

## CONSTRUCTION LAW CHANGES IN ONTARIO

As of May 27, 2022

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### Provincial Government Bills

**1st Session, 42nd Parliament** - Most Recent Legislature Sitting was May 2, 2022 and the next sitting is not expected until early September 2022.

#### **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.

- 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.

- Royal Assent received April 11, 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.

- Royal Assent received April 14, 2022

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### **Bill 109, More Homes for Everyone Act, 2022**

**(Minister of Municipal Affairs and Housing)**

This Bill would amend the Development Charges Act, 1997, the New Home Construction Licensing Act, 2017, the Ontario New Home Warranties Plan Act and the Planning Act to streamline regulations and the approval processes for new housing in the Province with the goal of significantly reducing the average timelines of 10 to 11 years to complete low rise or high-rise housing projects.

- Royal Assent received April 14, 2022

### ~~**Bill 126, Plan to Build Act (Budget Measures), 2022**~~

~~**(Minister of Finance)**~~

~~This Bill would have amended 6 separate statutes as part of the 2022 Provincial budget, including the City of Toronto Act, 2006, the Insurance Act, the Taxation Act, 2007 and the Workplace Safety and Insurance Act, 1997.~~

- ~~- First Reading carried April 28, 2022, but ‘died on the order paper’ with the calling of the Provincial election~~

## **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)**~~

- ~~- ‘Died on the order paper’ with the calling of the Provincial election~~

### ~~**Bill 57, Paris Galt Moraine Conservation Act, 2021**~~

~~**(Mike Schreiner, Green Party – Guelph)**~~

- ~~- ‘Died on the order paper’ with the calling of the Provincial election~~

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

~~**(France Gelin, NDP – Nickel Belt)**~~

- ~~- ‘Died on the order paper’ with the calling of the Provincial election~~

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

~~(French Jennifer K, NDP - Oshawa)~~

- 'Died on the order paper' with the calling of the Provincial election

~~Bill 98, Fairness for Ontario's Internationally Trained Workers Act, 2022~~

~~(Doly Begum, NDP - Scarborough Southwest~~

~~Joel Harnden, NDP, Ottawa Centre~~

~~Terrance Kernaghan, NDP, London North Centre~~

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

- 'Died on the order paper' with the calling of the Provincial election

### 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.

#### Moving Ontarians More Safely Act, 2021

Most of this Act has not, **as of May 27, 2022**, been proclaimed in force.

### Regulations

(reflects contents of the Ontario Gazette through to **May 27, 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.

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### **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 174/22**

#### **HIGHWAY TRAFFIC ACT**

This regulation, which was published in the March 25, 2022 issue of the Ontario Gazette, provides a new regulation, the Classes of Vehicles Requiring Annual and Semi-Annual Inspections Regulation. Under the new regulation, most commercial pick-up trucks would require annual inspections. This Regulation comes into effect on January 1, 2024.

### **Ontario Regulation 183/22**

#### **ENVIRONMENTAL PROTECTION ACT**

This regulation, which was published in the March 25, 2022 issue of the Ontario Gazette, amends O.Reg 457/19 to modify emission standards for certain heavy diesel vehicles. Most of the regulation comes into force on April 1, 2022 and O.Reg 457/19 will be revoked as of July 1, 2022.

### **Ontario Regulation 185/22**

#### **HIGHWAY TRAFFIC ACT**

This regulation, which was published in the March 25, 2022 issue of the Ontario Gazette, establishes a new regulation for Portable Traffic Control Systems, which deal with traffic lane closures and automated flagger assistances devices. The Regulation will also revoke Ontario Regulation 606. This Regulation comes into effect on the day when Schedule 1 of the Moving Ontarians More Safely Act, 2021 comes into force.

### **Ontario Regulation 217/22**

#### **BUILDING CODE ACT, 1992**

This regulation, which was published in the April 1, 2022 issue of the Ontario Gazette, amends O. Reg 332/12 (Building Code) about information disclosure requirements among the chief building official, the clerk of the municipality and the fire chief of each municipality. The Regulation will come into force on July 1, 2022.

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### Ontario Regulation 261/22

#### **FAIR ACCESS TO REGULATED PROFESSIONS AND COMPULSORY TRADES ACT, 2006**

This regulation, which was published in the April 23, 2022 issue of the Ontario Gazette, outlines procedures for applying for an exemption for Canadian experience requirements and sets out testing requirements for English language proficiency. Most of the Regulation will come into force on July 1, 2022, whereas sections 5 and 6 dealing with decisions by professional regulators, will come into force on July 1, 2023.

### *Ontario Regulation 434/22*

#### ***BUILDING CODE ACT, 1992***

*This regulation, which was published in the May 14, 2022 issue of the Ontario Gazette, amends O. Reg 332/12 (Building Code) provides certain exemptions for obtaining a permit under section 8 or 10 of the Act, for the construction of temporary Health or Residential facilities. The amendments, which came into effect on April 26, 2022, will be revoked as of March 31, 2023.*

### *Ontario Regulation 443/22*

#### ***NEW HOME CONSTRUCTION LICENSING ACT, 2017***

*This regulation, which was published in the May 14, 2022 issue of the Ontario Gazette, amends O. Reg 625/20 (Delegation of Regulation Making Authorities) to address certain tax law requirements. The amendments came into effect on April 28, 2022.*

### *Ontario Regulation 451/22*

#### ***BUILDING CODE ACT, 1992***

*This regulation, which was published in the May 14, 2022 issue of the Ontario Gazette, amends portions of O. Reg 332/12 (Building Code), including, but not limited to: the definition of 'Combustible construction' to include encapsulated mass timber construction; requirements for combustible flooring elements, combustible stairs and combustible interior finishes; certain minimum required fire resistance ratings; and various requirements for site assembled and factory-built buildings. It also provides requirements to allow for partial occupancy of super tall buildings. Most of the amendments come into force on July 1, 2022 and all requirements will be in force as of November 1, 2022.*

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### *Ontario Regulation 453/22*

#### ***NEW HOME CONSTRUCTION LICENSING ACT, 2017***

*This regulation, which was published in the May 14, 2022 issue of the Ontario Gazette, amends O. Reg 631/20 (Applications for Licenses) by prescribing legislation which if contravened would impact the status of a license under the Act. The amendments come into force on July 1, 2022.*

### *Ontario Regulation 459/22*

#### ***BUILDING OPPORTUNITIES IN THE SKILLED TRADES ACT, 2021***

*This regulation, which was published in the May 21, 2022 issue of the Ontario Gazette, amends O. Reg 877/21 (General) by prescribing information about persons who hold a certificate of qualification that must be kept in the public register. The amendments came into force on May 3, 2022.*

## **Current Proposals Posted on Ontario's Regulatory Registry**

(A listing of regulatory proposals, as of **May 27, 2022**, that may affect OGCA member businesses, which are open for public comment)

**There are no relevant proposals at this time**

End of Report