

**SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA)**

B E T W E E N:

THALBINDER SINGH POONIAN and SHAILU POONIAN

Appellants
(Appellants)

– and –

BRITISH COLUMBIA SECURITIES COMMISSION

Respondent
(Respondents)

– and –

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Interveners

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(Rules 37 and 42 of the *Rules of the Supreme Court of Canada*, SOR/2002-156)

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PARTS I & II – OVERVIEW & QUESTIONS IN ISSUE

1. The Attorney General of Ontario (“Ontario”) urges this Court to adopt interpretations of ss. 178(1)(a) and 178(1)(e) of the *Bankruptcy and Insolvency Act*¹ (“BIA”) that are consistent with Parliament’s intent that those who engage in offences or obtain property or services through by false pretences or fraudulent misrepresentation do not benefit from the social policy of the “fresh start” principle to avoid the financial consequences.² Parliament intended those consequences to remain meaningful and enforceable.

2. The interpretation of ss. 178(1)(a) and 178(1)(e) that best accords with the modern approach to statutory interpretation, Parliamentary and provincial legislative intent, and the important role that the administrative state plays in achieving justice is as follows:

- a. Subsection 178(1)(a) is not limited to the criminal and quasi-criminal context.
- b. The words “imposed by a court” in s. 178(1)(a) include penalties registered with a court pursuant to provincial laws that deem them to be enforceable as court orders.
- c. The words “in respect of an offence” in s. 178(1)(a) include conduct defined as an “offence” in provincial legislation.
- d. Subsection 178(1)(e) applies to debts that result from obtaining property or services by false pretences or fraudulent misrepresentation regardless of the identity of the person or entity to whom the misrepresentation was made.
- e. Courts considering s. 178(1)(e) should show deference to the underlying factual findings of adjudicative bodies that establish such misconduct occurred.

PART III – STATEMENT OF ARGUMENT

1. **Subsection 178(1) of the BIA is Legislated Social Policy**

3. The *BIA* is social policy legislation intended to provide the “honest but unfortunate debtor” with a fresh financial start, balanced against the competing legislative objective of

¹ *Bankruptcy and Insolvency Act*, [RSC 1985, c B-3](#) (“BIA”), ss [178\(1\)\(a\)](#) and [178\(1\)\(e\)](#).

² *Simone v Daley*, [1999] OJ No 571 (C.A.), para 30 (Book of Authorities (“BOA”) Tab 1), citing *Jerrard v Peacock*, [1985 CanLII 1148 \(AB KB\)](#), para 41.

protecting the interests of creditors who have lost money due to the bankrupt's conduct.³ The "fresh start" is accomplished through a discharge in bankruptcy, which releases the bankrupt from all claims provable in bankruptcy apart from those debt classes specified in s. 178(1) of the *BIA*.⁴ Parliament determined that, in respect of these debt classes, a bankrupt ought not to benefit from the "fresh start" principle. This reflects the overriding social policy that the satisfaction of these debts take precedence over any benefit to society from their release.⁵

4. The debt classes comprise three categories: misconduct, obligations to dependents, and the loan of public funds. Ontario intervenes with respect to the meaning to be ascribed to the misconduct debt classes in ss. 178(1)(a) and 178(1)(e):

- 178 (1)** An order of discharge does not release the bankrupt from
- (a) any fine, penalty, restitution order or other order similar in nature to a fine, penalty or restitution order, imposed by a court in respect of an offence, or any debt arising out of a recognizance or bail;
 - ...
 - (e) any debt or liability resulting from obtaining property or services by false pretences or fraudulent misrepresentation, other than a debt or liability that arises from an equity claim;

2. Administrative Monetary Penalties Protect the Same Social Policy

5. This Court's decision will determine the enforceability of administrative monetary penalties ("AMPs") imposed pursuant to a wide range of Ontario statutes after a debtor's discharge in bankruptcy.

6. AMPs are an indispensable tool regulators employ to impose meaningful and enforceable consequences for breaking Ontario laws. The adoption of AMP powers in Ontario statutes corresponds to the expansion of the administrative state, as governments have sought more efficient and effective means to address unlawful behavior.⁶ More than 40 Ontario statutes covering

³ *Korea Data Systems (USA), Inc v Amazing Technologies Inc*, [2015 ONCA 465](#), [para 54](#) [*Korea Data Systems (USA)*]; Houlden and Morawetz, *Bankruptcy Law of Canada*, 4th ed (Toronto: Carswell, 1992) (loose-leaf updated 2023, release 9), §7:69 (BOA, Tab 5).

⁴ *BIA*, s. [178\(2\)](#).

⁵ *Simone v Daley*, para 30 (BOA, Tab 1), citing *Jerrard v. Peacock*, [para 41](#).

⁶ See *Weisdorf v The City of Toronto*, [2019 ONSC 692](#), [paras 11-17](#), *aff'd Weisdorf v Toronto*, [2020 ONCA 401](#).

a diverse array of regulated activity now authorize the imposition of an AMP for contraventions of the law.⁷ This number has significantly increased over the past two decades.⁸

7. This Court has acknowledged the important role that AMPs play in protecting the public interest by securing compliance with the law and has affirmed the use of AMPs for “general deterrence”.⁹

8. Most Ontario AMP schemes include a review or appeal following which a board or tribunal may affirm, modify or rescind the AMP.¹⁰ For example, an AMP imposed by an Employment Standards Officer under the *Employment Standards Act* may be reviewed by the Ontario Labour Relations Board.¹¹

9. In many Ontario statutes, the same conduct can give rise to an AMP or a regulatory prosecution.¹² For example, environmental penalties under the *Environmental Protection Act* are a tool to address non-compliance with the statute in relation to unlawful spills and discharges in the industrial sector, and a regulatory prosecution may be pursued for the same conduct.¹³ In most statutes, the term “offence” is defined to include a contravention of the statute.¹⁴

10. AMPs powers are employed in highly regulated spheres of activity to achieve compliance with laws that are a priority for provincial governments and all Ontarians. For example, AMP powers are used to address the following breaches of Ontario law:

- a. **A spill of pollutants:** Ontario’s *EPA* authorizes AMPS of up to a \$100,000 per day for illegally discharging a contaminant into the environment or failing to mitigate the effects of a spill and restore the environment.¹⁵ An appeal is available to the Ontario Land Tribunal, and then to the Divisional Court on a question of law.¹⁶

⁷ See List of Statutes in Part VII “Administrative Monetary Penalties in Ontario” [“Schedule A”].

⁸ See Schedule A; see also *Committee for the Equal Treatment of Asbestos Minority Shareholders v Ontario (Securities Commission)*, [2001 SCC 37](#) at [para 43](#).

⁹ *Cartaway Resources Corp. (Re)*, [2004 SCC 26](#), paras [4](#), [52](#), [55-56](#), [60](#) and [62-63](#) [*Cartaway*].

¹⁰ See Schedule A.

¹¹ *Employment Standards Act*, [2000, SO 2000, c 41, s. 122](#) [“ESA”].

¹² See e.g., *Environmental Protection Act*, [RSO 1990, c. E19](#) [“EPA”], [s. 186\(5\)](#); *Ontario Water Resources Act*, [RSO 1990, c O40](#) [“OWRA”], [s. 107\(6\)](#), [110.1\(6\)](#); *ESA*, [s. 113\(7\)](#).

¹³ See *EPA*, [ss. 182.1](#) and [186\(1\)](#); *OWRA*, [ss. 106.1](#), [107\(1\)](#).

¹⁴ See Schedule A.

¹⁵ *EPA*, [ss. 5](#), [14\(1\)](#), [93\(1\)](#), [182.1\(1\)\(a\)\(i\) and \(ii\)](#); see also [O. Reg. 222/07](#).

¹⁶ *EPA*, [s. 140](#), [145.6](#).

- b. **Abuse of long-term care residents:** Ontario's *Fixing Long-Term Care Act, 2021* authorizes AMPs of up to \$250,000 on long-term care homes for non-compliance with the Act.¹⁷ This includes a failure to protect long-term care home residents from abuse or neglect, or to investigate abuse or neglect, as well as operating a long-term care home without a license.¹⁸ The AMP may be appealed to the Health Services Appeal and Review Board and then to the Divisional Court.¹⁹
- c. **Mistreatment of vulnerable workers:** Ontario's *Employment Protection for Foreign Nationals Act, 2009* authorizes an AMP for a contravention of the Act, including taking a foreign worker's property (e.g., a passport), charging the worker for the cost of hiring them, threatening or intimidating the worker for seeking the protection of the Act, and failing to maintain proper records for the worker.²⁰
- d. **Predatory lending:** Ontario's *Payday Loans Act, 2008* authorizes an AMP of up to \$10,000 for accepting wage assignments from borrowers or charging greater interest, fees or costs on default of a payday loan than is permitted under the Act.²¹

11. AMPs are an efficient and effective way to facilitate compliance with the law where there is an ongoing relationship between the regulator and the persons and entities subject to regulation. AMPs can achieve the same outcome of compliance and protection of the public without penal consequences.²²

12. Several Ontario statutes provide that AMPs, once filed with the court, are enforceable as court orders, for example:

- a. The *EPA* provides that an AMP imposed by a director, once filed with the Superior Court, "may be enforced as if it were an order of the court."²³

¹⁷ *Fixing Long-Term Care Act, 2021*, [SO 2021, c 39, Sched 1 \[FLTCA\]](#), [ss. 158\(1\) and 158\(3\)](#).

¹⁸ *FLTCA*, [ss. 24\(1\), 27\(1\)\(a\), 27\(1\)\(b\)](#) and [98\(1\)](#).

¹⁹ *FLTCA*, [ss. 170, 176\(1\)](#).

²⁰ *Employment Protection for Foreign Nationals Act, 2009*, [SO 2009, c 32](#), [ss. 8, 9, 10](#) and [14-15, 27\(1\)](#).

²¹ *Payday Loans Act, 2008*, [SO 2008, c 9](#), [ss 28\(1\), 29\(1\), 29\(3\), 59\(1\)](#) [*PLA*]; [O Reg 98/09](#), [ss. 18, 28\(1\)](#), and [36](#).

²² *Cartaway*, paras [4, 52, 55-56, 60](#) and [62-63](#).

²³ *EPA*, [s. 182.1\(13\)\(a\)](#).

- b. The *FLTCA* states that, on filing with the Superior Court, an AMP order “is deemed to be an order of that court and is enforceable as an order of that court.”²⁴
- c. The *Statutory Powers Procedure Act* provides that AMPs affirmed by tribunals subject to that Act, once filed with the Superior Court, “shall be deemed to be an order of that court and is enforceable as such.”²⁵

13. The Ontario Legislature expressly intended that AMPs filed pursuant to these provisions be no less enforceable than court orders. AMPs are only effective if they are enforceable. If the consequence for breaking the law can be avoided through non-payment, there is no consequence for breaking the law.

3. AMPs Registered for Enforcement with a Court Survive a Discharge Under s. 178(1)(a)

a. No limit in s. 178(1)(a) to criminal and quasi-criminal sphere

14. Nothing in s. 178(1)(a) restricts its scope to criminal and quasi-criminal fines and penalties. Such an interpretation is inconsistent with the modern approach to statutory interpretation.²⁶ Parliament placed no modifiers on the words “fines” or “penalties” and in 1992 added the words “or other order similar in nature” and “in respect of an offence” to expand the subsection’s breadth.²⁷

15. The view that s. 178(1)(a) was limited to criminal and quasi-criminal fines originates in a statement made in *obiter* by Master Funduk of the Alberta Court of King’s Bench in his 1985 decision in *Jerrard v. Peacock*.²⁸ Master Funduk was referring to s. 148(1) in the 1970 version of the *Bankruptcy Act*, which did not contain the phrases “or any order similar in nature to” or “in respect of an offence”, which were added in 1992.²⁹

²⁴ *FLTCA*, [s. 158\(8\)](#).

²⁵ *Statutory Powers Procedure Act*, [RSO 1990, c S22 \[SPPA\]](#), [ss. 1](#) (“tribunal”) and [19\(1\)](#).

²⁶ *Rizzo & Rizzo Shoes Ltd. (Re)*, [\[1998\] 1 SCR 27](#), [paras 21-23](#);

²⁷ House of Commons, Standing Committee on Consumer and Corporate Affairs and Government Operations, *Proceedings*, 34-3, Vol 3, No 43 (12 May 1992), p [43:69-70](#) (BOA, Tab 9); Halsbury’s Laws of Canada (online), *Legislation*, “Determining Legislative Intent, Extrinsic Aids, Legislative Evolution” (VIII.5.(2)) at HLG-96 (2021 Reissue) (BOA, Tab 7) [Halsbury’s].

²⁸ *Jerrard v Peacock*, [para 42](#),

²⁹ *Jerrard v Peacock*, [para 36](#); *Bankruptcy Act*, RSC 1970, c B-3, s. 2; *An Act to amend the Bankruptcy Act and to amend the Income Tax Act in consequence thereof*, SC 1992, c 27, s. 64.

16. As the Court of Appeal for British Columbia observed, limiting s. 178(1)(a) to the criminal and quasi-criminal context violates the presumption against tautology by rendering the phrase “or other order similar in nature” “mere surplusage”.³⁰ In so limiting s. 178(1)(a), the Court of Appeal for Alberta in *Alberta Securities Commission v. Hennig* relied on Master Funduk’s statement that s. 178(1)(a) is an “administration of justice concept”.³¹ The administration of justice has changed significantly since 1985. Parliament and provincial legislatures have adopted AMP schemes to address conduct once subject only to regulatory prosecution. This Court has recognized that specialized statutory bodies play a role in the administration of justice, and the AMPs they affirm serve as an important deterrent against breaking the law.³² If s. 178(1)(a) aims to protect debts that arise from the “administration of justice”, it is aimed at protecting AMPs.

- b. The words “imposed by a court in respect of an offence” in s. 178(1)(a) includes AMPs deemed by provincial laws to be enforceable as court orders.

17. The 1992 amendments to s. 178(1)(a) were added as part of an attempt to modernize the *BIA*, deemed “increasingly obsolete”.³³ The Committee reviewing this amendment understood it to be aimed at “respect for the law” including protection of “amounts owing in relation to offences” as well as victim compensation, and suggested that non-criminal fines and penalties (“parking or speeding tickets”) were included.³⁴

³⁰ *Placer Dome Canada Ltd v Ontario (Minister of Finance)*, [2006 SCC 20](#), [para 45](#); *Poonian (Re)*, [2022 BCCA 274](#) [*Poonian* (BCCA)], [para 41](#).

³¹ *Alberta Securities Commission v Hennig*, [2021 ABCA 411](#), [para 49](#) [*Hennig* (ABCA)]; *Buland Empire Development Inc v Quinto Shoes Imports Ltd*, [1991 CanLII 1345 \(ON CA\)](#), [para 19](#); *Simone v Daley*, [para 30](#) (BOA, Tab 1).

³² *Canada (Minister of Citizenship and Immigration) v Vavilov*, [2019 SCC 65](#), [para 30](#) [*Vavilov*]; *Cartaway*, [4](#), [52](#), [55-56](#), [60-63](#); *Consolidated-Bathurst Packaging Ltd v International Woodworkers of America, Local 2-69*, [1990] 1 SCR 282 at p 323; *Law Society of Saskatchewan v Abrametz*, [2022 SCC 29](#), [paras 43, 85](#); Justice Beverley McLachlin, “The Roles of Administrative Tribunals and Courts in Maintaining the Rule of Law” (1998) 12 Can J Admin L & Prac 171, pp 176-177, 186 (BOA, Tab 8).

³³ *House of Commons Debates*, 34-3, Vol 4 (October 29, 1991), [pp 4176](#) (Hon Pierre Blais), [4189](#) (Mr John R Rodriguez), [4182](#) (Mr Ron MacDonald) (BOA, Tab 10). *Orphan Well Association v Grant Thornton Ltd.*, [2019 SCC 5](#), [para 80](#) [*Orphan Well*].

³⁴ House of Commons, Standing Committee on Consumer and Corporate Affairs and Government Operations, *Proceedings*, 34-3, Vol 3, No 43 (12 May 1992), [p 43:70](#) (BOA, Tab 10). *La Presse inc. v. Quebec*, [2023 SCC 22](#) at [paras 42, 48](#) and [49](#).

18. Parliament left the word “court” in s. 178(1)(a) undefined by carving it out of the definition in s. 2 of the *BIA*.³⁵ The French wording also uses the term “*tribunal*” in place of “*cour*”.³⁶ Together, this supports an intent to include bodies with legal jurisdiction to impose fines and penalties for conduct that is an offence. In the last two decades, provincial legislatures including Ontario’s have passed laws granting such jurisdiction to specialized bodies, including to tribunals whose orders can be registered and enforced as court orders.³⁷

19. The BCCA and ABCA found the word “imposed” required “*judicial scrutiny*” and more than a passive role for the court.³⁸ This Court rejected this concern about the enforcement of tribunal orders filed with the court in *United Nurses of Alberta v. Alberta (Attorney General)*.³⁹ Further, many minimum fines in the criminal context are automatically imposed on conviction.⁴⁰ Notably, the word “imposed” is “*infligée ou rendue*” in the French version of s.178(1)(a), which is equally authoritative.⁴¹ Neither the ordinary meaning of the English or the French terms necessitate judicial scrutiny.⁴²

20. In *Weber v. Ontario Hydro*, this Court confirmed that the words “court of competent jurisdiction” in s. 24(1) of the *Charter of Rights and Freedoms* includes tribunals with jurisdiction over the parties, subject matter and the power to make the order sought.⁴³ Justice McLachlin, observing the use of the word “*tribunal*” instead of “*cour*” stated: “Nor is there magic in labels; it is not the name of the tribunal that determines the matter, but its powers.”⁴⁴ In *R v. Conway*, this

³⁵ *BIA*, [s. 2](#).

³⁶ *La Societe Can De la Croix-Rouge c. Quebec (Commission des droits de la personne) et Mayo et Goyette*, [1978 CanLII 3375 \(QC CS\)](#), [paras 36-39](#).

³⁷ See Schedule A.

³⁸ *Poonian* (BCCA), [paras. 43-44](#), citing *Hennig* (ABCA), [paras 52-53](#) (emphasis added).

³⁹ *United Nurses of Alberta v Alberta (Attorney General)*, [\[1992\] 1 SCR 901](#), pp 934-942 [*United Nurses*] (BOA, Tab 2).

⁴⁰ *R v Boudreault*, [2018 SCC 58](#), para [137](#) (Côté J., dissenting); *R v Pham*, [2002 CanLII 41969 \(ON CA\)](#), para [1](#); *Excise Act*, [RSC 1985, c E-14, s. 240](#); *Income Tax Act*, [RSC 1985, c 1 \(5th Supp\)](#), [ss. 238, 239, 243](#); *Compulsory Automobile Insurance Act*, [RSO 1990, c C25, s. 2\(3\)](#).

⁴¹ *Orphan Well*, [para 84](#); *Constitution Act, 1982*, [s. 18](#); *Official Languages Act*, [RSC 1985, c 31 \(4th Supp.\)](#), [s. 13](#).

⁴² *Dictionnaire de l'Académie française*, 9th ed (online), sub verbo “[infliger](#)” and “[rendre](#)” (B3); K Barber, ed, *Oxford Canadian Dictionary*, 2nd ed (Don Mills: OUP, 2006) sub verbo “impose” (BOA, Tab 9); BA Garner, ed, *Black’s Law Dictionary*, 11th ed (online, 2019) sub verbo “impose” (BOA, Tab 4).

⁴³ *Weber v Ontario Hydro*, [1995 CanLII 108](#), [paras 65-66](#) [*Weber*].

⁴⁴ *Weber*, [paras 65-66](#).

Court confirmed such ‘courts’ include all bodies with jurisdiction to decide questions of law, including most administrative tribunals.⁴⁵

21. A restrictive interpretation of “imposed by a court” is inconsistent with Parliament’s intent to capture debts imposed for conduct that is an offence. Such an interpretation hinges the survival of debts arising from the same conduct on the question of which process was used to impose it. This also fails to acknowledge the scrutiny applied to AMPs in the administrative context before they are registered for enforcement, and the availability of judicial review to correct errors.⁴⁶ This Court has described tribunals as “a parallel justice system” that provide “accessible, expert and expeditious adjudication”.⁴⁷ The specialized adjudicative bodies that impose and review AMPs are best equipped to scrutinize their justification.⁴⁸

c. The words “in respect of an offence” include conduct defined as an offence

22. The phrase “in respect of” connotes the broadest possible connection between two subject matters.⁴⁹ Modifiers restrict the meaning of “offence” in other *BIA* sections, but not s.178(1)(a).⁵⁰ By using the broadest possible wording, Parliament intended to capture conduct that constitutes an “offence” at law. Most Ontario statutes that include AMP powers define “offence” to include a contravention of the Act, for which an AMP may be imposed.⁵¹ Harmonious interpretations of federal and provincial legislation are favoured, since Parliament intends its laws to co-exist with provincial laws, especially in the bankruptcy context.⁵² Absent a genuine inconsistency, a harmonious interpretation allows the concurrent operation of both laws as

⁴⁵ *R v Conway*, [2010 SCC 22](#) at [paras 4](#) and [22](#).

⁴⁶ *Canada (Public Safety and Emergency Preparedness) v Chhina*, [2019 SCC 29](#), [para 28](#); *Vavilov*, [paras 240-243](#) (Abella and Karakatsanis JJ, concurring) [*Chhina*].

⁴⁷ *Chhina*, [para 28](#).

⁴⁸ *United Nurses*, pp 934-942 (BOA, Tab 2).

⁴⁹ *R v Nowegijick*, [\[1983\] 1 SCR 29](#), p 39; *Arsenault v Dumfries Mutual Insurance Co.* (2002), [57 OR \(3d\) 625 \(CA\)](#), para 16; *Stengenga v Economical Mutual Insurance Company*, [2019 ONCA 615](#), [para 42](#).

⁵⁰ E.g. *BIA*, [ss. 10\(1\)](#), [13\(3\)](#), [13.2\(5\)\(a\)](#).

⁵¹ See Schedule A.

⁵² *Orphan Well*, [paras. 64-66](#), [78](#) and [160](#); *Marine Services International Ltd v Ryan Estate*, [2013 SCC 44](#), [paras 77 and 79](#); *Canadian Western Bank v Alberta*, [2007 SCC 22](#), [para 37](#); *Alberta (Attorney General) v Moloney*, [2015 SCC 51](#), [para 27](#) [*Moloney*]; *Vavilov*, [para 118](#).

intended.⁵³ Ontario’s Legislature clearly expressed its intention that financial consequences for conduct that is an offence be enforceable.⁵⁴ A harmonious interpretation of “in respect of an offence” in s. 178(1)(a) gives effect to that intent.

23. The *BIA*, at heart, is legislation that addresses the enforceability of debts. Read properly, s. 178(1)(a) gives effect to the legislative intention that AMPs imposed in respect of conduct that is an “offence” be as enforceable as a court order where Ontario statutory provisions so state.⁵⁵ Such provisions have a “long and respectable history”.⁵⁶ A financial penalty imposed for a pollution spill or abuse by a long-term care home should be no less enforceable following a discharge in bankruptcy than an order of the Ontario Court of Justice confirming a speeding ticket.

4. Fines and Penalties Imposed for Obtaining Property or Services by False Pretenses or Fraudulent Misrepresentation Survive under Subsection 178(1)(e)

24. No restriction exists in s. 178(1)(e), understood in its grammatical and ordinary sense, to limit its application to only those persons to whom a misrepresentation was directly made, as observed by the BCCA.⁵⁷ Unlike in s. 178(1)(d), there is no reference to a particular relationship.⁵⁸ Such a restrictive interpretation fails to fulfil the values that support this debt class, namely to prevent abuse of the “fresh start” principle where the bankrupt was not a “honest but unfortunate debtor”.⁵⁹ The identity of the creditor is not the relevant focus, or Parliament would have included “to a victim” or “to that creditor” after “any debt or liability”.

⁵³ *Moloney*, [para 27](#).

⁵⁴ See para. 12, above.

⁵⁵ *EPA*, [s 182.1\(13\)\(a\)](#); *PLA*, [s 62\(1\)](#); *FLTCA*, [s 158\(8\)](#).

⁵⁶ *United Nurses*, pp 934-942 (BOA, Tab 2); *British Columbia v Kwok*, [2022 BCCA 196](#), [paras 36-42, 48-54, 60](#); *Re Ajax & Pickering General Hospital and Canadian Union of Public Employees* (1981), [132 DLR \(3d\) 270](#), paras 64-68, 88 (BOA, Tab 3).

⁵⁷ *Poonian* BCCA, [para. 70](#).

⁵⁸ *Korea Data Systems (USA)*, [para 64](#).

⁵⁹ *Poonian* (BCCA), [para 79](#); see also note 5, above; Halsbury’s, “Determining Legislative Intent, Presumed Intent, Presumptions of Compliance, Compliance with Established Law” VIII.4.(3)(b)) at HLG-91 (BOA, Tab 6).

25. Several Ontario statutes authorize the imposition of an AMP for false or misleading statements.⁶⁰ The person to whom the false statement is made may be the public,⁶¹ a consumer,⁶² an insurer,⁶³ a vulnerable worker,⁶⁴ or a regulator.⁶⁵ Regardless, the goal is to deter and prevent fraudulent conduct by imposing financial consequences. Similarly, the goal of s. 178(1)(e) is not to reward fraudulent conduct by ensuring the financial consequences remain enforceable. The provincial and federal provisions are complementary and should be interpreted harmoniously.

26. AMPs imposed for fraudulent conduct play an important role in protecting the public and deterring fraud. Victims are often unable to achieve an individual remedy on their own. There is no principled basis for excluding AMPs for fraudulent conduct from the ambit of s. 178(1)(e), and the plain meaning of the provision, along with Parliament’s intent, are to the contrary.⁶⁶ Consistent with this Court’s jurisprudence, bankruptcy courts considering the application of s. 178(1)(e) should also show deference to underlying factual findings of specialized tribunals that establish false pretenses or fraudulent misrepresentation occurred. This is consistent with both legislative intent and this Court’s acknowledgement of the respect to be accorded to expert fact-finding tribunals operating within their specialized statutory spheres.⁶⁷

PART IV – SUBMISSIONS ON COSTS

27. Ontario seeks no costs and asks no costs be awarded against it.

PART V - ORDER SOUGHT

28. Ontario has been granted oral arguments not exceeding five minutes at the hearing. Ontario seeks no further orders.

⁶⁰ See List of Statutes in Part VII “AMPs for Fraudulent or Misleading Conduct”.

⁶¹ See e.g., *New Home Construction Licensing Act*, [2017, SO 2017, c 33, s. 54](#).

⁶² *Compulsory Automobile Insurance Act*, [ss. 6\(2\), 14.4, 14.5](#); [O. Reg. 409/12](#), *Administrative Penalties*, Sched 1.

⁶³ *Insurance Act*, [s. 441.3](#), [s. 441.4](#), [s. 447\(2\)\(a\) and \(a.1\)](#).

⁶⁴ *ESA*, [ss. 113\(1\), 131\(1\) and \(2\) and 41.1](#).

⁶⁵ *Liquor License and Control Act*, 2019, [SO 2019, c 15, Sched 22, s. 66\(1\)](#); *Alcohol and Gaming Commission of Ontario Act*, 2019, [SO 2019, c 15, Sched 1, s. 14](#).

⁶⁶ *Simone v Daley*, para 30 (BOA, Tab 1), citing *Jerrard v. Peacock*, [para 41](#), *Korea Data Systems (USA)*, [para 54](#); *Orphan Well*, para [101](#); *La Presse*, [para 38](#).

⁶⁷ *Vavilov*, [paras 27, 30, 125](#) (Wagner CJ, Moldaver, Gascon, Côté, Brown, Rowe, Martin JJ) and [241](#) (Abella and Karakatsanis JJ, concurring).

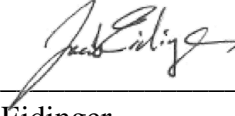
PART VI – SUBMISSIONS ON PUBLICATION

N/A

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 10th day of October 2023.



Susan Keenan



Jake Eiding

PART VII: TABLE OF AUTHORITIES**Caselaw**

	Authority	Paragraph Reference
1.	<i>Ajax & Pickering General Hospital and Canadian Union of Public Employees</i> (1981), 132 DLR (3d) 270	23
2.	<i>Alberta (Attorney General) v Moloney</i> , 2015 SCC 51	22
3.	<i>Alberta Securities Commission v Hennig</i> , 2021 ABCA 411	14, 16, 19
4.	<i>Arsenault v Dumfries Mutual Insurance Co.</i> (2002), 57 OR (3d) 625 (CA)	22
5.	<i>British Columbia v Kwok</i> , 2022 BCCA 196	23
6.	<i>Buland Empire Development Inc v Quinto Shoes Imports Ltd</i> , 1991 CanLII 1345 (ON CA)	14
7.	<i>Canada (Minister of Citizenship and Immigration) v Vavilov</i> , 2019 SCC 65	16, 21, 22, 26
8.	<i>Canada (Public Safety and Emergency Preparedness) v Chhina</i> , 2019 SCC 29	21
9.	<i>Canadian Western Bank v Alberta</i> , 2007 SCC 22	22
10.	<i>Cartaway Resources Corp. (Re)</i> , 2004 SCC 26	7, 16
11.	<i>Committee for the Equal Treatment of Asbestos Minority Shareholders v Ontario (Securities Commission)</i> , 2001 SCC 37	8
12.	<i>Consolidated-Bathurst Packaging Ltd v International Woodworkers of America, Local 2-69</i> , [1990] 1 SCR 282	16
13.	<i>Jerrard v Peacock</i> , 1985 CanLII 1148 (AB KB)	1, 3, 15
14.	<i>Korea Data Systems (USA), Inc v Aamazing Technologies Inc</i> , 2015 ONCA 465	3, 24, 26
15.	<i>La Presse inc. v. Quebec</i> , 2023 SCC 22	17
16.	<i>La Societe Can De la Croix-Rouge c. Quebec (Commission des droits de la personne) et Mayo et Goyette</i> , 1978 CanLII 3375 (QC CS)	18

	Authority	Paragraph Reference
17.	<i>Law Society of Saskatchewan v Abrametz</i> , 2022 SCC 29	16
18.	<i>Marine Services International Ltd v Ryan Estate</i> , 2013 SCC 44	22
19.	<i>Orphan Well Association v Grant Thornton Ltd.</i> , 2019 SCC 5	22
20.	<i>Placer Dome Canada Ltd v Ontario (Minister of Finance)</i> , 2006 SCC 20	16
21.	<i>Poonian (Re)</i> , 2022 BCCA 274	16, 19, 24
22.	<i>R v Boudreault</i> , 2018 SCC 58	19
23.	<i>R v Conway</i> , 2010 SCC 22	20
24.	<i>R v Nowegijick</i> , [1983] 1 SCR 29 ,	22
25.	<i>R v Pham</i> , 2002 CanLII 41969	19
26.	<i>Rizzo & Rizzo Shoes Ltd (Re)</i> , [1998] 1 SCR 27	14
27.	<i>Simone v Daley</i> , [1999] OJ No 571 (CA)	1, 14
28.	<i>Stengenga v Economical Mutual Insurance Company</i> , 2019 ONCA 615	22
29.	<i>United Nurses of Alberta v Alberta (Attorney General)</i> , [1992] 1 SCR 901	19, 21, 23
30.	<i>Weber v Ontario Hydro</i> , 1995 CanLII 108	20
31.	<i>Weisdorf v The City of Toronto</i> , 2019 ONSC 692	3
32.	<i>Weisdorf v Toronto</i> , 2020 ONCA 401	3

Secondary Sources

	Secondary Source	Paragraph Reference
1.	BA Garner, ed, <i>Black's Law Dictionary</i> , 11th ed (online, 2019) sub verbo "impose".	19
2.	Dictionnaire de l'Académie française , 9th ed (online), sub verbo " infliger " and " rendre "	19
3.	Houlden and Morawetz, <i>Bankruptcy Law of Canada</i> , 4th ed (Toronto: Carswell, 1992) (loose-leaf updated 2023, release 9), §7:69	14
4.	<i>House of Commons Debates</i> , 34-3, Vol 4 (October 29, 1991), pp 4176 (Hon Pierre Blais), 4189 (Mr John R Rodriguez), 4182 (Mr Ron MacDonald).	17
5.	Halsbury's Laws of Canada (online), <i>Legislation</i> , "Determining Legislative Intent" (VIII.4.(3).(b)), (VIII.5.(2)) (2021 Reissue)	14, 23
6.	House of Commons, Standing Committee on Consumer and Corporate Affairs and Government Operations, <i>Proceedings</i> , 34-3, Vol 3, No 43 (12 May 1992), p 43:69 , 43:70 .	14, 17
7.	Justice Beverley McLachlin, "The Roles of Administrative Tribunals and Courts in Maintaining the Rule of Law" (1998) 12 Can J Admin L & Prac 171, p 176.	16
8.	K Barber, ed, <i>Oxford Canadian Dictionary</i> , 2nd ed (Don Mills: OUP, 2006) sub verbo "impose";	19
9.	Senate, Debtors and Creditors Sharing the Burden: Report of the Standing Committee on Banking, Trade and Commerce (November 2003) (Chair: Hon. Richard H. Kroft), pp. 197-198	26

Statutes, Regulations, Rules, etc.

	Statutes, Regulations, Rules, etc.	Section, Rule, etc.
1.	<i>An Act to amend the Bankruptcy Act and to amend the Income Tax Act in consequence thereof, SC 1992, c 27</i>	s. 64
2.	<i>Bankruptcy Act, RSC 1970, c B-3</i>	s. 2
3.	<i>Bankruptcy and Insolvency Act, RSC 1985, c B-3</i>	s. 2 s. 10(1) s. 13(3) s. 13.2(5)(a) s. 172 s. 178(1)(a) s. 178(1)(e) s. 178(2)
	<i>Loi sur la faillite et l'insolvabilité, LRC (1985), ch B-3</i>	s. 2 s. 10(1) s. 13(3) s. 13.2(5)(a) s. 172 s. 178(1)(a) s. 178(1)(e) s. 178(2)
4.	<i>Compulsory Automobile Insurance Act, RSO 1990, c C25</i>	s. 2(3) s. 6(2) s. 14.4 s. 14.5
	<i>Loi sur l'assurance-automobile obligatoire, LRO 1990, c C.25</i>	s. 2(3) s. 6(2) s. 14.4 s. 14.5

	Statutes, Regulations, Rules, etc.	Section, Rule, etc.
5.	<i>Employment Protection for Foreign Nationals Act, 2009, SO 2009, c 32</i>	s. 8, s. 9 s. 10 s. 14, s. 15 s. 27(1)
	<i>protection des étrangers dans le cadre de l'emploi (Loi de 2009 sur la), LO 2009, ch 32</i>	s. 8, s. 9 s. 10 s. 14, s. 15 s. 27(1)
6.	<i>Employment Standards Act, 2000, SO 2000, c 41</i>	s. 41.1 s. 113(1), s. 113(7) s. 122 s. 131-137
	<i>normes d'emploi (Loi de 2000 sur les), LO 2000, ch 41</i>	s. 41.1 s. 113(1), s. 113(7) s. 122 s. 131-137
7.	<i>Environmental Protection Act, RSO 1990, c. E19</i>	s. 5 s. 14(1) s. 93(1) s. 140 s. 145.6 s. 182.1 s. 182.1(13)(a) s. 186(1), s. 186(5)
	<i>protection de l'environnement (Loi sur la), LRO 1990, ch E19</i>	s. 5 s. 14(1) s. 93(1) s. 140 s. 145.6

	Statutes, Regulations, Rules, etc.	Section, Rule, etc.
		s. 182.1 s. 182.1(13)(a) s. 186(1), s. 186(5)
8.	<i>Excise Act</i> , RSC 1985, c E-14	s. 240
	<i>Loi sur l'accise</i> (LRC (1985), ch E-14)	s. 240
9.	<i>Fixing Long-Term Care Act, 2021</i> , SO 2021, c 39, Sched 1	s. 24(1) s. 27(1)(a) s. 27(1)(b) s. 158(1) s. 158(3) s. 158(8) s. 170, s. 171 s. 176 s. 176(1)
	<i>redressement des soins de longue durée (Loi de 2021 sur le)</i> , LO 2021, ch 39, annexe 1	s. 24(1) s. 27(1) s. 27(1)(a) s. 27(1)(b) s. 158(1) s. 158(3) s. 158(8) s. 170, s. 171 s. 176 s. 176(1)
10.	<i>Income Tax Act</i> , RSC 1985, c 1 (5th Supp)	s. 238, s. 239 s. 243
	<i>Loi de l'impôt sur le revenu</i> (LRC (1985), ch 1 (5e suppl))	s. 238, s. 239 s. 243
11.	<i>Insurance Act</i> , RSO 1990, c I8	s. 447(2)

	Statutes, Regulations, Rules, etc.	Section, Rule, etc.
		s. 447(2)(a) s. 447(2)(a.1)
	<i>assurances (Loi sur les)</i> , LRO 1990, ch I8	s. 447(2) s. 447(2)(a) s. 447(2)(a.1)
12.	<i>Liquor License and Control Act</i> , 2019, SO 2019, c 15, Sched 22	s. 66(1)
	<i>permis d'alcool et la réglementation des alcools (Loi de 2019 sur les)</i> , LO 2019, ch 15, annexe 22	s. 66(1)
13.	<i>New Home Construction Licensing Act</i> , 2017, SO 2017, c 33	s. 54
	<i>agrément en matière de construction de logements neufs (Loi de 2017 sur l')</i> , LO 2017, ch 33, annexe 1	s. 54
14.	O Reg 98/09 : General under <i>Payday Loans Act, 2008, S.O. 2008, c. 9</i>	s. 18 s. 28(1) s. 36
	Règl. de l'Ont. 98/09 : dispositions générales en vertu de <i>prêts sur salaire (Loi de 2008 concernant les)</i> , LO 2008, ch 9	s. 18 s. 28(1) s. 36
15.	O. Reg. 222/07 : <i>Environmental Penalties Act</i> under <i>Environmental Protection Act</i> , RSO 1990, c E19	
	Règl. de l'Ont. 222/07 : <i>pénalités environnementales</i>	
16.	O. Reg. 409/12 : <i>Administrative Penalties</i> under <i>Compulsory Automobile Insurance Act</i> , RSO 1990, c C25	Sched 1
	Règl. de l'Ont. 409/12 : <i>pénalités administratives</i>	Sched 1
17.	<i>Official Languages Act</i> , RSC 1985, c 31 (4th Supp)	s. 13
	<i>Loi sur les langues officielles</i> , LRC (1985), ch 31 (4^e suppl)	s. 13
18.	<i>Ontario Water Resources Act</i> , RSO 1990, c O40	s. 106.1 s. 107(1), s. 107(6) s. 110.1(6)

	Statutes, Regulations, Rules, etc.	Section, Rule, etc.
	<i>ressources en eau de l'Ontario (Loi sur les)</i> , LRO 1990, ch O40	s. 106.1 s. 107(1), s. 107(6) s. 110.1(6)
19.	<i>Payday Loans Act, 2008</i> , SO 2008, c 9	s. 28(1) s. 29(1), s. 29(3) s. 59(1)
	<i>prêts sur salaire (Loi de 2008 concernant les)</i> , LO 2008, ch 9	s. 28(1) s. 29(1), s. 29(3) s. 59(1)
20.	<i>Statutory Powers Procedure Act</i> , RSO 1990, c S22	s. 1 (“tribunal”) s. 19(1)(a)
	<i>exercice des compétences légales (Loi sur l')</i> , LRO 1990, ch S22	s. 1 (“tribunal”) s. 19(1)(a)
21.	<i>The Constitution Act, 1982</i> , Schedule B to the Canada Act 1982 (UK), 1982, c 11	s. 18
	<i>Loi constitutionnelle de 1982</i> , Annexe B de la Loi de 1982 sur le Canada (R-U), 1982, c 11	s. 18

Schedule A: Administrative Monetary Penalties in Ontario

	Act	AMP	Offence	Appeal	Filing Provision
1.	<i>Accessibility for Ontarians with Disabilities Act, 2005</i> , SO 2005, c 11	s. 21(3) and (4)	s. 37	s. 27	s. 23
	<i>accessibilité pour les personnes handicapées de l'Ontario (Loi de 2005 sur l')</i> , LO 2005, c 11	s. 21(3) and (4)	s. 37	s. 27	s. 23
2.	<i>Alcohol and Gaming Commission of Ontario Act, 2019</i> , SO 2019, c 15, Sched 1	s. 14	<i>Liquor License and Control Act, 2019</i> , SO 2019, c 15, Sched 22, s. 67 ; <i>Gaming Control Act, 1992</i> , SO 1992, c 24, s. 46 ; <i>Cannabis Licence Act, 2018</i> , SO 2018, c 12, Sched 2, s. 39	s. 14(7)	SPPA, s. 19
	<i>Commission des alcools et des jeux de l'Ontario (Loi de 2019 sur la)</i> , LO 2019, c 15, annexe 1	s. 14	<i>Loi de 2019 sur les permis d'alcool et la réglementation des alcools</i> , LO 2019, c 15, ann 22, s. 67 ; <i>Loi de 1992 sur la Réglementation des jeux</i> , LO 1992, c 24, s. 46 ; <i>Loi de 2018 sur les licences liées au cannabis</i> , LO 2018, c 12, ann 2, s. 39	s. 14(7)	SPPA, s. 19
3.	<i>Animal Health Act, 2009</i> , SO 2009, c 31	s. 39 s. 40	s. 48	s. 40(6)	s. 40(16)

	Act	AMP	Offence	Appeal	Filing Provision
	santé animale (Loi de 2009 sur la), LO 2009, ch 31	s. 39 s. 40	s. 48	s. 40(6)	s. 40(16)
4.	Automobile Insurance Rate Stabilization Act, 2003 , SO 2003, c 9	s. 11.3 s. 11.4	s. 12	s. 11.3(2) s. 11.4(2)	s. 11.6
	stabilisation des taux d'assurance-automobile (Loi de 2003 sur la), LO 2003, chap 9	s. 11.3 s. 11.4	s. 12	s. 11.3(2) s. 11.4(2)	s. 11.6
5.	Building Opportunities in the Skilled Trades Act, 2021 , SO 2021, c 28	s. 27	s. 37	s. 28	s. 31
	protection des étrangers dans le cadre de l'emploi (Loi de 2009 sur la), LO 2009, ch 32	s. 27	s. 37	s. 28	s. 31
6.	Building Transit Faster Act, 2020 , SO 2020, c 12	s. 77	s. 78	s. 77(8)	s. 77(15)
	construction plus rapide de transport en commun (Loi de 2020 sur la), LO 2020, ch 12	s. 77	s. 78	s. 77(8)	s. 77(15)
7.	Child Care and Early Years Act, 2014 , SO 2014, c 11, Sched 1	s. 39	s. 78	s. 39(9)	s. 40
	garde d'enfants et la petite enfance (Loi de 2014 sur la), LO 2014, ch 11, Annexe 1	s. 39	s. 78	s. 39(9)	s. 40
8.	City of Toronto Act, 2006 , SO 2006, c 11, Sched A	s. 374.1	s. 366	O. Reg. 611/06 , s. 8	O. Reg. 611/06 , s. 9
	cité de Toronto (Loi de 2006 sur la) , LO 2006, ch 11, annexe A	s. 374.1	s. 366	Règl. de l'Ont.	Règl. de l'Ont.

	Act	AMP	Offence	Appeal	Filing Provision
				611/06 , s. 8	611/06 , s. 9
9.	Collection and Debt Settlement Services Act , RSO 1990, c C14	s. 29.0.1	s. 28	s. 29.0.2	s. 29.0.4
	services de recouvrement et de règlement de dette (Loi sur les) , LRO 1990, ch C14	s. 29.0.1	s. 28	s. 29.0.2	s. 29.0.4
10.	Commodity Futures Act , RSO 1990, c C20	s. 60(1) paras. 9 and 10	s. 55(1)	s. 6	s. 83
	contrats à terme sur marchandises (Loi sur les) , LRO 1990, ch C20	s. 60(1) paras. 9 and 10	s. 55(1)	s. 6	s. 83
11.	Compulsory Automobile Insurance Act , RSO 1990, c C25	s. 14.4 s. 14.5	s. 14	s. 14.5(2)	s. 14.7
	assurance-automobile obligatoire (Loi sur l') , LRO 1990, ch C25	s. 14.4 s. 14.5	s. 14	s. 14.5(2)	s. 14.7
12.	Credit Union and Caisses Populaires Act, 2020 , SO 2020, c 36, Sched 7	s. 269	s. 260	s. 269(4)	s. 272 SPPA , s. 19
	caisses populaires et les credit unions (Loi de 2020 sur les) , LO 2020, ch 36, annexe 7	s. 269	s. 260	s. 269(4)	s. 272 SPPA , s. 19
13.	Crown Forest Sustainability Act, 1994 , SO 1994, c 25	s. 58	s. 64	s. 58(7)	N/A
	durabilité des forêts de la Couronne (Loi de 1994 sur la) , LO 1994, ch 25	s. 58	s. 64	s. 58(7)	N/A
14.	Election Finances Act , RSO 1990, c E7	s. 45.1	s. 48	s. 45.1 (10)	s. 45.1 (11)

	Act	AMP	Offence	Appeal	Filing Provision
	<i>financement des élections (Loi sur le)</i> , LRO 1990, ch E7	s. 45.1	s. 48	s. 45.1 (10)	s. 45.1 (11)
15.	<i>Employment Protection for Foreign Nationals Act, 2009</i> , SO 2009, c 32	s. 27	s. 41	s. 30	s. 40
	<i>protection des étrangers dans le cadre de l'emploi (Loi de 2009 sur la)</i> , LO 2009, ch 32	s. 27	s. 41	s. 30	s. 40
16.	<i>Employment Standards Act, 2000</i> , SO 2000, c 41	s. 113	s. 132	s. 122	s. 126
	<i>normes d'emploi (Loi de 2000 sur les)</i> , LO 2000, ch 41	s. 113	s. 132	s. 122	s. 126
17.	<i>Environmental Protection Act</i> , R.S.O. 1990, c E19	s. 182.1	s. 186	s. 145.4, s. 145.5	s. 182.1 (13)
	<i>protection de l'environnement (Loi sur la)</i> , LRO 1990, ch E19	s. 182.1	s. 186	s. 145.4, s. 145.5	s. 182.1 (13)
18.	<i>Fixing Long-Term Care Act, 2021</i> , SO 2021, c 39, Sched 1	s. 158	ss. 24, 28, 30, 75, 98	s. 169, s. 172(5)	s. 19, s. 158(8)
	<i>redressement des soins de longue durée (Loi de 2021 sur le)</i> , LO 2021, ch 39, annexe 1	s. 158	ss. 24, 28, 30, 75, 98	s. 169, s. 172(5)	s. 19, s. 158(8)
19.	<i>Food Safety and Quality Act, 2001</i> , SO 2001, c 20	s. 41	s. 44	s. 41(10)	N/A
	<i>qualité et la salubrité des aliments (Loi de 2001 sur la)</i> , LO 2001, ch 20	s. 41	s. 44	s. 41(10)	N/A
20.	<i>Government Contract Wages Act, 2018</i> , SO 2018, c 9	s. 20	s. 35	s. 22	s. 34

	Act	AMP	Offence	Appeal	Filing Provision
	<i>salaires pour les marchés publics (Loi de 2018 sur les)</i> , LO 2018, ch 9	s. 20	s. 35	s. 22	s. 34
21.	Highway Traffic Act , RSO 1990, c H8	s. 21.1	Various	s. 21.1(7)	s. 21.1(11)
	Code de la route , LRO 1990, ch H8	s. 21.1	Various	s. 21.1(7)	s. 21.1(11)
22.	Insurance Act , RSO 1990, c I8	s. 441.3 s. 441.4	s. 447	s. 441.3(5)	s. 441.6
	assurances (Loi sur les) , LRO 1990, ch I8	s. 441.3 s. 441.4	s. 447	s. 441.3(5)	s. 441.6
23.	Mortgage Brokerages, Lenders and Administrators Act, 2006 , SO 2006, c 29	s. 39 s. 40	s. 48	s. 39(7) , s. 40(4)	s. 42
	maisons de courtage d'hypothèques, les prêteurs hypothécaires et les administrateurs d'hypothèques (Loi de 2006 sur les) , LO 2006, ch 29	s. 39 s. 40	s. 48	s. 39(7) , s. 40(4)	s. 42
24.	Municipal Act, 2001 , SO 2001, c 25	s. 434.1	s. 425	O. Reg. 333/07 , s. 8	O. Reg. 333/07 , s. 9
	municipalités (Loi de 2001 sur les) , LO 2001, ch 25	s. 434.1	s. 425	O. Reg. 333/07 , s. 8	O. Reg. 333/07 , s. 9
25.	New Home Construction Licensing Act, 2017 , SO 2017, c 33, Sched 1	s. 76	s. 71	s. 77	s. 79

	Act	AMP	Offence	Appeal	Filing Provision
	<i>agrément en matière de construction de logements neufs (Loi de 2017 sur l')</i> , LO 2017, ch 33, annexe 1	s. 76	s. 71	s. 77	s. 79
26.	Nutrient Management Act, 2002 , SO 2002, c 4	s. 40	s. 43	s. 9(2), s. 40.1	s. 40.2
	gestion des éléments nutritifs (Loi de 2002 sur la) , LO 2002, ch 4	s. 40	s. 43	s. 9(2), s. 40.1	s. 40.2
27.	Ontario Immigration Act, 2015 , SO 2015, c 8	s. 26	s. 29	s. 34	s. 28
	immigration en Ontario (Loi de 2015 sur l') , LO 2015, ch 8	s. 26	s. 29	s. 34	s. 28
28.	Ontario Water Resources Act , RSO 1990, c O40	s. 106.1	s. 107	s. 100, s. 102.1, s. 102.2	s. 106.1 (13)
	ressources en eau de l'Ontario (Loi sur les) , LRO 1990, ch O40	s. 106.1	s. 107	ss. 100, s. 102.1, s. 102.2	s. 106.1 (13)
29.	Payday Loans Act, 2008 , SO 2008, c 9	s. 59	s. 55	s. 60	s. 62
	prêts sur salaire (Loi de 2008 concernant les) , LO 2008, ch 9	s. 59	s. 55	s. 60	s. 62
30.	Pension Benefits Act , RSO 1990, c P8	s. 108.2 s. 108.3	s. 109	s. 108.2 (5)	s. 108.5

	Act	AMP	Offence	Appeal	Filing Provision
				s. 108.3 (4)	
	régimes de retraite (Loi sur les) , LRO 1990, ch P8	s. 108.2 s. 108.3	s. 109	s. 108.2 (5) s. 108.3 (4)	s. 108.5
31.	Personal Health Information Protection Act, 2004 , SO 2004, c 3, Sched A	s. 61.1	If listed under s. 72	s. 62	s. 63
	protection des renseignements personnels sur la santé (Loi de 2004 sur la) , LO 2004, ch 3, annexe A	s. 61.1	si répertorié sous s. 72	s. 62	s. 63
32.	Pesticides Act , RSO 1990, c P11	s. 41.1	s. 42	s. 41.2, s. 41.3	s. 41.4 SPPA, s. 19
	pesticides (Loi sur les) , LRO 1990, ch P11	s. 41.1	s. 42	s. 41.2, s. 41.3	s. 41.4 SPPA, s. 19
33.	Post-secondary Education Choice and Excellent Act, 2000 , SO 2000, c 36, Sched	s. 10.2	s. 11	s. 10.2(6)	s. 10.3
	choix et l'excellence au niveau postsecondaire (Loi de 2000 favorisant le) , LO 2000, ch 36, annexe	s. 10.2	s. 11	s. 10.2(6)	s. 10.3
34.	Private Career Colleges Act, 2005 , SO 2005, c 28, Sched L	s. 39	s. 48	s. 39(5)	s. 40
	collèges privés d'enseignement professionnel (Loi de 2005 sur les) , LO 2005, ch 28, annexe L	s. 39	s. 48	s. 39(5)	s. 40

	Act	AMP	Offence	Appeal	Filing Provision
35.	<i>Provincial Animal Welfare Services Act, 2019</i> , SO 2019, c 13	s. 51	s. 49	s. 51(6)	s. 52
	<i>services provinciaux visant le bien-être des animaux (Loi de 2019 sur les)</i> , LO 2019, ch 13	s. 51	s. 49	s. 51(6)	s. 52
36.	<i>Resource Recovery and Circular Economy Act, 2016</i> , SO 2016, c 12, Sched 1	s. 89	s. 98	s. 91	s. 90
	<i>récupération des ressources et l'économie circulaire (Loi de 2016 sur la)</i> , LO 2016, ch 12, Annexe 1	s. 89	s. 98	s. 91	s. 90
37.	<i>Retirement Homes Act, 2010</i> , SO 2010, c 11	s. 93	s. 98	s. 96	s. 94
	<i>maisons de retraite (Loi de 2010 sur les)</i> , LO 2010, ch 11	s. 93	s. 98	s. 96	s. 94
38.	<i>Safe Drinking Water Act, 2002</i> , SO 2002, c 32	s. 121	s. 140	s. 121.1, s. 129	s. 121.2 SPPA, s. 19
	<i>salubrité de l'eau potable (Loi de 2002 sur la)</i> , LO 2002, ch 32	s. 121	s. 140	s. 121.1, s. 129	s. 121.2 SPPA, s. 19
39.	<i>Securities Act</i> , RSO 1990, c S5	s. 127(1) paras. 9 and 10	s. 122(1)	s. 10	s. 151
	<i>valeurs mobilières (Loi sur les)</i> , LRO 1990, ch S5	s. 127(1) paras. 9 and 10	s. 122(1)	s. 10	s. 151
40.	<i>Technical Standards and Safety Act, 2000</i> , SO 2000, c 16	s. 32.1	s. 37	s. 32.2	s. 32.4

	Act	AMP	Offence	Appeal	Filing Provision
	<i>normes techniques et la sécurité (Loi de 2000 sur les)</i> , LO 2000, ch 16	s. 32.1	s. 37	s. 32.2	s. 32.4
41.	<i>Ticket Sales Act, 2017</i> , SO 2017, c 33, Sched 3	s. 30	s. 35	s. 32	s. 19 s. 34
	<i>vente de billets (Loi de 2017 sur la)</i> , LO 2017, ch 33, annexe 3	s. 30	s. 35	s. 32	s. 19 s. 34
42.	<i>Waste Diversion Transition Act, 2016</i> , SO 2016, c 12, Sched 2	s. 56	s. 65	s. 58	s. 57
	<i>réacheminement des déchets (Loi transitoire de 2016 sur le)</i> , LO 2016, ch 12, Annexe 2	s. 56	s. 65	s. 58	s. 57

Schedule B: AMPs for Fraudulent or Misleading Conduct

	Act	AMP Section	Offence
1.	<i>Animal Health Act, 2009</i> , SO 2009, c 31	s. 39 s. 40	s. 46
	<i>santé animale (Loi de 2009 sur la)</i> , LO 2009, ch 31	s. 39 s. 40	s. 46
2.	<i>Child Care and Early Years Act, 2014</i> , 2014 SO, c 11, Sched 1	s. 39	s. 76 s. 77
	<i>garde d'enfants et la petite enfance (Loi de 2014 sur la)</i> , LO 2014, ch 11, Annexe 1	s. 39	s. 76 s. 77
3.	<i>Compulsory Automobile Insurance Act</i> , RSO 1990, c C25	s. 14.4 s. 14.5	s. 6(2)
	<i>assurance-automobile obligatoire (Loi sur l')</i> , LRO 1990, ch C25	s. 14.4 s. 14.5	s. 6(2)
4.	<i>Employment Protection for Foreign Nationals Act, 2009</i> , SO 2009, c 32	s. 27	s. 16 s. 37(2) s. 37(4)
	<i>protection des étrangers dans le cadre de l'emploi (Loi de 2009 sur la)</i> , LO 2009, ch 32	s. 27	s. 16 s. 37(2) s. 37(4)
5.	<i>Employment Standards Act, 2000</i> , SO 2000, c 41	s. 113	s. 91(12) s. 131(2)
	<i>normes d'emploi (Loi de 2000 sur les)</i> , LO 2000, ch. 41	s. 113	s. 91(12) s. 131(2)
6.	<i>Government Contract Wages Act, 2018</i> , SO 2018, c 9	s. 20	s. 31(2) s. 35(2) s. 35(3)

	Act	AMP Section	Offence
	<i>salaires pour les marchés publics (Loi de 2018 sur les)</i> , LO 2018, ch 9	s. 20	s. 31(2) s. 35(2) s. 35(3)
7.	<i>Insurance Act</i> , RSO 1990, c I8	s. 441.3 s. 441.4	s. 447
	<i>assurances (Loi sur les)</i> , LRO 1990, ch I8	s. 441.3, s. 441.4	s. 447
8.	<i>Liquor License and Control Act, 2019</i> , SO 2019, c 15, Sched 22	AGCO Act, s. 14	s. 66(1)
	<i>permis d'alcool et la réglementation des alcools (Loi de 2019 sur les)</i> , LO 2019, ch 15, annexe 22	AGCO Act, s. 14	s. 66(1)
9.	<i>New Home Construction Licensing Act, 2017</i> , SO 2017, c 33	s. 76	s. 54
	<i>agrément en matière de construction de logements neufs (Loi de 2017 sur l')</i> , LO 2017, ch 33, annexe 1	s. 76	s. 54
10.	<i>Post-secondary Education Choice and Excellence Act, 2000</i> , SO 2000, c 36, Sched	s. 10.2	s. 9(11)
	<i>choix et l'excellence au niveau postsecondaire (Loi de 2000 favorisant le)</i> , LO 2000, ch 36, annexe	s. 10.2	s. 9(11)
11.	<i>Private Career Colleges Act, 2005</i> , SO 2005, c 28, Sched L	s. 39	s. 38(10)
	<i>collèges privés d'enseignement professionnel (Loi de 2005 sur les)</i> , LO 2005, ch 28, annexe L	s. 39	s. 38(10)