Ontario Regulation 34/26, Continuation After Expiry of Validity Period

A Guide for Excavators

Effective November 1, 2026

Ontario Regulation 34/26, *Continuation After Expiry of Validity Period*, introduces an optional pathway that allows eligible excavators to continue digging after their locate validity period expires without obtaining a new locate.

Understanding This Regulation

Continuation After Expiry may help projects where excavation continues over an extended period and all prescribed conditions remain in place.

Eligible excavators may continue digging for **up to 180 days from the date the last locate document was provided by the affected Underground Infrastructure Owner (UIO).** This total includes the original locate validity period.

Continuation After Expiry does not extend the validity of your locate. It is a separate regulatory pathway with requirements that must remain satisfied throughout its use. It is optional, and excavators may continue to request new locates or relocates through the usual process.

Step 1: Confirm Your Site Is Eligible

Before using Continuation After Expiry, confirm that:

- **No transmission infrastructure is present at the excavation site.**
- **Excavation activities take place at least one metre below the lowest identified underground infrastructure.**
- **You maintain care and control of the excavation site.**
- **The information and conditions associated with your most recent locate or relocate remain unchanged.**

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- **Affected UIOs have access to the site for inspections.**
- **Your planned excavation falls within the maximum 180-day period.**

The pathway applies to excavators, including UIOs when acting as excavators. Eligibility depends on the site and excavation conditions, rather than the size or type of organization completing the work.

Refer to the Ontario Underground Infrastructure Notification System Act, 2012 for the definition of transmission infrastructure. Confirm whether infrastructure at your site falls within that definition before relying on this pathway.

Step 2: Check Your Submission Window

You must submit a statement and two undertakings electronically through Ontario Dig Authority's web portal:

No earlier than 15 days before, and no later than 10 days before, your most recent locate validity period expires.

Review your locate documents and plan ahead so you can submit within this window.

If you miss the submission window, Continuation After Expiry is unavailable for that request. Request a relocate or new locate, as appropriate, before continuing work after expiry.

Step 3: Submit Your Statement

Your statement confirms that the following have not changed since your most recent locate or relocate was provided:

- **Site location:** The location of the excavation or dig site
- **Site description:** The excavation or dig site description provided in the locate request
- **Located area:** The description of the located area, including identified underground infrastructure and points of reference
- **Locate conditions:** Any conditions set out in the UIO's locate document
- **Excavation activities:** The depth of digging, type of work and method of excavation

Review each item carefully before submitting your statement.

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Step 4: Provide Two Undertakings

An undertaking is a formal commitment to meet specific requirements while using Continuation After Expiry.

Undertaking 1: Provide Access for Inspections

You must commit to giving affected UIOs access to the excavation site during the prescribed 10-to-15-day period before locate expiry so they can inspect the structural integrity of their underground infrastructure.

Affected UIOs must continue to have access to the site for inspection purposes while you rely on the regulation.

Undertaking 2: Report Changes

You must commit to notifying Ontario Dig Authority if:

- Transmission infrastructure is identified at the site.
- Excavation no longer takes place at least one metre below the lowest identified underground infrastructure.
- You no longer maintain care and control of the site.
- Any information confirmed in your statement changes.
- Affected UIOs no longer have access to the site for inspections.

Step 5: Keep the Required Documents at the Site

Ontario Dig Authority will provide documentation confirming receipt of your statement and undertakings.

Keep both of the following at the excavation site:

- The confirmation document from Ontario Dig Authority.
- Your most recent locate or relocate documentation.

These documents must remain available at the site while you use Continuation After Expiry, including in the event of an inspection.

Step 6: Monitor Conditions and the 180-Day Limit

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All requirements must continue to be met throughout the period you rely on Continuation After Expiry.

Monitor your site conditions, excavation activities, inspection access and project timelines. Make sure crews understand the conditions that apply and know when to report a change.

How the 180-Day Limit Works

The maximum 180-day period includes the time already covered by your most recent locate or relocate.

Locate validity period	Maximum additional time available under Continuation After Expiry
60 days	Up to 120 additional days
90 days	Up to 90 additional days
120 days	Up to 60 additional days
180 days or longer	No additional time under this pathway

These examples assume that all requirements remain satisfied. The 180-day limit is calculated from the date the last locate document was provided, not from the date you submit your statement or receive confirmation.

Arrange new locates in advance if excavation will continue beyond the allowable period.

If Your Site or Work Changes

If any required condition is no longer met, notify Ontario Dig Authority. You can no longer rely on Continuation After Expiry and must obtain new locates before continuing excavation.

Examples include:

- Expanding the excavation beyond the original located area.
- Changing the depth, type of work or excavation method described in your statement.
- Identifying transmission infrastructure.
- Losing care and control of the site.

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- Removing access for affected UIOs to inspect their infrastructure.

Continuing excavation after locate expiry without meeting the regulation's requirements may result in enforcement action under the Act.

Sharing Locate Information

Additional requirements apply when the most recent locate or relocate has been shared with another excavator.

The receiving excavator must keep the following at the excavation site:

- A copy of the original locate or relocate documentation.
- The locate confirmation document from Ontario Dig Authority.

The receiving excavator must also ensure that every requirement of the regulation continues to be met. Sharing documents does not remove those responsibilities or create a new 180-day period.

Before You Continue Digging

Confirm that you have:

- Checked that no transmission infrastructure is present.
- Confirmed excavation will remain at least one metre below the lowest identified underground infrastructure.
- Maintained care and control of the site.
- Verified that all information in your statement remains unchanged.
- Submitted your statement and both undertakings within the required window.
- Provided affected UIOs with access for inspections.
- Kept your confirmation and locate documents at the site.
- Recorded the end of the maximum 180-day period.
- Established a process to identify and report changes.

Resources and Further Information

Read the full Ontario Regulation 34/26: Continuation After Expiry of Validity Period for the complete requirements.

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Review the FAQ guide: https://ontariodigauthority.ca/wp-content/uploads/FAQ-Guide-Continuation-After-Expiry.pdf

For further questions contact Compliance@OntarioDigAuthority.ca

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