

PROCEEDING COMMENCED UNDER section 127(1) of the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, as amended (SDWA);

Appellant: The Corporation of the Town of Fort Frances
Respondent: Ontario (Environment, Conservation and Parks)
Subject of Appeal: Appeal of conditions on a municipal drinking water licence for the Town of Fort Frances drinking water system
Reference No.: 224-101
Upper Tier: Rainy River District
OLT Case No.: 21-032
OLT Case Name: Fort Frances (Town) v. Ontario (Environment, Conservation and Parks)

MINUTES OF SETTLEMENT

WHEREAS the Director, Ministry of the Environment, Conservation and Parks (the “**Director**”) issued Municipal Drinking Water Licence #224-101, Issue #3, dated May 11, 2021 (hereafter the “**Licence**”) to the Corporation of the Town of Fort Frances (hereafter the “**Town**”);

AND WHEREAS Schedule C, Table 3 of the Licence limits the annual average concentration of Total Chlorine Residual (TCR) of Media Filter Backwash Effluent to 0.02 milligrams per litre (the “**TCR Limit**”);

AND WHEREAS the Town appealed the License to the Ontario Land Tribunal (the “**Tribunal**”) on May 11, 2021; specifically, the TCR Limit;

AND WHEREAS the License expires in May 2026 at which time the Town will be required to apply for and obtain a renewed licence;

AND WHEREAS the Town requires time to make the physical alterations to the Fort Frances Drinking Water System necessary to comply with the TCR Limit;

NOW THEREFORE and WITHOUT PREJUDICE OR ADMISSION OF LIABILITY, the Town and the Director hereby agree to the following terms and conditions to settle the appeal, should the Tribunal accept this agreement:

1. The Tribunal will order the Director to amend the Licence by removing the TCR Limit;
2. Once the Tribunal has issued its order, the Director will issue a new license, the draft of which is attached to these minutes of settlement as Appendix A (the “**New Licence**”);
3. The Town commits to making every reasonable effort, including obtaining and or providing appropriate funding, to complete the physical alterations to the Fort Frances Drinking Water System necessary to comply with the TCR Limit prior to May 2026 when the Town will be required to apply for and obtain a licence renewal;
4. The Town acknowledges that the TCR Limit may be reinstated into a licence when the Town applies to renew the New Licence prior to its expiration. Whether this occurs will be entirely at the Director’s discretion. If the TCR Limit is reinstated the parties agree that the Town will not appeal the renewed licence solely on the ground that it imposes a TCR limit, and that the Town’s appeal rights will not otherwise be restricted;
5. Should the Town complete alterations to the Fort Frances Drinking Water System prior to May 2026, such that it is able to comply with the TCR Limit, the Town will inform the Director and agree that the TCR Limit may be immediately reinstated into the Licence without waiting for the May 2026 license renewal;

6. This Agreement does not in any way limit the authority of the Ministry of the Environment, Conservation and Parks (the MECP), the Minister of the MECP, MECP Directors or provincial officers to issue orders to the Town or any other person or entity in respect of the Licence or the New Licence including but not limited to orders related to issues covered by this Agreement, or orders in response to a breach of this Agreement by the Appellant, to address a change in facts or circumstances that may arise in the future; and
7. These Minutes may be executed in several counterparts by the solicitors acting on behalf of the Town and the Director and by original facsimile or electronic signature, each of which when so executed shall be deemed to be an original and such counterparts together shall constitute but one and the same agreement.

Dated:

Aziz Ahmed
Appointed Director, Section 44, SDWA
Manager, Municipal Water & Wastewater Permissions
Ministry of the Environment, Conservation and Parks

Dated:

Town of Fort Frances