

CONSTRUCTION LAW CHANGES IN ONTARIO

As of February 9, 2022

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Provincial Government Bills

1st Session, 42nd Parliament - Most Recent Legislature Sitting was December 9, 2021 and the next sitting is scheduled for Tuesday February 22, 2022.

Bill 13, Supporting People and Businesses Act, 2021

(Minister of Small Business and Red Tape Reduction)

This Bill amends 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.

- Royal Assent received December 2, 2021.

Bill 27, Working for Workers Act, 2021

(Minister of Labour, Training and Skills Development)

This Bill amends 6 separate statutes including the Employment Protection for Foreign Nationals Act, 2009; the Employment Standards Act, 2000 (employers of workforces of 25 or more persons to have a policy with respecting to 'disconnecting from work'); the Fair Access to Regulated Professions and Compulsory Trades Act, 2006; the Occupational Health and Safety Act (owner of workplace to provide access to a washroom for persons making deliveries) and the Workplace Safety and Insurance Act, 1997 (authority for Board to distribute amounts in the insurance fund in excess of prescribed amounts among Schedule 1 employers).

- Royal Assent received December 2, 2021.

Bill 43, Build Ontario Act (Budget Measures), 2021

(Minister of Finance)

This Bill amends 11 separate statutes including the Business Corporations Act (to require certain companies to prepare a register of individuals with significant control) and the Employment Standards Act, 2000 (to increase minimum wage to \$15 per hour and adjust it annually on October 1 to cover inflation).

- Royal Assent received December 9, 2021.

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Private Members' Bills 2nd Session, 42nd Parliament

Bill 54, Protecting Vulnerable Road Users Act, 2021

(Bhutila Karpoche, NDP - Parkdale—High Park

Doly Begum, NDP, Scarborough Southwest

Jessica Bell, NDP, University -- Rosedale)

This is very similar to Bill 62 from the previous sittings which was tabled for first reading on November 21, 2018 by Jessica Bell. Bill 54 would, if passed, would amend the *Highway Traffic Act* to impose more serious legal consequences of a collision that seriously injures or kills a pedestrian, a cyclist, a mobility device user, a roadway worker, an emergency responder outside their motor vehicle or another individual listed in the Bill.

- First Reading carried November 18, 2021
- Second Reading debated and carried November 24, 2021 and ordered referred to the Standing Committee on Justice Policy

Bill 57, Paris Galt Moraine Conservation Act, 2021

(Mike Schreiner, Green Party - Guelph)

This Bill is very similar to Bill 71 from the previous sittings which was tabled for first reading on February 20, 2019 by Mike Schreiner. Bill 57, if passed, 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 November 24, 2021.

Bill 68, Speaking Out About Workplace Violence and Workplace Harassment Act, 2021

(France Gelinas, NDP - Nickel Belt)

This Bill, if passed, would amend the Occupational Health and Safety Act to protect work against reprisals who speak out about workplace violence or workplace harassment.

- First Reading carried December 6, 2021.

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Pending Proclamations of Bills

Not-for-Profit Corporations Act, 2010

This Act's in-force date was October 19, 2021 (the "Proclamation Date"). The Ontario Not-for-Profit Corporations Act, 2010 applies to all Ontario non-profit corporations. Current Ontario non-share capital corporations, such as the OGCA, have until October 2024 to review and amend their documents to conform with the new statute.

Building Opportunities in the Skilled Trades Act, 2021

This Act's in-force date was January 1, 2022 (the "Proclamation Date").

Regulations

(reflects contents of the Ontario Gazette through to *February 5, 2022*)

Ontario Regulation 777/21

ELECTRICITY ACT, 1998

This regulation, which was published in the December 3, 2021 issue of the Ontario Gazette, revokes O.Reg 164/99 and adopts the ESA's 'Ontario's Amendments to the Canadian Electrical Code Part 1, C22.1, as amended on Sep 9 2021 as the new Electricity Safety Code. The new code and Regulation come into effect on May 5, 2022.

Ontario Regulation 837/21

PROFESSIONAL ENGINEERS ACT

This regulation, which was published in the December 25, 2021 issue of the Ontario Gazette, amends O. Reg 941 (General Regulation) by setting out requirements for affixing an electronic seal and signature to certain engineering documents. The Regulation will come into force on July 31, 2022.

Ontario Regulation 875/21

BUILDING OPPORTUNITIES IN THE SKILLED TRADES ACT, 2021

This regulation, which was published in the January 8, 2022 issue of the Ontario Gazette, replaces the O. Reg 275/11 under the Ontario College of Trades and Apprenticeship Act, 2009, establishes definitions of various trades, however the vast majority remain unchanged from the prior regulation. The new regulation *came into force on January 1, 2022, the date when the Building Opportunities in the Skilled Trades Act, 2021 was* proclaimed in force.

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Ontario Regulation 876/21

BUILDING OPPORTUNITIES IN THE SKILLED TRADES ACT, 2021

This regulation, which was published in the January 8, 2022 issue of the Ontario Gazette, replaces a similar regulation under the Ontario College of Trades and Apprenticeship Act, 2009, which prescribes the various skilled trades for purposes of the Act. The regulation *came into force on January 1, 2022, the date when the Building Opportunities in the Skilled Trades Act, 2021 was proclaimed in force.*

Ontario Regulation 4/22

DEVELOPMENT CORPORATIONS ACT, 2021

This regulation, which was published in the January 21, 2022 issue of the Ontario Gazette, establishes a new not-for-profit corporation named ‘Intellectual Property Ontario’ for the purpose of increasing public access to intellectual property resources to advance economic growth and competitiveness in Ontario. The new corporation will provide introductory education related to intellectual property at no charge and provide eligible clients with advice on dealing with third parties regarding intellectual property rights and licenses. Most of the regulation came into force as of will come into force on January 4, 2022.

Current Proposals Posted on Ontario’s Regulatory Registry

(A listing of regulatory proposals, *as of February 9, 2022*, that may affect OGCA member businesses, which are open for public comment)

Proposal 21-MLTSD 032

This proposal from the Ministry of Labour, Training and Skills Development is a regulation to update references to engineers and professional engineers in regulations under the Occupational Health and Safety Act (OHSA). This Proposal is open for public comments from December 15, 2021 to February 16, 2022 See <https://www.ontariocanada.com/registry/view.do?postingId=40187&language=en>

ERO Proposal 019-4801

This proposal from the Ministry of Northern Development, Mines, Natural Resources and Forestry is for regulatory changes for importing soil to facilitate rehabilitation at authorized pits and quarries under the Aggregate Resources Act. This proposal is open for public comments from January 10, 2022 to February 24, 2022. See <https://ero.ontario.ca/notice/019-4801>

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Proposal 22-MGCS 002

This proposal from the Ministry of Government and Consumer Services is for changes to the enforcement of the safety provisions under the Electricity Act, 1998 including the use of Administrative Monetary Penalties. This proposal is open for public comments from January 10, 2022 to February 24, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=40388&language=en>

ERO Proposal 019-4108

This proposal from the Ministry of the Environment Conservation and Parks for expanding administrative penalties for environmental contraventions for five of the statutes enforced by the Ministry including: the Environmental Protection Act (e.g. excess noise, unauthorized air emissions, contaminant spills, etc.) the Ontario Water Resources Act (failure to obtain or comply with conditions of dewatering permits, etc.) and Safe Drinking Water Act (construction or operation of a drinking water system without obtaining or complying with relevant permits). This proposal is open for public comments from January 27, 2022 to March 13, 2022. See <https://ero.ontario.ca/notice/019-4108>

End of Report