

CONSTRUCTION LAW CHANGES IN ONTARIO

As of March 13, 2012

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Provincial Government Bills

- Bill 11** **Attracting Investment and Creating Jobs Act, 2011**
(Brad Duguid, Minister of Economic Development and Innovation)
The Bill would require the Minister of Economic Development and Innovation to continue the Eastern Ontario Development Fund and to establish and continue the Southwestern Ontario Development Fund to promote regional economic development in eastern Ontario and southwestern Ontario.
- First Reading November 29, 2011
 - Second Reading ***carried March 5, 2012***
 - ***Referred to Standing Committee on General Government March 5, 2012***

Private Members' Bills

- Bill 8** **Ontario One Call Act, 2011**
(Robert Bailey, PC, Sarnia Lambton and Paul Miller, NDP, Hamilton East-Stoney Creek).
This Bill is identical to Bill 180 in the previous legislature which had received all party support for second reading but died on the order paper in June 2011. If passed, Bill 8 would require all private utilities and municipalities to become members of Ontario One Call, a not for profit call centre that accepts and relays utility locate requests for construction contractors and homeowners who plan to excavate any part of a road way or other public right of way. Ontario has had a voluntary utility call centre since the early 1990's however contractors are still required to make up to 11 separate phone calls to non-participating utility operators to ascertain the location of buried works prior to excavation. Mandatory one call has been in place across the US for over a decade, and the mandatory participation of all utilities and municipalities will greatly simplify the utility locate request process for construction contractors.
- First Reading November 24, 2011
 - Second Reading December 1, 2011
 - Referred to the Standing Committee on General Government December 1, 2011
- I have contacted the clerk of the Standing Committee on General Government about a potential oral submission to the Committee once it sets a schedule for public hearings. The 9 member committee has been struck, however no committee meeting schedule has yet been posted.

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Bill 15

Ontario Society of Professional Engineers Act, 2011

(Monte Kwinter, Liberal, York Centre).

The purpose of this Bill is to continue the Ontario Society of Professional Engineers and provide it with an advocacy/lobbying role to promote the practice of professional engineering and represent the interests of Professional Engineers in the Province. If passed the bill would not have any impact on the rights, obligations, qualifications or requirements related to the practice of engineering in Ontario, including the qualifications required to be a licensed professional engineer pursuant to the Professional Engineers Act, R.S.O. 1990 c.P.28.

- First Reading November 30, 2011

Bill 20

Hawkins Gignac Act (Carbon Monoxide Detectors), 2011

(Ernie Hardeman, PC, Oxford).

The purpose of this Bill is to amend the Building Code Act, 1992 to require owners of residential buildings that contain a fuel-burning device or a storage garage to install carbon monoxide detectors in the buildings and to maintain them in operating condition. The Bill sets out installation requirements and requires the detectors to conform to the standards that are prescribed by the regulations made under the Act. Intentionally disabling a carbon monoxide detector is prohibited.

- First Reading December 6, 2011
- ***Second Reading March 8, 2012***
- ***Referred to Standing Committee on Social Policy March 8, 2012***

Bill 31

Red Tape and Regulatory Review Act, 2011

(Randy Hillier, PC, Lanark--Frontenac--Lennox and Addington)

The PC party has been introducing a regulatory relief bill under similar names almost every year since the McGuinty Government was first elected in 2003. If passed, the Bill would establish a new Legislative Committee to review every legislative bill regarding the regulatory burden that it would create. The Bill would also slow the Regulation making process in that the Committee would require at least 60 days notice to review any new regulation and to propose amendments to it. The Bill also provides for emergency regulations that can bypass the committee but such regulations would only remain in force for a maximum of 90 days.

- First Reading December 8, 2011

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- Bill 42** ***Affordable Energy and Restoration of Local Decision Making Act, 2012***
(Tim Hudak, PC, Niagara West -- Glanbrook).
The purpose of this Bill is to reverse elements of the streamlined approval regime for certain renewable sources of electric power and lower electric power costs for Ontario residents. The Bill would amend the Electricity Act, 1998 to repeal provisions dealing with the feed-in tariff program. The Environmental Protection Act would be amended to give municipalities responsibility for issuing renewable energy approvals for large-scale wind or solar facilities. Municipalities would be authorized to make by-laws relating to Part V.0.1 (Renewable Energy). Decisions made by municipalities would be appealable to the Ontario Municipal Board.
- ***First Reading March 7, 2012***
- Bill 43** ***Insurance Amendment Act (Elements in Classifying Risks for Automobile Insurance), 2012***
(Mario Sergio, Liberal - York West).
The purpose of this Bill is to restrict the risk criteria used by insurers to calculate auto insurance policy premiums as the following: the driving record of the insured, age of the driver and the type of vehicle driven. Premiums could not be varied on the basis of the address of the insured. Curiously, quantity of annual travel would not be a significant criteria to set premiums.
- ***First Reading March 7, 2012***
- Bill 45** ***Insurance Amendment Act (Elements in Classifying Risks for Automobile Insurance), 2012***
(Jagmeet Singh, NDP - Bramalea - Gore - Malton).
The purpose of this Bill is very similar to that of Bill 43 to prohibit the use of the geographical region in which an insured person resides as an element in classifying risks for a coverage or category of automobile insurance. The criteria under this Bill would be primarily: the driving record of the insured, number of years of driving experience and distance travelled, but age of the driver and type of vehicle would not be recognized as significant criteria for rate setting purposes.
- ***First Reading March 7, 2012***

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Pending Proclamations of Bills from Prior Sessions

Environmental Protection Amendment Act (Greenhouse Gas Emissions Trading), 2009

Royal Assent December 15, 2009 however the key provisions have not yet been proclaimed in force.

Not-for-Profit Corporations Act, 2010

Royal Assent October 25, 2010. Most of the Act has not yet been proclaimed in force.

Occupational Health and Safety Statute Law Amendment Act, 2011

This statute amended both the Occupational Health and Safety Act and the Workers Safety and Insurance Board Act, but most parts have not yet been proclaimed in force.

Ontario College of Trades and Apprenticeship Act, 2009

The provisions establishing the College came into force on July 5, 2010. Various provisions dealing establishing and enabling the Board of Directors of the College came into force on May 1, 2011. Other sections related to the actual operation and structure of the College, including its Objects came into force as of January 1, 2012, however the remainder of the Act, including provisions related to compulsory trades, is not yet proclaimed.

Open for Business Act, 2010

Royal Assent October 25, 2010. Most of the environmental approvals changes (Schedule 7) came in force as of October 31, 2011. The balance of Schedule 7 has not yet been proclaimed. With respect to amendments to the Construction Lien Act, the definition of the term “improvement” was amended upon the date of Royal Assent. The requirements for an ‘affidavit of verification’ to ‘preserve’ a registered lien pursuant to section 34, was abolished as of July 1, 2011, but most of the other changes to the Construction Lien Act (Schedule 2) have not yet been proclaimed in force.

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Regulations

Ontario Regulation 47/09

Workplace Safety and Insurance Act, 1997

This regulation, providing the criteria for exempting of executive officers in the construction industry will come into force on January 1, 2013.

Ontario Regulation 397/11

Green Energy Act, 2009

Published in the September 10, 2011 edition of the Ontario Gazette. This regulation imposes on municipal service boards, hospitals and post secondary education institutions the obligation of preparing and publishing by July 1, 2013 a Energy Consumption and Greenhouse Gas Emissions Template including calculations of energy usage for the year 2011. This publication will be the basis for what type of efficiency measures and energy retrofits may be required and implemented.