

CONSTRUCTION LAW CHANGES IN ONTARIO

As of September 26, 2017

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Provincial Government Bills

Bill 27 Burden Reduction Act, 2016

(Brad Duguid, Minister of Economic Development and Growth)

- Royal Assent March 20, 2017.

Bill 39 Aggregate Resources and Mining Modernization Act, 2016

(Kathryn McGarry, Minister of Natural Resources and Forestry)

- Royal Assent May 10, 2017.

Bill 68 Modernizing Ontario's Municipal Legislation Act, 2016

(Bill Mauro, Minister of Municipal Affairs)

- Royal Assent May 30, 2017.

Bill 127 Stronger, Healthier Ontario Act (Budget Measures), 2017

(Charles Sousa, Minister of Finance)

- Royal Assent May 17, 2017

Bill 142, Construction Lien Amendment Act, 2017

(Yasir Naqvi, Attorney General)

This Bill makes a large number of changes to the Construction Lien Act that general expands the availability of liens, as well as other changes that were recommended in the April 2016 report 'Striking the Balance: Expert Review of Ontario's Construction Lien Act'. The report can be accessed at https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/cla_report/

Specific changes include the following: 1) definitions to the terms 'contractor' and 'subcontractor', 'municipality' and 'written notice of a lien'; 2) liability of a person who preserves a claim for lien where the person knew or ought to have known that the claim was exaggerated or without merit; 3) extending the time to perfect a lien; 4) changes in relation to security for costs; and 5) introduction of a new prompt payment regime based on proper invoices.

- First Reading May 31, 2017
- Second Reading debated September 12, **13 and 14, 2017**

Bill 148, Fair Workplaces, Better Jobs Act, 2017

(Kevin Flynn, Minister of Labour)

Specific changes include the following: 1) Raising Ontario's general minimum wage to \$14 per hour on January 1, 2018, and then to \$15 on January 1, 2019 and indexed changes afterwards; 2) Mandating equal pay for part-time, temporary, casual and seasonal employees doing the same job as full-time

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employees; 3) Expanding personal emergency leave to include an across-the-board minimum of at least two paid days per year for all workers; 4) Bringing Ontario's vacation time into line with the national average by ensuring at least three weeks' vacation after five years with a company; and 5) Making employee scheduling fairer, including requiring employees to be paid for three hours of work if their shift is cancelled within 48 hours of its scheduled start time.

Many elements of the proposed bill are based on the May 2017 report entitled 'Changing Workplaces Review Final Report'. The actual Bill however is not likely to be introduced prior to October 2017.

- First Reading June 1, 2017
- Order for Second Reading discharged pursuant to Standing Order 74(a), June 1, 2017
- Ordered referred to Standing Committee on Finance and Economic Affairs June 1, 2017
- Standing Committee met on June 22, July 10, 11, 12, 13, 14, 17, 18, 19, 20 and 21, 2017
- Second Reading debated September 12 **and 13, 2017**

Bill 154 Cutting Unnecessary Red Tape Act, 2017

(Brad Duguid, Minister of Economic Development and Growth)

This Bill (109 pages in length), if passed, would amend a large number of separate statutes to reduce undue administrative burdens. The targeted statutes include, but are not limited to the Environmental Protection Act, various corporation related statutes, the Personal Property Security Act and the Repair and Storage Liens Act.

- *First Reading September 14, 2017*
- *Second Reading debated September 25, 2017*

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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, 2000 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 September 26, 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 September 26, 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 September 26, 2017*** no meetings of the Standing Committee to address this bill have yet been scheduled.

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 September 26, 2017*** no meetings of the Standing Committee to address this bill have yet been scheduled.

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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
- Second Reading debated and carried April 6 2017
- Ordered referred to the Standing Committee on General Government, April 6, 2017
- ***As of September 26, 2017*** no meetings of the Standing Committee to address this bill have yet been scheduled.

Bill 109 Reliable Elevators Act, 2017

(Dong 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
- Second Reading April 13, 2017
- Referred to Standing Committee on Regulations and Private Bills, April 13, 2017
- ***As of September 26, 2017*** no meetings of the Standing Committee to address this bill have been scheduled.

Bill 118 Labour Relations Amendment Act (Strike and Lock-Out Information), 2017

(France Gélinas, NDP, Nickel Belt)

This Bill, if passed, would amend the Labour Relations Act, 1995 to require all employers to provide information regarding strikes, lock-outs and use of replacement workers to the Minister and require that the Minister publish such information. the burden of proof to the complainant.

- First Reading March 30, 2017

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Bill 151 Workplace Safety and Insurance Amendment Act (PTSD Benefits), 2017

(Taras Natyshak, NDP, Essex)

This Bill, if passed, would amend the Workplace Safety and Insurance Act, 1997 to include benefits for those workers covered for posttraumatic stress disorder. The amendments are intended to benefit certain health care workers and first responders but not the construction industry. cement workers to the Minister and require that the Minister publish such information. the burden of proof to the complainant.

- First Reading September 12, 2017

Bill 158 Protecting Vulnerable Road Users Act, 2017

(Cheri DiNovo NDP Parkdale - High Park)

This Bill, if passed, would amend the Highway Traffic Act to increase penalties and fines in the event of a serious injury or death of a vulnerable road user, including pedestrians, cyclists, and persons who are on the highway because they are engaged in construction on that part of the highway Act and the Repair and Storage Liens Act.

- *First Reading September 26, 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.

Regulations

(reflects contents of the Ontario Gazette through to ***September 23, 2017***)

Ontario Regulation 84/17

OCCUPATIONAL HEALTH AND SAFETY ACT

This regulation was published in the April 15, 2017 edition of the Ontario Gazette. It amends O.Reg 297/13 to provide an extension for working at heights training to be completed by October 1, 2017. if a worker has completed certain training under subsection 26.2(1) of Ontario Regulation 213/91, then the deadline for working at heights training is postponed from April 1 to October 1, 2017.

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Ontario Regulation 139/17

BUILDING CODE ACT, 1992

This regulation was published in the June 3, 2017 edition of the Ontario Gazette. It amends the Ontario Building Code O.Reg 332/12 to make several changes to various matters including septic systems, sewer and water services, electrical services, and amends more than a dozen definitions of terms such as 'dwelling unit' and 'private sewer'. It also imposes changes intended to facilitate automotive charging systems in residential buildings and other structures. Subject to certain transition rules, most of the regulation comes into force on July 1, 2017 and the balance of the regulation will come into force on January 1, 2018.

Ontario Regulation 348/17

WORKPLACE SAFETY AND INSURANCE ACT, 1997

This regulation was published in the September 16, 2017 edition of the Ontario Gazette. It amends O.Reg 175/98 to redefine certain construction workers included in compulsory coverage under Schedule 1. This Regulation will come into force as of January 1, 2018.

Ontario Regulation 349/17

WORKPLACE SAFETY AND INSURANCE ACT, 1997

This regulation was published in the September 16, 2017 edition of the Ontario Gazette. It amends O.Reg 175/98 to postpone the revocation of certain existing non-construction industry exemptions of certain classes of workers by one year from January 1, 2019 to January 1, 2020.