

CONSTRUCTION LAW CHANGES IN ONTARIO

As of January 10, 2020

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Provincial Government Bills
1st Session, 42nd Parliament

Bill 2, Urgent Priorities Act, 2018

(Minister of Energy, Northern Development and Mines)

This Bill is essentially three separate pieces of legislation.

SCHEDULE 1 - Hydro One Accountability Act, 2018

SCHEDULE 2 -White Pines Wind Project Termination Act, 2018

SCHEDULE 3 - Back to Class Act (York University), 2018

- Royal Assent July 25, 2018

Bill 4, Cap and Trade Cancellations Act, 2018

(Minister of the Environment, Conservation and Parks)

- Royal Assent received on October 31, 2018

Bill 5, Better Local Government Act, 2018

(Minister of Municipal Affairs and Housing)

- Royal Assent received August 14, 2018

Bill 31, Efficient Local Government Act, 2018

(Minister of Municipal Affairs and Housing)

This Bill is essentially identical to Bill 5 with the additional clause to overcome the Superior Court of Justice Ruling on September 10, 2018 that the Act as it affects the City of Toronto violates the Canadian Charter of Rights and Freedoms and is therefore null and void.

- Second Reading debated September 17, 2018.

Bill 34, Green Energy Repeal Act, 2018

(Minister of the Energy, Northern Development and Mines)

- Royal Assent received December 6, 2018.

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Bill 47, Making Ontario Open for Business Act, 2018
(Minister of Economic Development, Job Creation and Trade)
- Royal Assent Received November 21, 2018

Bill 57, Restoring Trust, Transparency and Accountability Act, 2018
(Minister of Finance)
- Royal Assent Received December 6, 2018

Bill 66, Restoring Ontario's Competitiveness Act, 2018
(Minister of Economic Development, Job Creation and Trade)
- Royal Assent, April 3, 2019

Bill 100, Protecting What Matters Most Act (Budget Measures), 2019
(Minister of Finance)

This is an omnibus bill consisting of more than 170 pages that amends more than 60 separate statutes ranging from the Condominium Act to the Vital Statistics Act. One of the most significant changes, from an OGCA perspective is the proposed repeal of the Proceedings Against the Crown Act, which is the statute that governs any civil claims against the Ontario government, whether based on negligence or breach of contract. This could have far reaching impacts to immunize the Ontario government and government agencies against any liability for its wrongdoings. Amended statutes include but are not limited to the Employment Standards Act, 2000, the Labour Relations Act, 1995, and the Planning Act.

One of the more controversial changes is allowing some development in the Province's Greenbelt.

- Royal Assent Received May 29, 2019.

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Bill 107, Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019

(Minister of Transportation)

This bill is a part of the uploading of rapid transit projects from the City of Toronto to the Province.

- Royal Assent Received June 6, 2019.

Bill 108, More Homes, More Choice Act, 2019

(Minister of Municipal Affairs and Housing)

This bill (consisting of more than 90 pages) amends 13 separate statutes including the Planning Act, the Environmental Assessment Act, the Development Charges Act, 1997, the Endangered Species Act, 2007 and the Ontario Heritage Act to fast track residential housing development and related infrastructure in the Province and remove a number of administrative and regulatory measures.

- Royal Assent Received June 6, 2019.

Bill 132, Better for People, Smarter for Business Act, 2019

(Associate Minister of Small Business and Red Tape Reduction)

This bill (consisting of more than 100 pages) amends dozens of separate statutes including the Municipal Act (to ensure that former railway lands are fenced from farms, the Mining Act, the Environmental Protection Act (re administrative penalties), the Ontario Water Resources Act (re administrative penalties) and the Building Code Act (to allow notices to be served by email).

- First Reading carried October 28, 2019
- Second Reading debated October 31, November 4, 5 and 7, 2019
- Second Reading carried on division November 7, 2019 and ordered referred to the Standing Committee on General Government
- Consideration by the Standing Committee on November 18, 21, 22, 25 and December 3, 2019 and reported as amended December 3, 2019
- Third reading debated December 5, 9 and 10, 2019
- Third reading carried on division, December 10, 2019
- Royal Assent received December 10, 2019.

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Bill 138, Plan to Build Ontario Together Act, 2019

(Minister of Finance)

This bill (consisting of more than 155 pages) amends more than 38 separate statutes. Many, but not most, of the amendments related to electronic changes to documents, permits and licenses instead of paper records, e.g. the Off-Road Vehicles Act, the Dangerous Goods Transportation Act and the Highway Traffic Act.

- First Reading carried November 6, 2019
- Second Reading debated Nov 19, 20, 21, 25, 26 and 27, 2019
- Second Reading carried November 27, 2019 and referred to Standing Committee on Finance and Economic Affairs
- Considered by the Standing Committee on December 2, 4 and 5, 2019 and reported back to the Legislature as amended, December 9, 2019
- Third reading debated December 9, 2019 and carried on division December 10, 2019,
- Royal Assent received December 10, 2019.

Private Members' Bills

1st Session, 42nd Parliament

Bill 33, Rea and Walter Act (Truss and Lightweight Construction Identification), 2018

(Pettapiece, Randy, PC, Perth -- Wellington)

This Bill is identical to Bill 105 introduced on March 9, 2017 and progressed through to Second Reading and which was reintroduced on March 27, 2018. If passed, this Bill would amend 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 September 19, 2018
- Second Reading debated October 4, 2018
- Second Reading carried October 4, 2018 and referred to Standing Committee on Regulations and Private Bills

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Bill 62, Protecting Vulnerable Road Users Act, 2018

(Bell, Jessica, NDP, University -- Rosedale)

This Bill would amend the Highway Traffic Act to stiffen the penalties of vehicle drivers who seriously injure or kill vulnerable road users such as pedestrians, cyclists and construction workers.

- First reading November 21, 2018

Bill 70, Registered Professional Planners Act, 2019

(Coe, Lorne, PC -- Whitby)

This Bill would impact Professional Planners by repealing the Ontario Professional Planners Institute Act, 1994, a private statute dating back to 1994, with a new public statute to regulate the planning profession. The new public statute would mandate a disciplinary investigation and sanction process for members, in a manner similar to the regulation of other professions such as architects.

- First Reading carried February 19, 2019
- Second Reading debated and carried February 28, 2019 and ordered referred to Standing Committee on General Government

Bill 71, Paris Galt Moraine Conservation Planners Act, 2019

(Schreiner, Mike, Green Party -- Guelph)

This Bill would establish additional protection against any land development that might cause an adverse environmental impact within a defined region known as the Paris Galt Moraine. The legislation would also require official plan amendments for certain municipalities and municipal planning authorities.

- First Reading carried February 20, 2019
- Second Reading debated March 7, 2019
- Second Reading carried March 7, 2019 and ordered referred to the Standing Committee on General Government

Bill 92, Labour Relations Amendment Act (Replacement Workers), 2019

(Gelin, France NDP - Nickel Belt)

This Bill would restore certain provisions of the 1992 version of the state that were repealed in 1995, namely to restrict business from replacing striking or locked-out workers with replacement workers.

- First Reading carried March 28, 2019

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Bill 111, Speaking Out About Workplace Violence and Workplace Harassment Act, 2019

(Gelinas, France NDP - Nickel Belt)

This Bill would amend the Occupational Health and Safety Act to provide better protection for workers against reprisals for speaking out about workplace violence and workplace harassment. The amendments provide that a reprisal is any measure taken against a worker that adversely affects the worker's employment.

- First Reading carried May 7, 2019

Bill 119, Respecting Injured Workers Act (Workplace Safety and Insurance Amendment), 2019

(Gates, Wayne NDP - Niagara Falls)

This Bill would amend the Workplace Safety and Insurance Act, 1997 to ensure that any deemed earnings from suitable and available work would actually be suitable and available to the worker unless the worker refuses such employment in bad faith.

- First Reading carried May 27, 2019

Bill 128, Ontario Water Resources Amendment Act, 2019

(Dunlop, Jill PC - Simcoe North)

This Bill would amend the Ontario Water Resources Act to provide an exemption for water taking permits where such permits is associated with the constructing, operating, altering, improving or repairing a dam, if the dam is associated with the production of electricity and the activity has been approved by a Minister's order under the Lakes and Rivers Improvement Act.

- First Reading carried June 5, 2019

Bill 169, Home Warranties to Protect Families Act, 2019

(Rakocevic, Tom NDP - Humber River -Black Creek)

This Bill would amend the Ontario New Home Warranties Plan Act to discontinue the current warranty plan under the Act by the Tarion Warranty Corporation with a multi-provider system of new home warranty providers, having prescribed qualifications. Providers would compete with each other for homeowner business.

- First Reading carried December 12, 2019

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Pending Proclamations of Bills

Not-for-Profit Corporations Act, 2010

Royal Assent October 25, 2010. As of **Jan 10, 2020** most of the Act has not yet been proclaimed in force.

Regulations

(reflects contents of the Ontario Gazette through to **January 20, 2020**)

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 **and postponed** the revocation of certain existing non-construction industry exemptions of certain classes of workers to January 1, 2020.

Ontario Regulation 117/18

FAIRNESS IN PROCUREMENT ACT, 2018

This regulation was published in the April 14, 2018 edition of the Ontario Gazette. It designates suppliers of certain construction services and supplies from the state of New York as being subject to reciprocal restrictions to provide services to government agencies in the Province of Ontario, a response to restrictive legislation passed by the State of New York which prohibits certain construction services and materials originating outside of the US. The regulation will come into force upon the date that the Fairness in Procurement Act, 2018 is proclaimed into force.

Ontario Regulation 88/19

BUILDING CODE ACT, 1992

This regulation, which was published in the May 18, 2019 issue of the Ontario Gazette, implements a large number (139 pages) of amendments to the Ontario Building Code. Most of the changes came into effect on May 2, 2019 however several others **came** into force on January 1, 2020 and a limited number of other changes which will come into force as of January 1, 2022.

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Ontario Regulation 185/19

OCCUPATIONAL HEALTH AND SAFETY ACT, R.S.O. 1990

This regulation, which was published in the June 29, 2019 issue of the Ontario Gazette, amends O. Reg 833, RRO 1990, by updating some of the requirements and standards associated with air respirators and related equipment to protect against exposure from chemical and other harmful agents. The changes **came** force on January 1, 2020.

Ontario Regulation 189/19

OCCUPATIONAL HEALTH AND SAFETY ACT, R.S.O. 1990

This regulation, which was published in the June 29, 2019 issue of the Ontario Gazette, amends O. Reg 490/09 dealing with the care and maintenance of air respirators and related equipment to protect against exposure from chemical and other harmful agents. The changes **came into** force on January 1, 2020.

Ontario Regulation 327/19

OCCUPATIONAL HEALTH AND SAFETY ACT, R.S.O. 1990

This regulation, which was published in the October 19, 2019 issue of the Ontario Gazette, amends the Construction Projects Regulation O. Reg 213/91 regarding temporary stairs during construction, and **came into** force on January 1, 2020.

Ontario Regulation 406/19

ENVIRONMENTAL PROTECTION ACT, R.S.O. 1990

This regulation, which was filed on December 4, 2019 but has not yet been published in the Ontario Gazette, establishes a new regulatory framework for the management (including the sampling, testing, handling, storing, transporting, treatment and placement) of excavated soils and the conditions under which such soils are or are not regulated as a waste. The new regulation is also part of the establishment and operation of an excavated soil registry accessible by the public which will allow searches of registered soil movements and the sites from which such soils originated. As the majority of construction sites involve some form of excavation, the new regulatory framework for excavated fill and soils will, as it is phased into force, with several sections coming into force on July 1, 2020 and other sections coming into force on January 1, 2022, January 1, 2025 and January 1, 2026.

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Ontario Regulation 408/19

ENVIRONMENTAL PROTECTION ACT, R.S.O. 1990

This regulation, which was filed on December 4, 2019 but has not yet been published in the Ontario Gazette, amends the General Waste Management Regulation, Ontario Regulation 347 to establish new definitions for the terms “excess soil” and “liquid soil”. These amendments are an integral part of the Ontario government’s establishment of a new regulatory framework for the management (including the sampling, testing, handling, storing, transporting, treatment and placement) of excavated soils and the conditions under which such soils are or are not regulated as a waste. This Regulation comes into force on July 1, 2020.

Ontario Regulation 409/19

ENVIRONMENTAL PROTECTION ACT, R.S.O. 1990

This regulation, which was filed on December 4, 2019 but has not yet been published in the Ontario Gazette, amends Registration of Waste Management Systems Regulation, Ontario Regulation 351/12. These amendments are an integral part of the Ontario government’s establishment of a new regulatory framework for the management (including the sampling, testing, handling, storing, transporting, treatment and placement) of excavated soils and the conditions under which such soils are or are not regulated as a waste. When excavated soils are managed in a prescribed manner, they are exempted from certain sections of the Environmental Protection Act. This regulation comes into force on July 1, 2020.

Ontario Regulation 417/19

WORKPLACE SAFETY AND INSURANCE ACT, 1997

This regulation was published in the December 28, 2019 edition of the Ontario Gazette. It amends Schedule 1 of O.Reg. 175/98, the list of compulsory industries for which employers are liable to contribute to the insurance fund. The changes came into effect on January 1, 2020. The construction sector, Class G, is now broader and simpler. The subclasses are: 1. Building Construction; 2. Infrastructure Construction; 3. Foundation, structure and building exterior construction; 4. Building equipment construction; and 5. Specialty Trades Construction.

Ontario Regulation 427/19

CONDOMINIUM ACT, 1998

This regulation was published in the December 28, 2019 edition of the Ontario Gazette. It amends O.Reg. 49/01, the descriptions and procedures for registration of condominium corporations. The changes came into effect on January 1, 2020.

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Ontario Regulation 449/19

OCCUPATIONAL HEALTH AND SAFETY ACT, R.S.O. 1990

This regulation, which was published in the January 3, 2020 issue of the Ontario Gazette, amends the Control of Exposure to Biological or Chemical Agents Regulation O. Reg 833 (R.R.O. 1990) and comes into force on July 1, 2020.

Ontario Regulation 450/19

OCCUPATIONAL HEALTH AND SAFETY ACT, R.S.O. 1990

This regulation, which was published in the January 3, 2020 issue of the Ontario Gazette, amends the Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations Regulation O. Reg 278/05 and came into force on January 1, 2020.

End of Report