

Inspection under the Ontario Heritage Act

Appointment of inspectors

51.1 (1) The Deputy Minister may appoint inspectors for the purposes of carrying out inspections under section 51.2. 2005, c. 6, s. 37.

Certificate of appointment

(2) The Deputy Minister shall issue to every inspector a certificate of appointment bearing his or her signature or a facsimile of his or her signature. 2005, c. 6, s. 37.

Production of certificate

(3) An inspector conducting an inspection under section 51.2 shall produce his or her certificate of appointment upon request. 2005, c. 6, s. 37.

Inspection

51.2 (1) An inspector may conduct an inspection for the purpose of ensuring that a person licensed under section 48 is complying with the Act and the regulations and remains entitled to a licence under the Act. 2005, c. 6, s. 37.

Power of entry

(2) An inspector conducting an inspection may enter and inspect any of the following places:

1. An archaeological site or any other land on which a licensee is carrying out archaeological fieldwork.
2. An archaeological site or any other land on which archaeological fieldwork is no longer being carried out but was carried out by a licensee within the one-year period preceeding the inspection.
3. A laboratory at which artifacts and other materials found on an archaeological site are analysed.
4. A building or structure in which the licensee stores artifacts and other materials found at an archaeological site.
5. A licensee's business premises. 2005, c. 6, s. 37.

Dwellings

(3) An inspector entering a place under subsection (2) shall not enter any part of the place that is used as a dwelling without the consent of the occupant. 2005, c. 6, s. 37.

Powers of inspector

(4) While carrying out an inspection, an inspector may,

- (a) take up and examine any artifact, device, article, thing or material;
- (b) require a person at the place being inspected to produce any artifact, drawing, field notes, specifications, licence, document, record, report, photograph, video or other visual recording or any other material or thing that is relevant to the inspection and examine, audit or make copies of such material or things;
- (c) upon giving a receipt therefore, remove, for the purpose of making copies or extracts, any material or thing referred to in clause (b);
- (d) conduct tests at the place being inspected or take samples from the place, including tests conducted on, or samples taken from, artifacts found at the place;
- (e) require in writing that any test or sample referred to in clause (d) be conducted or taken by a person specified by the inspector, including a person having special, expert or professional knowledge or qualifications accompanying the inspector under subsection (6);
- (f) require the person conducting or taking tests or samples to provide a report to the inspector within such time as the inspector may specify;
- (g) take photographs, video or other visual recording, make acoustic recordings or make notes of the field or site conditions, of the conditions of any other place being inspected or of the artifacts or materials found at the place and take with him or her such equipment or recording materials required for this purpose;
- (h) make such inquiries of any person working at the place being inspected as are relevant to the inspection;
- (i) observe on-going field work being carried out on an archaeological site or on other lands on which archaeological fieldwork is carried out or observe laboratory work taking place in a laboratory;
- (j) prohibit persons from entering an archaeological site or other lands on which archaeological fieldwork is carried out, a laboratory or storage area or parts thereof for a reasonable period of time for the purposes of carrying out an examination, excavation or test. 2005, c. 6, s. 37.

Return of things removed

(5) An inspector who removes any material or other thing from a place under clause (4) (c) shall return them to the licensee from whom they were taken within a reasonable time. 2005, c. 6, s. 37.

Experts, etc.

(6) An inspector entering premises under subsection (2) may be accompanied by a person having special, expert or professional knowledge of any matter relevant to the inspection. 2005, c. 6, s. 37.

Use of force

(7) An inspector is not entitled to use force to enter and inspect a place. 2005, c. 6, s. 37.

Time of entry

(8) An inspector may enter a place referred to in subsection (2),

- (a) in the case of a place referred to in paragraphs 2, 3, 4 and 5 of subsection (2), during normal business hours; and
- (b) in the case of a place referred to in paragraph 1 of subsection (2), at any time at which archaeological fieldwork is being carried out. 2005, c. 6, s. 37.

Obstruction of inspector

(9) No person shall obstruct an inspector conducting an inspection under this section or withhold from him or her or conceal or destroy any artifact, document, material or thing that is relevant to the inspection. 2005, c. 6, s. 37.

Obligation to assist

(10) Any person shall, on request by an inspector, provide such assistance as is reasonably necessary. 2005, c. 6, s. 37.

Obligation to produce

(11) A person who is required to produce an artifact, document, material or thing under clause (4) (b) shall produce it. 2005, c. 6, s. 37.

False information

(12) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information to an inspector. 2005, c. 6, s. 37.

Report by inspector

51.3 If an inspector believes that a person licensed under section 48 has failed to comply with the Act, the regulations or a term of the licence, the inspector shall prepare a report and provide a copy of the report to the Minister and to the licensee. 2005, c. 6, s. 37.