

**Memorandum of Understanding**  
**between**  
**Minister of Transportation**  
**and**  
**Chair of Ontario Northland Transportation Commission**

February 2024

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The parties to this Memorandum of Understanding (MOU) agree to the following:

## 1. Purpose

- a. The purpose of this MOU is to:
  - establish the accountability relationships between the Minister of Transportation and the Chair of the Ontario Northland Transportation Commission on behalf of the agency
  - clarify the roles and responsibilities of the minister, deputy minister, chair, chief executive officer (CEO) and the agency's board
  - clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the Ontario Northland Transportation Commission and the Ministry of Transportation.
- b. This MOU should be read together with the *Ontario Northland Transportation Commission Act*, R.S.O. 1990, c. O. 32, and all other applicable Government directives and legislation. This MOU does not affect, modify, or limit the powers of the Agency as set out under the *Ontario Northland Transportation Commission Act*, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the Act or regulation prevails.
- c. This MOU replaces the MOU between the parties dated October 1, 2020.

## 2. Definitions

In this MOU:

- a. "AAD" means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive.
- b. "Act" means the *Ontario Northland Transportation Commission Act*, R.S.O. 1990, c. O.32 that governs the agency.
- c. "Agency" or "Provincial Agency" means Ontario Northland Transportation Commission ("ONTC").
- d. "Annual Business Plan" means the Annual Business Plan described under article 9 of this MOU.
- e. "Annual Letter of Direction" means the annual letter issued to the chair from the minister outlining priorities for the year, previously referred to as the "mandate letter".
- f. "Annual Report" means the annual report referred to in article 9 of this MOU.
- g. "Applicable Government Directives" means the Government directives, policies, standards and guidelines that apply to the agency, as may be amended or replaced from time to time including but not limited to the list of applicable directives shown in Appendix 1 attached to this MOU.
- h. "Board" or "board of directors" means the commission members of the ONTC.
- i. "CEO" means the Chief Executive Officer of the ONTC.

- j. "Chair" means the chair of the board that is designated in accordance with the Act.
- k. "Commissioner" means a person appointed to the board (e.g., board member, director) by the Lieutenant Governor in Council, but does not mean an individual employed or appointed by the agency as staff.
- l. "Deputy Minister" means the Deputy Minister of Transportation or any such other person who may be designated.
- m. "Executive Council Act" means the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended.
- n. "FIPPA" means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended.
- o. "Fiscal Year" means the period from April 1 to March 31.
- p. "Government" means the Government of Ontario.
- q. "Legislative Assembly" means the Legislative Assembly of Ontario, which is made up of members of provincial parliament (MPPs) who are elected by Ontarians to represent them and their constituencies.
- r. "Lieutenant Governor in Council" means the Crown's representative in Ontario.
- s. "Minister" means the Minister of Transportation or such other person who may be designated from time to time as the responsible Minister in relation to this MOU in accordance with the *Executive Council Act*, as amended.
- t. "Minister of Finance" means the Minister of Finance or such other person who may be designated from time to time under the *Executive Council Act*.
- u. "Ministry" means the Ministry of Transportation or any successor to the ministry.
- v. "MOU" means this Memorandum of Understanding signed by the minister and the chair.
- w. "Northlander" means the passenger rail service between Toronto and Timmins/Cochrane.
- x. "Northern Ontario" means the geographic region that extends from the southern boundaries of Parry Sound and Nipissing, northward to the southern shores of Hudson Bay and James Bay.
- y. "Other Acts" means, *The Railways Act*, R.S.O. 1950, c.331; the charter of the *Nipissing Central Railway Company Act*, 6-7 Edward VII, c.112, as amended; the *Canada Transportation Act*, S.C. 1996, c.10, as amended; the *Railway Safety Act*, 1985, c. 32 (4<sup>th</sup> Supp.), as amended and any additional federal acts governing that portion of the ONTC railway owned by Nipissing Central Railway Company and motor coach services and includes all regulations made under those legislation.
- z. "President of the Treasury Board" means the President of the Treasury Board or such other person who may be designated from time to time under the *Executive Council Act*.

- aa. "Provincial representative" means a person appointed by the Lieutenant Governor in Council, who is entitled to receive notice and documents for all board meetings of the ONTC and to participate in the meetings.
- bb. "PSOA" means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A, as amended.
- cc. "Communications Protocol" means the framework to be agreed to between the agency and the ministry regarding their mutual roles and responsibilities relating to ongoing external and internal communications.
- dd. "Service levels" means the schedules and routes for services provided by rail freight and passenger services.
- ee. "TB/MBC" means the Treasury Board/Management Board of Cabinet.
- ff. "TBS" means the Treasury Board Secretariat.
- gg. "Vice-Chair" means the Vice-Chair of the Board that is designated in accordance with the Act.

### 3. Agency's legal authority and mandate

- a. The legal authority of the agency is set out in the Act.
- b. The Agency also exercises powers and authority under the other Acts.
- c. The Province of Ontario recognizes that Northern Ontario has unique transportation needs and challenges and has directed that the agency continue to provide efficient, affordable, safe and reliable transportation services in Northern Ontario. The agency should support the following priorities:
  - focus on operational excellence to deliver services in a cost-efficient, modern and effective manner and reduce service duplication
  - deliver or support the delivery of efficient, affordable, safe and reliable transportation services to enable the movement of goods and people to, from and across Northern Ontario while providing a secure connection to essential services
- d. The services provided by the agency are:
  - rail freight services
  - motor coach services, including Bus Parcel Express
  - Polar Bear Express Passenger (PBX) Rail Service and the Cochrane Station Inn
  - Northlander planning and implementation
  - remanufacturing and repair services for the agency's fleet (including maintenance services) and external customers

### 4. Agency type and public body status

- a. The Agency is designated as a Board-Governed Agency under the AAD.
- b. The Agency is prescribed as a public body in accordance with Ontario Regulation 146/10 under the *PSOA*. It is not organizationally part of the ministry, but it is considered to be within government.

### 5. Corporate status and crown agency status

- a. The Agency is a Crown agency within the meaning of the *Crown Agency Act*, R.S.O. 1990, c. C. 48.
- b. The agency has the capacity, rights, powers, and privileges of a natural person for carrying out its mandate, subject to any limitations under the Act, other applicable legislation, including any provisions prescribed by regulation for the *Not-for-Profit Corporations Act*,

2010, the *Corporations Information Act* and the *Business Corporations Act* and limitations imposed by TB/MBC.

## 6. Guiding principles

The parties agree to the following principles:

- a. The Minister recognizes that the agency exercises powers and performs duties in accordance with the Act and applicable law.
- b. The Minister recognizes that the agency supports the ministry in the development of the policies and programs of the government, as well as in the implementation of those policies and delivery of programs.
- c. The board acknowledges that it is accountable, through the minister, to the Legislative Assembly in exercising its mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the agency. The Board acknowledges that it is accountable to the minister, through the chair, for governance and oversight of the agency.
- d. The agency will conduct itself according to the management principles of the government. These principles include acting in the best interests of the people of Ontario, ethical behaviour, prudent, effective, and lawful use of public resources, fairness, high quality service to the public and openness and transparency to the extent allowed under the law.
- e. The minister and the board, through the chair, are committed to a strong agency that is empowered to fulfill its mandate efficiently and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the agency and fulfillment of its statutory responsibilities.
- f. The agency and the ministry will work together in a mutually respectful manner and agree to avoid duplication of services wherever possible.

## 7. Accountability relationships and responsibilities

### 7.1 Minister

The minister is accountable to Cabinet and the Legislative Assembly for the agency's fulfilment of its mandate, performance and compliance with applicable government legislation, directives and accounting, financial and other policies, and for reporting to the Legislative Assembly on the agency's affairs.

The minister is also accountable for reporting and responding to TB/MBC on the agency's performance and compliance with applicable government legislation, directives and accounting, financial and other policies.



The minister's responsibilities include:

#### Mandate and strategic direction

- a. Providing the government's strategic direction to the agency for transportation services to, from, and across Northern Ontario and other work that the agency undertakes as part of its mandate and informing the board, through the chair, of the government's priorities and policy directions for the agency.
- b. Ensuring that the ministry works with the agency to achieve the agency's mandate.
- c. Outlining the high-level expectations, key commitments and performance priorities for the agency at the beginning of the annual business planning cycle through the agency's Annual Letter of Direction. The Annual Letter of Direction shall be provided to the agency in accordance with the timelines specified in the AAD.
- d. Proactively informing the board, through the chair, of the government's priorities and broad policy directions for the agency.
- e. Recommending to TB/MBC the powers to be given to, or revoked from, the agency and seeking appropriate legislative or regulatory amendments, when a change to the agency's mandate is being proposed.
- f. Where applicable, recommending to the Lieutenant Governor in Council for the appointment of a provincial representative and an alternate representative, in accordance with the Act.
- g. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the agency, pursuant to the process for agency appointments established by legislation and/or by TB/MBC through the AAD.
- h. Reviewing the advice or recommendation of the chair on candidates for appointment or re-appointment to the board.
- i. Making recommendations to Cabinet and the Lieutenant Governor in Council for the appointment of the CEO and determination of the remuneration and benefits to be paid to the CEO.

#### Oversight and delivery

- j. Recommending to TB/MBC any provincial funding to be allocated to the agency.
- k. Reporting and responding to the Legislative Assembly on the affairs of the agency.
- l. Reporting and responding to TB/MBC on the agency's performance and compliance with applicable government legislation, directives, and accounting, financial and other policies.
- m. Approving the agency's Annual Report and Business Plan, and tabling the Annual Report in the Legislative Assembly, in accordance with the timelines specified in the AAD.
- n. Ensuring that the agency's Annual Report and Business Plan are made available to the public after it is tabled, in accordance with the timelines specified in the AAD.

- o. Determining at any time the need for a review or audit of the agency, directing the chair to undertake reviews of the agency on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the agency resulting from any such review or audit.
- p. When appropriate or necessary, take action or direct the agency to take corrective action with respect to the agency's administration or operations. This includes but is not limited to corrective actions related to safety and non-compliance.
- q. Developing the agency's MOU with the chair, as well as any amendments to it, and signing the MOU into effect after it has been signed by the chair.

#### Communication

- r. Meeting with the chair to discuss issues relating to the fulfilment of the agency's mandate, including the development of appropriate performance measurements, overviews of recent trends, future improvements, and relevant performance targets for the agency that reflect the government's priorities and policy directions for the agency.
- s. Consulting, as appropriate, with the chair (and others) on significant new directions or when the government is considering regulatory or legislative changes for the agency.
- t. Consulting, as appropriate, with the chair on upcoming board vacancies, potential candidates for board member positions, competency gaps on the board and board succession planning.

## 7.2 Chair

The chair, on behalf of the board, is accountable to the minister for the agency's fulfilment of its mandate, performance, and compliance with applicable government legislation, directives, and accounting, financial and other policies, and for carrying out the roles and responsibilities assigned to the chair under the Act, this MOU, and applicable government directives.

The chair, on behalf of the board, is also accountable for reporting to the minister, as requested, on the agency's activities, and for ensuring timely communications with the minister regarding any issue that affects, or can reasonably be expected to affect, the minister's responsibilities for the agency.

The Chair is responsible for supporting the board in:

#### Mandate and strategic direction

- a. Providing leadership to the agency by working with the board to set the goals, objectives and strategic directions within its mandate.
- b. Assessing the CEO's performance in consultation with the board and in accordance with board policies. This consultation may also include the minister, as required at the discretion of the minister.

- c. Convening and chairing board meetings, including the management of the board's agenda, in accordance with the Act. Where applicable, ensuring the provincial representative and alternate representative are accommodated in accordance with the Act.
- d. Keeping the minister informed of upcoming appointment vacancies, assessing board needs and competency gaps, reviewing qualifications of potential board candidates, and providing recommendations for appointments or re-appointments, in alignment with government best practices.
- e. Providing an up-to-date skills matrix to the minister on an annual basis, or as requested, outlining the skills and competencies held by current members of the board and any needs or competency gaps that may exist within the board.
- f. Submitting a board and CEO succession plan to the minister annually, or as requested.
- g. Leading the proposed board recruitment process for the CEO and making a recommendation to the minister for the appointment of the board's preferred candidate for CEO and the CEO's remuneration and benefits.
- h. Seeking strategic policy direction for the agency from the minister.
- i. Developing the Agency's MOU with the minister and signing it on behalf of the board.

#### Oversight and delivery

- j. Providing leadership to the board and ensuring that it carries out its responsibilities for decisions regarding the agency and that the work of the agency complies with applicable government and ministry plans, policies and directives.
- k. Ensuring the agency prioritizes the safety of customers, employees and transportation operations and is compliant with all applicable government legislation, agreements, and directives.
- l. Providing regular updates and report backs to the minister on progress in the implementation of directives issued by the minister, including but not limited to the Annual Letter of Direction and other Letters of Direction, along with accompanying performance measurement and evaluation as applicable.
- m. Reporting to the minister, as requested, on the agency's activities and implementation of government directives within agreed upon timelines, including an annual letter confirming the agency's compliance with all applicable government legislation, directives and accounting, financial and other policies.
- n. Ensuring that requests for minister or government approval have all appropriate internal agency approvals, in accordance with any relevant supporting documentation on approval processes, and adhere to requirements specified by the minister, prior to submitting requests to the minister for consideration.
- o. Ensuring that the agency operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.
- p. Cooperating with any review or audit of the Agency directed by the Minister or TB/MBC.

- q. Providing the minister with a copy of every Auditor General of Ontario and Treasury Board audit report, other finance audit reports or audits upon request (e.g., Transport Canada Safety Management System audits), a copy of the agency's response to each report, and any recommendation in the report, if applicable.
- r. Advising the minister annually on any outstanding audit recommendations.
- s. Fulfilling the role of ethics executive for the CEO and public servants who are board members, by promoting ethical conduct and ensuring that all board members, officers and employees of the agency are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under that Act, including the political activity rules, and the *Business Corporations Act* with respect to disclosure of wrongdoing, conflict of interest, and standard of care.
- t. Ensuring compliance with applicable government legislation, TB/MBC policy obligations, directives, accounting, financial and other policies.
- u. Ensuring appropriate management systems are in place (financial, information technology, and human resources) for the effective administration of the agency.
- v. Reviewing and approving claims for per diems and travel expenses for board members.
- w. Submitting the agency's Annual Business Plan, budget, annual report and financial reports, on behalf of the board, to the minister in accordance with the timelines specified in the applicable TB/MBC and government directives.
- x. Working with the ministry, as necessary, to identify and assess risks.

#### Communications

- y. Ensuring timely and consistent communications with the minister regarding any issues or events that may concern or can reasonably be expected to concern the minister in the exercise of their responsibilities relating to the agency.
- z. Ensuring timely and consistent consultation with the minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, the agency's mandate or on the agency's powers or responsibilities as set out in the Act.
- aa. Acting as the lead spokesperson as appropriate, in partnership with the CEO and in compliance with the Public Communications Protocol, on all agency matters, including representing the board at meetings with the minister and deputy minister.
- bb. Ensuring agency compliance with established ministry communication processes and protocols, including the Communications Protocol.

### 7.3 Board of directors / Commission

The board is accountable, through the chair, to the minister for the management or supervision of the management of the board's business and affairs, setting goals and objectives, and supporting the strategic direction for the agency within its mandate; and for carrying out the roles and responsibilities assigned to it by the Act, this MOU, and applicable TB/MBC, PSOA and other government legislation, directives, and accounting, financial and other policies.

The board's responsibilities include:

#### Mandate and strategic direction

- a. Establishing the goals and objectives to support the strategic direction for the agency within its mandate.
- b. Governing the affairs of the agency within its powers and responsibilities as set out in the Act, the approved Annual Business Plan as described in this MOU, and applicable government directives.

#### Oversight and delivery

- c. Ensuring that the work of the agency complies with the applicable legislation, accounting, financial and other policies, and directives.
- d. Ensuring, through the chair and CEO, as applicable, the timely communication and prompt and efficient implementation of the minister's or government's direction to relevant agency staff, including but not limited to directives issued by the minister under the Act.
- e. Where applicable, ensuring that conflict of interest rules that the agency is required to follow, as established under the Public Service of Ontario Act, are adhered to by board members and employees of the agency.
- f. Directing corrective action on the functioning or operations of the agency, if needed.
- g. Establishing performance measures, performance targets, and management systems for monitoring and assessing the agency's performance in alignment with the government's priorities and broad policy directions for the agency and providing overviews of recent trends and plans for improvement.
- h. Setting policies to ensure that the agency uses public funds with integrity and honesty, and with due regard to economy and efficiency, and that the Agency operates within its approved budget allocation.
- i. Establishing and reviewing such board committees or oversight mechanisms as may be required to advise the board on effective management, governance or accountability procedures for the agency.
- j. Performing an annual assessment of the effectiveness of the board as a whole and on individual board members including the chair and vice-chair.

- k. Managing or supervising the management of the agency's business and affairs, subject to any ministerial directives issued under the Act.
- l. Making by-laws and resolutions governing the agency's proceedings and generally for the conduct and management of the business and affairs of the agency, as necessary, and providing by-laws for minister approval.
- m. Making meetings open to the public on any occasion determined by the board where appropriate.
- n. Directing the development of and approving the agency's Annual Business Plan for submission to the minister in accordance with the timelines established by the Act or the AAD as applicable.
- o. Directing the preparation of and approving the agency's Annual Reports for submission to the minister for approval and for tabling in the Legislative Assembly within the timelines established by the Act or the AAD as applicable.
- p. Ensuring that the agency is governed in an effective and efficient manner according to accepted business and financial practices, and in accordance with applicable TB/MBC directives.
- q. Approving the agency's MOU, and any amendments to the MOU, in a timely manner and authorizing the chair to sign the MOU, or any amendments to the MOU, on behalf of the agency.
- r. Approving the agency's reports and reviews that may be requested by the minister from time to time for submissions to the minister within agreed upon timelines.
- s. Directing the development of an appropriate risk management framework and a risk management plan and arranging for risk-based reviews and audits of the agency as needed.
- t. Cooperating with and sharing any relevant information on any risk-based or periodic review directed by the minister or TB/MBC.
- u. Providing advice to the government, through the minister, on issues within or affecting the agency's mandate and operations.
- v. Providing recommendations to the minister regarding an appointment of the chair and vice-chair.
- w. Establishing the processes for recruitment of the CEO and the recommendation by the chair to the minister for the CEO's appointment and remuneration and benefits.
- x. Determining the preferred CEO candidate to be recommended by the chair to the minister for appointment.

#### Communications

- y. Consulting, as appropriate and in compliance with the Communications Protocol, with stakeholders and Indigenous communities and organizations on the agency's goals and objectives to support strategic direction.

## 7.4 Deputy Minister

The deputy minister is accountable to the Secretary of the Cabinet and the minister for the performance of the ministry in providing administrative and organizational support to the agency and for carrying out the roles and responsibilities assigned by the minister, the Act, this MOU, and applicable TB/MBC, PSOA and government directives.

The deputy minister is also accountable for attesting to TB/MBC on the agency's compliance with applicable TB/MBC directives.

The deputy minister's responsibilities include:

### Mandate and strategic direction

- a. Advising and assisting the minister regarding the minister's responsibilities for the agency, including informing the minister of policy direction, policies and priorities of relevance to the agency's mandate as well as advising on the requirements of applicable government directives.
- b. Recommending to the minister, as may be necessary, the evaluation or review, including a risk-based review, of the agency or any of its programs, or changes to the management framework or operations of the agency.
- c. Advising the minister on documents submitted by the agency to the minister for review and/or approval.

### Oversight and delivery

- d. Attesting, with the agency's supporting documentation, to TB/MBC on the agency's compliance with the mandatory accountability requirements set out in the AAD and other applicable government legislation, directives, and accounting, financial and other policies based on the Annual Letter of Compliance from the chair to the minister.
- e. Ensuring that the agency has an appropriate risk management framework and a risk management plan in place for managing risks that the agency may encounter in meeting its program or service delivery objectives.
- f. Providing advice to the minister on the development of the full cycle of performance measurement and evaluation frameworks to support alignment with the government's priorities and broad policy directions, enhanced governance and accountability, and continuous improvement for the agency.
- g. Monitoring the agency on behalf of the minister while respecting the agency's authority, identifying needs for corrective action where warranted, and recommending to the minister ways of resolving any issues that might arise from time to time.
- h. Working to ensure delivery on government priorities and direction within the agency's funding allocation and facilitating the necessary TB/MBC and Cabinet approvals to support the agency's budget, capital and operating needs.

- i. Reporting to TBS on the agency and ministry's compliance with the AAD, as required.
- j. Ensuring that the ministry and the agency have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the agency.
- k. Monitoring agency progress on implementing direction provided to the agency through government directives issued, including the Annual Letter of Direction and other Letters of Direction.
- l. Undertaking timely risk-based reviews of the agency, its management or operations, as may be directed by the minister or TB/MBC.
- m. Establishing a framework for reviewing and assessing the agency's Annual Business Plans and other reports.
- n. Cooperating with and/or undertaking any reviews of the agency as directed by the minister or TB/MBC.
- o. Developing a draft MOU with the CEO and/or chair of the agency, as well as any amendments to the MOU, as directed by the minister.

#### Communications

- p. Facilitating regular briefings and consultations between the chair/CEO and the minister, and between ministry staff and agency staff, as needed.
- q. Ensuring ministry compliance with established processes and protocols, including the Communications Protocol.
- r. Informing the chair or CEO, in writing, of new government directives and any exceptions to, or exemptions in whole or in part from applicable government and ministry plans, policies and directives.
- s. Maintaining an open and co-operative working relationship with the agency with respect to all governance planning, financial, administrative and operational matters through regular meetings with the agency.

### **7.5 Chief Executive Officer**

The CEO is responsible for the operation of the agency, subject to the supervision and direction of the board. The CEO is accountable to the board for the management and administration of the agency, the supervision of agency staff, and carrying out the roles and responsibilities assigned by the board, the Act, this MOU, and applicable government directives. The CEO works under the direction of the chair to implement policy and operational decisions. The CEO reports the agency's performance results to the board, through the chair.



The CEO's responsibilities include:

#### Mandate and strategic direction

- a. Managing the day-to-day operational, financial, project delivery, and administrative affairs of the agency in accordance with the agency's mandate, the Act, applicable legislation, accounting, financial and other policies and directives, this MOU, Ontario's direction regarding consultation and/or engagement with Indigenous communities and organizations and other Letters of Direction.
- b. Ensuring the timely communication of the minister's or government's direction to relevant business lines to ensure its prompt and efficient implementation.
- c. Translating the goals, objectives, and direction of the board into operational plans and activities in accordance with the agency's approved Annual Business Plan.

#### Oversight and delivery

- d. Preparing the Annual Report and Annual Business Plan, quarterly reports, financial reports, budgets and any other reports, plans or documents for submission to and approval by the board, as required by the minister, the Act and this MOU, or as directed by the board.
- e. Advising the chair on the requirements of and the agency's compliance with Government of Ontario and Government of Canada legislation, directives, and accounting, financial and other policies as well as agency by-laws and policies, including annually attesting to the chair on the agency's compliance with mandatory requirements.
- f. Applying policies and procedures so that public funds are used with integrity and honesty.
- g. Providing leadership and management to agency staff, including human and financial resources management, in accordance with the approved Annual Business Plan, accepted business and financial practices and standards, the Act and applicable government directives.
- h. Establishing and applying a financial management framework for the agency in accordance with applicable directives, policies, and guidelines as directed by the Minister of Finance and/or the President of Treasury Board.
- i. Ensuring that the agency has the oversight capacity and an effective oversight framework in place for delivering its programs and services and monitoring its management, operations and outcomes.
- j. Keeping the board, through the chair, informed with respect to implementation of policy and the operations of the agency.
- k. Ensuring that requests for minister or government approval are provided to the ministry in a timely manner, have all appropriate internal approvals and adhere to requirements specified by the minister or government.
- l. Providing the ministry with documents in a timely manner that require minister's review or approval, in accordance with any relevant supporting documentation on approval processes.

- m. Ensuring that the minister, the deputy minister, and the ministry are consulted in a timely manner on all matters that may have an impact on the government and ministry's policies, directives or procedures, including consultation and engagement with Indigenous communities and/or organizations and where required, provide relevant supporting materials and seek the necessary approval from the minister and government, prior to any implementation of such matter.
- n. Carrying out in-year monitoring of the agency's performance and reporting on results to the board through the chair.
- o. Fulfilling the role of ethics executive for public servants, other than board members, who work in the agency, by promoting ethical conduct and ensuring that all employees of the agency are familiar with the ethical requirements of the PSOA and the regulations and directives made under that Act, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing.
- p. Ensuring agency reporting to the appropriate body (e.g., Transportation Safety Board, the ministry, etc.) as soon as possible, on all transportation-related safety occurrences in accordance with the requirements and procedures set out by the appropriate body and notify the ministry as soon as possible when a report is made, via the existing Incident Protocol process and per the guidelines identified by the Transportation Safety Board.
- q. Establishing and applying the agency's risk management framework and risk management plan in place as directed by the board.
- r. Seeking support and advice from the ministry, as appropriate, on agency management issues.
- s. Establishing and applying a system for the retention of agency documents and for making such documents publicly available when appropriate, and for complying with the FIPPA where applicable.
- t. Undertaking timely risk-based reviews of the agency's management and operations.
- u. Cooperating with a periodic review directed by the minister or TB/MBC.

#### Communications

- v. Ensuring agency compliance with established ministry processes and protocols, including the Communications Protocol.
- w. Proactively keeping the ministry and the chair advised on issues or events in a timely manner that may concern the government, minister, the deputy minister and the chair in the exercise of their responsibilities.
- x. Consulting with the deputy minister as needed, including on services provided by the ministry, and on applicable government and ministry plans, policies and directives.
- y. Acting as the lead spokesperson, as appropriate and in compliance with the Communications Protocol, and in partnership with the chair, on all agency matters and delegating this role in whole or in part to senior staff members as necessary or appropriate.

- z. Providing updates, on a quarterly basis, to the ministry on the agency's progress on implementing directives issued under the Annual Letter of Direction and other Letters of Direction, along with accompanying performance measurement and evaluation as applicable.

## 8. Ethical framework

Board members appointed by the Lieutenant Governor in Council are subject to the conflict-of-interest provisions of the AAD and the conflict-of-interest provisions of the Act, the PSOA and its regulations, and the conflict-of-interest disclosure provisions of the *Business Corporations Act*, as applicable.

Board members shall not use any information gained as a result of their appointment to or membership on the board for personal gain or benefit or act in any other way that may cause an actual or perceived conflict of interest as set out in the *PSOA* or the *Business Corporations Act*. A board member who has reasonable grounds to believe that they have a conflict of interest in a matter before the board, or a committee of the board, shall disclose the nature of the conflict, in accordance with the applicable provisions of the *Act* or *Business Corporations Act* and shall refrain from further participation in the consideration of the matter. The chair shall cause to be recorded in the minutes of the meeting of the board any declared conflicts of interest.

The chair, as the ethics executive for the board and CEO, is responsible for ensuring that board members are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the agency.

The *PSOA* ethical rules apply to board members and employees of agencies designated as public bodies/commission public bodies.

The agency shall follow the Conflict-of-Interest rules as set out by the Office of the Integrity Commissioner of Ontario or may submit their Conflict-of-Interest Policy to the Office of the Integrity Commissioner of Ontario and provide the ministry with a copy and any subsequent updates, if applicable.

## 9. Reporting requirements

The chair, on behalf of the board, is responsible for:

- a. Ensuring that the minister is provided annually with the agency's Business Plan within 90 days before the beginning of the fiscal year. The Business Plan shall be in accordance with the requirements set out in the AAD and the Act.
- b. Ensuring that the agency's Annual Report is prepared and submitted to the minister no later than 120 calendar days of after the agency's fiscal year end. The Annual Report shall be in accordance with the requirements set out in the AAD and the Act.

- c. Ensuring that the reports and documents, as specified by the ministry as reporting requirements, are prepared and presented to the ministry in accordance with ministry content and timeline requirements.
- d. Supplying specific data and other information, at the request of the ministry or the deputy minister, that may be required from time-to-time for the purpose of the ministry's administration.
- e. Providing the ministry with all materials for board meetings, excluding in-camera materials unless specifically requested, for review at least 12 business days in advance of the meeting dates, as applicable.

## **10. Public posting requirements**

The chair, on behalf of the board, is responsible for:

- a. Ensuring that the MOU, agency Annual Letter of Direction, Annual Business Plan, Annual Report, and final and audited financial statements are posted in an accessible format, in both official languages, on the agency's website within the timelines established in the AAD, the Act, or as directed by the minister.
- b. Ensuring that posted governance documents do not disclose personal information, sensitive employment and labour relations information, solicitor-client privileged information, agency confidential information, Cabinet confidential information, trade secrets or scientific information, information that would prejudice the financial or commercial interests of the agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the agency.
- c. Ensuring that the expense information for board members and senior management staff are posted on the agency or ministry website, in accordance with the requirements of the Management Board of Cabinet Travel, Meal and Hospitality Expenses Directive.
- d. Ensuring that any other applicable public posting requirements are met.

## **11. Communications and issues management**

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the agency is essential for the minister to meet their responsibilities for reporting and responding to the Legislative Assembly on the affairs of the agency. The parties also recognize that it is essential for the chair, on behalf of the board, to be kept informed of the government initiatives and broad policy directions that may affect the agency's mandate and functions.

The minister and the chair, on behalf of the board, therefore, agree that:

- a. The chair will ensure that the minister is advised, in a timely manner, of all planned events or issues, including contentious matters that concern or can be reasonably expected to concern the minister in the exercise of their responsibilities.

- b. The minister will consult with the chair in a timely manner, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the agency's mandate or functions, or which otherwise will have a significant impact on the agency.
- c. The minister and the chair will ensure the other party is consulted on public communication strategies and publications. They will keep each other informed of the results of stakeholder, Indigenous communities and organizations, other public consultations, engagements, and discussions.
- d. The minister and the chair will meet at least quarterly or as requested by either party, to discuss issues relating to the fulfillment of the agency's mandate, management and operations, including the delivery of the agency's programs and services.
- e. The deputy minister and the CEO will meet at least monthly, or as requested by either party, to discuss issues relating to the delivery of the agency mandate and the efficient operation of the agency. The deputy minister and the CEO shall provide timely information and advice to each other concerning significant matters affecting the agency's management or operations, including the delivery of programs and services.
- f. The agency and ministry will comply with the Communications Protocol, which sets out a clear framework for the ministry and the agency regarding their responsibilities relating to issues management, Indigenous communities and stakeholder engagement, media responses, employee communication, customer and regulatory communication, advertising, announcements and events, and news releases.
- g. The agency shall recognize the financial support of the government, through the ministry, in all its financial, educational, and promotional materials, in accordance with guidelines established by the ministry and be in compliance with TB/MBC's Visual Identity Directive.

## **12. Administrative arrangements**

### **12.1 Applicable government directives**

- a. The Ministry will inform the agency of amendments or additions to government directives, policies, and guidelines that apply to the agency; however, the agency is responsible for substantially complying with all applicable government directives, policies, and guidelines to which it is subject. Appendix 1 of this MOU provides a representative list of applicable government directives, policies, and guidelines.

### **12.2 Administrative and organizational support services**

- a. Subject to statutory requirements and the applicable government legislation, directives, and accounting, financial and other policies, the agency may establish its own administrative, financial, procurement, human resource and operational policies and guidelines, exercising sound business acumen and operational flexibility.
- b. As an agent of the Crown, the agency shall conduct itself according to the management

principles of the government. These principles include upholding the honour of the Crown, ethical behaviour, accountability, excellence in management, prudent use of public funds and fairness in the marketplace.

- c. Staff are hired by the agency and are public servants as defined in the *PSOA*. The agency's employment matters are governed by the *Canada Labour Code, 1985* and the *Canada Human Rights Act*.

### **12.3 Agreements with third parties**

The chair is responsible for ensuring that the legal, financial and other interests of the province are protected in any agreement that the agency may enter into with a third party.

Only in the ordinary course of business when it requires expertise unavailable from agency staff, the agency may retain outside consulting assistance. Consulting services are to be obtained in accordance with the province's procurement rules and the agency's procurement policies.

### **12.4 Legal services**

The agency's Legal Services department, as headed by the General Counsel and Corporate Secretary, advises the agency on matters of law. On a number of legal transactions across different business lines, when required, the agency uses the legal services of external legal counsel. The agency has the independent authority to retain external legal counsel and is not required to comply with the Ministry of the Attorney General's Operating Policy on Acquiring and Using Legal Services.

### **12.5 Creation, collection, maintenance and disposition of records**

- a. The CEO is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The board, through the chair, is responsible for ensuring that the agency complies with all government legislation, directives and accounting, financial and other policies related to information and records management.
- c. The CEO, the chair and the board shall protect the legal, fiscal and other interests of the agency by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the agency. This includes, but is not limited to, all electronic records, such as emails, information posted on the agency's website(s), database data sets, and all records stored on personal computers, shared drives, and cloud-based computing services.
- d. The chair, on behalf of the board, is responsible for ensuring measures are implemented requiring the agency's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs, and consultation activities, including with Indigenous communities and organizations.

- e. The board, through the chair, is responsible for ensuring that the agency complies with the *Archives and Recordkeeping Act, 2006*.

## **12.6 Intellectual property**

- a. The CEO is responsible for ensuring that the legal, financial and other interests of the government related to intellectual property are protected in any contract that the agency may enter into with a third party that involves the creation of intellectual property.
- b. The agency is to be guided by the definition of intellectual property as set out in the *Managing, Distributing and Pricing Government Information (Intellectual Property) Directive*.

## **12.7 Freedom of information and protection of privacy**

- a. The chair and the minister acknowledge that the agency is bound to follow the requirements set out in FIPPA in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The chair is the institution head for the purposes of the FIPPA.
- c. The chair has delegated all their powers and duties under the FIPPA with respect to the agency to General Counsel pursuant to a delegation document dated July 10, 2020, as amended from time to time. General Counsel recognizes that the chair is ultimately responsible and accountable to the Legislature for ensuring compliance with the FIPPA.

## **12.8 Service standards**

- a. The agency shall establish customer service and quality standards that are consistent with the appropriate standards of the government, the ministry and the Ontario Public Service, including compliance with the *Accessibility for Ontarians with Disabilities Act, 2005* and with the *French Language Services Act, 1990* and the *Accessible Transportation for Persons with Disabilities regulations (SO/2019-44)*.
- b. The chair will ensure that the agency delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive.
- c. The agency has in place a formal process for responding to complaints about the quality of services received by passenger services customers of the agency consistent with the government's service quality standards.
- d. The agency's Annual Business Plan will include performance measures overviews of recent performance trends, and targets for customer service and the agency's response to complaints.

## 13. Financial arrangements

### 13.1 General

- a. All financial procedures for the agency shall be in accordance with applicable TB/MBC and Ministry of Finance directives and guidelines, ministry corporate financial and administrative policies and procedures, and other government guidelines, directives and policies, including those set out in Appendix 1 of this MOU.
- b. When ordered to do so by the Minister of Finance and/or the President of the Treasury Board, pursuant to the *Financial Administration Act*, the agency shall pay into the Consolidated Revenue Fund (CRF) any money that the Minister of Finance and/or the President of the Treasury Board determines is surplus to its current needs.
- c. Per the *Financial Administration Act, 1985*, the agency shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities of the government without the written approval of the Minister of Finance and/or the President of the Treasury Board, as applicable. By policy, Ministry of Finance and TBS require that agency approval requests be made on its behalf by the minister or deputy minister, as applicable.
- d. The agency's approved operating and capital subsidy allocations may be adjusted in a given year if in-year fiscal constraints are ordered by Cabinet or the minister. The agency will be provided with notice of changes to its allocation as soon as reasonably possible. Where the agency must reallocate resources as a result of its operating and/or capital allocations being adjusted, the agency shall inform and discuss the changes with the ministry before making such changes.

### 13.2 Funding

- a. The agency will be funded through transfer payments from the ministry in accordance with approved funding through the TB/MBC approval process.
- b. The agency is funded by the government, out of the Consolidated Revenue Fund pursuant to an appropriation authorized by the Lieutenant Governor in Council, and is subject to adjustments made by the minister, TB/MBC or the Legislative Assembly.
- c. The revenues and receipts of the agency shall be applied to the payment of all costs, liabilities, obligations and expenditures properly incurred or made, and all surpluses shall be paid into the CRF at such times and in such amounts as the Lieutenant Governor in Council may direct.
- d. Subject to ministry approval, the agency may enter into funding arrangements and/or receive funding from the federal government, municipalities, private donors or other entities to assist with funding for its services.
- e. The agency's operating and capital funding is approved by TB/MBC through the government's multi-year budget planning process. Any approvals for additional



operating or capital funding during a fiscal year must be obtained by the minister through the appropriate TB/MBC approval process. Ministry and agency staff shall review the agency's budget submission and jointly prepare the required documentation related to seeking those approval(s).

- f. The board, through the chair, shall inform the ministry at least on a quarterly basis on the anticipated spending of the operating and capital allocations. If the agency does not anticipate spending the full operating or capital allocations, the agency shall inform the ministry as early as possible and, at a minimum, three months prior to the end of the fiscal year.
- g. The agency will comply with applicable government expenditure management direction, including limits on discretionary spending, hiring and travel restrictions, and deferral of planned expenditures.
- h. The agency shall maintain a bank account in its own name and manage its financial activities, including leasing, investment and management of cash in accordance with the Ontario Financing Authority's policy directions.
- i. The CEO will prepare estimates of the agency's expenditures for inclusion in the ministry's multi-year budget planning process for presentation to the Legislative Assembly. The chair will deliver these estimates to the minister in sufficient time to be analyzed and approved by the minister.
- j. The agency will submit, in a manner agreed to by the ministry, requests for funding on an as needed basis. Requests for funding should align with the agreed upon process between the agency and the ministry. The ministry will endeavour to arrange for the transfer of funds on a timely basis.
- k. The estimates provided by the chair may be altered as required. The parties acknowledge that TB/MBC has final decision-making authority.

### **13.3 Financial reports**

- a. The chair, on behalf of the board, will provide to the minister audited annual financial statements, and post them publicly, and will include them as part of the agency's Annual Report. The statements will be provided in a format that is in accordance with the province's stated accounting policies issued by the Office of the Provincial Controller Division.
- b. The agency will submit its salary information to the Minister of Finance and/or the President of the Treasury Board, through the ministry, in accordance with the *Public Sector Salary Disclosure Act, 1996*.
- c. Per article 9 of this MOU, the agency will provide required financial and administrative reporting in accordance with ministry established content and timeline requirements.
- d. The CEO will:
  - provide to the ministry procurement plans and activity updates on a semi-annual basis (March and September) for those procurements exceeding the lowest trade

agreement thresholds which are updated every two years (at January 1, 2024, Goods \$33,400, Services \$133,800 and, Construction \$133,800). Activity updates shall include all non-competitive procurements by ONTC including rationale.

- provide to the ministry a copy of all procurement policy, process, and related documents (i.e., Conflict of Interest, Delegation of Authority) and any subsequent revisions.

### **13.4 Taxation status: Harmonized Sales Tax (HST), Retail Sales Tax (RST), and Quebec Sales Tax (QST)**

#### Collection/Remittance of HST, RST and QST

- a. The agency is responsible for complying with its obligations as a supplier under the Federal *Excise Tax Act* (Canada) to collect and remit HST, RST and QST in respect of any taxable supplies made by it.

#### Payment/Recovery of HST, RST and QST

- b. The agency is responsible for paying HST, RST and QST where applicable, in accordance with the *Excise Tax Act* (Canada).
- c. The agency is not entitled to claim HST, RST and QST government rebates.
- d. The agency is expected to claim any refunds, input tax credits or other rebates under the *Excise Tax Act* (Canada) for which it is eligible.

## **14. Audit and review arrangements**

### **14.1 Audits**

- a. The agency is subject to periodic review and value-for-money audit by the Office of the Auditor General of Ontario (OAGO) under the *Auditor General Act* or by the Ontario Internal Audit Division (OIAD) of TBS.
- b. The OIAD may also carry out an internal audit, if approved to do so by the Sector Audit Committee or by the Ontario Internal Audit Committee.
- c. Regardless of any previous or annual external audit, the minister may direct that the agency be audited at any time.
- d. The agency will promptly notify the deputy minister and minister of:
  - notice to the agency from the OAGO that the agency has been selected for an audit or special assignment, or, of the commencement of follow-up activity on past audits or special assignments within their mandate
- e. The agency will promptly provide a copy of:

- every report from an audit initiated by the Auditor General of Ontario, by Ontario Internal Audit Division and the Standing Committee on Public Accounts to the deputy minister (if access not restricted by Auditor General of Ontario), the minister, and the Minister of Finance/President of Treasury Board, including a copy of its response to the audit report and any recommendations therein. The agency will provide updates to the deputy minister and minister on Ontario Internal Audit Division (OIAD) and the Standing Committee on Public Accounts in accordance with their established report back timelines and will advise the deputy minister and minister annually on any outstanding audit recommendations.
  - The agency's internal audit plan and board reports from audits initiated through the agency's internal audit plan to the minister, including any actions taken in response to the agency's internal audit recommendations and regular updates on the implementation status of recommendations.
  - external investigations/compliance audits (e.g. Transportation Safety Board, Transport Canada Audits), including the agency's response to recommendations and update on status of recommendations annually.
- f. The chair, on behalf of the board, may request an external audit of the financial transactions or management controls of the agency, at the agency's expense.
- g. In accordance with the Act, the board shall appoint one or more licensed public accountants to audit the accounts and transactions of the agency and of its subsidiary corporations for the previous fiscal year.
- h. Audited financial statements will be included in the agency's Annual Report.

## 14.2 Other reviews

- a. The agency is subject to periodic review initiated at the discretion and direction of TB/MBC or the minister. The review may cover such matters relating to the agency that are determined by TB/MBC or the minister, and may include the mandate, powers, governance structure and/or operations of the agency.
- b. In requiring a periodic review, the minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the chair, the board, and the minister, and how any other parties are involved.
- c. A mandate review of the provincial agency will be conducted at least once every six years.
- d. The minister will consult the chair, on behalf of the board, as appropriate during any such review.
- e. The chair, board and CEO will cooperate in any review of the agency, including the timely provision of requested information.

- f. In the event of a review initiated at the direction of the minister, the minister shall submit any recommendations for change that are developed from the results of the review regarding the agency to TB/MBC for consideration.

## **15. Staffing and appointments**

### **15.1 Staffing requirements**

- a. Agency employees are employed under the Act.
- b. The agency is regulated by the Canada Labour Code and the Canada Human Rights Code.

### **15.2 Appointments**

- a. The Lieutenant Governor in Council on the recommendation of the minister as set out in the Act shall:
  - a. Appoint members of the board. There is no fixed term of appointment.
  - b. Designate a chair and vice-chair from the members of the board. There is no fixed term of appointment.
- b. The CEO, who shall be an employee of the agency, is appointed by the Lieutenant Governor in Council on the recommendation of the minister as set out in the Act.
- c. The board shall be composed of not fewer than three (3) persons and not more than nine (9) persons.
- d. A provincial representative and an alternative representative may be appointed by the Lieutenant Governor in Council on the recommendation of the minister.

### **15.3 Remuneration**

- a. Remuneration for board members is set by the Lieutenant Governor in Council.
- b. Remuneration and benefits for the CEO is set by the Lieutenant Governor in Council.
- c. Travel expenses of board members must comply with the Management Board of Cabinet Travel, Meal and Hospitality Expenses Directives. Reasonable expenses shall be reimbursed.

## **16. Risk management, liability protection and insurance**

### **16.1 Risk management**

- a. The chair, on behalf of the board, is responsible for ensuring that a risk management strategy is developed for the agency, in accordance with the OPS Enterprise Risk Management Directive and guided by the OPS Enterprise Risk Management processes and requirements.

- b. The agency shall proactively identify and assess risks and put in place appropriate risk management plans for managing risks that the agency may encounter in meeting its strategic, project, operations and business continuity objectives.
- c. The agency shall provide the ministry with risk assessments and management plans. This includes any necessary supporting information/analysis to support TB/MBC quarterly risk reporting as required, as well as any other government risk management reporting requirements.

## **16.2 Liability protection and insurance**

- a. The agency is responsible for determining its requirements for and obtaining insurance.
- b. The agency is required to self-insure the amounts below the deductibles in its insurance policies. If the agency experiences a significant derailment or other event that results in a shortfall in funding requirements, the ministry shall work with the agency to determine a mitigation strategy for the shortfall and, if necessary, request an adjustment in the appropriation for the agency from TB/MBC.
- c. The agency is required to seek the ministry's approval prior to withdrawing from the self-insurance fund. In seeking the ministry's approval, the agency is required to provide details on the estimated operating costs of the significant derailment, collision, impact or overturning of any train. The agency shall subsequently submit to the ministry details of the actual costs incurred associated with the event.
- d. Board members and employees are protected from personal liability in accordance with section 42.1 of the Act.

## **16.3 Indemnification**

The agency shall indemnify board members and officers in accordance with section 2.1(2) of the Act and section 3.7.1 of the AAD.

## **17. Effective date, duration and periodic review of the MOU**


- a. This MOU becomes effective on the date it is signed by the minister as the last party to execute it and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. Upon a change in the minister or chair, both parties must affirm by letter that this MOU will continue in force without a review (and attach the signed letter to the MOU); or alternatively, they may agree to revise it and sign a new MOU within six (6) months of the change.
- c. If either of the parties deems it expedient to amend this MOU, they may do so only in writing. Any amendment shall only be effective after approval by the parties.
- d. A review of this MOU will be conducted immediately in the event of a significant change to the agency's mandate, powers or governance structure as a result of an amendment to the Act.

- e. This MOU will be reviewed at least once every five (5) years to ensure it is current and consistent with government expectations.

### Signatures

  
\_\_\_\_\_  
Alan Spacek - Agency Chair  
Ontario Northland Transportation Commission

February 21, 2024  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Prabmeet Singh Sarkaria  
Minister of Transportation

Feb 27/24  
\_\_\_\_\_  
Date

## Appendix 1: Applicable Government of Ontario directives and policies

1. The following TB/MBC and Government directives and policies apply to the agency:

- Advertising Content Directive
- Agencies and Appointments Directive
- Cash Management Directive
- Communications in French Directive
- Controllership Directive
- Corporate Policy on Recordkeeping, Access and Privacy
- Digital and Data Directive
- Disclosure of Wrongdoing Directive for Employees/Appointees of Public Bodies
- Enterprise Risk Management Directive
- Expenditure Management Directive
- Financial Record Retention Policy
- Governance and Management of Information and Data Assets Directive
- Government Publications Directive
- Indemnification Directive
- Internal Audit Directive
- Major Public Infrastructure Projects Directive
- Managing, Distributing and Pricing Government Information (Intellectual Property) Directive
- Perquisites Directive
- Ontario Public Service Procurement Directive – those sections that are mandatory for other included entities, as defined in the Procurement Directive
- Procurement Directive on Advertising, Public and Media Relations and Creative Communications Services
- Communications Protocol
- Realty Directive
- Transfer Payment Accountability Directive

- Travel, Meal and Hospitality Expenses Directive
  - Visual Identity Directive
  - Directives, policies and procedures related to fulfilling the Crown's duty to consult and other Indigenous relations matters
2. The agency is responsible for complying with all directives, policies and guidelines to which it is subject, irrespective of whether it is included on the list above. This includes compliance with Government of Canada legislations, regulations, and policies, as applicable.
  3. The ministry will inform the agency of amendments or additions to directives, policies and guidelines that apply to the agency.