

Licence Renewal Fact Sheet

What happens when you apply to renew your archaeological licence?

A guide for licensed archaeologists

This fact sheet provides a general description of what happens and how to prepare for the renewal of your archaeological licence by the Ministry of Tourism, Culture and Sport. Knowing what happens during and after the ministry considers your renewal application should help you with the process. This fact sheet also answers frequently asked questions about the renewal process and provides you with useful tips and contact information.

When should I submit my renewal application?

Applications for renewal should be submitted through PastPort before the date your licence expires. You can apply for renewal as early as 90 days before it expires. The ministry will send out automatic reminders for renewal beginning 90 days before the expiry date.

If you have not submitted a complete application for licence renewal before your licence expires, you will no longer be allowed to carry out any archaeological fieldwork in Ontario, until the licence is renewed. If you submit a complete licence renewal application before your licence expires, your licence continues to be effective (it is “deemed to continue”) until the ministry decides whether it will be renewed. Otherwise, the licence is considered expired and no new archaeological work can begin under that licence. You may apply for a licence renewal up to five years after it expires.

A complete renewal application is considered:

- a submitted renewal application in PastPort;
- all your outstanding reporting obligations have been met;
- any other identified outstanding licence obligations have been met;
- your proof of current membership in an archaeological organization has been demonstrated

Who reviews my application for renewal?

Applications for renewal of an archaeological licence are reviewed by the archaeology licensing officer and the manager of the Archaeology Program Unit and are approved by the assistant deputy minister, Culture Division, Ministry of Tourism, Culture and Sport. All decisions regarding licence renewals have been delegated from the minister to the assistant deputy minister for the Culture Division.

The licensing officer will review your licensing compliance history over the preceding term of the licence to determine whether your licence will be renewed. The licensing officer will also consult with other ministry staff including archaeology review officers, the archaeology team lead and the archaeology licensing coordinator. As part of the licence review, additional information from you may be requested. This can include a meeting with the ministry to discuss your fieldwork and reporting.

What will be looked at during the review of my application?

Depending on the class of licence, the licensing officer will look at some or all of the following:

- reports deemed incomplete
- reports deemed non-compliant
- the results of any inspections of your fieldwork or facility
- reports requiring revision with significant outcome-related concerns
- reports requiring revision

TIP

It is important to provide reports prior to deadlines that are compliant with ministry requirements and proactively address concerns expressed through the report review process or by a third party. This will help ensure that your licence will be renewed in a timely manner for the maximum term.

How should I prepare for renewing my licence?

Submit your reports on archaeological fieldwork on or before the deadline identified in PastPort and respond to requests for revision within the deadlines identified in review letters. Make sure you have met any extra conditions placed on your licence, if any.

TIP

Consider conducting a self-assessment of your compliance with ministry requirements to ensure that you are eligible for renewal. This can help identify opportunities for improvement and that can reduce the time required to complete a review of your licence.

What can I expect from a licensing review?

A licensing review may result in a request from the licensing officer for additional information to support your application. The most common outcome is a renewal of your licence for the maximum three-year term with the standard terms and conditions.

A licensing review may also result in changes to your licence term (shorter or longer) with added or reinforced conditions (e.g., during the licence term you must not have a report deemed incomplete or non-compliant). Added or reinforced licence terms and conditions are not retroactive, and only apply to fieldwork conducted during that licence term.

In some cases, a licensing review may result in a recommendation from the licensing officer to the assistant deputy minister to refuse to renew an archaeological licence.

What legislation governs a licence review?

The licensing officer reviews applications to renew an archaeological licence based on the *Ontario Heritage Act* and Ontario Regulation 8/06, the archaeological licensing regulation.

The licensing officer also considers the terms and conditions of your archaeological licence and other policies, such as the *Standards and Guidelines for Consultant Archaeologists* (2011).

What happens after the licence review is completed?

The licensing officer recommends one of the following:

- that your licence should be renewed with standard conditions,
- that your licence should be renewed for a limited term and/or with additional conditions, or
- that the minister should propose to refuse to renew your licence.

The recommendation is reviewed by the manager of the Archaeology Program Unit, who, if in agreement, forwards it to the assistant deputy minister of the Culture Division for approval. The Minister has delegated to the Assistant Deputy Minister of the Culture Division the authorities relating to licences under the Ontario Heritage Act.

You are then notified of the decision about your application through PastPort. In the case of a proposal to refuse to renew, a letter outlining the reasons for the proposal will follow the notification sent from PastPort.

How do I find out about my licence terms and conditions?

You will be notified through PastPort that your licence has been approved for renewal. At any time, you can review the terms and conditions of your licence in the licence module in your PastPort account. Any non-standard conditions are at the top of the list of terms.

TIP

If you have any questions about the term of the licence or any conditions that may have been applied to your licence, contact the licensing officer to request additional information or clarification.

What happens if my licence is renewed with a limited term or added conditions?

Once your renewal application has been approved by the ministry, you will be asked in PastPort to agree or disagree with the terms and conditions attached to your licence. Please read them carefully. Non-standard conditions are listed at the top. If you agree to them, the licence is then

immediately issued to you. If you disagree and decline to be licensed under the terms and conditions, your licence is expired.

There is no formal appeal process when a licence has been renewed for less than the maximum term or with specific conditions. The licensing officer will monitor your submissions over the term of the licence to ensure compliance with the terms and conditions. You may wish to request a mid-term meeting to discuss your progress.

What happens if the assistant deputy minister proposes to refuse to renew my licence?

The assistant deputy minister will provide you with a notice of the proposed licensing action. The notice will include:

- the reasons that the ministry is taking licensing action,
- the date that the licensing action will be carried out by the ministry,
- information about your right to request a Conservation Review Board hearing within the next 15 days, and that the request for a hearing must be submitted in writing to the licensing officer, and,
- instructions, if you are waiving the Board hearing, to contact the Licensing Officer regarding the necessary steps you must take before you can re-apply for a licence.

If you do not request a hearing before the Board by the specified date, the assistant deputy minister will carry out the proposed action stated in the notice. However, if you request a hearing, the ministry will provide the Board with the materials upon which the refusal decision was based, and the Board will schedule a hearing. All materials intended for the hearing must be submitted to the Board (two copies) and provided to the other parties at least 14 days before the scheduled hearing start date. You will be able to continue operating under your existing licence throughout the Board hearing (your licence is “deemed to continue”).

How does the Conservation Review Board process work?

Once a hearing request is referred to the Board by the ministry, a formal process begins that structures how the objection will be heard and how a party and members of the public will be permitted to participate.

Each referral is assigned a Board case file number and the file is assessed for completeness of information, any jurisdictional issues are resolved, and a pre-hearing conference is scheduled.

Pre-hearing conferences

For all matters that come before the Conservation Review Board, the Board has a mandatory rule that a pre-hearing conference must be held. This conference provides an opportunity for all parties (licensee, Ministry of Tourism, Culture and Sport and other recognized parties, as

applicable) to discuss the issues with each other and with the Board in a non-binding way (“without prejudice”). The purpose of the conference is to seek a mediated settlement of the dispute and to prepare all parties for the formal hearing process if a settlement cannot be reached.

The conference is only open to the official parties to the hearing. It is normally a telephone conference call, but can be an in-person meeting. The conference is not intended to be the forum to discuss the arguments of a case; no evidence is presented and no final decisions are made. Some evidence may be permitted by the Board to further support the positions of each party and to seek a settlement.

Hearings

Board hearings are governed by rules of procedure and conducted in a quasi-judicial, structured manner. Most parties are represented by legal counsel. Those without legal counsel must become familiar with the Board’s Rules of Practice and Procedure, the Ontario Heritage Act, and the Statutory Powers Procedure Act. All are available online.

Unlike the pre-hearing conference, hearings are fully open to the public and the media can attend, although no recording devices are allowed. Generally, the basic structure of a Board hearing is:

1. A review of the Board’s jurisdiction under the Ontario Heritage Act and the types of evidence that it will and will not hear.
2. The parties are introduced and briefly summarize their intended case.
3. The ministry is called first to present its case and may call witnesses to present evidence.
4. The objector cross-examines the ministry's witness and the Board has an opportunity to ask questions.
5. The objector is called to present his or her evidence and may also call witnesses. Although recommended, the objector is not required to have legal counsel.
6. The objector, followed by the ministry, is given the opportunity to summarize his or her arguments.

Hearing Recommendations

After the hearing, the Board makes a report to the minister of Tourism, Culture and Sport making recommendations based on the evidence presented and arguments made at the hearing. Typically, the Board releases the report within 30 days, but a later release does not invalidate the hearing process. The Board’s case file is then closed. The assistant deputy minister makes the final decision on the matter, taking the Board’s report into account.

Is the assistant deputy minister required to adopt the recommendation of the Board?

No. For example, if the Board recommended that the licensing decision be reversed, the assistant deputy minister would need to decide whether to follow its recommendations or the original one from ministry staff, or take such other action as he or she considers proper and in accordance with the Act and regulations.

The Conservation Review Board has more detailed information about their processes at their [website](#).

Where do I go for more information?

For more information about the ministry's archaeology program, visit our [website](#). The site contains more information about the [Terms and Conditions for Archaeological Licences](#) and the [Standards and Guidelines for Consultant Archaeologists](#).

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