

CONTRAVENTIONS OF THE ACT

Ontario Underground Infrastructure Notification Systems Act, 2012 (Updated April 14, 2022)

MEMBER

1. **Late Locate(s)** - a Member has not completed a standard locate request within five business days or on an agreed time, as per Section 6 (3) of the Act.
2. **Late Emergency Response** - a Member was not onsite to complete the emergency locate or did not provide a clearance within 2 hours, as per Section 6 (4) of the Act
3. **Inaccurate Locate** - a Member of Ontario Dig Authority has not provided a proper locate: markings, written document, clearances, or accuracy - Section 6 (1) of the Act and Section 30 & 31 of By-Law 3, Schedule 1
4. **Failed to Register or Provide Information** – A Member refused to register or provide information necessary for Ontario Dig Authority to fulfill its objects, as per Section 5 (1) & (2) of the Act
5. **Did not respond to 360 Feedback** - a Member did not respond with a completed status(cleared or completed) within 3 business days, as per Section 14(1) of the Act
6. **False Renegotiation** – A Member changed the legal due date of a locate without a written agreement between them and the excavator, as per Section 6(5) & 7(11)
7. **Dedicated Locator Refusal – Clause 7(7)(a)** – Failure of affected members and the project owner to agree in writing on a locator who will respond to all locate requests within 10 business days of receiving notice under subsection (6), Section 7 (7) (a)
8. **Dedicated Locator Mapping Refusal** – Member failed to provide dedicated locator mapping information within 10 business days after receiving notice, as per Section 7 (7)(b)
9. **Locate Validity Period** – Member did not provide a minimum of a 60 day expiry for their locate, as per Section 8 (1) of the Act



10. Failure to Provide Change of Information After a Locate – Member Failed to notify Ontario Dig Authority and the Excavator, or Ontario Dig Authority, Project Owner, and Dedicated Locator of a change in information before the end of a validity period in respect of a locate within 2 business days, as per Section 9 (1)

11. Failed to Notify of a Delay – a Member failed to notify Ontario Dig Authority of a locate delay, as per Section 14 (2)

12. Deficient Clearance – a Member provided a clearance when it needed to provide a mark on the ground the location of its underground infrastructure and provide a written documentation containing information respecting the location of its underground infrastructure, as per Section 6 (1) 1 of the Act

EXCAVATOR

1. Locate Abuse - an excavator submitted a locate request without the expectation of commencing an excavation within 30 days, Section 12 (1) of the Act.

2. Digging without a Locate - an excavator has not contacted Ontario Dig Authority for a locate prior to digging, or has begun an excavation or dig without a valid locate as per Section 10 (1) & (2) of the Act.

3. Excavation in an unsafe manner – An excavator dug in a manner that they knows or reasonably ought to know would damage or otherwise interfere with any underground infrastructure, as per Section 13 of the Act

4. Emergency Abuse – an excavator submitted an emergency request whereby the excavator knows or ought to know that the request does not satisfy the description set out in paragraph 2 of subsection 6 (2), as per Section 12 (2) of the Act.

5. Sharing of Locates Abuse - Excavator failed to comply with requirements for shared locates, as per Section 10 (1)



6. Failure to Provide Contact Information when Sharing Locates – an Excavator failed to provide Ontario Dig Authority the contact information of the other excavator, as per Section 11

DEDICATED LOCATOR

1. Incomplete Locate / Late Locate - a Dedicated Locator has not completed a dedicated locate request within 10 business days or on an agreed time, as per Section 7 (10) & (11) of the Act.

PROJECT OWNER

1. Failed to Provide 90 Days Notices for Dedicated Locator - Failure of project owner to include information the Corporation required in the notice and/or update the information 90 days after the notice is given and every 90 days thereafter until the conclusion of the project, as per Section 7 (5)

2. Dedicated Locator Refusal – Clause 7(7)(a) – Failure of affected members and the project owner to agree in writing on a locator who will respond to all locate requests within 10 business days of receiving notice under subsection (6), Section 7 (7) (a)

CONTRAVENTIONS OF THE BY-LAW

[Schedule 1 to By-Law 1](#)



MEMBER

1. **Failed to Respond to an Information Request / Update** – a Member failed to respond to an information request from Ontario Dig Authority within 7 Business Days, as per Section 8 of By-Law 1, Schedule 1
2. **Failed to Pay Fees** – a Member failed to pay the fees for services in accordance with the fee model used by the Corporation, as per Section 9 of By-Law 1, Schedule 1
3. **Failed to Meet Mapping and Notification Requirements** - a Member failed to provide accurate and up-to-date mapping, or information on how the Member will receive notifications 24 /7, as per Section 17 of By-Law 1, Schedule 1
4. **Failed to Maintain Proper Receiving Equipment** - a Member failed to supply proper receiving equipment including, but not limited to, a proper back-up system, and adequate staff to monitor and respond to locate requests, as required by Ontario Dig Authority for the transmission of Locate Requests, as per Section 18 of By-Law 1, Schedule 1
5. **Failed to Implement Direction of Ontario Dig Authority** – a Member or Excavator failed to implement directions made by Ontario Dig Authority arising out of complaints or non-compliance, as per Section 36 of By-Law 1, Schedule 1

