standards. As such, the Township of Greater Madawaska will be updating the Asset Management Plan regularly as conditions change in the field, as improvements are implemented, and as options and costs change with the economy.

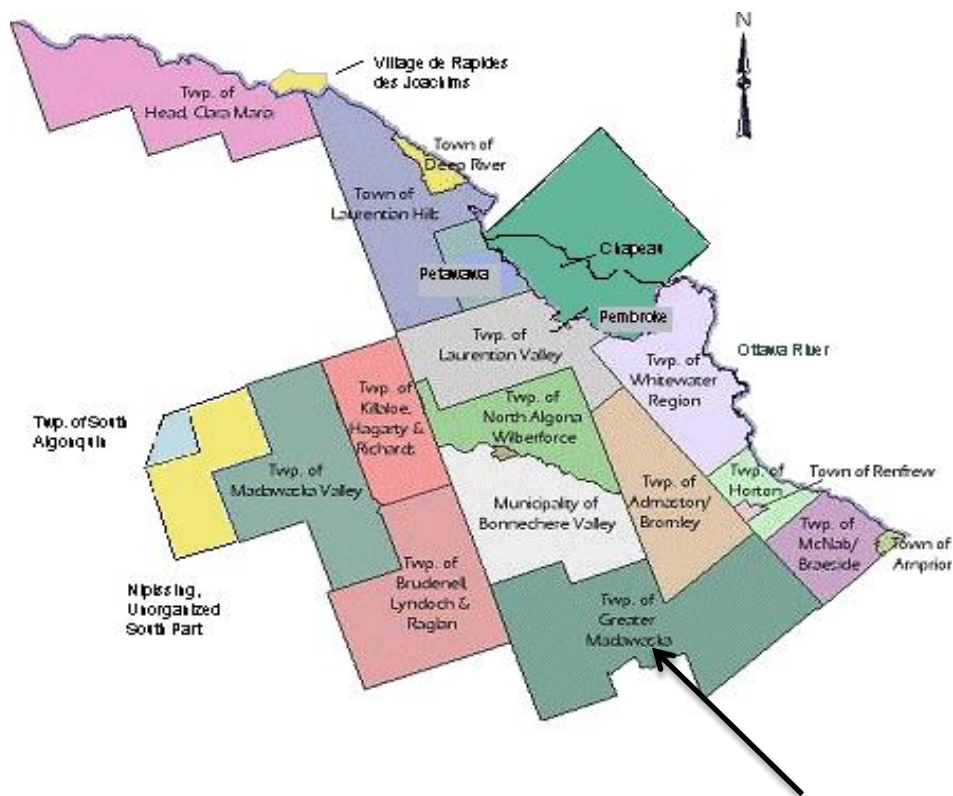
Assets that are in the “Now Need” category have been placed as priority items on the plan as there is a greater risk of health and safety concerns or level of service failure.

As development of the Plan progresses, staff will be providing regular updates to Council.

INTRODUCTION

Our Municipality is located in the southeastern end of The County of Renfrew. The County of Renfrew is the largest geographic county in Ontario with a land mass twice the size of Prince Edward Island. The County of Renfrew was founded in 1861 by European settlers. Wilno, a hamlet nestled near Algonquin Park, is recognized as Canada's First Official Polish settlement.

The County of Renfrew contains over 7,000 square kilometers and Greater Madawaska is over 1,000 square kilometers of rugged and beautiful terrain including lakes, forests and a sparse, spread out population. The Crown holds approximately 160,000 acres or over 60 percent of the land mass in Greater Madawaska. This vast acreage affords visitors and residents employment, excellent fishing, hiking and hunting opportunities.



Greater Madawaska is a multi-dimensional active living community playing host to many great attractions such as, our long time four season resort, Calabogie Peaks. The ski hill has one of eastern Ontario's highest vertical drops. Calabogie Highlands is our 18-hole championship golf course stretching along, and next to the shores of Calabogie Lake. Our community includes Calabogie Lodge, a spectacular and successful time share development. We are home to Calabogie Motorsport Park, described as the newest and most challenging motor course in North America. It has brought visitors from across the United States and all across Canada.

Crown Land and private holdings host, jointly and separately, a significant number of snowmobile and ski trails. Members of our community are also offering exciting whitewater experiences and paddling opportunities on the Madawaska River. There are numerous fishing holes and hunting spots on Crown and private land which are closely guarded multi-generational secrets.

Greater Madawaska is located 45 minutes from the western parts of Ottawa and 65 minutes from the seat of Canada's government. Our total population in 2016 was 2,518 people. We have had consistent growth of approximately 25 new homes a year over the last 10 years with our construction value topping \$9,000,000. It is estimated our population swells by between 10,000 and 15,000 over the summer months. The ski hill also has visitors in the range of 180,000 people during the winter.

The Township of Greater Madawaska was formed in 2001 from three former rural municipalities each bringing its own charm to the union and governed by five members of Council each. The Municipality is governed by four Councilors elected in three wards and a Mayor elected at large. Greater Madawaska has three transfer stations, two fire halls, two Public Works garages, a Medical Centre, a Pharmacy, a library and one central municipal administration building. The Municipality employs 18 full time employees and 6 part time employees and approximately 35 volunteer fire staff.

Our community's population is largely over 50 years of age and increasingly made up of recently retired active folks who have an avid interest in their community. We do not have a large commercial sector and are devoid of industrial tax base. Residential assessment is the financial engine funding the Municipality.

Asset Management

The main objectives of the AMP have been structured to promote the following:

- Enhanced decision making, accountability and transparency for Council
- Long term impacts of infrastructure management investment decisions and justification for such decisions
- Improved customer service and improved delivery of services at an approved level of service
- Reduction in life cycle costs while maintaining assets in a safe condition

The development of the AMP was premised on the following:

- Value-Based/Affordability
The implementation decisions were based on balancing services levels, risks and associated costs.

- Risk-Based
To ensure the health and safety of the general public, protect the environment and preserve the assets.
- Innovative
Continually improve how assets are managed by taking advantage or taking into consideration new technology and best practices.

Benefits and Objectives of Asset Management

A well developed and realistic AMP provides a “road map” for Council and staff in terms of identifying current and future needs for the Township. The AMP provides financially sustainable operating/capital expenditure needs over the predetermined time.

In general the AMP:

- Provides a guide for better decision making of the allocation of resources and funding
- Identifies the total investment required to maintain or improve infrastructure to meet or maintain the prescribed levels of service
- Provides a long-term capital program and financial strategy

Infrastructure Included in the AMP

Currently, the Township of Greater Madawaska’s tangible capital assets included the following:

- Linear Assets (Roads)
- Land Improvements
- Buildings
- Machinery/Equipment
- Vehicles
- Road Allowances
- Environment sites

Methodology

The four elements of an AMP are presented in the below figure:



The Township's AMP has given consideration to costs associated with:

- Replacement Activities
- Disposal Activities
- Upgrading Activities
- New/Additional Assets

Township Asset Management Initiatives

The Council of the Township of Greater Madawaska has endorsed the following initiatives that have been undertaken:

- Asset inventories have been updated
- Condition assessments completed and the costs associated have been determined for various rehabilitation/replacement strategies
- Asset levels of service have been developed
- Identification of funding "gaps" and development of financial strategies to sustain the AMP.

STATE OF INFRASTRUCTURE

The condition of the Township of Greater Madawaska assets varies and in many instances they are reaching the end of their service lives.

A Road Needs Study was completed in July/August of 2017 by the Township of Greater Madawaska Public Works Department. This study assessed the current state of the roadways in the Township based on the approved condition rating (see ROADS below).

Facilities staff of the Township also visited each building to determine and assess the needs of the buildings, mechanical and electrical systems based on the approved condition rating (see BUILDINGS below)

The Township mechanic assessed the equipment and vehicles based on their current state and estimated the remaining useful life of the equipment and/or vehicle.

ROADS

A Road Needs Study was completed in July/August of 2017 by the Township of Greater Madawaska Public Works Department.

The report contains a list of municipal roads to prepare a plan for improving and maintaining the road system. The chart below displays the types and lengths of roadways that are included in the Asset Management Plan.

| Road Type | Total Length in Kilometres (km) |
|----------------------------|--|
| Gravel | 139.78 |
| Low Class Bituminous (LCB) | 36.83 |
| Hot Mix Paved (HL4) | 56.69 |

The purpose of the Road Needs Study is to inventory and assess the road network within the Municipality to address the Asset Management Plan required by the Province.

Roads that have varying conditions have been segmented to show the condition of each portion of the road. For example: Matawatchan Road may have a portion that is fair and a portion that

is ranked in good condition. This road would then show two different locations, each referring to the road condition rating that applies to that section of road.

Road Classification

Road classification is based on the Minimum Maintenance Standards set out by the Province which the Municipality adopted. **See Table 1**

Condition Ratings

Condition Ratings are calculated for each wear surface type. Newly constructed roads have a condition rating of Good and roads that require reconstruction or have a high level of risk are assigned Now Need. A condition rating of Now Need is considered to be unsatisfactory.

The tangible capital asset policy assumes that asphalt roads (HL4) have a life expectancy of 25 years and surface treated roads have a life expectancy of 15 years. Although, realistically some wear surfaces will exceed the life expectancy and some will fall short of life expectancy, this is dependent on a number of factors.

Each year there is 10, 000 tonnes of granular “M” accounted for in the operations budget that will be needed under loose top maintenance as part of the loose top maintenance program to maintain gravel roads at a ‘Fair’ condition rating.

Gravel roads are considered to have an ongoing life expectancy as long as the municipality keeps up with maintenance by applying granular to the road as in the past.

The Road conditions were assessed based on the factors in Chart 1 below. But we must keep in mind that some roads may experience faster deterioration than others, which may change capital projects in the future.

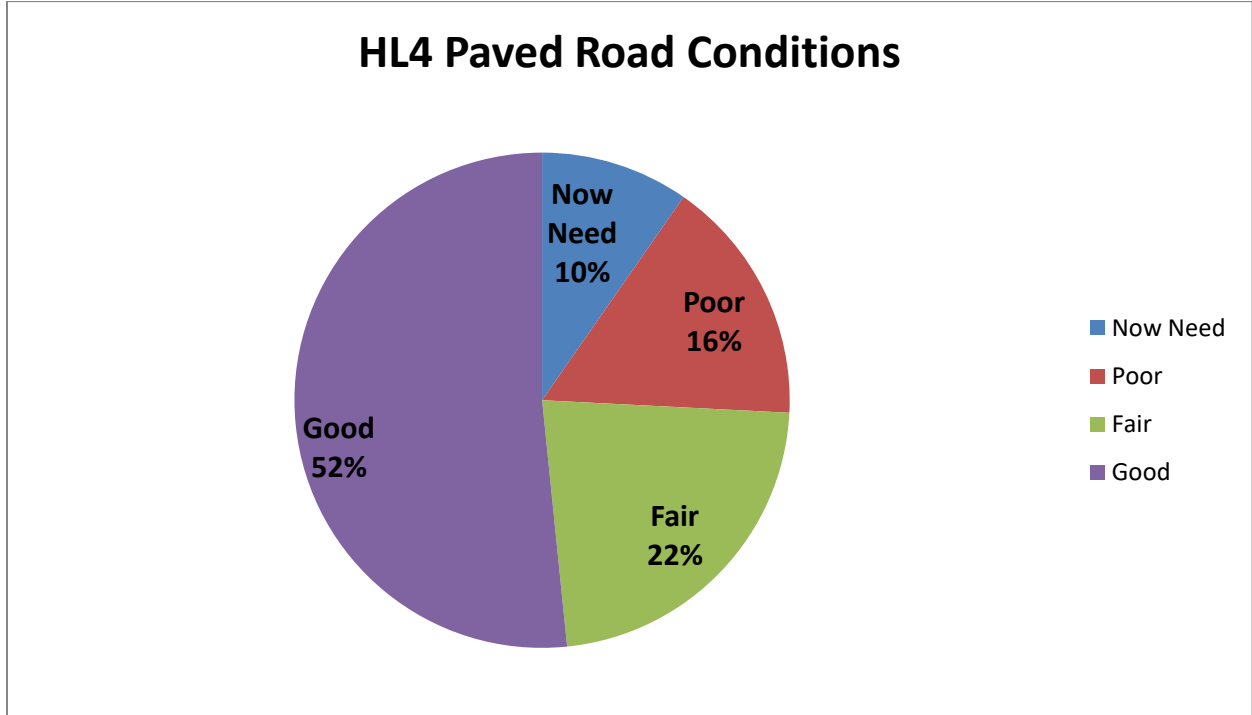
Chart 1: Road Rating Description

| Road Condition Rating (Years Left) | Description |
|---|---|
| <p>Good High Float – 10 to 15 yrs HL4 – 17 to 25 yrs</p> | <p>Generally approaching mid-stage of expected service life, meets current required level of service. Required maintenance costs are within acceptable standards but are increasing.</p> |
| <p>Fair High Float – 5 to 10 yrs HL4 – 9 to 17 yrs</p> | <p>Signs of deterioration, some elements exhibit deficiencies. The asset is beginning to perform at a lower level than initially intended. Maintenance costs are beginning to exceed acceptable standards and are increasing. Asset is in the later stage of its expected life.</p> |
| <p>Poor High Float – 1 to 5 yrs HL4 – 1 to 9 Years</p> | <p>Approaching the latter stage of its expected service life, conditions below standard, large portion of system exhibits significant deterioration. Maintenance costs exceed acceptable standards and are increasing.</p> |
| <p>Now Need High Float – 0 yrs HL4 – 0 yrs</p> | <p>Now Need – beyond expected service life and/or widespread signs of advanced deterioration. Some assets may be unusable and/or require immediate attention and/or repairs. Maintenance costs exceed acceptable standards.</p> |

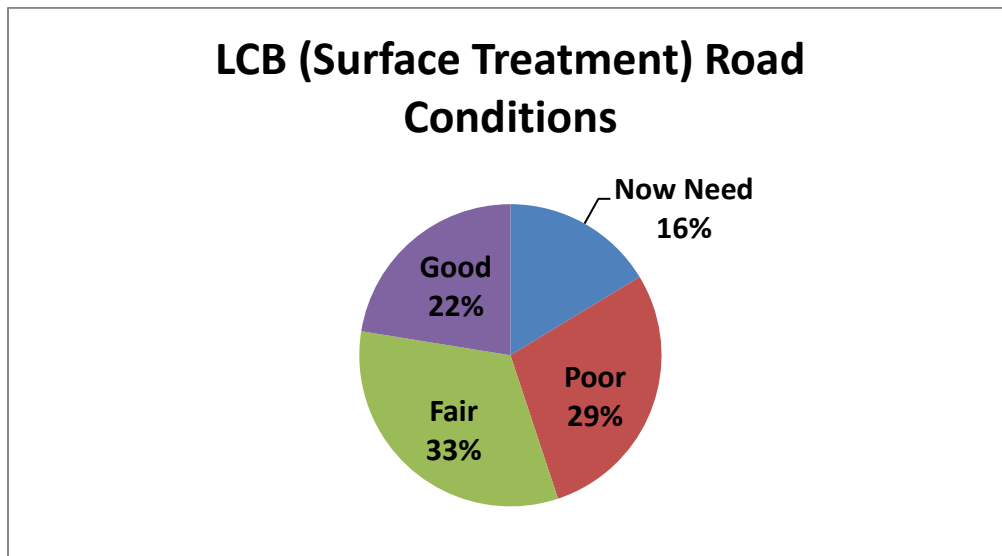
Condition rating with a 'Now Need' will be considered for road improvements over the next 10 years.

Current Condition Ratings of Township Roadways

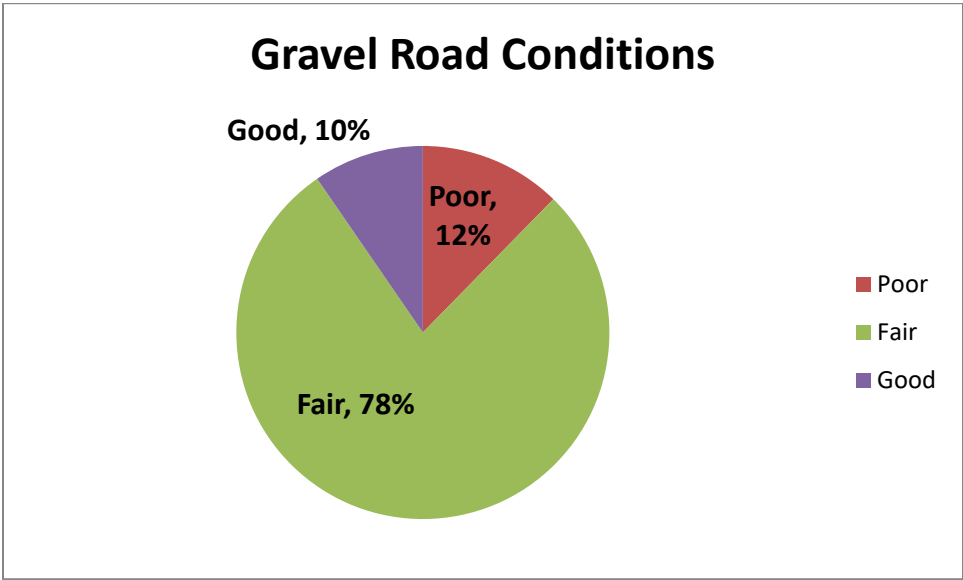
Below you will see a chart that shows the breakdown of the current road conditions for all Asphalt Pavement roadways in the Township. Note: that this would include roadways that have been segmented into various road condition ratings.



Below you will see a chart that shows the breakdown of the current road conditions for all Surface Treatment or LCB roadways in the Township. Note: that this would include roadways that have been segmented into various road condition ratings.



Below you will see a chart that shows the breakdown of the current road conditions for all Gravel roadways in the Township. Note: Gravel roads have not been segmented based on road condition ratings.



Benchmark Costs

To determine the cost of construction, benchmark costs are used and are associated with the capital improvement.

The estimated cost for improvements based on wear surface type. Charts 2, 3 and 4 provide costs in 2019

dollars. The cost for improvement or resurfacing is based on the roadway being 6.5m in surface wear width and applying 150mm granular base along with the new wear surface. Note: some Township roadways are not 6.5m in surface wear width so the estimated cost associated with that road would be to bring the roadway up to a 6.5m surface wear width road.

It must be noted that culvert replacements and drainage issues will be dealt with under the operating expense maintenance program in the Municipality.

Cul-de-sacs on High Float Surface roads should be paved with a 50mm lift of HL4 asphalt due to traffic turning in the cul-de-sac and tearing up the surface.

The average area for a cul-de-sac is 250m².

Chart 2: Unit Prices

| Item | Benchmark Costs |
|--------------------------|-------------------------|
| Granular "A" | \$16.00 per tonne |
| Double Surface Treatment | \$5.50 per square meter |
| Asphalt | \$110.00 per tonne |
| Pulverizing | \$1.35 per square meter |

Chart 3: Double Surface Treatment

| Partial Depth Reconstruction | Per Square Meter |
|---|-------------------------|
| Pulverize, 150 mm Granular "A" and double surface treatment | \$12.13 |

Chart 4: Asphalt

| Partial Depth Reconstruction | Per Square Meter |
|--|-------------------------|
| Pulverize, 150 mm Granular "A" and 50 mm HL4 | \$20.16 |

Solid Waste

The Township maintains and operates two waste disposal sites (Black Donald and Mount St. Patrick) and three waste transfer station sites at Griffith, Mount St. Patrick and Norway Lake. Based on the 2016 Annual Reports the Black Donald Waste Disposal Site will have a remaining useful life of 10 years and the Mount St. Patrick will have a remaining useful life of 29 years.

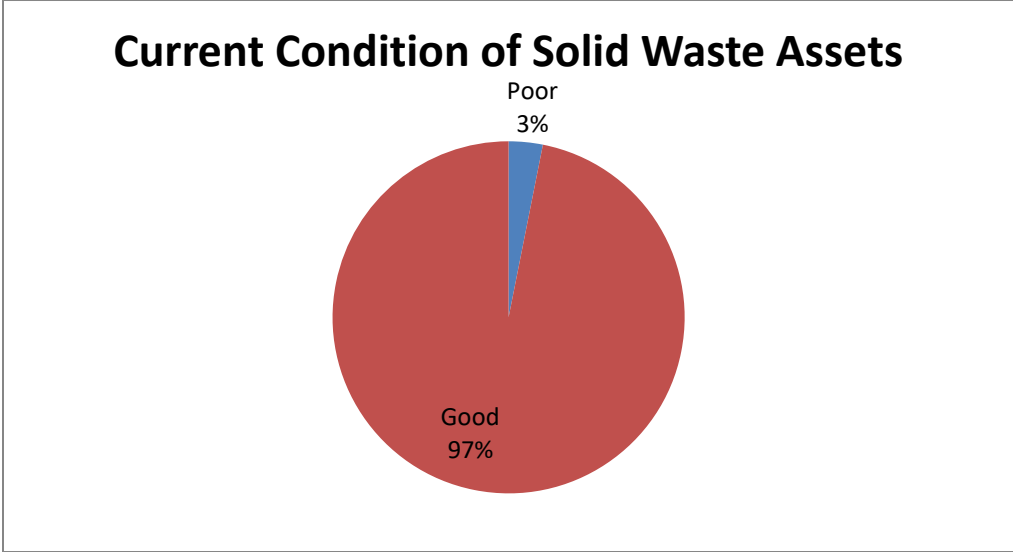
The below chart provides detail of the estimated total closure costs as per Greenview Environment 2016 for each site:

| SITE | ESTIMATED CLOSURE COSTS | | |
|-------------------|-------------------------|--------------------|--------------------|
| | CLOSURE | POST-CLOSURE | TOTAL |
| Griffith | \$0 | \$202,500 | \$202,500 |
| Matawatchan | \$0 | \$215,500 | \$215,500 |
| Black Donald | \$137,500 | \$477,500 | \$615,000 |
| Mount St. Patrick | \$112,500 | \$415,000 | \$527,500 |
| Norway Lake | \$0 | \$191,000 | \$191,000 |
| TOTALS | \$250,000 | \$1,501,500 | \$1,751,500 |

The assets that relate to all Solid Waste have been assessed and rated based on the following criteria:

| Solid Waste Rating | Description |
|--------------------|--|
| Good | Generally approaching mid-stage of expected service life, meets current required level of service. Required maintenance costs are within acceptable standards but are increasing. |
| Fair | Signs of deterioration, some elements exhibit deficiencies. The asset is beginning to perform at a lower level than initially intended. Maintenance costs are beginning to exceed acceptable standards and are increasing. Asset is in the later stage of its expected life. |
| Poor | Approaching the latter stage of its expected service life, conditions below standard, large portion of system exhibits significant deterioration. Maintenance costs exceed acceptable standards and are increasing. |
| Now Need | Now Need – beyond expected service life and/or widespread signs of advanced deterioration. Some assets may be unusable and/or require immediate attention and/or repairs. Maintenance costs exceed acceptable standards. |

From the above noted criteria the below graph shows the current condition rating for the Solid Waste Assets:



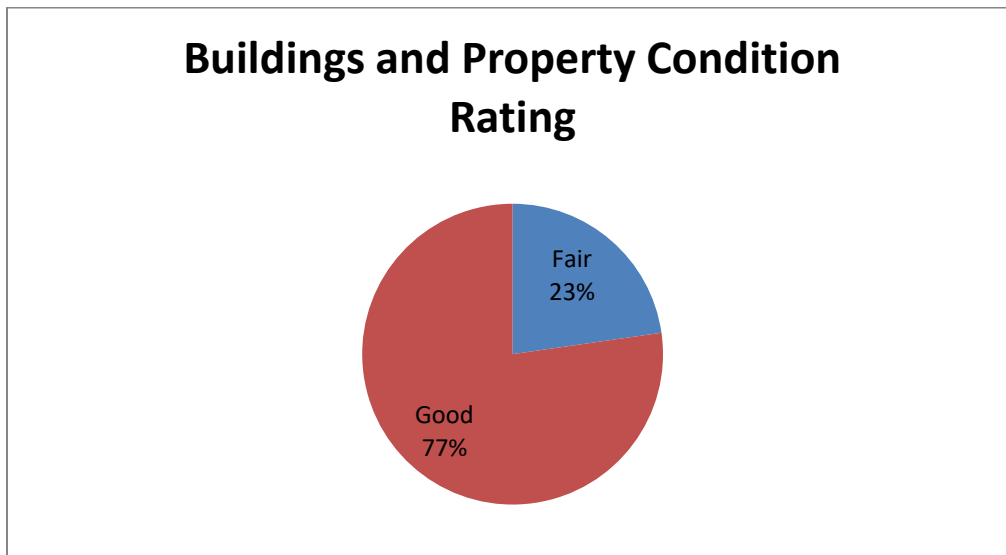
Buildings/Facilities

The Township's asset management program is a tool to ensure the effective maintenance of the Township properties and buildings to meet or exceed legislative requirements. Staff currently monitors and maintains the building components and equipment to ensure that they meet their useful life expectations.

The condition ratings are defined as follows:

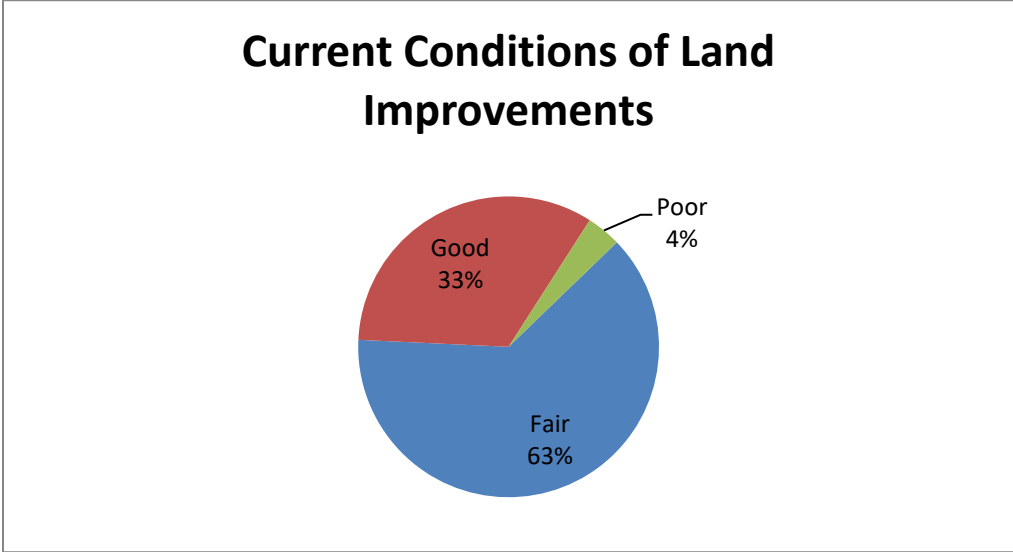
| Building Facilities Condition Rating | Description |
|--------------------------------------|--|
| Good | Generally approaching mid-stage of expected service life, meets current required level of service. Required maintenance costs are within acceptable standards but are increasing. |
| Fair | Signs of deterioration, some elements exhibit deficiencies. The asset is beginning to perform at a lower level than initially intended. Maintenance costs are beginning to exceed acceptable standards and are increasing. Asset is in the later stage of its expected life. |
| Poor | Approaching the latter stage of its expected service life, conditions below standard, large portion of system exhibits significant deterioration. Maintenance costs exceed acceptable standards and are increasing. |
| Now Need | Now Need – beyond expected service life and/or widespread signs of advanced deterioration. Some assets may be unusable and/or require immediate attention and/or repairs. Maintenance costs exceed acceptable standards. |

The below figure provides a summary of the overall condition ratings of all Township buildings/facilities.



Land Improvements

The Township currently has 27 assets under land improvements; these assets include but are not limited to parking lots, retaining walls, septic systems, wells, etc. The Land Improvements have been assessed based on the same condition rating as Solid Waste Assets. The below noted figure shows the current condition of all Land Improvement Assets on the AMP:

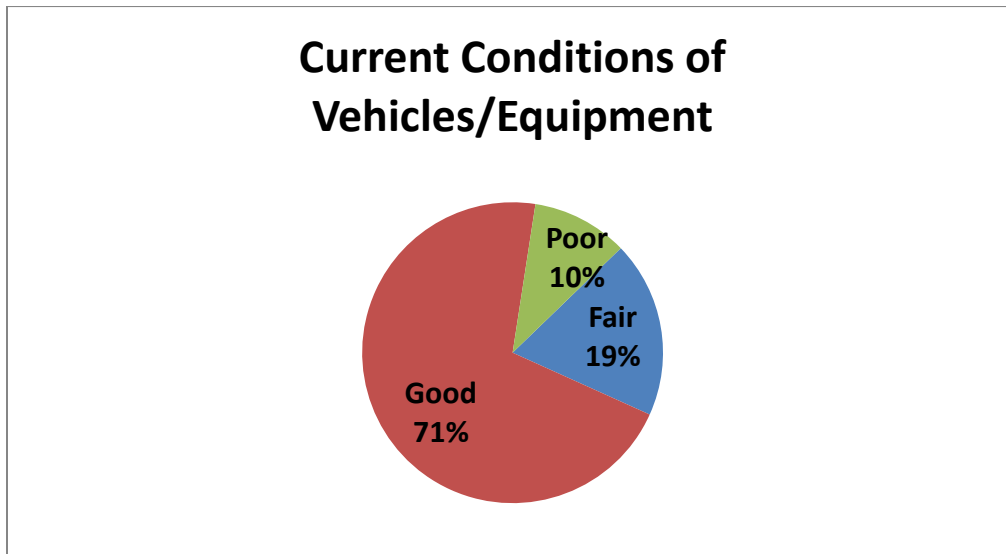


While staff was assessing the conditions of the Land Improvement Assets it was noted that there will be some upgrading of gravel parking lots to paved parking lots for health and safety concerns along with accessibility plans.

Fleet and Equipment

Fleet and equipment assets are an integral component in the Township's ability to respond to the needs of the community and provide the levels of service that are both expected by our ratepayers and mandated by legislation. Generally, vehicles and equipment are replaced as required based on the condition and service life expectancy. Depending on the asset class the current life expectancy of the Township's fleet assets and equipment assets range from eight (8) years to thirty (30) years.

The below figure shows the overall condition ratings for all vehicles/equipment:



ASSET MANAGEMENT STRATEGY AND RISK MANAGEMENT

The AMP has identified sustainable funding strategies over the long-term to ensure that sufficient monies are available to meet expected or targeted levels of service. The funding strategy may be influenced by future federal/provincial funding programs as they become available from time to time. Funding priority will be given to the assets that pose the highest level of service risk. Managing the consequences of failure is our highest priority, keeping in mind that not every asset would present the same risk of failure or would be equally critical to the operations of the Township. The condition and risk of failure of each asset has influenced the implementation of the priority assets.

The AMP utilizes level of service standards as a benchmark for the maintenance, rehabilitation and replacement of the Township's assets. The strategy has also brought forth the requirement to establish a regular and cost effective maintenance program to extend the life of the assets, specifically with the linear assets. These programs may be developed through industry standard, local experience and the desired levels of service.

The strategy utilized for prioritizing the assets was firstly based on the condition of the asset. All "Now Need" assets would be the first priority as they would require the most amount of maintenance and financial needs. From here the "Now Need" was prioritized based on the level of risk of service failure they would impose.

Risk Management

A risk assessment has been undertaken for each asset of the Township and the risk of service level failure has been instrumental in prioritizing the timing and type of capital work interventions required.

For the Linear Assets (Roads) there was a different approach to assessing the risk of service level failure. The below noted matrix was utilized to provide a points value:

| | Probability of Service Level Failure | | |
|--------------------------------|---|------------------|-----------------|
| | Low (0 points) | Medium (1 point) | High (2 points) |
| Maintenance (50%) | | | |
| Steep Embankments (25%) | | | |
| Sight Lines (25%) | | | |

For all the other assets the risk of failure was completed in a similar manner but the risk of failure was incorporated into the asset condition. Therefore, if an asset was in Fair condition but posed a medium level of service failure the asset would be moved to Poor for that reason.

It must be noted that risk levels can be reduced or mitigated through planned maintenance, rehabilitation and/or replacement of assets. An objective of this asset management plan is to reduce

the risk levels where they are deemed too high, as well as to ensure that assets are maintained in a manner that maintains risk at an acceptable level.

Some of the noted benefits for an asset upgrade, replacement or rehabilitation are:

- Health and Safety
 - Accident reduction – both pedestrian, cyclists and automobile
 - Safety of employees who work with, in or around the assets
 - Injury reduction – associated with accident reduction
- Environmental Impact
 - Greenhouse gas emissions
 - Groundwater and surface water impacts
 - Climate change
- Efficiencies
 - Labour – new technology provides for a faster service performance, less break downs
 - Electricity – energy upgrades provide for less operating costs
 - Vehicles – produce less emissions, use less fuel
 - Grant application can be “shelf” ready as the capital projects are planned for 10 years in advance

Due to the fact that the Township of Greater Madawaska is a small, rural municipality with limited resources, Council and staff must accept opportunities that coordinate resources with other local municipalities or the County of Renfrew. This may include shared services, contract negotiations, joint service boards, etc.

FINANCING STRATEGY

Township staff identified the capital needs for the organization over the next twenty (20) years. These targets were arrived at after carefully considering current replacement values, asset conditions, year of expected asset replacement, the level of service expected from each asset category and the risk to the organization based on the probability of asset failure to meet service levels. The current replacement cost (2019 values) of this capital needs study totals \$38,548,080.

This 20 year plan is based upon the Township's current responsibilities and does not include any unexpected issues that may arise nor any increased program responsibilities that may arise in the future.

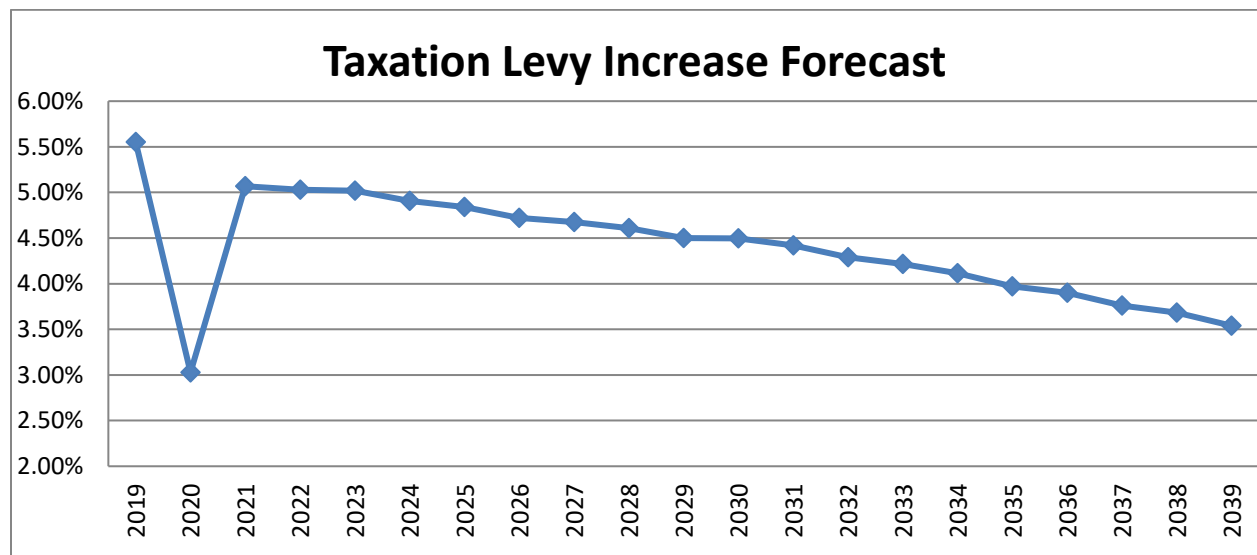
Please refer to Appendix B to review the Capital Schedule which demonstrates the financial strategy as well as the corresponding costs.

Assumptions

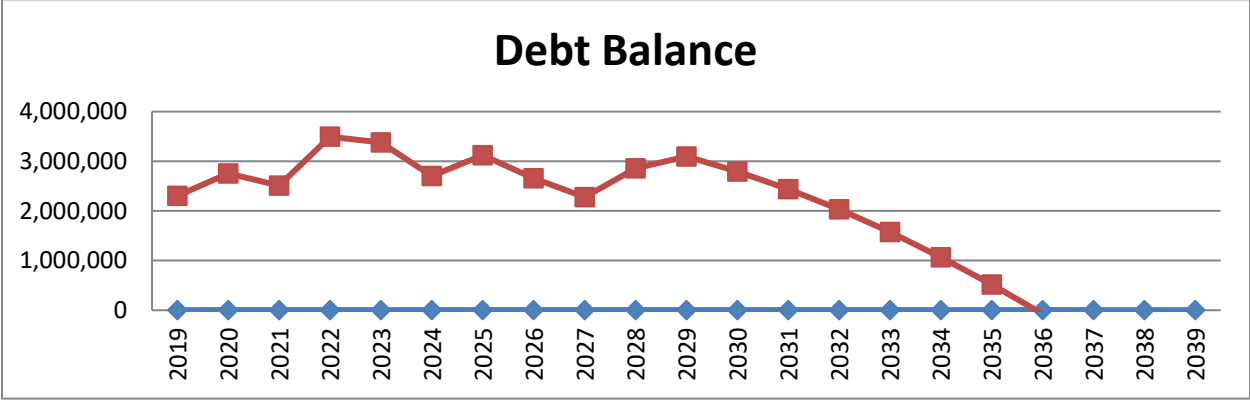
The results of the financing strategy are based on several assumptions:

(1) Capital Investment

The projection of the amount of Capital Investment is based on a continual increase in the amount of taxation that will be utilized for these investments. In 2019 the taxation amount utilized will be \$320,850 and in 2039 the amount of taxation utilized will be \$1,219,000. These numbers are for new capital investments and for debt payments on previous capital investments. Debentures will be utilized to finance the capital investments that are required for the 20 year plan that the taxation amount will not cover. The debenture interest rate is based on 2019 rates from the Infrastructure Ontario Lending program.



There are a large number of assets that require replacement or rehabilitation within the first five years of the AMP. Therefore, there will be a substantial amount of monies required from debentures to complete all of the proposed projects. The below graph illustrates the forecasted debt balance for the ten year period.



(2) Provincial/Federal Revenue

The Federal Gas Tax Program, Ontario Community Infrastructure Fund and the OMPF Northern and Rural Funding programs are other sources of revenue that are stable and predictable funding available to assist with capital plans. In 2019, the Federal Gas Tax was \$157,010 (there was a second Federal Gas Tax Payment made), the OCIF was \$50,000 and the OMPF was \$238,600.

(3) Reserves and Lot Development Charges

At December 31, 2019 the reserve budget was \$1,022,670. The financial strategy plan assumes that reserve balance will not fall below \$1,000,000. The assumption is that each year any surplus or lot development charges will be utilized for the next year.

TABLE 1

Municipal Act, 2001 Loi de 2001 sur les municipalités

ONTARIO REGULATION 239/02

MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS

Consolidation Period: From January 25, 2013 to the [e-Laws currency date](#).

Last amendment: O. Reg. 47/13.

This Regulation is made in English only.

Definitions

1. (1) In this Regulation,
- “cm” means centimetres;
- “day” means a 24-hour period;
- “ice” means all kinds of ice, however formed;
- “motor vehicle” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*, except that it does not include a motor assisted bicycle;
- “non-paved surface” means a surface that is not a paved surface;
- “Ontario Traffic Manual” means the Ontario Traffic Manual published by the Ministry of Transportation, as amended from time to time;
- “paved surface” means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion;
- “roadway” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*;
- “shoulder” means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;
- “snow accumulation” means the natural accumulation of any of the following that, alone or together, covers more than half a lane width of a roadway:
1. Newly-fallen snow.
 2. Wind-blown snow.
 3. Slush;
- “substantial probability” means a significant likelihood considerably in excess of 51 per cent;
- “surface” means the top of a roadway or shoulder;
- “weather” means air temperature, wind and precipitation. O. Reg. 239/02, s. 1 (1); O. Reg. 23/10, s. 1 (1); O. Reg. 47/13, s. 1.
- (2) For the purposes of this Regulation, every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified in the Table to this section as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average annual daily traffic on it. O. Reg. 239/02, s. 1 (2).
- (3) For the purposes of subsection (2) and the Table to this section, the average annual daily traffic on a highway or part of a highway under municipal jurisdiction shall be determined,
- (a) by counting and averaging the daily two-way traffic on the highway or part of the highway; or
 - (b) by estimating the average daily two-way traffic on the highway or part of the highway. O. Reg. 239/02, s. 1 (3); O. Reg. 23/10, s. 1 (2).
- (4) For the purposes of this Regulation, a municipality is deemed to be aware of a fact if, in the absence of actual knowledge of the fact, circumstances are such that the municipality ought reasonably to be aware of the fact. O. Reg. 23/10, s. 1 (3).

TABLE
CLASSIFICATION OF HIGHWAYS

| Average Annual Daily Traffic (number of motor vehicles) | Posted or Statutory Speed Limit (kilometres per hour) | | | | | | |
|--|---|---------|---------|---------|---------|---------|--------|
| | 91 - 100 | 81 - 90 | 71 - 80 | 61 - 70 | 51 - 60 | 41 - 50 | 1 - 40 |
| 15,000 or more | 1 | 1 | 1 | 2 | 2 | 2 | 2 |
| 12,000 - 14,999 | 1 | 1 | 1 | 2 | 2 | 3 | 3 |
| 10,000 - 11,999 | 1 | 1 | 2 | 2 | 3 | 3 | 3 |
| 8,000 - 9,999 | 1 | 1 | 2 | 3 | 3 | 3 | 3 |
| 6,000 - 7,999 | 1 | 2 | 2 | 3 | 3 | 3 | 3 |
| 5,000 - 5,999 | 1 | 2 | 2 | 3 | 3 | 3 | 3 |
| 4,000 - 4,999 | 1 | 2 | 3 | 3 | 3 | 3 | 4 |
| 3,000 - 3,999 | 1 | 2 | 3 | 3 | 3 | 4 | 4 |
| 2,000 - 2,999 | 1 | 2 | 3 | 3 | 4 | 4 | 4 |
| 1,000 - 1,999 | 1 | 3 | 3 | 3 | 4 | 4 | 5 |
| 500 - 999 | 1 | 3 | 4 | 4 | 4 | 4 | 5 |
| 200 - 499 | 1 | 3 | 4 | 4 | 5 | 5 | 5 |
| 50 - 199 | 1 | 3 | 4 | 5 | 5 | 5 | 5 |
| 0 - 49 | 1 | 3 | 6 | 6 | 6 | 6 | 6 |

O. Reg. 613/06, s. 1.

Application

2. (1) This Regulation sets out the minimum standards of repair for highways under municipal jurisdiction for the purpose of clause 44 (3) (c) of the Act. O. Reg. 288/03, s. 1.

(2) REVOKED: O. Reg. 23/10, s. 2.

(3) This Regulation does not apply to Class 6 highways. O. Reg. 239/02, s. 2 (3).

MINIMUM STANDARDS

Patrolling

3. (1) The minimum standard for the frequency of patrolling of highways to check for conditions described in this Regulation is set out in the Table to this section. O. Reg. 23/10, s. 3 (1).

(2) If it is determined by the municipality that the weather monitoring referred to in section 3.1 indicates that there is a substantial probability of snow accumulation on roadways, ice formation on roadways or icy roadways, the minimum standard for patrolling highways is, in addition to that set out in subsection (1), to patrol highways that the municipality selects as representative of its highways, at intervals deemed necessary by the municipality, to check for such conditions. O. Reg. 47/13, s. 2.

(3) Patrolling a highway consists of observing the highway, either by driving on or by electronically monitoring the highway, and may be performed by persons responsible for patrolling highways or by persons responsible for performing highway maintenance activities. O. Reg. 23/10, s. 3 (1).

(4) This section does not apply in respect of the conditions described in section 10, subsections 11 (0.1) and 12 (1) and section 16.1. O. Reg. 23/10, s. 3 (1).

TABLE
PATROLLING FREQUENCY

| Class of Highway | Patrolling Frequency |
|------------------|----------------------|
| 1 | 3 times every 7 days |
| 2 | 2 times every 7 days |
| 3 | once every 7 days |
| 4 | once every 14 days |
| 5 | once every 30 days |

O. Reg. 239/02, s. 3, Table; O. Reg. 23/10, s. 3 (2).

Weather monitoring

3.1 (1) From October 1 to April 30, the minimum standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once every shift or three times per calendar day, whichever is more frequent, at intervals determined by the municipality. O. Reg. 47/13, s. 3.

(2) From May 1 to September 30, the minimum standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once per calendar day. O. Reg. 47/13, s. 3.

Snow accumulation

4. (1) The minimum standard for addressing snow accumulation is,

- (a) after becoming aware of the fact that the snow accumulation on a roadway is greater than the depth set out in the Table to this section, to deploy resources as soon as practicable to address the snow accumulation; and
- (b) after the snow accumulation has ended, to address the snow accumulation so as to reduce the snow to a depth less than or equal to the depth set out in the Table within the time set out in the Table,
 - (i) to provide a minimum lane width of the lesser of three metres for each lane or the actual lane width, or
 - (ii) on a Class 4 or Class 5 highway with two lanes, to provide a total width of at least five metres. O. Reg. 47/13, s. 4.

(2) If the depth of snow accumulation on a roadway is less than or equal to the depth set out in the Table to this section, the roadway is deemed to be in a state of repair with respect to snow accumulation. O. Reg. 47/13, s. 4.

(3) For the purposes of this section, the depth of snow accumulation on a roadway may be determined in accordance with subsection (4) by a municipal employee, agent or contractor, whose duties or responsibilities include one or more of the following:

- 1. Patrolling highways.
- 2. Performing highway maintenance activities.
- 3. Supervising staff who perform activities described in paragraph 1 or 2. O. Reg. 47/13, s. 4.

(4) The depth of snow accumulation on a roadway may be determined by,

- (a) performing an actual measurement;
- (b) monitoring the weather; or
- (c) performing a visual estimate. O. Reg. 47/13, s. 4.

(5) For the purposes of this section, addressing snow accumulation on a roadway includes, but is not limited to,

- (a) plowing the roadway;
- (b) salting the roadway;
- (c) applying abrasive materials to the roadway; or
- (d) any combination of the methods described in clauses (a), (b) and (c). O. Reg. 47/13, s. 4.

(6) This section does not apply to that portion of the roadway designated for parking. O. Reg. 47/13, s. 4.

TABLE
SNOW ACCUMULATION

| Class of Highway | Depth | Time |
|------------------|--------|----------|
| 1 | 2.5 cm | 4 hours |
| 2 | 5 cm | 6 hours |
| 3 | 8 cm | 12 hours |
| 4 | 8 cm | 16 hours |
| 5 | 10 cm | 24 hours |

O. Reg. 47/13, s. 4.

5. (1) The minimum standard for the prevention of ice formation on roadways is doing the following in the 24-hour period preceding an alleged formation of ice on a roadway:

1. Monitor the weather in accordance with section 3.1.
2. Patrol in accordance with section 3.
3. If the municipality determines, as a result of its activities under paragraph 1 or 2, that there is a substantial probability of ice forming on a roadway, treat the roadway to prevent ice formation within the time set out in the Table to this section, starting from the time that the municipality determines is the appropriate time to deploy resources for that purpose. O. Reg. 47/13, s. 5.

(2) If the municipality meets the minimum standard set out in subsection (1) and, despite such compliance, ice forms on a roadway, the roadway is deemed to be in a state of repair until the earlier of,

- (a) the time that the municipality becomes aware of the fact that the roadway is icy; or
- (b) the applicable time set out in the Table to this section for treating the roadway to prevent ice formation expires. O. Reg. 47/13, s. 5.

(3) The minimum standard for treating icy roadways after the municipality becomes aware of the fact that a roadway is icy is to treat the icy roadway within the time set out in the Table to this section, and an icy roadway is deemed to be in a state of repair until the applicable time set out in the Table for treating the icy roadway expires. O. Reg. 47/13, s. 5.

(4) For the purposes of this section, treating a roadway means applying material to the roadway, including but not limited to, salt, sand or any combination of salt and sand. O. Reg. 47/13, s. 5.

TABLE
ICE FORMATION PREVENTION AND ICY ROADWAYS

| Class of Highway | Time |
|------------------|----------|
| 1 | 3 hours |
| 2 | 4 hours |
| 3 | 8 hours |
| 4 | 12 hours |
| 5 | 16 hours |

O. Reg. 47/13, s. 5.

Potholes

6. (1) If a pothole exceeds both the surface area and depth set out in Table 1, 2 or 3 to this section, as the case may be, the minimum standard is to repair the pothole within the time set out in Table 1, 2 or 3, as appropriate, after becoming aware of the fact. O. Reg. 239/02, s. 6 (1).

(2) A pothole is deemed to be in a state of repair if its surface area or depth is less than or equal to that set out in Table 1, 2 or 3, as appropriate. O. Reg. 239/02, s. 6 (2); O. Reg. 47/13, s. 6.

TABLE 1
POTHOLES ON PAVED SURFACE OF ROADWAY

| Class of Highway | Surface Area | Depth | Time |
|------------------|----------------------|-------|---------|
| 1 | 600 cm ² | 8 cm | 4 days |
| 2 | 800 cm ² | 8 cm | 4 days |
| 3 | 1000 cm ² | 8 cm | 7 days |
| 4 | 1000 cm ² | 8 cm | 14 days |
| 5 | 1000 cm ² | 8 cm | 30 days |

O. Reg. 239/02, s. 6, Table 1.

TABLE 2
POTHOLES ON NON-PAVED SURFACE OF ROADWAY

| Class of Highway | Surface Area | Depth | Time |
|------------------|----------------------|-------|---------|
| 3 | 1500 cm ² | 8 cm | 7 days |
| 4 | 1500 cm ² | 10 cm | 14 days |
| 5 | 1500 cm ² | 12 cm | 30 days |

O. Reg. 239/02, s. 6, Table 2.

TABLE 3
POTHOLES ON PAVED OR NON-PAVED SURFACE OF SHOULDER

| Class of Highway | Surface Area | Depth | Time |
|------------------|----------------------|-------|---------|
| 1 | 1500 cm ² | 8 cm | 7 days |
| 2 | 1500 cm ² | 8 cm | 7 days |
| 3 | 1500 cm ² | 8 cm | 14 days |
| 4 | 1500 cm ² | 10 cm | 30 days |
| 5 | 1500 cm ² | 12 cm | 60 days |

O. Reg. 239/02, s. 6, Table 3.

Shoulder drop-offs

7. (1) If a shoulder drop-off is deeper, for a continuous distance of 20 metres or more, than the depth set out in the Table to this section, the minimum standard is to repair the shoulder drop-off within the time set out in the Table after becoming aware of the fact. O. Reg. 239/02, s. 7 (1).

(2) A shoulder drop-off is deemed to be in a state of repair if its depth is less than or equal to that set out in the Table. O. Reg. 239/02, s. 7 (2); O. Reg. 47/13, s. 7.

(3) In this section,

“shoulder drop-off” means the vertical differential, where the paved surface of the roadway is higher than the surface of the shoulder, between the paved surface of the roadway and the paved or non-paved surface of the shoulder. O. Reg. 239/02, s. 7 (3).

TABLE
SHOULDER DROP-OFFS

| Class of Highway | Depth | Time |
|------------------|-------|---------|
| 1 | 8 cm | 4 days |
| 2 | 8 cm | 4 days |
| 3 | 8 cm | 7 days |
| 4 | 8 cm | 14 days |
| 5 | 8 cm | 30 days |

O. Reg. 239/02, s. 7, Table.

Cracks

8. (1) If a crack on the paved surface of a roadway is greater, for a continuous distance of three metres or more, than both the width and depth set out in the Table to this section, the minimum standard is to repair the crack within the time set out in the Table after becoming aware of the fact. O. Reg. 239/02, s. 8 (1).

(2) A crack is deemed to be in a state of repair if its width or depth is less than or equal to that set out in the Table. O. Reg. 239/02, s. 8 (2); O. Reg. 47/13, s. 8.

TABLE
CRACKS

| Class of Highway | Width | Depth | Time |
|------------------|-------|-------|------|
|------------------|-------|-------|------|

| | | | |
|---|------|------|----------|
| 1 | 5 cm | 5 cm | 30 days |
| 2 | 5 cm | 5 cm | 30 days |
| 3 | 5 cm | 5 cm | 60 days |
| 4 | 5 cm | 5 cm | 180 days |
| 5 | 5 cm | 5 cm | 180 days |

O. Reg. 239/02, s. 8, Table.

Debris

9. (1) If there is debris on a roadway, the minimum standard is to deploy resources, as soon as practicable after becoming aware of the fact, to remove the debris. O. Reg. 239/02, s. 9 (1).

(2) In this section,

“debris” means any material (except snow, slush or ice) or object on a roadway,

- (a) that is not an integral part of the roadway or has not been intentionally placed on the roadway by a municipality, and
- (b) that is reasonably likely to cause damage to a motor vehicle or to injure a person in a motor vehicle. O. Reg. 239/02, s. 9 (2); O. Reg. 47/13, s. 9.

Luminaires

10. (0.1) The minimum standard for the frequency of inspecting all luminaires to check to see that they are functioning is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 6; O. Reg. 47/13, s. 10 (1).

(1) For conventional illumination, if three or more consecutive luminaires on a highway are not functioning, the minimum standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 239/02, s. 10 (1).

(2) For conventional illumination and high mast illumination, if 30 per cent or more of the luminaires on any kilometre of highway are not functioning, the minimum standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 239/02, s. 10 (2).

(3) Despite subsection (2), for high mast illumination, if all of the luminaires on consecutive poles are not functioning, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires. O. Reg. 239/02, s. 10 (3).

(4) Despite subsections (1), (2) and (3), for conventional illumination and high mast illumination, if more than 50 per cent of the luminaires on any kilometre of a Class 1 highway with a speed limit of 90 kilometres per hour or more are not functioning, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires. O. Reg. 239/02, s. 10 (4).

(5) Luminaires are deemed to be in a state of repair,

- (a) for the purpose of subsection (1), if the number of non-functioning consecutive luminaires does not exceed two;
- (b) for the purpose of subsection (2), if more than 70 per cent of luminaires on any kilometre of highway are functioning;
- (c) for the purpose of subsection (3), if one or more of the luminaires on consecutive poles are functioning;
- (d) for the purpose of subsection (4), if more than 50 per cent of luminaires on any kilometre of highway are functioning. O. Reg. 239/02, s. 10 (5); O. Reg. 47/13, s. 10 (2).

(6) Subsections (1), (2) and (3) only apply to,

- (a) Class 1 and Class 2 highways; and
- (b) Class 3, Class 4 and Class 5 highways with a posted speed of 80 kilometres per hour or more. O. Reg. 239/02, s. 10 (6).

(7) In this section,

“conventional illumination” means lighting, other than high mast illumination, where there are one or more luminaires per pole;

“high mast illumination” means lighting where there are three or more luminaires per pole and the height of the pole exceeds 20 metres;

“luminaire” means a complete lighting unit consisting of,

- (a) a lamp, and
- (b) parts designed to distribute the light, to position or protect the lamp and to connect the lamp to the power supply.
O. Reg. 239/02, s. 10 (7).

TABLE
LUMINAIRES

| Class of Highway | Time |
|------------------|---------|
| 1 | 7 days |
| 2 | 7 days |
| 3 | 14 days |
| 4 | 14 days |
| 5 | 14 days |

O. Reg. 239/02, s. 10, Table.

Signs

11. (0.1) The minimum standard for the frequency of inspecting signs of a type listed in subsection (2) to check to see that they meet the retro-reflectivity requirements of the Ontario Traffic Manual is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 7 (1); O. Reg. 47/13, s. 11 (1).

(0.2) A sign that has been inspected in accordance with subsection (0.1) is deemed to be in a state of repair with respect to the retro-reflectivity requirements of the Ontario Traffic Manual until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the sign has ceased to meet these requirements. O. Reg. 47/13, s. 11 (2).

(1) If any sign of a type listed in subsection (2) is illegible, improperly oriented, obscured or missing, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair or replace the sign. O. Reg. 239/02, s. 11 (1); O. Reg. 23/10, s. 7 (2).

(2) This section applies to the following types of signs:

1. Checkerboard.
2. Curve sign with advisory speed tab.
3. Do not enter.
- 3.1 Load Restricted Bridge.
- 3.2 Low Bridge.
- 3.3 Low Bridge Ahead.
4. One Way.
5. School Zone Speed Limit.
6. Stop.
7. Stop Ahead.
8. Stop Ahead, New.
9. Traffic Signal Ahead, New.
10. Two-Way Traffic Ahead.
11. Wrong Way.
12. Yield.
13. Yield Ahead.
14. Yield Ahead, New. O. Reg. 239/02, s. 11 (2); O. Reg. 23/10, s. 7 (3).

Regulatory or warning signs

12. (1) The minimum standard for the frequency of inspecting regulatory signs or warning signs to check to see that they meet the retro-reflectivity requirements of the Ontario Traffic Manual is once per calendar year, with each

inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 8; O. Reg. 47/13, s. 12 (1).

(1.1) A regulatory sign or warning sign that has been inspected in accordance with subsection (1) is deemed to be in a state of repair with respect to the retro-reflectivity requirements of the Ontario Traffic Manual until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the sign has ceased to meet these requirements. O. Reg. 47/13, s. 12 (2).

(2) If a regulatory sign or warning sign is illegible, improperly oriented, obscured or missing, the minimum standard is to repair or replace the sign within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 23/10, s. 8.

(3) In this section, “regulatory sign” and “warning sign” have the same meanings as in the Ontario Traffic Manual, except that they do not include a sign listed in subsection 11 (2) of this Regulation. O. Reg. 23/10, s. 8.

TABLE
REGULATORY AND WARNING SIGNS

| Class of Highway | Time |
|------------------|---------|
| 1 | 7 days |
| 2 | 14 days |
| 3 | 21 days |
| 4 | 30 days |
| 5 | 30 days |

O. Reg. 239/02, s. 12, Table.

Traffic control signal systems

13. (1) If a traffic control signal system is defective in any way described in subsection (2), the minimum standard is to deploy resources as soon as practicable after becoming aware of the defect to repair the defect or replace the defective component of the traffic control signal system. O. Reg. 239/02, s. 13 (1).

(2) This section applies if a traffic control signal system is defective in any of the following ways:

1. One or more displays show conflicting signal indications.
2. The angle of a traffic control signal or pedestrian control indication has been changed in such a way that the traffic or pedestrian facing it does not have clear visibility of the information conveyed or that it conveys confusing information to traffic or pedestrians facing other directions.
3. A phase required to allow a pedestrian or vehicle to safely travel through an intersection fails to occur.
4. There are phase or cycle timing errors interfering with the ability of a pedestrian or vehicle to safely travel through an intersection.
5. There is a power failure in the traffic control signal system.
6. The traffic control signal system cabinet has been displaced from its proper position.
7. There is a failure of any of the traffic control signal support structures.
8. A signal lamp or a pedestrian control indication is not functioning.
9. Signals are flashing when flashing mode is not a part of the normal signal operation. O. Reg. 239/02, s. 13 (2).

(3) Despite subsection (1) and paragraph 8 of subsection (2), if the posted speed of all approaches to the intersection or location of the non-functioning signal lamp or pedestrian control indication is less than 80 kilometres per hour and the signal that is not functioning is a green or a pedestrian “walk” signal, the minimum standard is to repair or replace the defective component by the end of the next business day. O. Reg. 239/02, s. 13 (3).

(4) In this section and section 14,

“cycle” means a complete sequence of traffic control indications at a location;

“display” means the illuminated and non-illuminated signals facing the traffic;

“indication” has the same meaning as in the *Highway Traffic Act*;

“phase” means a part of a cycle from the time where one or more traffic directions receive a green indication to the time where one or more different traffic directions receive a green indication;

“power failure” means a reduction in power or a loss in power preventing the traffic control signal system from operating as intended;

“traffic control signal” has the same meaning as in the *Highway Traffic Act*;

“traffic control signal system” has the same meaning as in the *Highway Traffic Act*. O. Reg. 239/02, s. 13 (4).

Traffic control signal system sub-systems

14. (1) The minimum standard is to inspect, test and maintain the following traffic control signal system sub-systems once per calendar year, with each inspection taking place not more than 16 months from the previous inspection:

1. The display sub-system, consisting of traffic signal and pedestrian crossing heads, physical support structures and support cables.
2. The traffic control sub-system, including the traffic control signal cabinet and internal devices such as timer, detection devices and associated hardware, but excluding conflict monitors.
3. The external detection sub-system, consisting of detection sensors for all vehicles, including emergency and railway vehicles and pedestrian push- buttons. O. Reg. 239/02, s. 14 (1); O. Reg. 47/13, s. 13 (1).

(1.1) A traffic control signal system sub-system that has been inspected, tested and maintained in accordance with subsection (1) is deemed to be in a state of repair until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the traffic control signal system sub-system has ceased to be in a state of repair. O. Reg. 47/13, s. 13 (2).

(2) The minimum standard is to inspect, test and maintain conflict monitors every five to seven months and at least twice per calendar year. O. Reg. 239/02, s. 14 (2); O. Reg. 47/13, s. 13 (3).

(2.1) A conflict monitor that has been inspected, tested and maintained in accordance with subsection (2) is deemed to be in a state of repair until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the conflict monitor has ceased to be in a state of repair. O. Reg. 47/13, s. 13 (4).

(3) In this section,

“conflict monitor” means a device that continually checks for conflicting signal indications and responds to a conflict by emitting a signal. O. Reg. 239/02, s. 14 (3).

Bridge deck spalls

15. (1) If a bridge deck spall exceeds both the surface area and depth set out in the Table to this section, the minimum standard is to repair the bridge deck spall within the time set out in the Table after becoming aware of the fact. O. Reg. 239/02, s. 15 (1).

(2) A bridge deck spall is deemed to be in a state of repair if its surface area or depth is less than or equal to that set out in the Table. O. Reg. 239/02, s. 15 (2); O. Reg. 47/13, s. 14.

(3) In this section,

“bridge deck spall” means a cavity left by one or more fragments detaching from the paved surface of the roadway or shoulder of a bridge. O. Reg. 239/02, s. 15 (3).

TABLE
BRIDGE DECK SPALLS

| Class of Highway | Surface Area | Depth | Time |
|------------------|-----------------------|-------|--------|
| 1 | 600 cm ² | 8 cm | 4 days |
| 2 | 800 cm ² | 8 cm | 4 days |
| 3 | 1,000 cm ² | 8 cm | 7 days |
| 4 | 1,000 cm ² | 8 cm | 7 days |
| 5 | 1,000 cm ² | 8 cm | 7 days |

Roadway surface discontinuities

16. (1) If a surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, exceeds the height set out in the Table to this section, the minimum standard is to repair the surface discontinuity within the time set out in the Table after becoming aware of the fact. O. Reg. 23/10, s. 9.

(1.1) A surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, is deemed to be in a state of repair if its height is less than or equal to the height set out in the Table to this section. O. Reg. 47/13, s. 15.

(2) If a surface discontinuity on a bridge deck exceeds five centimetres, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the surface discontinuity on the bridge deck. O. Reg. 23/10, s. 9.

(2.1) A surface discontinuity on a bridge deck is deemed to be in a state of repair if its height is less than or equal to five centimetres. O. Reg. 47/13, s. 15.

(3) In this section,

“surface discontinuity” means a vertical discontinuity creating a step formation at joints or cracks in the paved surface of the roadway, including bridge deck joints, expansion joints and approach slabs to a bridge. O. Reg. 23/10, s. 9.

TABLE
SURFACE DISCONTINUITIES

| Class of Highway | Height | Time |
|------------------|--------|---------|
| 1 | 5 cm | 2 days |
| 2 | 5 cm | 2 days |
| 3 | 5 cm | 7 days |
| 4 | 5 cm | 21 days |
| 5 | 5 cm | 21 days |

Sidewalk surface discontinuities

16.1 (1) The minimum standard for the frequency of inspecting sidewalks to check for surface discontinuity is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 10; O. Reg. 47/13, s. 16 (1).

(1.1) A sidewalk that has been inspected in accordance with subsection (1) is deemed to be in a state of repair with respect to any surface discontinuity until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge of the presence of a surface discontinuity in excess of two centimetres. O. Reg. 47/13, s. 16 (2).

(2) If a surface discontinuity on a sidewalk exceeds two centimetres, the minimum standard is to treat the surface discontinuity within 14 days after acquiring actual knowledge of the fact. O. Reg. 23/10, s. 10; O. Reg. 47/13, s. 16 (3).

(2.1) A surface discontinuity on a sidewalk is deemed to be in a state of repair if it is less than or equal to two centimetres. O. Reg. 47/13, s. 16 (4).

(3) For the purpose of subsection (2), treating a surface discontinuity on a sidewalk means taking reasonable measures to protect users of the sidewalk from the discontinuity, including making permanent or temporary repairs, alerting users’ attention to the discontinuity or preventing access to the area of discontinuity. O. Reg. 23/10, s. 10.

(4) In this section,

“surface discontinuity” means a vertical discontinuity creating a step formation at joints or cracks in the surface of the sidewalk. O. Reg. 23/10, s. 10.

REVIEW OF REGULATION

Review

17. (1) The Minister of Transportation shall conduct a review of this Regulation and Ontario Regulation 612/06 (Minimum Maintenance Standards for Highways in the City of Toronto) made under the *City of Toronto Act, 2006* every five years. O. Reg. 613/06, s. 2.

(2) Despite subsection (1), the first review after the completion of the review started before the end of 2007 shall be started five years after the day Ontario Regulation 23/10 is filed. O. Reg. 23/10, s. 11.

18. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 239/02, s. 18.