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Bill 13

An Act to amend various Acts

The Hon. N. Tangri

Associate Minister of Small Business and Red Tape Reduction

Government Bill

1st Reading October 7, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 BARRISTERS ACT

The Schedule repeals section 3 of the *Barristers Act*. Section 3 of the Act sets out the order of precedence for members of the bar of Ontario in the courts of Ontario.

SCHEDULE 2 CANNABIS LICENCE ACT, 2018

The Schedule amends the *Cannabis Licence Act, 2018* respecting methods of distributing cannabis sold through cannabis retail stores. In particular, section 20 of the Act is re-enacted to provide that cannabis may be distributed either in person in a cannabis retail store or in an area immediately adjacent to it or by delivery. Complementary amendments are made to various provisions of the Act. Additionally, related amendments are made to two other statutes:

1. Subsection 7 (2) of the *Cannabis Control Act, 2017* is amended to expand the application of the subsection to distribution, which includes delivery, rather than to delivery only, when cannabis is not provided to a purchaser at the time of sale. Section 9 of the Act is re-enacted to provide that no person may purchase cannabis except from an authorized cannabis retailer, as defined in the Act.
2. Section 2 of the *Ontario Cannabis Retail Corporation Act, 2017*, setting out the exclusive rights of the Corporation, is re-enacted. The Corporation is given the exclusive right to sell cannabis online, without doing so through a cannabis retail store. Selling cannabis for resale through a cannabis retail store continues to be an exclusive right of the Corporation. The Corporation's exclusive rights also continue to be subject to such exceptions as may be specified by regulations made under the Act.

The *Cannabis Licence Act, 2018* is also amended to provide for searches, including warrantless searches, of conveyances for enforcement purposes. As well, subsection 49 (1) of the Act is amended to add an authority for the Lieutenant Governor in Council to make regulations governing rules and processes that apply if the Registrar of the Alcohol and Gaming Commission of Ontario receives a copy of a resolution of the council of the band in respect of a reserve containing a prescribed request relating to the delivery of cannabis or other products to the reserve. This could include regulations prohibiting or restricting the delivery of cannabis to a reserve.

Finally a correction is made to the French version of the definition of "reserve" in subsection 1 (1) of the *Cannabis Licence Act, 2018* and subsection 26 (3) of the *Cannabis Control Act, 2017*.

SCHEDULE 3 COLLECTION AND DEBT SETTLEMENT SERVICES ACT

The *Collection and Debt Settlement Services Act* is amended to update references to certain statutes.

SCHEDULE 4 COURTS OF JUSTICE ACT

The Schedule amends section 17 of the *Courts of Justice Act* to address an outstanding reference to case management masters, in part retroactive to September 1, 2021, the day on which they were retitled as associate judges. The Schedule also corrects several French language errors in the Act.

SCHEDULE 5 CROWN ADMINISTRATION OF ESTATES ACT

The Schedule amends the *Crown Administration of Estates Act* to change a reference to the Ministry of the Attorney General website to refer instead to a Government of Ontario website.

SCHEDULE 6 CROWN FOREST SUSTAINABILITY ACT, 1994

The Schedule amends the *Crown Forest Sustainability Act, 1994* by adding a new part III.2 governing the harvesting of forest resources in Crown forests for personal use in the prescribed circumstances or in accordance with an authorization issued by the Minister. Several consequential amendments are made and the Lieutenant Governor in Council is given new regulation making powers in respect of the harvesting of forest resources for personal use.

SCHEDULE 7 DEVELOPMENT CHARGES ACT, 1997

The amendments to the *Development Charges Act, 1997* change the method by which the estimate for the increase in the need for the Yonge North subway extension is calculated by basing it on the planned level of service provided in the municipality over the 20-year period immediately following the preparation of the background study.

**SCHEDULE 8
EDUCATION ACT**

The *Education Act* is amended to remove references to ranked ballot elections, change when boards must elect their chairs and when the chief executive officer of a board must submit a report to the Minister, and eliminate certain requirements relating to the appointment of supervisory officers.

**SCHEDULE 9
ELECTRICITY ACT, 1998**

The Schedule amends the *Electricity Act, 1998* to add a new section 36.1.1 creating a two-year limitation period (or such other limitation period as may be prescribed) that applies to certain payments, adjustments and amounts settled by the IESO.

Related amendments concerning limitation periods are made to the *Electricity Act, 1998* and other Acts:

1. A new subsection (9) is added to section 25.33 (Global Adjustment) of the *Electricity Act, 1998* to create the authority to provide for a limitation period in respect of adjustments to be made by the IESO, distributors and retailers under that section or the regulations.
2. The *Limitations Act, 2002* is amended to add new section 36.1.1 of the *Electricity Act, 1998* to the Schedule made under section 19 of that Act, to provide that a limitation period established under section 36.1.1 of the Act or the regulations prevails in respect of a claim where a limitation period in the Act also applies.
3. New provisions are added to the *Ontario Energy Board Act, 1998* to create the authority to prescribe limitation periods for entitlements related to certain electricity rate-mitigation programs.
4. The *Ontario Fair Hydro Plan Act, 2017* is amended to authorize the making of regulations to prescribe a limitation period related to the entitlement of consumers; and the rights or obligations of electricity vendors, unit sub-meter providers and the IESO in respect of payments, adjustments or amounts to be provided under that Act as it read immediately before the final plan date.

The Schedule also amends Part VIII of the *Electricity Act, 1998* to replace the administrative penalties currently provided for in respect of that Part with a new authority to impose administrative penalties, and to make related amendments. Under the new provisions, the Director may order a person to pay an administrative penalty if the person has contravened a prescribed provision of Part VIII or the regulations made under it, certain restrictions, limitations or conditions of a prescribed authorization or a prescribed order of the Authority. The maximum amount of an administrative penalty is \$10,000. The Minister is given regulation-making authority over matters relating to administrative penalties.

**SCHEDULE 10
ENVIRONMENTAL ASSESSMENT ACT**

The Schedule amends the *Environmental Assessment Act* to specify that both amendments to approved class environmental assessments, as well as amendments to approvals of class environmental assessments, may include amendments to change the classes of undertakings to which the class environmental assessment applies.

**SCHEDULE 11
LIQUOR LICENCE AND CONTROL ACT, 2019**

Paragraph 17 of subsection 78 (1) of the *Liquor Licence and Control Act, 2019* provides regulation-making authority to authorize the Registrar to approve temporary physical extensions of licensed premises. The Schedule re-enacts paragraph 17 to provide for a broad regulation-making authority governing physical extensions and other physical changes to licensed premises that may be specified by the regulations, which may be temporary or permanent and indoor or outdoor extensions or changes.

**SCHEDULE 12
MINING ACT**

The Schedule amends the *Mining Act* to add a new section 139.0.1 to Part VII (Rehabilitation of Mining Lands). The new section provides for a process by which activities that would otherwise be “mine production” as defined in section 139 for the purposes of Part VII are in specified circumstances instead deemed to be either “advanced exploration” as defined in that section or activities to which section 78.2, 78.3 or both apply. A proponent in respect of whom a deeming applies under the new section is subject to certain additional requirements specified in subsection 139.0.1 (6). The new section also specifies a process by which the deeming may cease to apply. Consequential amendments are made to section 78.1 and the definitions of “mine production” and “advanced exploration” in section 139.

The Schedule also amends Part VII to provide for a new recovery permit that authorizes the holder to recover minerals or mineral bearing substances from tailings or other waste materials resulting from mining, subject to the permit holder ensuring the remediation of the land on which the tailings or other waste materials are located. The remediation must be such that the condition of the land with respect to one or both of public health and safety or the environment is improved following the recovery and remediation, as determined by the Director of Mine Rehabilitation (section 152.1). Lands may be excluded under

section 152.2 from the application of a permit. The recovery permit holder is required to comply with the permit, including the recovery and remediation plan that forms part of the permit, as well as the terms and conditions to which the permit is subject (section 152.3). Provisions are added to provide for the making of orders or directions in the event of a failure to comply, or in circumstances where public health and safety or the environment have been or may likely be injured, damaged or endangered (sections 152.6 and 152.7). Consequential amendments are made to the definition of “mine” in subsection 1 (1) and throughout Part VII.

**SCHEDULE 13
MINISTRY OF INFRASTRUCTURE ACT, 2011**

Currently, clause 7.1 (4) (c) of the *Ministry of Infrastructure Act, 2011* allows the Lieutenant Governor in Council to make regulations respecting the application of specified statutes to any corporation that the Minister may establish, acquire or otherwise deal with for purposes of investing in, supporting or developing transit-oriented community projects related to priority transit projects. The Schedule amends this clause to add a reference to the *Not-for-Profit Corporations Act, 2010*.

**SCHEDULE 14
NORTHERN SERVICES BOARDS ACT**

The Schedule amends several provisions of the *Northern Services Boards Act* related to where notices of meetings are to be posted and how they are to be published. Notably, notices of meetings can now be published by electronic means or in an electronic format. Similar amendments are made to provisions of the Act dealing with where the minutes of meetings are to be posted and how they are published.

**SCHEDULE 15
OCCUPATIONAL HEALTH AND SAFETY ACT**

The Schedule amends the *Occupational Health and Safety Act* as follows:

The Act is amended with respect to terminology related to engineers. A new definition of the term “engineer” is added and the term “engineer of the Ministry” is replaced by the term “professional engineer of the Ministry”. Related amendments are made to the Act.

Certain notification and reporting provisions are amended with respect to deaths, critical injuries and other occurrences at a workplace. An amendment is made that if the regulations so provide, an employer must at least annually prepare and review a written occupational health and safety policy and develop and maintain a program to implement that policy for workplaces with five or fewer workers. A new regulation-making authority provides for the prescribing of elements and format of policies and programs required under the Act.

**SCHEDULE 16
ONTARIO AGENCY FOR HEALTH PROTECTION AND PROMOTION ACT, 2007**

The *Ontario Agency for Health Protection and Promotion Act, 2007* is amended to give the Lieutenant Governor in Council the authority to designate the chair and vice-chairs of the Agency’s board of directors.

**SCHEDULE 17
ONTARIO COLLEGE OF TEACHERS ACT, 1996**

The *Ontario College of Teachers Act, 1996* is amended in respect of various matters, including the composition of the Council and of panels of committees, the appointment of deputy registrars and the use of certain notations in the register. Provisions are also added prohibiting persons who are not members of the College from using certain titles or holding themselves out as members.

**SCHEDULE 18
ONTARIO ENERGY BOARD ACT, 1998**

The Schedule amends section 4.3 of the *Ontario Energy Board Act, 1998* by removing the upper limit on the number of commissioners that may be appointed, and to provide that the *Labour Relations Act, 1995* does not apply to commissioners.

In addition, section 4.10 of the Act is amended to provide for a single process for ministerial review of certain by-laws made by the board of directors of the Ontario Energy Board.

**SCHEDULE 19
PLANNING ACT**

The Schedule adds a new section 39.2 to the *Planning Act*. Section 39.2 provides that the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality. The Schedule also makes consequential amendments to the *Municipal Act, 2001* and the *City of Toronto Act, 2006*.

**SCHEDULE 20
POLICE RECORD CHECKS REFORM ACT, 2015**

The *Police Record Checks Reform Act, 2015* is amended to add a definition of “volunteer”. The Act is also amended to prohibit police services from charging certain fees in respect of police record checks requested by volunteers. The regulation-making authority is expanded with respect to prescribing requirements for how police services are to conduct police record checks for volunteers and with respect to prescribing purposes and periods of time for which such checks may be relied on.

**SCHEDULE 21
PROFESSIONAL FORESTERS ACT, 2000**

The Schedule amends the scope of practice of professional forestry set out in section 3 of the *Professional Foresters Act, 2000*. Several consequential amendments are made. Subsection 14 (7) of the Act is also amended to expand the prohibition against the use of the designation “Registered Professional Forester” by non-members.

**SCHEDULE 22
PROVINCIAL PARKS AND CONSERVATION RESERVES ACT, 2006**

The *Provincial Parks and Conservation Reserves Act, 2006* is amended to prohibit acquiring rights in or title to lands to which that Act applies, or to lands acquired for purposes of the Act, through the use, possession or occupation of the lands or by prescription.

**SCHEDULE 23
PUBLIC LANDS ACT**

The *Public Lands Act* is amended to prohibit acquiring rights in or title to public lands through the use, possession or occupation of the lands or by prescription.

Other amendments clarify the power of the Minister to establish and charge fees or other charges for any service, approval, permission or decision under the Act.

Certain powers currently exercised by the Lieutenant Governor in Council are given to the Minister.

The ability of the Minister to transfer or dispose of lands along waterbodies is clarified.

Other changes of a housekeeping nature are made.

**SCHEDULE 24
TORONTO ATMOSPHERIC FUND ACT, 2005**

Provisions of the *Toronto Atmospheric Fund Act, 2005* relating to the City of Toronto and financial commitments, liabilities and obligations of the Fund are repealed.

**SCHEDULE 25
WATER OPPORTUNITIES ACT, 2010**

The Schedule repeals Part II (Water Technology Acceleration Project) of the *Water Opportunities Act, 2010* and makes a consequential amendment to subsection 42 (1) of the Act.

**SCHEDULE 7
DEVELOPMENT CHARGES ACT, 1997**

1 (1) Subsection 2 (4) of the *Development Charges Act* is amended by adding the following paragraph:

6.1 Yonge North subway extension, as defined in subsection 5.1.1 (1).

(2) Paragraph 7 of subsection 2 (4) of the Act is amended by adding “and the Yonge North subway extension” at the end.

2 The Act is amended by adding the following section:

Yonge North subway extension

Definition

5.1.1 (1) In this section,

“Yonge North subway extension” means an extension of the subway service located in the City of Toronto beyond its terminus at Finch subway station further north in the City of Toronto and into The Regional Municipality of York, and works and equipment directly related to that extension.

Provision does not apply

(2) Paragraph 4 of subsection 5 (1) does not apply in determining the estimate for the increase in the need for the Yonge North subway extension.

Applicable restriction

(3) For the purposes of section 5, the estimate for the increase in the need for the Yonge North subway extension shall not exceed the planned level of service over the 20-year period immediately following the preparation of the background study required under section 10.

Regulations

(4) The method of estimating the planned level of service for the Yonge North subway extension and the criteria to be used in doing so may be prescribed by regulation.

3 Clauses 60 (1) (m.1), (m.2) and (m.3) of the Act are repealed and the following substituted:

(m.1) further clarifying or defining the term “Toronto-York subway extension” in subsection 5.1 (1) or the term “Yonge North subway extension” in subsection 5.1.1 (1);

(m.2) prescribing the method and criteria to be used to estimate the planned level of service for the Toronto-York subway extension or the Yonge North subway extension;

(m.3) prescribing a service, other than the Toronto-York subway extension or the Yonge North subway extension, as a service for the purposes of section 5.2;

Commencement

4 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 19
PLANNING ACT**

1 The *Planning Act* is amended by adding the following section:

Minor by-laws — delegation

39.2 (1) Subject to subsection (2), the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to,

- (a) a committee of council; or
- (b) an individual who is an officer, employee or agent of the municipality.

Official plan requirement

(2) Subsection (1) does not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection.

Same

(3) Without limiting the generality of the meaning of a by-law passed under section 34 that is of a minor nature, such by-laws may include,

- (a) a by-law to remove a holding symbol; and
- (b) a by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39 (1).

Conditions

(4) A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council, by by-law, provides.

Withdrawal of delegation

(5) A council may, by by-law, withdraw a delegation of authority made by it under subsection (1), and the withdrawal may be in respect of one or more by-laws in respect of which a final disposition was not made before the withdrawal.

Municipal Act, 2001

2 Paragraph 5 of subsection 23.3 (1) of the *Municipal Act, 2001* is amended by adding “except as provided under section 39.2 of that Act” at the end.

City of Toronto Act, 2006

3 Paragraph 5 of subsection 22 (1) of the *City of Toronto Act, 2006* is amended by adding “except as provided under section 39.2 of that Act” at the end.

Commencement

4 This Schedule comes into force on the day the *Supporting People and Businesses Act, 2021* receives Royal Assent.