

# Application for Investigation Form

(also accessible online on the ECO's website)



**Environmental  
Commissioner  
of Ontario**

1075 Bay St.  
Suite 605  
Toronto, ON  
M5S 2B1

Tel: 416-325-3377  
1-800-701-6454

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Environmental  
Commissioner  
of Ontario

## Application for Investigation Part V, *Environmental Bill of Rights, 1993*

### General Information About This Application

The personal information requested in this Application is gathered under the legislative authority of the *Environmental Bill of Rights, 1993 (EBR)*. All the information requested on this form is required by the *EBR* for the minister to determine whether to conduct an Investigation into an alleged contravention of a prescribed act, regulation or instrument.

The *EBR* does not allow the Environmental Commissioner of Ontario or the ministry to disclose personal information about applicants. The *EBR* protects the personal information provided by applicants. Applicants' personal information may be disclosed if the Investigation results in further government action outside of the *EBR* such as:

- A prosecution, or
- Other administrative action

*For more information on the requirements of this Application and how to use the EBR please contact:*

**Public Information and Outreach Officer  
Environmental Commissioner of Ontario  
1075 Bay Street, Suite 605  
Toronto, ON, M5S 2B1**

**Phone: 416-325-3377  
Toll Free: 1-800-701-6454  
Fax: 416-325-3370  
e-mail: [commissioner@eco.on.ca](mailto:commissioner@eco.on.ca)**

## Instructions

1. Type or print clearly in ink.
2. Ensure both applicants sign and date the Application.
3. Complete all the sections.
4. Clearly indicate the section of the Application to which any additional documentation applies.
5. Ensure that your sworn statement is attached and properly affirmed before a commissioner for taking affidavits in Ontario.
6. Keep a copy of the Application for your files.
7. Submit your original Application and supporting documents to the Environmental Commissioner of Ontario at the address above.

## 1. APPLICANTS

Please complete 1(a) and 1(b) **OR** complete 1(a) and 1(c) if one of the applicants is a corporation. If both applicants are corporations, please copy the declaration form for 1(c) and attach the second completed declaration form to this application.

### 1. a) Applicant Number One

_____	_____	_____
Last Name	First Name	Initial
_____		_____
Address		Apartment
_____		
ONTARIO		
_____	_____	_____
City	Province	Postal Code
_____		
Residence Telephone	Business Telephone	Email Address

#### Declaration of Ontario Residency:

I \_\_\_\_\_ am an Ontario resident and have been since \_\_\_\_\_  
(Print Name) (Month, Year)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## 1. b) Applicant Number Two

_____ Last Name	_____ First Name	_____ Initial
_____ Address		_____ Apartment
_____ City	_____ Province	_____ Postal Code
_____ Residence Telephone	_____ Business Telephone	_____ Email Address

### Declaration of Ontario Residency:

I \_\_\_\_\_ am an Ontario resident and have been since \_\_\_\_\_  
(Print Name) (Month, Year)

\_\_\_\_\_  
Signature Date

## 1. c) Corporate Applicant

*If there are two corporate applicants, please copy this declaration form and attach the second completed declaration form to this application.*

_____ Name of Corporation	_____ Name of Position of Corporate Officer	
_____ Address	_____ City	_____ Province
_____ Postal Code	_____ Business Telephone	_____ Email Address

### Declaration of Incorporation in Ontario:

The \_\_\_\_\_ is an Ontario or Canadian Federal Corporation, carrying on  
(Name of Corporation)  
business with its head office in Ontario, established by articles of incorporation in \_\_\_\_\_  
(Month, Year)

\_\_\_\_\_  
Date Name of Officer and Position

\_\_\_\_\_  
Company Number Signature

## 2. ALLEGED CONTRAVENOR(S)

Provide the name and address of the person(s) or company(ies) that you believe has/have contravened an act, regulation or instrument prescribed for investigation under the *Environmental Bill of Rights, 1993*.

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Company/Individual Name

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Address

Unit/Apartment

ONTARIO

---

City

Province

Postal Code

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Residence Telephone

Business Telephone

Email Address

**Are you an employee of the suspected contravenor?** Please mark Yes or No with an X.

Applicant Number One:  Yes  No

Applicant Number Two:  Yes  No

## 3. a) ALLEGED CONTRAVENTION

Act \_\_\_\_\_

Section Number \_\_\_\_\_

Regulation \_\_\_\_\_

Section Number \_\_\_\_\_

Instrument Type/Number \_\_\_\_\_

Condition Number \_\_\_\_\_

*To confirm that the EBR's application for investigation provisions apply to the act, regulation or instrument that you allege has been contravened, check the ECO's website for a [list of ministries subject to the EBR](#) and a [list of acts subject to the EBR](#), or refer to [O. Reg. 73/94](#) (ministries, acts and regulations) or [O. Reg. 681/94](#) (instruments).*

**3. b)** Provide a short description of the alleged contravention(s) (for example: "A discharge of gasoline into water that caused an adverse effect" or "The operation of a waste disposal site without the proper approval").

**3. c)** Provide a detailed description of the alleged contravention(s). The description must include:

- A description of the nature/circumstances of the alleged contravention(s)
- An explanation of why you believe that the company(ies) and/or individual(s) cited as the "contravenors" are responsible for the contravention
- If known, the date and time of the contravention or the approximate date and time
- The date you first became aware of the incident(s)
- How you became aware of the incident(s)
- Any other information that you believe is relevant

*If you need more space, attach additional pages, each referenced with "Question #3 c)".*

#### **4. Seriousness of the Contravention(s)**

Provide your explanation of why the alleged contravention(s) are serious enough to warrant an Investigation. Explain the potential harm to the environment.

## 5. Summary of Evidence

5. a) List all the evidence that supports your allegation, including any written documents, photographs, samples or any other materials that you believe should be considered in the investigation.

Attach copies of written materials and photographs to this Application, or contact [commissioner@eco.on.ca](mailto:commissioner@eco.on.ca) to submit the documents and photographs electronically. Reference each document and photograph against the list you have created below and indicate that they are part of your answer to "Question #5 a)".

Please note that if this Application is forwarded to an investigator, any evidence contained in it may be released to ministry investigators. Ministry investigators may also contact you to get more evidence, if it is available.



**5. b)** Provide names and addresses of anyone who might be able to give evidence about the alleged contravention, to the extent that this information is available. For example:

"Jane Doe, Abatement Officer, Ministry of the Environment  
Central Region, 416-555-1234

Ms. Doe will confirm that on August 25, 2011, a pipe from the alleged contravenor's company was discharging into ABC Creek. Ms. Doe can also confirm that the samples mentioned in Section 5. a) were obtained on August 25, 2011 from the same discharge."

## 6. Previous contact with the Ministry or Environmental Commissioner of Ontario

If you have previously contacted any ministry or the Environmental Commissioner of Ontario about the alleged contravention, please provide the following information:

- Name, address and telephone number of the person or office contacted and date contacted
- Details of the reason for contact
- Outcome of the contact

## Sworn Statement

The *Environmental Bill of Rights, 1993* also requires that each applicant make a sworn statement that he or she believes that the facts alleged in the Application are true. After you have completed this Application, bring the Application before a Judge, Justice of the Peace, lawyer, MPP or anyone else who is a Commissioner for taking affidavits and have the Application sworn or affirmed before you forward it to the Environmental Commissioner of Ontario. Two statutory declaration forms are attached for your use.

*Forms are on following pages.*

# APPLICANT 1

CANADA  
Province of Ontario

IN THE MATTER OF

TO WIT:

I, \_\_\_\_\_ of the \_\_\_\_\_  
(full name) (city, town, etc.)

in the province of Ontario SOLEMNLY DECLARE THAT the attached documentation and statements are true to the best of my knowledge.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the  
\_\_\_\_\_ of \_\_\_\_\_

in the Province of Ontario

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
Date Month Year Signature of Applicant 1

\_\_\_\_\_  
A Notary Public, Commissioner of Oaths, etc.

## APPLICANT 2

CANADA  
Province of Ontario

IN THE MATTER OF

TO WIT:

I, \_\_\_\_\_ of the \_\_\_\_\_  
(full name) (city, town, etc.)

in the province of Ontario SOLEMNLY DECLARE THAT the attached documentation and statements are true to the best of my knowledge.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the

\_\_\_\_\_ of \_\_\_\_\_

in the Province of Ontario

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Date Month Year

\_\_\_\_\_  
Signature of Applicant 2

\_\_\_\_\_  
A Notary Public, Commissioner of Oaths, etc.



## Application for Investigation Checklist

Before you send your Application for Investigation and supporting documents to the Environmental Commissioner of Ontario, make sure you have...

- Completed the forms for Applicant Number One **AND** Applicant Number Two, including the signatures of both applicants
- If you are a corporate applicant, provided the proper legal name of the corporation **AND** completed the declaration of incorporation in Ontario
- Provided a sworn statement from **EACH** applicant that the applicant believes that the facts alleged in the application are true
- Specified the section(s) of the act(s), regulation(s) or instrument(s) that you believe was/were contravened
- Double checked that the section(s) of the act(s), regulation(s) or instrument(s) that you believe was/were contravened is/are subject to an *EBR* Application for Investigation
- Provided the names and addresses (if possible) of each person alleged to have been involved in the commission of the contravention(s)
- Described the nature of the alleged contravention(s)
- Included as much information as you can to support your application, including the names and addresses of any witnesses, any documents or materials that you believe should be considered in the investigation, and copies of any documents or other evidence (if possible)
- Provided details of any previous contact that you have had with the office of the Environmental Commissioner of Ontario or any ministry regarding the alleged contravention(s)
- Addressed your original Application for Investigation to:  
**The Environmental Commissioner of Ontario**  
**1075 Bay Street, Suite 605**  
**Toronto, ON M5S 2B1**
- Retained a copy of your Application for Investigation and supporting documents for your own records

*Disponible en français*