

Infrastructure Owner & Excavator Recourse

Compensation

Underground Infrastructure Owners and Excavators can seek compensation from each other if there is a financial loss or expense incurred due to the other party contravening specific sections of the OUINS Act.

Please note: Infrastructure Owner or Excavator Recourse happens outside of the Ontario Dig Authority.

Who Can Seek Compensation ...

Excavators from Infrastructure Owners

[Section 17 \(1\)](#)

- If the Infrastructure Owner has failed to provide accurate locates
- If the Infrastructure Owner has incorrectly provided a clearance
- If the Infrastructure Owner has failed to provide the information, or to provide accurate information, to a dedicated locator

Infrastructure Owners from Excavators

[Section 16 \(1\)](#)

- If an Excavator requests a locate to be delivered without the intention of starting excavation within 30 days
- Or the Excavator digs in a manner where they reasonably ought to know would damage or interfere with underground infrastructure



Step #1

Infrastructure Owners or Excavators seeking compensation should first attempt to work out financial compensation with each other

[Section 16 \(3\) and Section 17 \(3\)](#)

Step #2

If an agreement cannot be reached, the Ontario Land Tribunal (OLT) can make a determination

[Section 16 \(4\) and Section 17 \(4\)](#)

OLT PROCESS

- ✓ An individual would need to file an “A1” form.
 - The A1 form can be accessed on the OLT’s website at: [OLT | Form A1 \(gov.on.ca\)](#).
- ✓ The filing fee is approximately \$1,100 but should be confirmed by the applicant when they contact the OLT.
- ✓ **Please Note:** the A1 form captures many appeal/application types, with the focus on the more commonly-filed appeals. Therefore, the applicant should **contact the OLT** for specific guidance **before filing the form** using one of the following options listed on the OLT’s “Contact” page:
 - Tel: (416) 212-6349 or toll-free (866) 448-2248
 - Email: OLT.General.Inquiry@ontario.ca or OLT.Registrar@ontario.ca

