

CONSTRUCTION LAW CHANGES IN ONTARIO

As of September 26, 2021

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Provincial Government Bills

1st Session, 42nd Parliament - Most Recent Legislature Sitting was June 14, 2021. Sittings were expected to resume September 13, 2021; however, the Legislature was prorogued and will not resume sittings until October 4, 2021.

All bills that did not receive Royal Assent prior to September 4, 2021 are null and void.

Bill 238, Workplace Safety and Insurance Amendment Act, 2021 (Minister of Labour. Training and Skills Development)

This Bill amends the Workplace Safety and Insurance Act 44 to create a special rule for the calculation of certain employer premiums, but only for part or all of the 2021 calendar year.

- Royal Assent received April 14, 2021.

Bill 257, Supporting Broadband and Infrastructure Expansion Act, (Minister of Infrastructure)

While this Bill does include measures to expand broadband telecommunications (internet) access through the Building Broadband Faster Act, 2021, Bill 257 also amends several other statutes, namely the amends the Ontario Energy Board Act, 1998 and the Planning Act and also provides a limited exemption to portions of the Underground Infrastructure Notification System Act, 2012 allowing a contractor to excavate without receiving a locate response from utilities.

- Royal Assent Received April 12, 2021

Bill 269, Protecting the People of Ontario Act (Budget Measures), 2021 (Minister of Finance)

This is the statute intended to carry forward the measures announced in the March 24, 2021 Provincial Budget (37 pages). Budget measures include, but are not limited to, a new temporary Ontario Jobs Training Tax Credit for 2021, an additional \$2.8 billion to expand broadband (internet access) services, and additional funding for health care.

- Royal Assent Received April 27, 2021

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Bill 276, Supporting Recover and Competitiveness Act, 2021

(Associate Minister of Small Business and Red Tape Reduction)

This is an omnibus Bill which amends 28 separate statutes including: the Planning Act, Ontario Immigration Act, 2015, Ontario Energy Board Act, 1998, Not-for-Profit Corporations Act, 2010, the Modernizing Ontario for People and Businesses Act, 2020, the Employment Standards Act, 2000 and the Electricity Act, 1998. The Bill does not appear to have any provisions that are aimed at or would have a unique impact on the construction industry.

- Royal Assent Received June 3, 2021.

Bill 284, COVID-19 Putting Workers First Act, 2021

(Minister of Labour. Training and Skills Development)

This Bill is the government's response for paid leave for employees impacted by Covid-19 and is an amendment to the Employment Standards Act, 2000. The employer is required to provide up to three paid days of leave for specified Covid-19 situations and the employer, in turn, is entitled for reimbursement from the WSIB, provided that they make the application within 120 days of when the payment is actually made to the employee. Part days are not permitted, any leave must be taken as a full day and counts towards the limit of three. The wages per day are capped at \$200 per day, the program came into force as of April 29, 2021 ends as of January 25, 2022.

- Royal Assent received April 29, 2021.

Bill 288, Building Opportunities in the Skilled Trades Act, 2021

(Minister of Labour. Training and Skills Development)

This Bill attempts to modernize and streamline apprenticeship training and certification and the continuation of the Ontario College of Trades. It appears that most of the detailed impacts will be set out in regulations, which have not yet been passed. The Ministry is also proceeding with online public consultation at <https://www.ontario.ca/page/skilled-trades-panel-consultations>.

- Royal Assent Received June 3, 2021

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Private Members' Bills 1st Session, 42nd Parliament

Bill 214, Time Amendment Act, 2020

(Jeremy Roberts, PC - Ottawa West Nepean)

This Bill would amend the Time Act to make the time now called daylight saving time the standard time year-round. Construction work days between early November and early April would therefore have less daylight in the morning but more daylight in late afternoon and early evening.

- Royal Assent Received November 30, 2020.

Pending Proclamations of Bills

Not-for-Profit Corporations Act, 2010

Royal Assent October 25, 2010. As of September 11, 2021, most of the Act has not yet been proclaimed in force, however on September 2, 2021 the Province announced the in-force date was announced to be October 19, 2021 (the "Proclamation Date"). Once it is in effect, the Ontario Not-for-Profit Corporations Act, 2010 will apply to all Ontario non-profit corporations. Current Ontario non-share capital corporations, such as the OGCA, will have three years to review and amend their documents to conform with the new requirements.

Regulations

(reflects contents of the Ontario Gazette through to **September 25, 2021**)

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 775/20

ENVIRONMENTAL PROTECTION ACT

This regulation, which was published in the January 8, 2021 issue of the Ontario Gazette, amends O. Reg 406/19, On-Site Excess Soil Management by adding a significant number of definitions, including but not limited to 'topsoil', 'soil processing site', 'registry', 'excess soil' and 'crushed rock'. Most of the Regulation came into effect on January 1, 2021, but sections 7 to 13 come into force on January 1, 2022.

Ontario Regulation 253/21

CONDOMINIUM ACT, 1998

This regulation, which was published in the April 24, 2021 issue of the Ontario Gazette, extends the temporary suspension period re meetings of directors for condominium corporation, from May 31, 2021 to December 31, 2021.

Ontario Regulation 592/21

CONSTRUCTION ACT

This regulation, which was published in the September 10, 2021 issue of the Ontario Gazette, amends certain forms used for enforcement of liens under the Construction Act. The changes are effective as of August 27, 2021.

Current Proposals Posted on Ontario's Regulatory Registry

(A listing of regulatory proposals, **as of September 26, 2021**, that may affect OGCA member businesses, which are open for public comment)

Proposal 21-MMAH020

This proposal from the Ministry of Municipal Affairs and Housing is for amendments to the Ontario Building Code, including the use of remote inspection technologies, as well as amendments to Division C of the Building Code regarding 'Tiny Homes'. This Proposal is open for public comments from September 8 until October 23, 2021 See

<https://www.ontariocanada.com/registry/view.do?postingId=38767&language=en>

End of Report

Changes since the September 11, 2021 report are in **blue bold italic text with yellow highlighting**