

## CONSTRUCTION LAW CHANGES IN ONTARIO

As of Dec 11, 2022

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### Provincial Government Bills

**1st Session, 43rd Parliament** - The Legislature's most recent sittings were on **Dec 8, 2022** and are expected to resume on **Feb 21, 2023**.

#### **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, 16, 17 and 21, 2022
- Reported to the Legislature as amended Nov 22, 2022 and ordered for third reading;
- Third reading debated Nov 23 and 24, 2022 and moved for closure
- ***Third Reading carried on division, Nov 28 2022***
- ***Royal Assent received Nov 28 2022***

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### ***Bill 46, Less Red Tape, Stronger Ontario Act, 2022*** ***(Minister of Red Tape Reductions)***

***This Bill would amend 9 separate statutes including Oil, Gas and Salt Resources Act, the Ontario Energy Board Act and the Workplace Safety and Insurance Act, 1997. Changes to the latter would amend the definition of 'health care professional' and add rules governing how the WSIB is to determine average earnings of an apprentice.***

- ***First Reading carried Nov 23, 2022***
- ***Second Reading debated Nov 28, 29 and 30, 2022***
- ***Second Reading carried Dec 1, 2022 and ordered referred to the Standing Committee on Finance and Economic Affairs***

### **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
- Second Reading debated Nov 24, 2022
- ***Second Reading lost on division Nov 28, 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.

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### **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 Gelinas, 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.

### ***Bill 55, Four-Day Work Week Act, 2022***

***(K Bhutla, NDP, Parkdale - High Park)***

***This Bill would establish a Commission to develop recommendations on how to implement a pilot project.***

***- First Reading carried Dec 7, 2022.***

### ***Bill 57, Respecting Injured Workers Act (Workplace Safety and Insurance Amendment), 2022***

***(W Gates, NDP, Niagara Falls)***

***This Bill would amend the Workplace Safety and Insurance Act, 1997 to ensure that payments to a worker are only based on what that worker is able to earn in suitable and available work. A worker would only be deemed to earn certain income if the worker refused suitable employment in bad faith.***

***- First Reading carried Dec 7, 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 **Dec 9, 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 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.

## Current Proposals Posted on Ontario's Regulatory Registry

(A listing of regulatory proposals, as of **Dec 11, 2022**, that may affect OGCA member businesses, which are open for public comment)

### 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>

End of Report