

Regulatory Offences and Penalties

TABLE A.1: FISHERIES ACT OFFENCES AND MINIMUM¹ AND MAXIMUM PENALTIES

| OFFENCE | PENALTY | |
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| | SUMMARY | INDICTABLE |
| s. 34.3 – fails to comply with request or order of the Minister, or provision of the regulation | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 34.4(1) - carrying on any work, undertaking or activity, other than fishing, that results in the death of fish. | <p>Individual: for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000</p> <p>Small Revenue Corporation:² for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000, and for a second or subsequent offence, to a fine of not less than \$50,000 and not more</p> | <p>Individual: for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000</p> <p>Small Revenue Corporation:³ for a first offence, to a fine of not less than \$75,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$150,000 and not more than</p> |

¹ Under s. 40(2.2), a court may impose a fine that is less than the minimum amount provided if it is satisfied that the minimum fine would cause undue financial hardship.

² Under s. 40(2.1), a court may determine a corporation to be a “small revenue corporation” if the court is satisfied that the corporation’s gross revenues for the 12 months immediately before the day on which the subject matter of the proceedings arose — or, if it arose on more than one day, for the 12 months immediately before the first day on which the subject matter of the proceedings arose — were not more than \$5,000,000.

³ See footnote 2.

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| | than \$4,000,000 | \$8,000,000 |
| s. 34.4(2) - failing to comply with prescribed conditions of a prescribed work | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 35 (1) – carrying on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat. | Individual: for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both Corporation: for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000 Small Revenue Corporation: ⁴ for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000, and for a second or subsequent offence, to a fine of not less than \$50,000 and not more than \$4,000,000 | Individual: for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both Corporation: for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000 Small Revenue Corporation: ⁵ for a first offence, to a fine of not less than \$75,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$150,000 and not more than \$8,000,000 |
| s. 35(2) - failing to comply with prescribed conditions of a prescribed work | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 35.1 – carrying on designated work not in accordance with permit | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |

⁴ See footnote 2.

⁵ See footnote 2.

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| <p>s. 35.2 – failing to provide information as in the time and/or manner prescribed</p> | <p>1st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison</p> | <p>N/A</p> |
| <p>s. 36(1) – throwing prohibited substances overboard</p> | <p>Individual: for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000</p> <p>Small Revenue Corporation:⁶ for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000, and for a second or subsequent offence, to a fine of not less than \$50,000 and not more than \$4,000,000</p> | <p>Individual: for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000</p> <p>Small Revenue Corporation:⁷ for a first offence, to a fine of not less than \$75,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$150,000 and not more than \$8,000,000</p> |
| <p>s. 36(3) – depositing or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water</p> | <p>Individual: for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine</p> | <p>Individual: for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and for a second or subsequent offence, to a fine of not less than \$1,000,000 and not</p> |

⁶ See footnote 2.

⁷ See footnote 2.

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| | of not less than \$200,000 and not more than \$8,000,000 Small Revenue Corporation: ⁸ for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000, and for a second or subsequent offence, to a fine of not less than \$50,000 and not more than \$4,000,000 | more than \$12,000,000 Small Revenue Corporation: ⁹ for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000, and for a second or subsequent offence, to a fine of not less than \$50,000 and not more than \$4,000,000 |
| s. 37(1) – fail to provide Minister with requested material or information | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 37(1) – carry on any work in manner other than as described to the Minister | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 37(3)– fail to provide material, information or report required by Regulations | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 38(4) – failure to report death of fish that is not authorized under the Act, or of a serious and imminent danger of such occurrence | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 38 (4.1) – failure to report harmful alteration, disruption or destruction of fish habitat that is not authorized under the Act, or of a serious and imminent danger of such an occurrence | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 38(5) – fail to report deposit of deleterious substance | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 38(6) – fail to take reasonable remedial measures following deposit | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine | N/A |

⁸ See footnote 2.

⁹ See footnote 2.

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| of deleterious substance | not exceeding \$200,000 and/or 6 months in prison | |
| s. 38(7) – fail to provide material, information or report required by Regulations | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 38(7.1) – fail to comply with direction of inspector | 1 st Offence – a fine not exceeding \$200,000 Subsequent Offences - a fine not exceeding \$200,000 and/or 6 months in prison | N/A |
| s. 78 - Offences not otherwise provided for | 1 st Offence - a fine not exceeding \$100,000 Subsequent Offences - a fine not exceeding \$100,000 and/or 1 year in prison | 1 st Offence - a fine not exceeding \$500,000 Subsequent Offences - a fine not exceeding \$500,000 and/or 2 years in prison |

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TABLE A.2: ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT OFFENCES AND MAXIMUM PENALTIES

| OFFENCE | PENALTY | |
|--|------------------------------------|-------------|
| | INDIVIDUAL | CORPORATION |
| s.60 – knowingly fail to obtain an approval or registration | \$100,000 and/or 2 years in prison | \$1,000,000 |
| s.61 – fail to obtain approval or registration | \$50,000 | \$500,000 |
| s.108(1) – knowingly release substance into the environment in excess of approval or regulation | \$100,000 and/or 2 years in prison | \$1,000,000 |
| s.108(2) – release substance into environment in excess of approval or registration | \$50,000 | \$500,000 |
| s.109(1) – knowingly release substance into the environment that causes or may cause significant adverse effect | \$100,000 and/or 2 years in prison | \$1,000,000 |
| s.109(2) – release substance into environment that causes or may cause significant adverse effect | \$50,000 | \$500,000 |
| s.110 – fail to report the release of a substance | \$50,000 | \$500,000 |
| s.111 – fail to report in the prescribed manner | \$50,000 | \$500,000 |
| s.112 – failure to take remedial measures after release of substance | \$50,000 | \$500,000 |
| s.137 – fail to conserve and reclaim specified land | \$50,000 | \$500,000 |
| s.155 – failure to store, handle or transport a hazardous substance or pesticide in a manner that ensures does not directly or indirectly come into contact with or contaminate any animals, plants, food or drink | \$50,000 | \$500,000 |
| s.163(1) - sell, distribute, use, apply, handle, store or transport a pesticide; operate or clean any machinery, equipment, | \$50,000 | \$500,000 |

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| vehicle, aircraft or vessel used in connection with the sale, distribution, use, application, handling, storage or transportation of a pesticide, or use or clean a pesticide container, except in accordance with the regulations with respect to that pesticide and the label for that pesticide | | |
| s. 163(3) - disposal of a pesticide, a mixture containing a pesticide, a thing that is treated or contaminated with a pesticide or a container that has been used to hold a pesticide in a manner other than the manner prescribed in the regulations | \$50,000 | \$500,000 |
| s. 169 – improper consignment for shipping hazardous recyclables | \$50,000 | \$500,000 |
| s. 176 – disposal of waste other than at an approved facility or as authorized by the director in writing | \$50,000 | \$500,000 |
| s. 178 – unauthorized disposal of waste on public land | \$250 | \$1,000 |
| s. 179 – unauthorized disposal of waste on a highway | \$250 | \$1,000 |
| s. 180 - unauthorized disposal of waste on land owned or administered by a local authority | \$250 | \$1,000 |
| s. 181 - unauthorized disposal of waste on, into or under water or ice | \$250 | \$1,000 |
| s. 182 - unauthorized disposal of waste on land owned by another person | \$250 | \$1,000 |
| s. 188 – unauthorized generation, handling, storage or transportation of hazardous waste | \$50,000 | \$500,000 |
| s. 191 – improper consignment or | \$50,000 | \$500,000 |

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| transportation of hazardous waste | | |
| s. 192 – unauthorized disposal of hazardous waste | \$50,000 | \$500,000 |
| s. 209 – failure to give all reasonable assistance and information to an inspector or investigator | \$50,000 | \$500,000 |
| | | |
| s. 227(a) – knowingly providing false or misleading information required under the Act | \$100,000 and/or 2 years in prison | \$1,000,000 |
| s. 227(b) – providing false or misleading information required under the Act | \$50,000 | \$500,000 |
| s. 227(c) – fail to provide information required under the Act | \$50,000 | \$500,000 |
| s.227(d) – knowingly contravene a term or condition of an approval | \$100,000 and/or 2 years in prison | \$1,000,000 |
| s.227(e) – contravene a term or condition of an approval | \$50,000 | \$500,000 |
| s. 227(f) - knowingly contravenes an enforcement order | \$100,000 and/or 2 years in prison | \$1,000,000 |
| s. 227(g) - contravenes an enforcement order | \$50,000 | \$500,000 |
| s. 227(h) - knowingly contravenes an environmental protection order | \$100,000 and/or 2 years in prison | \$1,000,000 |
| s. 227(i) - contravenes an environmental protection order | \$50,000 | \$500,000 |
| s. 251 – interfering with an inspector, investigator, Director or person assisting them in carrying out their duties under the Act, or doing any thing pursuant to an environmental protection order or enforcement order | \$50,000 | \$500,000 |

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