

## CONSTRUCTION LAW CHANGES IN ONTARIO

As of Sep 27, 2022

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### Provincial Government Bills

**1st Session, 43rd Parliament** - The Legislature's most recent sittings were on Sep **14, 2022** and are expected to resume on **Oct 25, 2022.**

#### **Bill 2, Plan to Build Act (Budget Measures), 2022 (Minister of Finance)**

This Bill would bring forward certain elements of the most recent proposed provincial budget, as well as other changes such as amending the City of Toronto Act, 2006 to allow the TTC to enter into agreements to operate and/or maintain local transit systems. The Act would also amend various provisions of the Taxation Act, 2007 regarding tax credits.

- First Reading Received Aug 9, 2022
- Second Reading debated Aug 11, 17, 18 and 29, 2022
- Second Reading carried on division Aug 30, 2022 and ordered for third reading
- Third Reading debated Aug 31, 2022
- Third Reading carried on division Sep 1, 2022
- Royal Assent received Sep 8, 2022

#### **Bill 3, Strong Mayors, Building Homes Act, 2022 (Minister of Municipal Affairs and Housing)**

This Bill amends both the City of Toronto Act, 2006 and the Municipal Act 2001 to amend the powers of the mayors of Toronto and certain other municipalities to help reduce delays and work with the Province to promote more housing construction. Under the new Bill, mayors would have the power to appoint or dismiss the chief administrative officer or veto certain bylaws.

- First Reading carried Aug 10, 2022
- Second Reading debated Aug 11, 17, 2022
- Second Reading carried on division Aug 18, 2022 and ordered referred to the Standing Committee on Heritage, Infrastructure and Cultural Policy
- Consideration by the Standing Committee on Aug 25 and 29, 2022 and reported without amendment on Aug 30, 2022
- Third Reading debated Sep 6 and 7, 2022
- Third Reading carried on division Sep 8, 2022
- Royal Assent received Sep 8, 2022

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### Private Members' Bills 1st Session, 43rd Parliament

#### **Bill 4, Stay Home If You Are Sick Act, 2022**

**(P Sattler, NDP, London West)**

This Bill would amend sections 50, 50.01 and 50.02 of the Employment Standards Act, 2000 to broaden and simplify the situations in which an employee is entitled to paid leave for personal emergencies, medical emergencies, death or illness or injury of a family member, etc.

- First Reading carried Aug 10, 2022.

#### **Bill 6, Foreign Credentials Advisory Committee Act, 2022**

**(L Collard, Liberal, Ottawa- Vanier)**

This Bill would establish the Foreign Credentials Advisory Committee to review current laws that govern the recognition of foreign credentials in Ontario, and make recommendations on how to improve them. The Committee would provide its recommendations in a report to the Minister of Labour, Immigration, Training and Skills Development, which must be tabled in the Assembly and published on a government website.

- First Reading carried Aug 10, 2022.

#### **Bill 10, Publication of Mandate Letters Act, 2022**

**(A Shamji, Liberal, Don Valley East)**

This Bill would amend the Executive Council Act and the Freedom of Information and Protection of Privacy Act to stipulate that mandate letters for Ministers must be published by the Premier and are accessible through Freedom of Information requests.

- First Reading carried Aug 22, 2022.

#### **Bill 11, Speaking Out About and Reporting On Workplace Violence and Harassment Act, 2022**

**(L Mae Lindo, NDP, Kitchener Centre)**

**(J Bell, NDP, University Rosedale)**

**(J Andrew, NDP, Toronto - St Paul's)**

**(F Gelinis, NDP, Nickel Belt)**

This Bill would amend the Occupational Health and Safety Act to include protections against reprisals for workers who speak out about workplace violence or harassment.

- First Reading carried Aug 23, 2022.

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### Pending Proclamations of Bills

#### Not-for-Profit Corporations Act, 2010

This Act's in-force date was Oct 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 Oct 2024 to review and amend their documents to conform with the **new statute**.

#### Moving Ontarians More Safely Act, 2021

While Sched 1 s. 14, 20, 21 as well as Sched 3 s.1, 49, 50, 52, 53, 55-59 and 61-64 were proclaimed in force as of Jul 1 2022, Sched 3 s.2-15, 39, 46-48, 51, 54, 67(1) and (5) will not come into force until Jul 1, 2023. No coming into force dates have yet been announced for the other sections of the Act

### Regulations

(reflects contents of the Ontario Gazette through to **Sep 24, 2022**)

#### Ontario Regulation 174/22

##### HIGHWAY TRAFFIC ACT

This regulation, which was published in the Mar 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 Jan 1, 2024.

#### Ontario Regulation 185/22

##### HIGHWAY TRAFFIC ACT

This regulation, which was published in the Mar 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.

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### **Ontario Regulation 261/22**

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

This regulation outlines procedures for applying for an exemption for Canadian experience requirements and sets out testing requirements for English language proficiency. Most of the Regulation came into force on Jul 1, 2022, whereas sections 5 and 6 dealing with decisions by professional regulators, will come into force on Jul 1, 2023.

### **Ontario Regulation 434/22**

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

This regulation 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 Apr 26, 2022, will be revoked as of Mar 31, 2023.

### **Ontario Regulation 451/22**

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

This regulation 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 came into force on Jul 1, 2022 and all requirements will be in force as of Nov 1, 2022.

### **Ontario Regulation 464/22**

#### **EMPLOYMENT STANDARDS ACT, 2000**

This regulation, which was published in the Aug 6 2022 of the Ontario Gazette, amends O. Reg 228/20 (Infectious Disease Emergency Leave) to extent certain relief measures related Covid pandemic from Jul 31 2022 to Mar 31 2023.

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

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

Although there are **10** separate government proposals open for public comment, none of them are related to training, safety, codes or other construction related issues.

End of Report