

CONSTRUCTION LAW CHANGES IN ONTARIO

As of October 12, 2021

Page 1 of 4

Provincial Government Bills

1st Session, 42nd Parliament - Most Recent Legislature Sitting was **October 7, 2021 and the next sitting is scheduled for Monday October 18, 2021.**

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

Bill 5, York Region Wastewater Act, 2021

(Minister of the Environment, Conservation and Parks)

This Bill would bring to an end the environmental assessment process which began in 2008 and has since 2014 been awaiting the Minister's decision on whether to reject, approve or impose additional conditions on the project. York Region had invested about \$100 million on the project to date. The Bill, if passed, would suspend the EA process and prohibit all further actions by York Region. The Bill is essentially a clone of Bill 306 which received first reading on June 3, 2021, however as the Legislature was prorogued in September 2021, Bill 306 became null and void.

- ***First Reading carried October 5, 2021***
- ***Second Reading debated October 6 and 7, 2021.***

Bill 13, Supporting People and Businesses Act, 2021

(Minister of Small Business and Red Tape Reduction)

This Bill would amend 25 separate statutes including the Water Opportunities Act, 2010, the Occupational Health and Safety Act (definition of 'engineer'), the Environmental Assessment Act (greater flexibility to amend or change the classes of undertakings to which the Act applies) and the Development Charges Act, 1997. to reject, approve or impose additional conditions on the project. York Region had invested about \$100 million on the project to date. The Bill, if passed, would suspend the EA process and prohibit all further actions by York Region. The Bill is essentially a clone of Bill 306 which received first reading on June 3, 2021, however as the Legislature was prorogued in September 2021, the Bill had to be re-introduced. e 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.

- ***First Reading carried October 7, 2021.***

CONSTRUCTION LAW CHANGES IN ONTARIO

As of October 12, 2021

Page 2 of 4

Private Members' Bills **2nd** Session, 42nd Parliament

None of the Private Members' Bills introduced in the current session of the Legislature have a direct and material impact on the OGCA or its members

Pending Proclamations of Bills Not-for-Profit Corporations Act, 2010

The in-force date is fixed as 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 **October 9, 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.

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.

CONSTRUCTION LAW CHANGES IN ONTARIO

As of October 12, 2021

Page 3 of 4

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.

Ontario Regulation 650/21

EMPLOYMENT STANDARDS ACT, 2000

This regulation, which was published in the October 1, 2021 issue of the Ontario Gazette, extends the "COVID-19 period" from September 25, 2021 to January 1, 2022.

Ontario Regulation 665/21

WORKPLACE SAFETY AND INSURANCE ACT, 1997

This regulation, which was published in the October 9, 2021 issue of the Ontario Gazette, fixes \$100,422 as the amount prescribed for the period beginning January 1, 2022 for the purposes of clause 88.1(a) of the Act.

CONSTRUCTION LAW CHANGES IN ONTARIO

As of October 12, 2021

Page 4 of 4

Current Proposals Posted on Ontario's Regulatory Registry

(A listing of regulatory proposals, **as of October 12, 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>

Proposal 21-MLTSD018

This proposal from the Ministry of Labour Training and Skills Development for a new regulation under the Building Opportunities in the Skilled Trades Act, 2021 regarding a number of issues, including but not limited to: the list of the skilled trades, definition of journey person and which trades are subject to a Certificate of Qualification. This Proposal is open for public comments from October 1 to October 21, 2021. See

<https://www.ontariocanada.com/registry/view.do?postingId=39107&language=en>

Proposal 21-MLTSD019

This proposal from the Ministry of Labour Training and Skills Development for changes to the Schedule of the Occupational Health and Safety Act, which are set out in Bill 13, Supporting People and Businesses Act, 2021. The change involves the definition of the term 'Engineer' and use of that term in the OHS Act Schedule. This Proposal is open for public comments from October 7 to November 21 See

<https://www.ontariocanada.com/registry/view.do?postingId=39147&language=en>

End of Report