

Incomplete and Non-Compliant Reports

A guide for licensed archaeologists about the ministry's protocols for handling reports that do not meet fieldwork and reporting requirements

This fact sheet provides a general description of the report review outcome for reports that do not meet ministry requirements and may negatively impact the conservation of archaeological resources. This fact sheet also explains the difference between an incomplete and non-compliant report and the potential impacts to the licensee, proponent and approval authority.

What is an incomplete report?

An incomplete report is a technical review outcome where the ministry has identified concerns with a report and requested revisions, and the associated revised report

- is not filed with the ministry before the assigned deadline; or
- does not address all of the concerns identified to the ministry's satisfaction.

An incomplete report is the ministry's way of terminating a review. Licensees may submit a new project report package, which includes a revised report that addresses the ministry's concerns. Licensees will not be eligible to begin new fieldwork projects or act as a field director for new fieldwork under another licensee until a revised report has been filed.

What is a non-compliant report?

A non-compliant report is a technical review outcome when the ministry has determined that severely incompetent or destructive fieldwork has occurred.

The ministry will deem a report to be non-compliant as a measure of last resort and may choose to engage in additional discretionary rounds of revisions before doing so. The ministry will not accept further reports submitted under the associated Project Information Form number. A non-compliant report may also trigger a review of your licence.

How do incomplete and non-compliant reports affect my licence?

Incomplete and non-compliant reports may impact a licensee's record of compliance. A licensee's record of compliance is taken into account by the ministry at the time of licensing decisions, including licence renewal, suspension and revocation.

When making licensing decisions, the ministry will take a number of factors into consideration. The ministry will work with the licensee to address compliance concerns prior to making its decision.

Why are proponents and approval authorities notified of an incomplete or non-compliant review?

The ministry is improving its communication with proponents and approval authorities by increasing the number of report review status updates and providing more timely updates.

The ministry will now notify proponents/approval authorities by email when the review of a report has been deemed incomplete or non-compliant. This builds on the current practice of copying the proponent/approval authority on the ministry's letter to a licensee when a report has been entered into the register.

Email notifications will be sent at the same time that the ministry issues an incomplete or non-compliant report review letter to the licensee.

Do I need to re-do an assessment for a non-compliant report?

Most reports received by the ministry are compliant. However, reports may be deemed non-compliant in a small number of cases. In these instances, approval authorities may not accept the archaeological assessment report as a condition of approval for a development plan application.

To gain approval, the proponent will need to have the archaeological assessment redone to ensure that concerns for archaeological resources on the subject property have been met. Depending on the non-compliant work, this may mean that one or more stages of archaeological assessment must be redone.

The proponent may choose to hire a new consultant archaeologist to complete the work. The new consultant archaeologist may contact the ministry to confirm the scope of work that is required for a stage of assessment that is to be redone. Requirements may vary based on the individual circumstances.

To assist proponents with potential development delays as a result of non-compliant reports, the ministry will expedite the review of any new reports filed for the project.

Will the public register of archaeological reports indicate the result of a review?

The Minister of Tourism, Culture and Sport is required by section 48 of the Ontario Heritage Act to maintain a register of archaeological reports and to make the register available to the public. The Ontario Public Register of Archaeological Reports informs the public record of archaeology carried out in the province.

The ministry is improving the register by making it as comprehensive and up-to-date as possible. For the register to become a complete record of archaeology in the province, it must include reports that have not been reviewed as well as those that have not passed the ministry's technical review. The register will not indicate whether reports have received a technical review, nor the results of the review.

Where do I go for more information?

For more information about the ministry's archaeology program, please visit our website at: ontario.ca/archaeology. The site contains more information about the *Ontario Heritage Act* and *Terms and Conditions for Archaeological Licences*.

You may also contact the ministry's Archaeology Programs Unit for more information about the report library or Register at archaeology@ontario.ca or by phone at 416-212-8886.