

CONSTRUCTION LAW CHANGES IN ONTARIO

As of Nov 12, 2022

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Provincial Government Bills

1st Session, 43rd Parliament - The Legislature's most recent sittings were on **Nov 3, 2022** and are expected to resume on **Nov 14, 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.

- 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.

- Royal Assent received Sep 8, 2022

Bill 23, More Homes Built Faster Act, 2022 **(Minister of Municipal Affairs and Housing)**

This Bill amends various statutes, revokes several regulations and enacts a new statute to support growth and housing in York and Durham Regions. The changes through the Bill are all aimed at removing what the government considers to be barriers and obstacles to faster construction of new housing across the Province, including reductions to development charges and restricting certain powers of municipalities and conservation authorities.

- First reading carried Oct 25, 2022
- Second reading debated Oct 26 and 27, 2022
- ***Second reading carried on division Oct 31, 2022 and ordered referred to Standing Committee on Heritage, Infrastructure and Cultural Policy***
- ***Considered by the Standing Committee Nov 9 and 10, 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 Gelinias, 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 **Nov 12, 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 **Nov 12, 2022**, that may affect OGCA member businesses, which are open for public comment)

22-MGCS-017

This proposal from the Ministry of Government and Consumer Services for proposed changes to the Ontario New Home Warranties Plan Act to make improvements to the Customer Service Standard and how claims are handled, including an increase in the maximum coverage limits for freehold homes from \$300,000 to \$400,000. This proposal is open for public comments until Nov 14, 2022. See

<https://www.ontariocanada.com/registry/view.do?postingId=42628&language=en>

ERO #019-6177

This proposal from the Ministry of Municipal Affairs and Housing is for potential policy and other changes to create a streamlined province-wide land-use planning framework to allow for the faster and larger number of municipal approvals for housing construction and development projects. This proposal is open for public comments until Dec 30, 2022. See

<https://ero.ontario.ca/notice/019-6177>

22-MMAH-016

This proposal from the Ministry of Municipal Affairs and Housing for amendments to the Ontario Building Code as part of its efforts to enable and encourage faster construction of more homes in Ontario. This proposal is open for public comments until Dec 9, 2022. See

<https://www.ontariocanada.com/registry/view.do?postingId=42787&language=en>

22-MMAH-019

Similar to Instrument 22-MMAH-016 above, this proposal from the Ministry of Municipal Affairs and Housing is also for amendments to the Ontario Building Code. This is the third and final phase of the general Building Code consultations started in the fall of 2021. This proposal is open for public comments until Dec 9, 2022. See

<https://www.ontariocanada.com/registry/view.do?postingId=42888&language=en>

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ERO #019-6211

This proposal from the Ministry of Municipal Affairs and Housing is for potential changes to the sewage systems and energy provisions of Ontario's Building Code. This proposal is open for public comments until Dec 9, 2022. See <https://ero.ontario.ca/notice/019-6211>

22-MGCS-022

This proposal from the Ministry of Government and Consumer Services for proposed changes to the governance structure for Ontario One Call, through legislative amendments to the Ontario Underground Infrastructure Notification System Act, 2022. This proposal is open for public comments until Nov 25, 2022. See

<https://www.ontariocanada.com/registry/view.do?postingId=42912&language=en>

22-MGCS-023

This proposal from the Ministry of Government and Consumer Services for proposed changes to the enforcement of the New Home Construction Licensing Act, 2017, specifically the power to impose administrative monetary penalties for violations of the Act or regulations thereto. This proposal was only posted on Nov 4, 2022 and is open for public comments until Nov 14, 2022. See

<https://www.ontariocanada.com/registry/view.do?postingId=43027&language=en>

End of Report