

## CONSTRUCTION LAW CHANGES IN ONTARIO

As of March 28, 2017

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### Provincial Government Bills

#### Bill 27 Burden Reduction Act, 2016

(Brad Duguid, Minister of Economic Development and Growth)

This 78 page Bill, if passed, would amend more than 50 separate statutes to reduce administrative burdens and reduce costs. Changes include, but are not limited to: a) modernizing commercial arbitration rules to resolve cross border disputes; b) more flexible regulatory procedures for new energy infrastructure projects; c) more progressive corporation registration measures to facilitate electronic communications; d) streamlining the process to appeal inspection orders; and e) amending the *Highway Traffic Act* to allow for non-police escorts of oversize/overweight loads that require traffic control.

- First Reading September 27, 2016
- Second Reading carried November 29, 2016
- Ordered Referred to the Standing Committee on General Government November 29, 2016
- The Standing Committee posted a notice of public hearings to take place in Toronto on February 22, February 27 and March 1, 2017. Persons wishing to make submissions but unable to make a verbal submission, can make a written submission, addressed to the Clerk of the Committee and delivered no later than March 1, 2017
- Consideration by the Standing Committee February 22, 23, 27, and 28, 2017
- Reported as amended to the Legislature February 28, 2017
- Third reading carried March 2, 2017
- ***Royal Assent March 20, 2017.***

#### Bill 39 Aggregate Resources and Mining Modernization Act, 2016

(Kathryn McGarry, Minister of Natural Resources and Forestry)

This 38 page Bill, if passed, would amend the *Aggregate Resources Act* to: a) Provide additional exemptions to the license requirement to operate a gravel pit; b) Streamline portions of the license application process; and c) Enhance the Minister's powers re amendment of licenses and requirements for site plans. It would also amend the *Mining Act* to establish a new mining lands administration system. Restrict the ability to provide candidates and parties with loans and loan guarantees; d) Restrict amounts that third parties may spend on political advertising during elections and the six-month period before scheduled general election periods; and e) Restrict political advertising spending of registered political parties during the six-month period before scheduled general elections periods.

- First Reading October 6, 2016

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- Second Reading carried November 15, 2016
- Referred to the Standing Committee on Justice Policy November 15, 2016
- Consideration by the Standing Committee on November 17 and December 8, 2016
- The Standing Committee posted a notice of public hearings to take place in Toronto on February 23 and March 2, 2017. Persons wishing to make submissions but unable to make a verbal submission, can make a written submission, addressed to the Clerk of the Committee and delivered no later than March 2, 2017
- Consideration by the Standing Committee February 23, March 2 and 9, 2017
- *Reported by the Standing Committee to the Legislature as amended on March 20, 2017 and ordered for Third Reading.*

### Bill 68 Modernizing Ontario's Municipal Legislation Act, 2016

(Bill Mauro, Minister of Municipal Affairs)

This 37 page Bill amends the *City of Toronto Act* and *Municipal Act* as well as other statutes to address such matters as by-laws to address climate change, allowing for interim changes on municipal councils, municipal conflicts of interest issues.

- First Reading November 16, 2016
- Second Reading debated November 29, 30, December 1 and 6, 2016, February 23, 28, March 8, *21 and 23, 2017*
- *Second Reading carried March 23, 2017*
- *Referred to the Standing Committee on Social Policy March 23, 2017*
- *As of March 27, 2017 no Standing Committee meetings have yet been scheduled to deal with this Bill.*

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### Private Members' Bills

#### Bill 26 Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, 2016

(Peggy Sattler, NDP, London West)

This Bill if passed would amend the Employment Standards Act, 200 and the *Occupational Health and Safety Act* to mandate accommodation if an employee or a child of an employee has suffered from a domestic assault or sexual violence and requires a change in workplace hours or assigned locations.

- First Reading September 27, 2016
- Second Reading carried October 20, 2016
- Referred to Standing Committee on the Legislative Assembly on October 20, 2016
- ***As of March 27, 2017*** no Standing Committee meetings have yet been scheduled to deal with this Bill

#### Bill 49 Transparency and Accountability in Government Contracting Act, 2016

(Catherine Fife, PC, Stormont-Dundas South Glengarry)

This Bill if passed would create a new statute to require greater public consultations and disclosure as well as additional procedural steps by public sector service providers and facility owners before privatization of existing services or entering public-private partnerships for major capital projects.

- First Reading October 24, 2016

#### Bill 58 Delegated Administrative Authorities Accountability Act, 2016

(Jim McDonnell, NDP, Kitchener--Waterloo)

This Bill if passed would make administrative authorities such as Ontario One Call and the TSSA subject to freedom of information requests and require the Auditor General do an annual audit of each such authority.

- First Reading November 3, 2016

#### Bill 64 Protecting Interns and Creating a Learning Economy Act, 2016

(Peggy Sattler, NDP, London West)

This Bill was expressly carried over (resurrected) from the prior sittings of the Legislature and therefore the progress of the Bill is credited with the votes and proceedings that took place prior to September 8, 2016. This bill would amend the *Ministry of Training, Colleges and Universities Act* to establish the Advisory Council on Work-Integrated Learning such as the work co-op programs offered by many Technical Schools and Colleges. It would also amend the *Employment Standards Act* to deem additional individuals receiving training to be employees for the purposes of specified parts of the

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Act such as the requirement to provide a day off work on a public holiday and the requirement to provide vacation without pay.

- First Reading February 17, 2015
- Second Reading February 19, 2015
- Referred to the Standing Committee on the Legislative Assembly February 19, 2015
- Ordered carried over from previous session September 13, 2016
- The Standing Committee considered this Bill on September 28, October 5 and 19, 2016
- ***As of March 27, 2017*** no further meetings of the Standing Committee to address this bill have yet been scheduled.

### Bill 67 Auditor General Amendment Act, 2016

(Norm Miller, PC, Parry Sound -- Muskoka)

This Bill, if passed, would amend the *Auditor General Act* to authorize audits of 'public contractors', namely corporations, authorities or boards who receive financial assistance from the Crown or is empowered to collect fees and delivers programs or services on behalf of the Crown. Public contractors would include the TSSA and ESA among others.

- First Reading November 16, 2016
- Second Reading November 24, 2016
- Ordered referred to the Standing Committee on the Legislative Assembly November 24, 2016
- ***As of March 27, 2017*** no meetings of the Standing Committee to address this bill have yet been scheduled.

### Bill 83 Fairness in Labour Relations Act (Bargaining Units and Certification of Trade Unions), 2016

(Jim McDonell, PC, Stormont—Dundas—South Glengarry)

This Bill, if passed, would amend the *Labour Relations Act, 1995* to remove the requirement to provide a written description of the proposed bargaining unit in an application for certification. At present, employees in the construction industry are exempt from certain restrictions in section 79 of the Act against striking. The Bill removes that exemption. At present, if a complaint alleges that an employer or employers' organization has contravened the Act with respect to employment practices, the burden of proof in an inquiry by the Board into the complaint lies with the employer or employers' organization. The Bill transfers the burden of proof to the complainant.

- First Reading December 6, 2016

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### **Bill 88 Asbestos Use Prohibition Act, 2016**

(Robert Bailey, PC, Sarnia -- Lambton)

This Bill, if passed, would ban the use, reuse, import, transport or sale of asbestos in Ontario. It also requires the Ministry of Labour to create a Register of all provincially owned or leased buildings containing asbestos, and for that Register to be updated from time to time as work to remove asbestos from buildings listed on the Register is completed.

- First Reading December 8, 2016
- Second Reading carried February 23, 2017
- Ordered referred to the Standing Committee on the Legislative Assembly February 23, 2017.
- *As of March 28, 2017 no meetings of the Standing Committee to address this bill have yet been scheduled.*

### **Bill 105 Rea and Walter Act (Truss and Lightweight Construction Identification), 2017**

(Randy Pettapiece, PC, Perth -- Wellington)

This Bill amends the *Building Code Act, 1992* regarding the identification of truss (wooden) and lightweight construction in specified buildings that are under construction or to be constructed. A new section 15.8.1 will require a truss identification emblem to be affixed to a building in prescribed size and location.

- First Reading March 9, 2017

### **Bill 109 Reliable Elevators Act, 2017**

(Doug Hang, Liberal, Trinity -- Spadina)

*This Bill amends the Building Code Act, 1992 to require an applicant for a building permit for prescribed structures (seven or more stories) to show that the building will have enough elevator capacity. The Bill also amends the Consumer Protection Act, 2002 to require repairs to be made within 14 days.*

- *First Reading March 22, 2017*

### **Pending Proclamations of Bills**

#### ***Not-for-Profit Corporations Act, 2010***

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

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### Regulations

(reflects contents of the Ontario Gazette through to **March 25, 2017**)

#### Ontario Regulation 1/17

##### ***ENVIRONMENTAL PROTECTION ACT***

This regulation was published in the January 21, 2017 edition of the Ontario Gazette. It is a new regulation, allowing prescribed facilities to register their activities related to air and noise emissions on the province's Environmental Activity and Sector Registry (EASR) instead of the prior practice of applying for individual air emission certificates of approval. The regulation came into force as of January 31, 2017 but facilities with existing air certificates of approval will have until January 31, 2027 to make the transition to EASR registrations.

#### Ontario Regulation 13/17

##### ***ENVIRONMENTAL PROTECTION ACT***

This regulation was published in the February 18, 2017 edition of the Ontario Gazette. It amends Ontario Regulation 1/17, which only came into force on January 31, 2017. Overall the regulation, allows prescribed facilities to register their activities related to air and noise emissions on the province's Environmental Activity and Sector Registry (EASR) instead of the prior practice of applying for individual air emission certificates of approval. The regulation came into force as of January 31, 2017 but facilities with existing air certificates of approval will have until January 31, 2027 to make the transition to EASR registrations.

#### Ontario Regulation 20/17

##### ***GREEN ENERGY ACT, 2009***

This regulation was published in the February 25, 2017 edition of the Ontario Gazette. It is a new regulation that requires prescribed properties (generally buildings having a gross floor area of at least 50,000 square feet) to provide annual reports regarding energy and water use. The regulation is phased in over several years with buildings having a gross area of at least 250,000 square feet reporting in 2018 on energy and water use in 2017. The regulation comes into force as of July 1, 2017.

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### Ontario Regulation 46/17

#### ***DEVELOPMENT CORPORATIONS ACT***

This regulation was published in the March 4, 2017 edition of the Ontario Gazette. It establishes a new crown corporation, the Ontario Climate Change Solutions Deployment Corporation. The object of the new corporation is to stimulate the development of industry, trades and businesses to reduce greenhouse gas emissions from buildings or from the production of goods in concert with section 7 of the Climate Change Mitigation and Low-carbon Economy Act, 2016. The regulation came into force as of February 17, 2017.