

CONSTRUCTION LAW CHANGES IN ONTARIO

As of March 10, 2022

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Provincial Government Bills

1st Session, 42nd Parliament - Most Recent Legislature Sitting was **March 10, 2022** and the next sitting is expected on **Monday March 14, 2022**.

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.

Bill 84, Fewer Fees, Better Services Act, 2022

(Associated Minister of Small Business and Red Tape Reduction)

This Bill creates a new statute, the At Your Service Act, 2022 which prescribes that Ministries and certain other entities must meet specific performance standards or risk paying a refund or other compensation to affected persons. The Bill would also amend or replace 10 other statutes including the Highway 407 East Act, 2012, the Licence Appeal Tribunal Act, 1999, the Mining Act and the Ministry of Infrastructure Act, 2011.

- First Reading carried February 22, 2022
- Second Reading debated February 23 and 24, 2022
- **Second Reading carried February 24, 2022**
- **Third Reading debated February 28, March 1 and 2, 2022**
- **Third Reading carried March 3, 2022**
- **Royal Assent Received March 3, 2022.**

Bill 88, Working for Workers Act, 2022

(Minister of Labour, Training and Skills Development)

This Bill creates a new statute, the Digital Platform Workers' Rights Act, 2022 to provide specific compensation and working conditions rights for ride share, courier and other prescribed services. It would also amend the Employment Standards Act, 2000 regarding electronic monitoring of employees and would amend the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 re timelines for applications for registration and the Occupational Health and Safety Act re risk of workers who may have an opioid overdose.

- ***First Reading carried February 28, 2022***
- ***Consideration by the Standing Committee on Social Policy, March 9, 2022***

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- *Reported to the Legislature as amended and ordered for Second Reading March 10, 2022.*

Bill 93, Getting Ontario Connected Act, 2022 ***(Minister of Infrastructure)***

This Bill amends the Building Broadband Faster Act, 2021 providing additional powers for the Minister and new obligations for municipalities to respond to right of way access. The Bill would also amend the Ontario Underground Infrastructure Notification System Act, 2012 to extend the duration of locate tickets from 30 to 60 days, conditions under which an emergency locate request can be made, use of dedicated locators, permitting multiple parties to share a locate response and a mechanism for excavators to claim damages for delayed or misleading locate responses.

- *First Reading carried March 7, 2022*
- *Second Reading debated March 10, 2022*

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

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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.

Bill 83, An Act to amend the Highway 407 East Act, 2012 with respect to toll highways

(French Jennifer K, NDP - Oshawa)

This Bill, if passed, would amend the Highway 407 East Act, 2012 to revoke the status of Highways 412 and 418 as toll highways.

- First Reading carried February 22, 2022.

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").

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Regulations

(reflects contents of the Ontario Gazette through to **March 4, 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.

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.

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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 March 10, 2022*, that may affect OGCA member businesses, which are open for public comment)

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>

ERO Proposal 019-4974

This is a proposal from the Ministry of Municipal Affairs and Housing for changes to Ontario’s Building Code. Most of the proposed changes are intended to harmonize the Ontario Building Code with Canada’s National Building Code regarding energy efficiency. This proposal is open for public comments from January 27, 2022 to March 13, 2022. There is also a Webinar scheduled for March 3 2022 at 1:30 pm by the Ministry on some of the changes. A request to join the webinar can be sent via email to buildingcode.consultation@ontario.ca. For details on specific proposed changes, see <https://ero.ontario.ca/notice/019-4974>

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22-MMAH-003

This proposal from the Ministry of Municipal Affairs and Housing is for an interim change under the Ontario Building Code regarding phased occupancy in 'super tall buildings'. The change would primarily impact condominium buildings but other 'super tall buildings' might also be impacted. There is no proposed definition for what would constitute a 'super tall building'. The proposal would allow lower floor residential units to be occupied while upper floors are being constructed under certain conditions. This proposal is open for public comments from February 11, 2022 to March 14, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=40907&language=en>

22-MEDJCT-001

This proposal from the Ministry of Economic Development, Job Creation and Trade Policy Planning Unit is for improving service and enhancing transparency and accountability for government service standards. The impacted services would include the issuance and/or renewal of various business licenses and permits. This proposal is open for public comments from February 22, 2022 to April 8, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=41007&language=en>

22-MTO-012

This proposal from the Ministry of Transport for the revoking the status of Highways 412 and 418 as toll highways under the Highway 407 East Act, 2012 as of June 1, 2023. This is a separate and distinct measure from the recent regulatory change to reduce the tolls on Highways 412 and 418 to zero effective April 5, 2022, The relevant legislative bill is Bill 84. This proposal is open for public comments from February 22, 2022 to April 8, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=41048&language=en>

22-MOI-001

This proposal from the Ministry of Infrastructure is to establish various measures to expedite projects through the Building Broadband Faster Act, 2021 consequential amendments to the Ontario Underground Infrastructure Notification Act, 2021 to support more efficient locates. Many of the proposed measures form part of Bill 93. This proposal is open for public comments from March 8, 2022 to April 7, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=41207&language=en>

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22-MOI-002

This proposal from the Ministry of Infrastructure is to establish the authority of the Minister to impose administrative monetary penalties for contravention of the Building Broadband Faster Act, 2021. This proposal is open for public comments from March 8, 2022 to April 22, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=41208&language=en>

22-MGCS-006

This proposal from the Ministry of Government and Consumer Services for administrative monetary penalties for contravention of the Ontario Underground Infrastructure Notification Act, 2012 as well as other measures such as mandating the use of a dedicated single locator in certain circumstances. This proposal is open for public comments from March 8, 2022 to April 7, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=41187&language=en>

22-MLTSD-002

This proposal from the Ministry of Labour, Training and Skills Development for increasing maximum fines for contraventions of the Occupational Health and Safety Act, including fines of up to \$1.5 million for directors or officers of corporations. This proposal is open for public comments from February 28 to March 29, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=41087&language=en>

22-MLTSD-008

This proposal from the Ministry of Labour, Training and Skills Development for setting and enforcing time limits to processing applications for registration for the 14 regulated professions and 23 compulsory trades through amendments to the Fair Access to Regulated Professions and Trades Act, 2006. This proposal is open for public comments from March 2, 2022 to April 1, 2022. See <https://www.ontariocanada.com/registry/view.do?postingId=41147&language=en>

End of Report