

Case Name:

Ontario (Ministry of Labour) v. Priscak

Between

**Her Majesty the Queen in Right of Ontario (Ministry of Labour), Applicant, and
Dave Priscak, Peter Quaglia, Timothy McLaughlin
and Joseph Bertocchi, Respondents**

[2008] O.J. No. 1215

77 W.C.B. (2d) 395

Court File Nos. 07-CV-9669, 07-CV-9661, 07-CV-9658

and 07-CV-9665

Ontario Superior Court of Justice

A.E. Cusinato J.

Heard: March 10, 2008.

Judgment: March 26, 2008.

(54 paras.)

Criminal law -- Regulatory offences -- Certificates of offences under Occupational Health and Safety Act should not have been quashed for failure to include name of Act -- Certificates specified regulation which referred to Act -- Remedy was order in nature of mandamus reinstating proceedings -- Provincial Offences Act, ss. 1, 3, 9, 13, 140, 141.

Criminal law -- Procedure -- Information or indictment -- Setting aside -- Certificates of offences under Occupational Health and Safety Act should not have been quashed for failure to include name of Act -- Certificates specified regulation which referred to Act -- Remedy was order in nature of mandamus reinstating proceedings.

Criminal law -- Extraordinary remedies -- Mandamus -- Certificates of offences under Occupational Health and Safety Act should not have been quashed for failure to include name of Act -- Certificates specified regulation which referred to Act -- Remedy was order in nature of mandamus reinstating proceedings.

Workplace health, safety and compensation law -- Workplace health and safety -- Offences and enforcement -- Appeals and judicial review -- Procedure -- Sufficiency of information -- Certificates of offences under Occupational Health and Safety Act should not have been quashed for failure to include name of Act -- Certificates specified regulation which referred to Act -- Remedy was order in nature of mandamus reinstating proceedings -- Occupational Health and Safety Act.

Application by the Crown for review of orders quashing several certificates of offences issued for occupational health and safety offences because they failed to specify the Occupational Health and Safety Act. Each certificate had been quashed by a justice of the peace for the failure to name the Act.

HELD: Application allowed. The orders were set aside and an order in the nature of mandamus was issued, reinstating the proceedings against the respondents named in the certificates. The justice of the peace misinterpreted the legislation and regulations applicable to the certificates. Although naming the Act in the certificates was the preferable procedure, it was not necessary for the certificates to be valid. The certificates named the applicable regulation which referred to the Act.

Statutes, Regulations and Rules Cited:

Occupational Health and Safety Act, R.S.O. 1990, c. O.1, s. 22, s. 23

Occupational Health and Safety Act Regulation, O. Reg. 213/91,

Provincial Offences Act, R.S.O. 1990, c. P.33, s. 1, s. 1(1), s. 3, s. 3(1), s. 3(2), s. 3(3), s. 3(4), s. 3(5), s. 3(6), s. 3(7), s. 3(8), s. 9, s. 9(1)(a), s. 9(1)(b), s. 13, s. 13(1), s. 13(2), s. 116, s. 140, s. 140(1), s. 141, s. 141(1), s. 141(2), s. 141(3), s. 141(4)

Provincial Offences Act Regulation, R.R.O. 1990, Reg. 950,

Cases cited:

R. v. Cote (1977), 33 C.C.C. (2d) 353 (S.C.C.) at 357.

Ontario (Ministry of Labour) v. Intracorp Developments (Lombard) Inc., [2002] O.J. No. 1209 (Ont. Sup. Ct. J.).

R. v. Mattheos, [2004] O.J. No. 5339 (Ont. C.J.).

Regina v. Naalabandian, [2003] O.J. No. 3667 (Ont. C.J.).

Regina v. Jewitt (1985), 21 C.C.C. (3d) 7 (S.C.C.).

Doyle v. The Queen, [1976] S.C.J. No. 38 (S.C.C.).

R. v. 974649 Ontario Inc. (1998), 130 C.C.C. (3d) 1 (Ont. C.A.).

R. v. Xanthopoulos, [2000] O.J. No. 1635 (S.C.J.).

Re Volpi and Lanzino and The Queen (1987), 34 C.C.C. (3d) 1 (Ont. C.A.).

Toronto Licensing Commission v. Brass Rail Tavern (Toronto) Limited (1999), 1 M.P.L.R. (3d) 215 (Ont. Gen. Div.).

R. v. Wilson, [2001] O.J. No. 4907 (Ont. C.J.).

R. v. Longmire (1986), 73 N.S.R. (2d) 433 (N.S.C.A.) (QL).

R. v. Jody Joseph Pettipas (1986), 15 W.C.B. 424 (N.S.C.A.) (QL).

R. v. Elm Tree Nursing Home Inc. (1987), 20 O.A.C. 277 (QL).

R. v. Ellis-Don Ltd. (1990), 1 O.R. (3d) 193 (Ont. C.A.).

R. v. Cotton Felts Ltd. (1982), 2 C.C.C. (3d) 287 at 292 (Ont. C.A.).

Ontario (Ministry of Labour) v. Ivaco Inc., [2001] O.J. No. 1329 (S.C.J.).

Statutes and Regulations cited:

Provincial Offences Act, R.S.O. 1990, c. P.33, s. 1.(1), s. 3.(1), (2), (3), (4), (5), (6), (7), (8), s. 9(1)(a), (b), s. 13(1), (2), s. 140, s. 141(1), (2?), (3), (4).

Occupation Health & Safety Act, R.S.O. 1990, c. 0-1, s. 22, s. 23.

Construction Projects:

Ontario Regulation 213/91 under the *Occupational Health & Safety Act*, (authorized by s. 13(1) of the *POA*).

Provincial Offences Act:

Proceedings commenced by Certificate of Offence R.R.O. 1990, Reg. 950.

Counsel:

Giuseppe Ferraro, Crown counsel for the Ministry of the Attorney General for the Province of Ontario (Ministry of Labour).

Dave Priscak, Peter Quaglia, Timothy McLaughlin and Joseph Bertocchi: Unrepresented, no one appeared.

REASONS FOR JUDGMENT

A.E. CUSINATO J.:-

Nature of Proceedings

1 This matter involves an application brought by the Attorney General through Her Majesty the Queen in Right of Ontario (Ministry of Labour) and concerns four non related offences for violations of the *Occupational and Health Safety Act*, R.S.O. 1990, c. O.1, ("*OHSA*") also described as "the *Act*."

2 Each offence pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P.33, s. 1 (the "*POA*") was issued and served upon the offenders personally as a certificate of offence and filed pursuant to section 3 (1) utilizing the authorized form provided by section 13 of the *POA*.

3 For the purpose of clarity those sections and applicable subsections as apply are hereafter provided.

Interpretation

1.(1) In this Act,

"offence" means an offence under an Act of the Legislature or under a regulation or by-law made under the authority of an Act of the Legislature.

Certificate of offence and offence notice

3.(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, **a proceeding in respect of an offence may be commenced by filing a certificate of offence alleging the offence in the office of the court.** [emphasis added]

Issuance and service

(2) A provincial offences officer who believes that one or more persons have committed an offence may issue, by completing and signing, a certificate of offence certifying that an offence has been committed and,

- (a) an offence notice indicating the set fine for the offence; or
- (b) a summons,

in the form prescribed under section 13.

Service

(3) The offence notice or summons shall be served personally upon the person charged within thirty days after the alleged offence occurred.

Signature

(4) Upon the service of an offence notice or summons, the person charged may be requested to sign the certificate of offence, but the failure or refusal to sign as requested does not invalidate the certificate of offence or the service of the offence notice or summons.

Certificate of service

(5) Where service is made by the provincial offences officer who issued the certificate of offence, the officer shall certify on the certificate of offence that he or she personally served the offence notice or summons on the person charged and the date of service.

Affidavit of service

(6) Where service is made by a person other than the provincial offences officer who issued the certificate of offence, he or she shall complete an affidavit of service in the prescribed form.

Certificate as evidence

(7) A certificate of service of an offence notice or summons purporting to be signed by the provincial offences officer issuing it or an affidavit of service under subsection (6) shall be received in evidence and is proof of personal service in the absence of evidence to the contrary.

Issue

4 The issue before this court for review on each application is whether the certificate of offence is complete and regular on its face without specifying, the *Act*, *OHSA*. Each certificate as examined, sets out the abbreviated wording of the offence charged as well as its section number and the regulation under which the offence is charged.

5 In each instance as to the offence charged for failure to name the *Act*, the Justice of the Peace Robert Ponton quashed the certificate of offence applying section 9(1)(b) of the *POA*.

6 During this court's consideration on the issue of jurisdiction as it concerned the application, I recommended to counsel for the Attorney General that the naming of the *Act* would appear to be a recommended procedure to follow. This suggestion, however, does not deal with the specific issue for review as to its necessity to validate the certificate of offence.

7 It is with this issue that the review proceeds, subject to this court's jurisdiction. Section 9(1)(a) and (b) of the *POA* refers to a failure to respond to the offence notice as herein reproduced and the regularity of the offence on its face.

Failure to respond to offence notice

9.(1) Where at least fifteen days have elapsed after the defendant was served with the offence notice and the offence notice has not been delivered in accordance with section 6 or 8 and a plea of guilty has not been accepted under section 7, the defendant shall be deemed to not wish to dispute the charge and a justice shall examine the certificate of offence and,

(a) where the certificate of offence is complete and regular on its face, the justice shall enter a conviction in the defendant's absence and without a hearing and impose the set fine for the offence; or

(b) where the certificate of offence is not complete and regular on its face, the justice shall quash the proceeding.

Jurisdiction

8 Before dealing with the review, it is incumbent on this court to deal with jurisdiction as to the applications filed that request a review as opposed to the bringing of an appeal.

9 Part VII of the *POA* deals with appeals and review.

10 Section 116 of Part VII of the *POA* refers to appeals under Part III. These generally relate to the commencement of proceedings by the laying of an information.

11 It provides that where a proceeding is commenced by information under Part III of the *POA*, the

parties may appeal from a conviction or dismissal. Where the appeal is from a decision of the justice of the peace, the appeal is to the Ontario Court of Justice, presided over by a provincial judge.

12 In this instance, it is important to recognize the difference, that the quashing of a proceeding as ordered here by the justice of the peace is not tantamount to a conviction or dismissal.

13 As such, the *POA* does not provide for an appeal of an order of the justice of the peace who quashes a summons or a certificate of offence.

14 On application as here, the Attorney General, outside of the provisions of section 116 of the *POA* for the reasons given, seeks relief from the order to quash within the provisions of section 140 and 141, Part VII of the *POA* in the nature of *certiorari* in aid which allows for review of the order made.

15 Those sections of the *POA* as they apply are set out in the following terms:

Mandamus, prohibition, certiorari

140.(1) On application, the Superior Court of Justice may by order grant any relief in respect of matters arising under this Act that the applicant would be entitled to in an application for an order in the nature of mandamus, prohibition or certiorari.

Certiorari

141.(1) A notice under section 140 in respect of an application for relief in the nature of certiorari shall be given at least seven days and not more than ten days before the date fixed for the hearing of the application and the notice shall be served within thirty days after the occurrence of the act sought to be quashed.

Where appeal available

(3) No application shall be made to quash a conviction, order or ruling from which an appeal is provided by this Act, whether subject to leave or otherwise.

Substantial wrong

(4) On an application for relief in the nature of certiorari, the Superior Court of Justice shall not grant relief unless the court finds that a substantial wrong or miscarriage of justice has occurred, and the court may amend or validate any decision already made, with effect from such time and on such terms as the court considers proper.

16 Prerogative remedies are therefore available under section 140(1) providing compliance with the time limits as set out in section 141(1). With reference to the wording of section 140, the relief is discretionary in that the justice may, by order, grant relief where:

- a) no alternative remedy is available such as an appeal;
- b) there appears to be an error in law going to jurisdiction;
- c) without the available remedy as provided by section 140 of the *POA*, a substantial wrong or miscarriage of justice may take place.

Motion for Leave

17 It is because of the applicant's error in the processing of the application that a motion for leave to extend the time to regularize the serving and filing of the application concurrent with the sought after review has been brought, which I shall now deal with.

18 Section 141(1), as reproduced, that provides for an application for the relief claimed, requires specific compliance of the notice provisions for the regularizing of the proceeding before an application is perfected that seeks review of the actions of the justice of the peace.

19 All of the time limits as to service of the notice of the application were met by the applicant.

20 The application was, however, defective as to its return date. Each application personally served provided in reference to each offence to be separately dealt with, "that the application will be brought before the Superior Court of Justice on a date to be fixed by the Registrar at 245 Windsor Avenue, Windsor, Ontario."

21 Following service on August 10, 2007, the applicant filed the notice of application with the Registrar of the Superior Court of Justice at Windsor, to comply with the provisions of section 140 of the *POA*, for relief in the nature of *certiorari* and *mandamus*, from the order of the justice of the peace at Windsor.

22 On Tuesday, August 14, 2007, the trial coordinator of the Windsor Superior Court communicated with counsel for the applicant and advised that the notice of application was improperly constituted as filed, as it failed to include a fixed date for the hearing of the application.

23 On the issue of perfecting these proceedings with leave, I have concluded that under the circumstances where the applications were served in time but lacked a fixed return date, and where further service upon each of the respondents have been carried out to regularize this defect, the motion to extend the time to provide compliance should be given. Within the provisions of section 140 and 141 of the *POA* it is appropriate that leave be granted to now perfect these proceedings *nunc pro tunc*.

The Certificate of Offence

24 Each separate review relates to the filing within the *Provincial Offences Act*, R.R.O. 1990, Reg. 950 of a proceeding commenced by certificate of offence.

25 Those proceedings were commenced in accordance with Ontario Regulation 213/91 (O. Reg. 213/91) under the *OHSA*. Each proceeding involved a named individual alleging he failed to comply under O. Reg. 213/91 of a specifically but abbreviated wording of the offence, set out under column 1 of the regulated form naming the specific offence signified by a scheduled item, together with the section number applicable, as provided under column 2 of the Regulation form.

26 To illustrate the Ontario Regulation authorized by the Lieutenant Governor of Ontario in Council by section 13 of the *POA*, we reproduce in part, the form and the abbreviated wording that applies to the two offences which are the subject of review.

Ontario Regulation 213/91 under the *Occupational Health and Safety Act*

Item	Column 1	Column 2
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1	Worker failing to wear protective headwear	Section 22
2	Worker failing to wear protective footwear	Section 23
3	Item 3 to 10 not set out as not being applicable	

27 Ontario Regulation 213/91 of the *Act*, provides for a certificate of offence, the offence notice and the signified abbreviated wording or expression to identify the offence as above illustrated.

28 This authorization for the abbreviated wording to describe the offence is, as stated, set out in section 13(1) of the *POA* where the Lieutenant Governor in Council may make such Regulations prescribing the form of the certificate of the offence and the abbreviated wording for the offence pursuant to the Regulation.

29 From our examination of section 13(1) and (2) of the *POA* as set out herein, neither the section nor Regulation of the *POA* provide, as mandatory, the naming of the *Act* from which the prescribed abbreviated wording for the offence is taken, but more should be said on this issue.

Regulations

13.(1) The Lieutenant Governor in Council may make regulations;

- (a) prescribing the form of certificates of offence, offence notices and summonses and such other forms as are considered necessary under this Part;
- (b) authorizing the use in a form prescribed under clause (a) of any word or expression to designate an offence;
- (c) respecting any matter that is considered necessary to provide for the use of the forms under this Part;
- (d) designating areas of Ontario for purposes of section 5.1.

Sufficiency of abbreviated wording

(2) The use on a form prescribed under clause (1)(a) of any word or expression authorized by the regulations to designate an offence is sufficient for all purposes to describe the offence designated by such word or expression.

30 The alleged offenders named in each separate review: Dave Priscak, Peter Quaglia, Timothy McLaughlin and Joseph Bertocchi, within these collective reasons, are to apply to each certificate of offence unless otherwise specified as one judgment.

Dave Priscak

31 Dave Priscak, pursuant to O. Reg. 213/91 as set out in the *POA*, pursuant to a certificate of offence served upon the offender and filed to commence the proceeding in the office of the Provincial Offences Court, Ontario Court of Justice as provided by section 3 of the *POA*, charges that the offender, on May 29, 2005, committed the offence as named within the abbreviated wording permitted by the Ontario Regulation stating, "this worker failed to wear protective footwear" contrary to section 23 as identified by O. Reg. 213/91 within which Regulation there is reference to the *Act*.

Peter Quaglia

32 Peter Quaglia, pursuant to O. Reg. 213/91 and the *POA* as above cited, by a certificate of offence served and filed in the office of the Provincial Offences Court, Ontario Court of Justice, as provided by section 13 of the *POA*, did on May 29, 2007, charge the offence "worker failing to wear protective headwear" contrary to section 22 identified by the Ontario Regulation within which Regulation there is reference to the *Act* therein.

Timothy McLaughlin

33 Timothy McLaughlin, on May 29, 2007, similarly pursuant to the above O. Reg. 213/91 by a certificate of offence served and filed states that the worker, while engaged on a site where the Regulation applied, committed the offence described by the abbreviated wording, "worker failing to wear protective headwear" contrary to section 22 identified by the Ontario Regulation within which Regulation there is reference to the *Act* therein.

Joseph Bertocchi

34 Joseph Bertocchi, similarly, was served and charged under a certificate of offence that on the 29th of May, 2007, while in a location where protective devices, clothing or equipment were necessary pursuant to the provisions of O. Reg. 213/91, the worker did commit the offence of "failed to wear protective headwear" contrary to section 22 identified by the Ontario Regulation within which Regulation there is reference to the *Act* set out therein.

35 Each certificate of offence in the form prescribed by section 13 has been served and filed in the office of the Provincial Offences Court of the Ontario Court of Justice for offences to accord with the *POA*. This action constitutes the commencement of the proceeding pursuant to the provisions of section 13 and section 9 of the *POA* and the applicable subsections that apply.

36 By virtue of section 9(1)(a)(b) where the alleged offender fails, after a lapse of at least 15 days from service of the certificate of offence, that he/she wishes to dispute the offence pursuant to the provisions of sections 6 and 7 of the *POA* and where no notice of dispute has been served and filed by the defendant, the defendant shall be deemed to not wish to dispute the charge.

37 The justice **shall** thereafter examine the certificate of offence within the provisions of section 9(1)(a)(b) as hereinbefore set out.

Disposition

38 When these matters came before Justice of the Peace Robert Ponton, in each instance he quashed the certificate of offence on the basis that no Act was identified on the certificate of offence committed.

39 It is as a result of that action that these four separate applications for review in the nature of *certiorari* in aid have been brought. Each application, as stated, seeks relief in the nature of *mandamus*

quashing the order of the justice of the peace with direction that each proceeding be reinstated under Part I of the *POA* before another justice of the peace of the Ontario Court of Justice, Provincial Offences Court. With such requested order a differently constituted justice of the peace shall review and dispose of the certificate of offence for each proceeding pursuant to section 9(1)(a) and (b) of the *POA* with reference to these reasons.

40 It is from my review of the materials filed that I conclude Justice of the Peace Ponton wrongly interpreted section 9 of the *POA* and the Regulations hereinbefore referred to which applied to each certificate of offence.

41 When dealing with omissions as to the sufficiency of a charge set out in an information, which I conclude is equally applicable to a certificate of offence, when served and filed it constitutes the commencement of the proceeding. The comments by de Grandpre J. in *R. v. Cote* (1977), 33 C.C.C. (2d) 353 (S.C.C.) at p. 357, on the question of sufficiency as to the certificate of offence identifying the essentials of the charge set out, appear to be instructive on this issue.

... [T]he golden rule is for the accused to be reasonably informed of the transaction alleged against him, thus giving him the possibility of a full defence and a fair trial. When as in the present case, the information recites all the facts and relates them to a definite offence identified by the relevant section of the *Code*, it is impossible for the accused to be misled. To hold otherwise would be to revert to the extreme technicality of the old procedure.

42 Section 13 of the *POA* which authorizes the Lieutenant Governor in Council to make a Regulation as was done here, does not incorporate therein that, the Act under which the offence is created is essential to be set out.

43 As I earlier stated in these reasons, during my review of this application I recommended to counsel for the Attorney General that the naming of the Act following O. Reg. 213/91 charging the offence would be a recommended procedure to follow.

44 This, however, from my examination of section 13(2) of the *POA* and the authorities referred to is not required, and the setting out of the word or expression for the offence permitted by regulation is sufficient for all purposes to describe the offence designated by such word or expression.

45 As such, it is not necessary in compliance of section 13(2) of the *POA* in charging the offence to name the Act.

46 The incorporation by reference to O. Reg. 213/91 under which the abbreviated wording for the offence charged is set out, as well as the section number referred to as breached, is suffice by reference to the regulation under which Act the offence is constituted.

47 Each regulation as passed is unique to its number and year, and refers in sequential order in each year to the number of the regulation under which Act it was passed, as well as the year of its passage. Within the regulation, if referred to, it provides the name of the Act under which the regulation is authorized and the abbreviated wording under which the offence is charged.

48 Each regulation as passed in any given year is unique in this regard by its number and year. It shall refer to only one Act as set out hereunder, and its number as given is not duplicitous as to any other Act or regulation in that given year.

49 If required, by checking the regulation named, the offender shall be able to discern the abbreviated

wording as well as the Act and section number under which the offence is charged. By reference to the section number, the abbreviated wording can be checked against the Act which is set out under the regulation identified.

50 It is for these reasons I set aside the orders quashing the certificates of offence by Justice of the Peace Robert Ponton.

51 In doing so, I direct an order in *mandamus*, that the proceedings be reinstated under Part I of the *POA* against each of the respondents herein named.

52 That with this reinstatement to confirm my earlier comments, the court directs that a differently constituted justice of the peace of the Provincial Offences Court of the Ontario Court of Justice, then deal with each certificate of offence separately charged as to each respondent named herein. Those certificates of offence shall be examined as provided by section 9(1)(a) and (b) of the *POA*, O. Reg. 213/91 and the *OHSA* as referred to there under and in compliance with these reasons.

53 In doing so, where no notice of objection has been served and filed by the defendant and where the offence sets out on the certificate of offence a specific fine, unless contrary to section 9(b) of the *POA*, then as mandatory by section 9(1)(a) the justice of the peace shall enter a conviction in the defendant's absence without a hearing and impose the set fine for the offence.

A.E. CUSINATO J.

* * * * *

Appendix

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Case considered and referred to *de Grandpre J.*:

R. v. Cote (1977), 33 C.C.C. (2d) 353 (S.C.C.) at 357.

Other cases considered:

1. *Ontario (Ministry of Labour) v. Intracorp Developments (Lombard) Inc.*, [2002] O.J. No. 1209 (Ont. Sup. Ct.J.).
2. *R. v. Mattheos*, [2004] O.J. No. 5339 (Ont. C.J.).
3. *Regina v. Naalabandian*, [2003] O.J. No. 3667 (Ont. C.J.).
4. *Regina v. Jewitt* (1985), 21 C.C.C. (3d) 7 (S.C.C.).
5. *Doyle v. The Queen*, [1977] 1 S.C.R. 597, [1976] S.C.J. No. 38 (S.C.C.).
6. *R. v. 974649 Ontario Inc.* (1998), 130 C.C.C. (3d) 1 (Ont. C.A.).
7. *R. v. Xanthopoulos*, [2000] O.J. No. 1635 (S.C.J.).
8. *Re Volpi and Lanzino and The Queen* (1987), 34 C.C.C. (3d) 1 (Ont. C.A.).
9. *Toronto Licensing Commission v. Brass Rail Tavern (Toronto) Limited* (1999), 1 M.P.L.R. (3d) 215 (Ont. Gen. Div.).
10. *R. v. Wilson*, [2001] O.J. No. 4907 (Ont. C.J.).
11. *R. v. Longmire* (1986), 73 N.S.R. (2d) 433 (N.S.C.A.) (QL).
12. *R. v. Jody Joseph Pettipas* [1985] N.S.J. No. 443, (1986), 15 W.C.B. 424 (N.S.C.A.) (QL).
13. *R. v. Elm Tree Nursing Home Inc.* (1987), 20 O.A.C. 277 (QL).
14. *R. v. Ellis-Don Ltd.* (1990), 1 O.R. (3d) 193 (Ont. C.A.).
15. *R. v. Cotton Felts Ltd.* (1982), 2 C.C.C. (3d) 287 at 292 (Ont. C.A.).

16. *Ontario (Ministry of Labour) v. Ivaco Inc.*, [2001] O.J. No. 1329 (S.C.J.).

Statutes referred to:

Provincial Offences Act, R.S.O. 1990, c. P.33, s. 1.(1), s. 3.(1), (2), (3), (4), (5), (6), (7), (8), s. 9(1)(a), (b), s. 13(1), (2), s. 140, s. 141(1), (2 ?), (3), (4).

Regulations considered:

Occupation Health & Safety Act, R.S.O. 1990, c. 0-1, s. 22, s. 23.

Construction Projects:

Ontario Regulation 213/91 under the *Occupational Health & Safety Act*, (authorized by s. 13(1) of the *POA*).

Provincial Offences Act:

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